

To Kathy Meyer USEF

Cc John Long USEF; David O'Connor USEF; Joanie Morris USEF; Grania Willis FEI; IAEJ Bureau members.

Re: IAEJ Proposal to USEF with regard to policy covering Official Photographers and Accredited Media Photographers at USEF international events

Dear Ms Meyer,

I write formally to express the International Alliance of Equestrian Journalists' dissatisfaction with the United States Equestrian Federation's current policy towards media photographers at USEF international events and to suggest an alternative course of action.

In our opinion, current USEF policy on photographers and photography at USEF shows and events constitutes restriction of trade. It is an unwarranted and possibly unconstitutional constraint of freedom of the press which is guaranteed in the US.

Most of all it seriously undermines the fundamental dissemination of information and publicity for the sport that the USEF should be striving to generate at all of its events. We believe the USEF must be more flexible in order to obtain the greatest exposure and promotion of USEF events.

One IAEJ member summed it up this way:

“Freedom of the press is guaranteed in the US and yet the national federation limits what we can do in every way.”

The cornerstones of our objection are:

- The copyright of images belongs to the photographer.
- The USEF current media policy constitutes a restriction of trade.
- The lifetime restriction on the sale of stock images may be unconstitutional.
- Only the Official Photographer is under contract to the Organizing Committee.
- The Organizing Committee should not be able to control the media's standard operating procedures.

In order to address the situation the IAEJ canvassed its photographer members and collated their ideas and suggestions and formulated the following proposal in the anticipation that the USEF will consider a revision of policy based on these guidelines.

OFFICIAL PHOTOGRAPHERS

1. The role of the Official Photographer (OP) is to provide photography to the show organiser (OC) and its sponsors for promotional purposes, whether that be media releases, advertising of the event or for the event's sponsors, for a fee to be agreed by both parties. Said fee may be waived or bartered in lieu of sole rights to sell at the event (on the show ground) to exhibitors.
2. Any media (including advertising, sponsors) requests made to organisers for photos during or after the event should be directed to the OP who will provide these for a fee or gratis depending on the terms of the agreement with the OC. **This does not exclude** any media, advertisers or sponsors from sourcing or acquiring photos **from any other outlet** but the OC is obligated to pass any enquiries they receive direct to OP.

3. Any and all individual/exhibitor requests on site for photos taken at the event should also be directed to the OP who will provide these for a fee. Notification of OP's appointment and contact details should be sent out by OC with entry forms.

ACCREDITED MEDIA

1. The primary role of the Accredited Media Photographer is to fulfil his or her media assignment. It is not to sell to exhibitors at the show ground nor solicit trade.
2. As the copyright holder, photographers have the intrinsic right to sell their photographs to whomever they want, whenever they want. HOWEVER accredited media photographers will undertake a one month moratorium on sales of photographs **to exhibitors** taken at the event in question. This moratorium **does not include** media, advertising or sponsor requests/sales of photos.
3. Accredited media photographers who fail to abide by these rules will suffer sanction; i.e. will not be accredited in future; will lose IAEJ membership privileges.

A PICTURE TELLS A THOUSAND WORDS

Ultimately it should never happen that media, exhibitors, advertisers or sponsors are precluded from obtaining the pictures they desire because the OP did not get "the shot" or is missing a candid. In the same vein, no photographer should have to deny the right to purchase an image to the person requesting it.

We fully understand that Official Photographers should be afforded some protection by the USEF but there must be a better balance between their needs and the rights of professional media photographers than that which currently exists.

I hope the USEF will give the IAEJ proposal thorough consideration with the view to amending present policy.

I look forward to your response and to working together in order to achieve a fair and sustainable outcome.

Yours sincerely,

Pamela Young

IAEJ president

Background:

USEF policy governing media photographers was brought to the attention of the International Alliance of Equestrian Journalists in May 2011.

The following was highlighted in the Media Application and Agreement for the 2011 Adequan FEI North American Junior & Young Rider Championships:

"Be aware that the NAJYRC has four official photographers. The taking of photographs onsite and subsequent sales of them is in direct conflict with terms set forth in the media credentials application. ***Any images taken by a credentialed media may only be used in relation to their assignments, and not for further sale.*** Credentialed media will be held to all regulations set forth."

We believed then, as we do now, that denying photographers the right to sell their stock images constitutes a restriction of trade so we asked Kathy Meyer for clarification and she wrote (May 13):

“I believe the statement in the Media Agreement speaks for itself. *Any images taken by a credentialed media may only be used in relation to their assignments, and not for further sale.*

We interpret this to mean that *photographers will be approved for specific assignments and photographs taken may be used only for the approved assignment. Certainly photographers may be paid for the respective assignments, but may not sell photographs to NAJYRC competitors or to other third parties.* All requests for photography – other than approved media requests for specific assignments – will be referred to the Official Photographer(s) of the NAJYRC. “

“Since the NAJYRC is limited in numbers of competitors – **the revenue potential for the photographers is limited. As a result, we impose a stringent resale policy to protect the Official Photographer(s).**”

The IAEJ had included Grania Willis of the FEI on its correspondence with Ms Meyer since the NAYRJC is an FEI event and because the IAEJ felt (feels) there should not be any such restrictions placed on photographers at an international event.

On June 2 Grania Willis, Director of Communications, wrote:

“Lisa Lazarus, the FEI’s General Counsel, has spoken to Sonja Keating at the USEF and has received the following assurances re this issue.

Apparently this is standard procedure for all US sporting events, but it will not in any way restrict professional photographers from selling their images to media sources. Other photographers can and will be accredited, that they cannot sell the images as posters, sell them on to commercial bodies such as sponsors or advertising agencies, or to consumers such as the general public.

Only one official photographer will be allowed to sell their work from the show outside the media. They will not be paying a fee to the show, but will have exclusivity in the marketplace for commercial purposes.”

Following the NAYRJC (July 27-31) IAEJ president Pamela Young canvassed members for their opinions regarding USEF policy in order to draft a proposal.