

# **E-Content (SLM)**

**For**

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**Honesty, responsibility, accuracy and truth are the backbone of photojournalism's code of ethics, in accordance with rights and obligations of journalists. These are detailed in documents such as the [Charters of Munich](#) or of the [National Press Photographers' Association](#).**

## **PREAMBLE**

The National Press Photographers Association, a professional society that promotes the highest standards in visual journalism, acknowledges concern for every person's need both to be fully informed about public events and to be recognized as part of the world in which we live.

Visual journalists operate as trustees of the public. Our primary role is to report visually on the significant events and varied viewpoints in our common world. Our primary goal is the faithful and comprehensive depiction of the subject at hand. As visual journalists, we have the responsibility to document society and to preserve its history through images.

Photographic and video images can reveal great truths, expose wrongdoing and neglect, inspire hope and understanding and connect people around the globe through the language of visual understanding. Photographs can also cause great harm if they are callously intrusive or are manipulated.

This code is intended to promote the highest quality in all forms of visual journalism and to strengthen public confidence in the profession. It is also meant to serve as an educational tool both for those who practice and for those who appreciate photojournalism. To that end, The National Press Photographers Association sets forth the following.

# CODE OF ETHICS

Visual journalists and those who manage visual news productions are accountable for upholding the following standards in their daily work:

1. Be accurate and comprehensive in the representation of subjects.
2. Resist being manipulated by staged photo opportunities.
3. Be complete and provide context when photographing or recording subjects. Avoid stereotyping individuals and groups. Recognize and work to avoid presenting one's own biases in the work.
4. Treat all subjects with respect and dignity. Give special consideration to vulnerable subjects and compassion to victims of crime or tragedy. Intrude on private moments of grief only when the public has an overriding and justifiable need to see.
5. While photographing subjects do not intentionally contribute to, alter, or seek to alter or influence events.
6. Editing should maintain the integrity of the photographic images' content and context. Do not manipulate images or add or alter sound in any way that can mislead viewers or misrepresent subjects.
7. Do not pay sources or subjects or reward them materially for information or participation.
8. Do not accept gifts, favors, or compensation from those who might seek to influence coverage.
9. Do not intentionally sabotage the efforts of other journalists.
10. Do not engage in harassing behavior of colleagues, subordinates or subjects and maintain the highest standards of behavior in all professional interactions.

Ideally, visual journalists should:

1. Strive to ensure that the public's business is conducted in public. Defend the rights of access for all journalists.
2. Think proactively, as a student of psychology, sociology, politics and art to develop a unique vision and presentation. Work with a voracious appetite for current events and contemporary visual media.
3. Strive for total and unrestricted access to subjects, recommend alternatives to shallow or rushed opportunities, seek a diversity

of viewpoints, and work to show unpopular or unnoticed points of view.

4. Avoid political, civic and business involvements or other employment that compromise or give the appearance of compromising one's own journalistic independence.
5. Strive to be unobtrusive and humble in dealing with subjects.
6. Respect the integrity of the photographic moment.
7. Strive by example and influence to maintain the spirit and high standards expressed in this code. When confronted with situations in which the proper action is not clear, seek the counsel of those who exhibit the highest standards of the profession. Visual journalists should continuously study their craft and the ethics that guide it.

## The National Press Photographers' Association

### Ethical Charter

The Charters lay out specifically that photojournalists are expected to:

1. Respect Truth, whatever the consequences for himself/herself.
2. Verify sources
3. Only publish information that can be traced back to its origin
4. Abstain from using any disloyal means to achieve photographs
5. Never pay sources or subjects
6. Treat subjects with respect and dignity and abstain from intruding on private moments of grief unless there is a justifiable and pressing reason for their public disclosure.
7. Never interfere with an event or attempt to change its course
8. Never set up or re-enacted a situation
9. Always write truthful captions.
10. Share with the editor all information he/she has, in order to avoid misinterpretations or wrongful use.
11. Choose publications with care to avoid any editorial misuse.

# Digital doctoring

Today's digital technology makes it possible possible to manipulate images.

The only manipulations acceptable in photojournalism are those that are used in darkrooms, in so far as they abide by the basic rules that ban.

## What counts as manipulation

These pictures are by Eric Bouvet, who gave permission to modify them in order to show examples of forbidden manipulations.

Original image







What you shouldn't do

Do not add, remove, rearrange or flip things or people in the image.



Original image



What you shouldn't do



Do not modify colors.





Original image



What you shouldn't do

Do not crop a picture by deleting elements

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Original Picture



Do not heighten the density, contrast or saturation for the purpose of removing elements or people, or over-dramatize a situation.

What you shouldn't do

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# A Code of Ethics in Photojournalism: Photojournalists should comply with it

Ethics in photojournalism! Yes, they are interrelated. Photojournalism is a profession that must follow a set of rules and regulations. A photojournalist like a writer or an editor has to conform to certain ethics in order to notch up the credibility of the public. Following a set of rules will authenticate his photographs and persuade the onlookers the verity of an event. Now, coming to the point, what photojournalism is basically? The objective of photojournalism is to snap candid moments whether in a street or in an event to represent the real vibe and circumstance.

In photojournalism, you are not allowed to tweak a particular scene or sway it unnaturally after taking a shot. If you do so, it will infringe on the ethics of photojournalism. Generally, the approach of a photojournalist should be capturing different incidents and people remaining invisible to have candid shots. He is not supposed to take permission or consent of people before taking shots as this will spoil the reality of a circumstance. Even though he can inform people beforehand of taking snaps but the fact of the matter is that people always gear up for photography instinctively once they know they will be photographed.

## Ethics of Photojournalism That You Must Follow

When it comes to the ethics of photojournalism or photography as **photojournalism** is a kind of photography, there are certain principles to be followed. Having said that, the ethics of photojournalism are more contextual, subjective, and fluid. Few ethics of photojournalism may be indisputable but most of the ethics differ from people to people. Photojournalism has rigid industry regulations when it comes to digital editing and staging, unlike fine art photography. A photojournalist may be determined in his principles but due to different cultures and countries, all his principles may not be accepted by all. For example, a photojournalist can approach people to receive permission of photography but the style he follows to do that will differ in different locations.

There are certain ethical points you as a photojournalist must ponder over before photographing people. These include respect, dignity, and responsibility. You have to reflect on the respect and dignity of people you intend to photograph. You have to think about the responsibility you have towards the subjects and audience of the photos. Your prime role is to visually report various events and incidents of the world maintaining integrity. You have to portray the subjects in such a way so that it creates credibility among the viewers. The onus is on you to document society and preserve the history of it visually. The power of photography is so much that you can depict truth and expose falsehood, crime, and other evil deeds through it. You can even motivate and connect people globally with this visual power.

## Code of Ethics

There is a code of ethics that every visual journalist and others who are responsible for visual news production must maintain in their daily works. Let's shed light on this code of ethics for your convenience.

Be exact and inclusive when it comes to depicting subjects.

Impede yourself from getting exploited by staged photo opportunities.

Make yourself complete and tender context while photo shooting and recording subjects. Stay away from stereotyping people. Make an attempt to avoid producing one's own partiality in the work.

Treat people with honour and dignity. Offer special treatment to the victims of crime and tragedy. Also, pay special attention to the vulnerable subjects. Trespass in an area only when people are in excessive need to see you.

During photographing, don't deliberately tweak, exploit or sway events.

At the time of **different types of photo editing**, you must focus on the integrity of photos' content and context. You shouldn't manipulate and modify the sound in a way that can deviate onlookers and misconstrue subjects.

Do not bribe sources or subjects in order to receive information or participation.

Avoid receiving gifts, favours, and other monetary benefits from people who may influence the coverage.

Do not sabotage the endeavours of other journalists.

Last but not least, do not show unpleasant demeanour with colleagues, subordinates, and subjects. Show utmost respect, humility, and professionalism while interacting with all during your work.

A photojournalist should strive for his heart and soul so that the code of ethics of photojournalism is followed to the fullest.

## ◀ To do so, he should carry out the following tasks

Attempt to make sure that the public's business is conducted in public. Defend the rights of access for all journalists.

Think dynamically and proactively as a student of sociology, psychology, politics, and art to develop a unique vision and presentation. Operate with a keen approach for current events and contemporary visual media.

Make an attempt for the complete and unrestricted access to subjects. Recommend alternatives to shallow or rushed opportunities, look for a diversity of views, and strive to showcase the unpopular or unnoticed viewpoints.

Keep yourself away from any sort of political, civic, and commercial engagement and also don't allow yourself to compromise the appearance of your journalistic freedom.



Make an endeavour to make yourself self-effacing and humble while navigating various subjects.

Esteem the integrity of photographic moments.

Try to be exemplary and influential to sustain the highest standards portrayed in the code of ethics. If you encounter situations in which you are uncertain of the right actions, consult with the specialists in those subjects. Technically, photojournalists should continuously seek knowledge and craft their tasks.

## Why do Ethics in Photojournalism Matter

An ethical approach is indispensable in all the works to nail them. When it comes to **digital photography**, it is crucial to treat subjects ethically lest they might be reluctant to be photographed. Likewise, if we exploit our photos and swindle our viewers, the audience will lose credibility from us. This, ultimately, imperils the integrity of the entire photography industry. The biggest convenience of ethics in photojournalism is that we can influence the world positively and produce mind-blowing outcomes.



It won't be wrong to state that photography connects the world. When we snap and promote a photo online and offline, it delivers a message to the world. This is where ethics come into play as the unethical approach will render a wrong message and create

anarchy among the viewers. Following morality in photography will not only make you responsible in your job but also create positive awareness among the masses. This makes the profession of photojournalism pay off.

## Photojournalism is Impactful

Every piece of work has a value if it has an effect, more specifically, a positive effect and so has photojournalism. The power of photography in journalism is immense. It can translate feelings and emotions into actions immediately. But surely, that will happen once a photojournalist will shoot people and ambiance maintaining ethics, integrity, and skill. Take a look at the image underneath. This picture depicts the grief and agony of the kid due to the unendurable torture inflicted on him.



This visual not only reflects a journalistic art but also creates public awareness. Do you think the picture is confined only to sorrow and pain? Surely, not. This image also lets people know the living states of other people in the land. It also has a massive more power to draw people's attention. And today when information is at our fingertips through various types of media such as electronic media, print media, and **social media**, it's a matter of a few minutes for the image to circulate globally. Once it reaches people, there can be a lot of people who can extend their helping hands. Even the politicians around the world also get pressurized to dispatch aids for helpless people.

## Can We Contribute?

Yes, we can. As responsible human beings, we also have a moral responsibility to make the works of photojournalists come off. We can adopt a number of ways to assist photojournalists and produce fruitful impacts. The best tool today that we can avail of is

social media, especially, Face book, Twitter, Instagram, etc. We can verify the images of war, calamity, and other poignant events from different sources and share them to bring positive fruits. This will help people to be more responsible, thereby prompting them to take the necessary actions. But if we brush aside these haunting images thinking they won't make any difference, the world will not improve rather afflictions of people will keep escalating. So, let's make our existence in the world meaningful and fruitful by doing service for the sake of humanity.

The intellectual property rights on photographs are protected in different jurisdictions by the laws governing copyright and moral rights. In some cases photography may be restricted by civil or criminal law. Publishing certain photographs can be restricted by privacy or other laws. Photography can be generally restricted in the interests of public morality and the protection of children.

Reactions to photography differ between societies, and even where there are no official restrictions there may be objections to photographing people or places. Reactions may range from complaints to violence for photography which is not illegal.

## COPYRIGHT – THINGS PHOTOGRAPHERS NEED TO KNOW ABOUT INTELLECTUAL PROPERTY LAW



Copyright and intellectual property law are the foundations of the photography industry and all other creative business.

However, it is shocking how misunderstood (and strangely controversial) copyright and intellectual property law are among photographers and other creative professionals.

What is even worse is the amount of misinformation there is online when it comes to copyright and your intellectual property rights as a creative professional and content creator.

## Q&A: THINGS PHOTOGRAPHERS NEED TO KNOW ABOUT INTELLECTUAL PROPERTY LAW

### **What is copyright and when does copyright come into effect for creative works?**

Copyright is an exclusive right that is automatically assigned to the creator at the moment the work is created. It is defined as “a person’s exclusive right to reproduce, publish, or sell his or her original work of authorship”.

As a photographer, this means that the moment you capture an image, the copyright to that image belongs to you. The only exception to this is when you have a specific legal arrangement to take the photographs for somebody else (under a work for hire arrangement for example), but this must exist in advance or else a legally binding document must be created that transfers the copyright from the photographer, once they have captured the images.

### **What happens to copyright when an image is published on social media, a website or print?**

When you’re using Social Media, it is very important to read the terms and conditions. Most people are surprised to learn that posting to a Social Media site such as Face book, Instagram, or Twitter grants those platforms some license to use the image.

However, these terms of service might give the host site a certain set of permissions, but images on social media hold the same copyright as other images – and these permissions do not extend to third parties.

To give an example, a company can’t take an image from someone’s Face book account, and claim that in posting to Face book, the photographer issued a non-exclusive, transferable, sub-licensable, royalty-free, worldwide license to use the content.

In all instances, unless a license has been provided or obtained for the use of the image by the copyright holder, publishing on social media, a website or print could constitute a copyright infringement.

### **What is copyright infringement?**

A copyright infringement occurs when an image is used without permission or license from the person who created it. It also occurs when the terms of the license for use are not properly adhered to.

### **Why is it important for photographers to protect their copyright?**

If we worked together to tackle the problem of image theft at large, it would be hugely beneficial to the creative industries.



If you are not protecting your work, you devalue it and miss out on licensing fees. If someone can help themselves to your work, free from any consequences, then why would they pay for it?

### **What information is required for a photographer to prove that they are the legitimate copyright holder?**

As much information as a photographer can provide to prove they are the person who captured the image is vital.

Being able to provide the original file as well as the date the image was captured and published is usually sufficient evidence of copyright ownership.

We would also recommend that photographers get into the practice of adding copyright information to their EXIF metadata. This process not only makes it very easy for potential clients to contact you, but also adds the security of knowing that if there are unauthorized copies of your work being distributed online, in many cases it will be possible to trace these back to you as the original copyright holder.

### **Is it necessary to register photographs with the US Copyright office?**

Registering your images with the US Copyright office is not necessary to secure your copyright, but can offer additional protections, especially if you should end up in litigation.

Holding a timely copyright registration can entitle you to statutory damages between \$750USD and \$320,000USD per instance of unauthorized use, including the recovery of legal fees in the event that your case goes to court. In a case where you are able to establish wilful infringement, you could be entitled to up to \$150,000USD per work.

Official copyright registration processes vary from country to country but many different countries rely on US Copyright Registrations for proof of ownership. If an image isn't registered it doesn't mean you in any way forfeit your copyright, but it does make it easier to take action when an infringement occurs.

### **What steps should photographers take before publishing their work?**

There are many techniques photographers can use to protect their work before they publish it online, but it is the case that none of these methods are guaranteed to protect your work against theft.

Applying a combination of image protection techniques can, however, greatly reduce the risk of improper use. Common practices include using watermarks, embedding copyright metadata into your EXIF file, displaying clear copyright notices around your work, and using digital signatures or hidden foreground layers.

We would recommend that photographers keep detailed records showing how they have taken steps to protect their work and where and when it was published, so that this can be provided as evidence if an infringement occurs.

### **What steps should photographers take after publishing their work?**

Monitoring your work using an active protection service (such as the one offered by Pixsy) means that your work is being regularly checked for use. When images are found on the public internet, photographers are notified and they can then decide how or if they would like to proceed.

### **What should a photographer do if they find an unauthorized use of their work?**

If you discover that someone is using your image without your permission, it's best to take action as quickly as possible.

It's important to remain calm and to try to keep your emotions out of the way (easier said than done!).

You should begin by gathering evidence. Take screenshots clearly demonstrating the unauthorized use of the photo, including the URL bar. Save the URL into a Way back Machine online cache to save time-stamped evidence. You can also save the page as a PDF.

Understand your desired outcome before you start a dialogue. Who has used the image? Is it a business or personal use? Do you want the work removed or do you want remuneration for it? Have a goal in mind. Consider what is your best-case scenario? What is the value? This means that if a negotiation ensues, you have a clear set of terms.

It's our experience that photographers frequently undervalue the worth of their work.

Keep in mind that if you offer to resolve the matter for a set fee, you are effectively setting the value of your work. What this means is that in the event that your invoice is not paid and you decide that you want to proceed with further action through a resolution agent or an attorney, it will be very difficult to claim a higher level of compensation.

If you wish to bypass the stage of contacting the person or business behind the breach personally, you can elect to issue a takedown notice.

You can send a takedown notice directly to the host of the site, or to the person managing the site. In many countries the ISP or host is legally required to action your takedown request.

You should consider getting a resolution service, like Pixsy, or a lawyer involved.

Having an advocate experienced in copyright law can really help you to achieve your desired result, and also has the benefit of leaving you to what you do best – creating.

If you decide to approach the issue yourself, do so with the understanding that this may do more harm than good, and create difficulty should you need to enlist the help of an expert at a later date.

### **What makes an infringement case viable to pursue for monetary compensation?**

The following are generally the most important criteria in determining the commercial viability of a case: the website is a commercial business, major publication, organization, institution or government agency; the website is fully operational and regularly updated; the image user is located in one of our supported countries; and there are no open questions about past licensing, or conflicts with stock agencies.

### **Is it necessary to issue a DMCA takedown request?**

It's important to decide on what your desired outcome is before issuing a takedown notice. If your main motivation is to be paid fairly for your work, a DMCA Takedown notice should not be your first move.

Using the expertise of Pixsy or a lawyer instead of issuing a DMCA takedown notice may result in fair compensation for the use.

If however your motivation is simply to have the work taken offline, a takedown notice is a good move. A DMCA Takedown Notice is an official notice that informs the other party (person, business or host) that you, the owner of the work, formally request your work to be removed from their webpage.

Under the Digital Millennium Copyright Act, hosts and Internet Service Providers (ISPs) are granted 'safe harbour' from prosecution for hosting illegal content, as long as they remove it as soon as they are notified. Accordingly, hosts and ISPs take DMCA takedown notices very seriously. As do the courts: DMCA claims proven to be false carry severe penalties.

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## **What compensation is reasonable for copyright infringement?**

It's our experience that many photographers greatly undervalue their work.

Every time a photographer allows someone to use their image, free of charge, it sends the message that it has no monetary value which is simply not the case and may do a disservice to other photographers.

You created a work that is unique using a skill set that you've acquired and developed throughout your life. Your work has an inherent value and needs to be treated as such. Compensation for copyright infringement varies greatly and depends on a variety of factors, and it's important to highlight that you don't need to be an established commercial photographer to obtain fair compensation for use of your work.

## **How can a photographer calculate the value of the infringement?**

Calculations of the value of an infringement are affected by many different factors, including:

Scope of the infringement: How many images were infringed, or in how many different ways was an infringed image used? Was the use limited to a subpage of a company website, or was it on the homepage and distributed through a variety of social media accounts?

Market reach: Was the infringing use committed by a local barber shop, or by an international firm with 100 offices?

Size of use: Is the image used as a thumbnail or is it prominently featured on a webpage?

Type of use: Was the usage localized to a single print newspaper, or does it appear online to an international audience?

Duration of use: Was the image used for a month or years.

Category of use: Was the usage commercial or editorial in nature?

One of the most useful pieces of information in determining value is any licensing history the photographer already has for a related type of usage (for example, editorial or commercial licenses for related infringements). If the photographer has previous invoices it provides a comparative value.

## **Is the value of stock photography relative to the value of the infringement?**

◀ It is absolutely relative – not only to the value of the infringement, but to the value of a photographer's work as a whole.

In publishing your work on a stock image site online, you have effectively set the actual value of your work – typically at a nominal figure. It becomes very difficult to make an argument that your work is worth more than this. In infringement cases, there are a variety of factors that can be used to increase the value of the work (having established licensing history at higher figures helps), but it is the case that most legal partners we work with will not accept a case for a work that is available for stock licensing online.

It's a difficult topic because current models of licensing have many photographers publishing and generating a substantial portion of their revenue through stock sites. It's important that photographers understand how publishing on these sites can devalue their work.

### **When is a lawsuit necessary versus a negotiated settlement?**

A lawsuit may be necessary when an image user fails to respond or address attempts to resolve the infringement.

The first step is always to engage the image user in a pre-lawsuit settlement negotiation – it's in everyone's best interest to negotiate a settlement out of court as this can be costly and time consuming, and typically results in costs for the image user that are substantially higher than if they had engaged in productive settlement negotiations in the first place.

### **How are infringement disputes handled differently between global jurisdictions.**

This is a very complex topic .

### **What are top tips for photographers to protect their copyright?**

When it comes to image protection, photographers have to be be proactive.

Using an active protection service, such as Pixsy, monitors your work, and provides the help you may need, should you choose to pursue fees or damages. Being aware of where your work is being used online is a great start.

You should be prepared to take action against unlawful use of your images, with the understanding that it is not a hopeless cause as the law is on your side. Keep records, keep track of your licenses and your images, and don't be afraid to ask for help.

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### **What are your top tips for photographers to get paid for infringement?**

It's important to determine what your desired outcome is before making a claim.

It's also important to be realistic in your expectations of the amount that will be paid.

In our experience photographers care more about their copyright being properly respected than they do about compensation. Using a service like Pixsy, or a lawyer, is a great way to make sure the case is thoroughly investigated, and handled professionally. This usually leads to the best possible outcome for all involved.





## WHAT DO YOU THINK ABOUT COPYRIGHT?

Do you think that the concept of copyright and intellectual property is misunderstood? Why?

Do you think photographers and creative professionals should be more aggressive in pursuing payment for infringement? Why?

Have you ever tried to go after payment for the unapproved use of your work? Were you successful?

Is copyright a controversial subject?

Why do you think so many photographers and creative professionals are willing to settle for exposure or credit when an infringement has occurred?