

The Society of Advertising, Commercial and Magazine Photographers of Australia

PHOTOGRAPHIC COMPETITION SUGGESTED ENTRY TERMS AND CONDITIONS

Introduction:

There are a plethora of painting competitions, however professional photographic competitions are relatively scarce. Consequently they can result in excellent publicity for the organisers, attracting very good media attention. So spending some of the advertising budget on a photographic competition can be an exceedingly efficient and effective way of putting the money to work. Art competitions/exhibitions reach an audience in a way that straight paid advertising cannot.

There are many issues to consider when writing the terms and conditions of entry. Professional photographers will not enter competitions that are designed to benefit only the organisers. Good wording encourages the best photographers to enter and avoids potential headaches. A sizeable investment of time & effort at the planning stage will save time, and perhaps money, later on. A thoughtfully arranged and well-run competition benefits everyone - organisers, sponsors, photographers, the general public and the media.

It is important to stress that while competition organisers may well have the entrant's best interests at heart, it is essential that entry terms and conditions are clearly written. Nothing should be assumed – assumptions lead to misunderstandings. Clearly explained t & c will give the largest number of photographers the confidence to enter.

ACMP members have spent considerable time and effort ensuring that the following suggested terms and conditions are very comprehensive. The following list has been put together with large, professional-quality, national competitions in mind, however many of the points are also worth the consideration of organisers of smaller competitions designed for local amateur photographers. Copyright issues and other principles are the same. However every competition is different, so there are a number of choices to make. It is recommended that consideration be given to what is most appropriate for your particular circumstances, so that the most suitable t & c are used on your entry form.

When planning, it is recommended that organisers write the specific aim/s of the competition down on paper, to help clarify the goals and ensure committee agreement. This will make writing the t & c much quicker and easier.

ACMP are happy to assist organisers by reading through competition entry terms and conditions, which are at the draft stage, with a view to suggesting improvements if necessary.

However it is essential to emphasise that competition organisers are themselves responsible for ensuring that the legal issues are satisfactorily covered by their entry form t & c.

A) ENTRY TERMS & CONDITIONS THAT ARE MOST LIKELY TO NEGLECTED or OVERLOOKED COMPLETELY (with explanatory notes):

1. ENTRANTS OWN WORK:

Images entered must have been exposed by the entrant (entries by third parties are not eligible). Printing in a commercial lab is acceptable.

(This may sound unnecessarily obvious; however people have been known to enter someone else's photographs into competitions.)

2. COPYRIGHT:

Copyright ownership remains with the creator of the photographs.

3. FOR COMPETITIONS THAT REQUIRE IMAGES THAT ARE NEW TO THE PUBLIC – IN WHICH CASE ENTRIES MUST BE UNPUBLICISED WORK:

Entries must not have been published, exhibited or have won a competition previously (this includes images that were taken at the same time and are very similar).

(It must be borne in mind that including time, publishing and exhibition limitations in the terms and conditions will prevent the entry of a large number of excellent photographs. So do not include the above clause if you want to allow entry of the full range of advertising, photojournalism, art etc photographs which are available).

(The above clause is a preferable alternative to the commonly used blanket stipulation that entries must have been created over the previous 12 months, which may unfortunately disqualify many excellent images which have not yet been publicly viewed while allowing images that may have been published a multitude of times. After all the main aim of most competitions is to gather together the very possible best images. That said, it is reasonable for some competitions to want to prohibit entry of images that have already been well publicised.)

4. REPRODUCTION RIGHTS IN PRINT MEDIA:

Photographers whose work receives an award agree to allow their awarded images to be reproduced in newspapers, magazines and catalogues in order to advertise and promote the competition (and exhibition, if relevant), for three calendar years from the day the competition closes.

(Publication of images that did not win awards cannot be considered fair. It would reduce the likelihood that the photographer would be able to win another competition with the same image or earn other income by selling usage rights, or publishing it themselves.)

(It is essential to stipulate that the images will only be used in relation to the competition, because some businesses have been guilty of seeking to obtain a large number of good quality photographs through competitions, in order to use them for product or service advertising purposes, without having to pay the usual commercial fees. In other words, the competition was set up to benefit the organisers with little thought or regard for the entrant's welfare. Not a good way of fostering a healthy corporate image.)

(It is also preferable to have a time limit on usage, unless photographers will be approached individually for permission to reproduce their image/s; which is of course the best arrangement.)

5. REPRODUCTION RIGHTS IN ELECTRONIC MEDIA:

Photographers whose work receives an award agree to allow their awarded images to be reproduced in the electronic media (i.e. television and the internet), if the use is specifically related to the advertising and promotion of the competition (and exhibition, if relevant). Images used on the competition website will be low-resolution only and will be water marked with the copyright symbol and the photographer's name.

(It must be remembered that website use is world-wide use, so particular care must be taken in this area.)

(Watermarks are easily removed, however they make it clear to everyone that they may not be copied freely. It reminds everyone that reproducing the images without permission may be followed up in court.)

6. BOOK REPRODUCTION:

If the organisers would like to publish any of the competition images in books, it is strongly recommended that this be followed up separately at a later date, by approaching each photographer separately. If a book is very likely, perhaps add to the t & c:

Organisers intend to produce a book using competition images. If your image is selected for book publication, you will be contacted at a later date for permission, and to agree upon the usual commercial fees to be paid.

(Books are generally intended as direct profit-making ventures so should be treated entirely separately to the other forms of publication mentioned above, which relate strictly to the advertising and promotion of the competition. There are many instances of competition organisers asking for all entrants to sign away reproduction rights for any purposes on all of the images they've entered, thus raising the possibility that their images could be reproduced in a profit-making book, at any stage into the distant future, with not even any guarantee that their name will be included as the creator of the image, let alone any payment. The possibility of this unfair situation will deter most professional photographers from entering, thus depriving the competition of what are likely to be the best quality images.)

(These comments also apply to other merchandise which is to be sold for a profit.)

7. AUTHOR ATTRIBUTION:

The name of the photographer will be printed clearly with their image, or mentioned, each time the image is reproduced.

For example 'Sydney Sunset II'; photograph by Bill Smith"

(Making it obvious who created the image makes it clear to everyone that it's not just anonymous wallpaper, that it's important who made the image. It creates the valid impression that not just anyone could have created it; it was this specific person. Audiences do like to know who created the image. For example, many magazine and newspaper readers do look to see who the photographer was, and who the writer was. Artist attribution ALWAYS looks so much more professional, from EVERYONE'S point of view.)

8. RESPECT FOR IMAGES:

Due regard will be given to the preservation of the artistic integrity of the works. The works won't be edited, altered or demeaned in anyway.

(This obviously protects the photographer's reputation, however the most significant effect of this stipulation is that it protects the people who appear in the photographs, thus avoiding messy litigation and the resulting negative publicity.)

(It is important to note that editing/cropping images will interfere with the original intention of the photographer. Cropping may also alter the meaning of the image, and upset people who appear in the images. If a small section of a photograph is cut off and enlarged, it may not at first glance be recognisable as part of the original image, as well.

If cropping is required, eg for catalogue purposes, it is recommended that the photographer is contacted and the cropping is explained & permission obtained.

9. MODEL RELEASES:

It is the photographer's responsibility to obtain appropriate written permission from the people who appear in their images. The photographer must be able to provide written evidence of this consent, if required.

10. IF IT IS AN ACQUISITIVE COMPETITION:

Images must be printed (and framed, if relevant) for maximum archival permanence.

11. RETURN OF PHOTOGRAPHIC MATERIAL:

All entries will be returned within x days of the close of the competition/close of the exhibition/announcement of the winners. Work can be collected in person on x (date) between the hours of x and x.

Return of cds, prints, transparencies etc:

All entrants must provide a stamped, self addressed envelope which is suitable for the safe return of their entries. Without suitable return packaging material and sufficient postage/freight, the entries will not be returned – they will be recycled.

Return of framed prints:

All entrants must ensure that the packing material they send is completely reusable, to allow the safe return of their entries. Cardboard frame corners, bubblewrap and framer's mat boxes are highly recommended. Clear directions for the return of entries, plus money to cover the return freight, must be included.

All artwork which has not been collected within 2 calendar months from the date of the competition's conclusion will be forfeited and disposed of in whatever way the organisers see fit.

(A perfectly reasonable way to avoid having to store indefinitely a quantity of entries that owners haven't bothered to collect.)

(Non-return of correctly packed and freight-paid entries that remain unsold or acquired, even if just small prints, suggests a disregard by the organisers of the time, effort and money involved in creating the entries. It also suggests a lack of organisation. This doesn't help foster a positive corporate image.)

12. EXHIBITION INSURANCE (EXPENSIVE WORK):

The organisers cover all entrant's work with insurance against major damage or loss, to the value of the sale price as specified on the entry form (or to the maximum value of x amount; for example \$3000), while the entrant's work is in the exhibition venue. Transit insurance remains the responsibility of the entrant.

(If entries are large, well-framed images then there is considerable cost involved in printing and framing. It is reasonable to expect them to be handled with care. It is also far easier and far more cost effective for the organisers to obtain insurance for the whole exhibition. It is very impractical and much more expensive for entrants to try to obtain individual coverage for their work which is located in a venue which they have probably never visited, especially when the specific arrangements (security, hanging, handling etc) are out of their hands. The cost for on-site insurance could be factored into the cost of competition entry.)

13. DISCLAIMER (FOR ENTRIES OF UNFRAMED PRINTS AND DUPLICATE SLIDES):

All care will be taken with the entrant's work however the organisers will not be responsible for any loss or damage.

(A disclaimer is more appropriate for entries which are more easily and cheaply replaceable, i.e. small unframed prints and duplicate slides.)

(Due to the unavoidable potential for loss or damage, if the competition stipulates that film is to be supplied, however obvious it may seem, it is ESSENTIAL that organisers specify that duplicate film be sent rather than original material.)

14. CONSENT/AGREEMENT:

The signed entry form is evidence of the photographer's consent to these terms and conditions.

(Most competitions require the entrant to date the completed entry form, as well as signing and printing their name clearly.)

(If you wish to encourage entrants to read the t & c carefully, each point can be listed separately with a blank box for the entrant to tick once they have read each sentence or paragraph. This makes it very clear that the entrants are expected to read the conditions carefully.)

15. COMMUNICATION WITH ENTRANTS:

When entries are returned at the close of the competition/exhibition all entrants will be mailed a catalogue, list of winning entries, and a tax receipt for the entry fee.

(A note regarding the following year's competition deadline and/or theme etc can also be sent out at the conclusion of the exhibition, if desired – planning in advance gets the best results, and makes the best use of word-of-mouth advertising.)

(If it is uncertain whether an exhibition of entrant's work will be held, when the competition is first organised, it is obviously desirable that all entrants with work to be exhibited, are notified as soon as a decision has been made. This situation should be mentioned on the entry form, eg "all entrants will be given reasonable notice if their image/s are to be included in an exhibition".)

16. CHARITY-RELATED EXHIBITIONS & COMPETITIONS:

The organisers may approach individual photographers at a later date, to discuss and request permission for additional use of their images.

(Please note that all the terms and conditions mentioned in this document apply to school and charity fundraising events [in addition to commercial enterprises].)

Professional photographers are often happy to make donations to worthy causes. However like the rest of the general public, they usually prefer to make a specific donation, rather than an open-ended one. For example, asking entrants to sign copyright ownership over to the organisers, or requesting open-ended and/or endless usage, is akin to asking for a blank cheque. A blanket stipulation is easier and quicker for organisers to write however it will not get the best results – professionals will shy away. Usually organisers would get the very best overall result (the highest quality entries & the best quality publicity) by writing very specific usage into the entry form t & c. If specific, additional usage is required after the conclusion of the competition, then the best approach is to contact the individual photographers whose images are sought. Then the photographers can discuss the arrangements and have the option of declining. However if the requested donation is reasonable, most will probably agree.)

B) OBVIOUS ISSUES FOR CONSIDERATION:

1. Lead time:

If you want photographers to send you their very best images, allow sufficient time for them to take specific images, process and print them, sort the wheat from the chaff, pack and mail them. 4 months minimum, from the first date that the exhibition is publicised, until the close of entries. Obviously a shorter lead-time is sufficient for a low-key hand-delivered local competition, as opposed to a major prize money Australia-wide or worldwide award; which may require 6-12 months to obtain the best possible outcome for everyone. Rushing it just won't get such good results from anyone's point of view.

2. Number of entries allowed per person:

Three is a common limit. It allows entrants to send in several different styles of images, covering several possibilities of judge's preferences, without overloading the system.

3. Are all entries to be exhibited (this point doesn't concern competitions which don't include a public exhibition):

If not, whether all entries will be judged (or just those exhibited). If you suspect that the number of entries may exceed the hanging space available, in fairness to the entrants it's essential to state on the entry form that if there is insufficient space, some entries won't be on public display.

4. Initial pre-judging of entries for competitions that will be exhibited:

Some well-known competitions are pre-judged, to avoid quality and quantity problems. It takes more time initially but saves time later on. Usually entrants are required to pay the entry fee and send in duplicate transparencies (or prints or cds) of the artwork that they wish to enter. The successful entrants are then notified and requested to send the framed photograph/s to the organisers by a certain date (at least 6 weeks notice, to allow for printing, framing & transport). Initial pre-judging avoids the problem of having to handle and store a large number of lesser quality entries that won't fit onto gallery walls, and reduces the wastage of the unsuccessful entrant's time, plus the cost of framing and freight also.

5. Judging:

Many competitions state the names of the judges on the competition entry form. This may include some brief biographical information on each judge. Knowing who is judging the competition helps entrants to choose entries that might suit that particular person's preferences; and letting everyone know the names of the judges helps ensure that 'those in the know' don't have an unfair advantage. Listing the names of the judges also helps create the impression that the competition is being professionally run and is organised well in advance.

6. Winning qualities looked for in entries:

The organisers, sponsors and/or the judge/s may have very firm ideas on the winning qualities they are looking for. These qualities may relate to the personal or business values of the organisers or sponsors, or relate to the competition theme. This information can be printed on the entry form to make it less of a hit-or-miss affair for entrants. For example: "Entries must demonstrate a strong connection to the competition theme," or "I/we will be looking for entries that demonstrate a strong connection to the competition theme, combined with originality of thought and technical excellence".

Sometimes the images that are the best in every other respect may not be the ones that will reproduce the best in exhibition-related newspaper articles, catalogues, flyers etc. Organisers need to think about whether they first and foremost want the very best images

to win, or whether it's also essential that the winning images reproduce well. Images that reproduce better than the rest, might not be the best in other respects. If reproduction quality is going to be a factor taken into account by the judges, then in all fairness to the entrants, and to ensure appropriate entries, this must be stated clearly on the entry form; eg: "Consideration will also be given to which entries will reproduce well."

7. Prints – specifications & presentation:

- colour or black and white or both?
- size (photographic labs can advise standard photographic paper sizes)
- mounted or not (on mat board?)
- framed or not - and if framed, minimum specifications are essential to avoid headaches with sub-standard framing. Professional quality, 'D' rings, hanging wire; maximum frame size [often 1m square] and sometimes weight limits (10kg would be a reasonable weight limit for 1m square framed photographs).

8. Identification/labelling of entries:

Prints:

Suggested wording:

- The title of the image and the entrant's full name and address must be printed clearly on the back of each print entered. Care should be taken to ensure the front surface of the print is not damaged when writing on the back of the print.

Framed work:

Suggested wording:

- The title of the image, sale price (*if applicable*) and the entrant's full name and address must be displayed clearly on the back of each framed photograph.

Entrants may choose to write directly onto the back of the frame, however securely attached stickers or labels are recommended.

9. Handling:

There is a lot of work processing entry forms and fees, packing and unpacking entries. Hanging framed artwork is very time consuming. Photographic prints must be handled with cotton gloves to avoid marking with fingerprints.

10. Digital manipulation:

Many photographers use digital cameras now, but not all digitally manipulate their images. Organisers need to decide their policy on this. How traditional or how 'cutting edge' do you want the competition to be? Extreme digital manipulation (graphic design) is a separate artform, which is probably better judged separately to photographic talent (the skill of capturing a good image through a camera). Regardless of one's opinion on the various virtues of these two fields, separating the two simply makes it easier for the judges, fairer for the entrants, and produces more consistent results.

Some competitions use wording such as "images entered in this competition need to be based on an image captured through a camera. Winning entrants may be requested to provide original film as proof" and "entries will be judged on their photographic skill rather than digital manipulation skill".

11. Theme for the competition:

- this makes the judging much more straightforward (no theme means the judge's specific preferences can cause bias, and result in an untidy exhibition).
- a different theme each year can help keep the interest of the media, public, sponsors and entrants year after year
- or a very specific, continuing theme can allow the competition to become a very well known high-profile annual event (eg a national portrait competition)
- ideally the theme has some obvious connection to the organisers and/or sponsors – this helps it stick in the minds of the public.

C) MONEY-RELATED ISSUES TO CONSIDER:

1. Will the public be able to buy the entries direct from the exhibition organisers?

- the possibility of selling the work is an added incentive for photographers to enter the competition (they might not win any money, but they might profit by selling their entry)
- it will help publicise the exhibition in the media, and also by word-of-mouth
- it does involve additional paperwork.
- it is usual that a deposit (usually at least 20%) is paid when purchasing work in an exhibition; or it should be paid for in full if the exhibition runs for only a short time (eg. less than 7 days). With regard to longer exhibitions, it is usual for the remaining cost of the purchase to be paid in full and taken when the exhibition is finished.
- if competition organisers do not wish to sell entries, they may like to consider including a section on the entry form, requesting the entrant's permission to release their contact details to anyone who makes an enquiry.

2. Commission charged on exhibition sales:

25% is the most common charge for competition exhibition sales (less than usual commercial gallery rates, as it is a relatively short-term arrangement and professional sales services are not provided).

3. Catalogues/pricelists:

Viewers love to take away pieces of paper with details on them. This is good advertising for the exhibitors, and for the organisers and for the sponsors. It's debatable whether full-colour glossy brochures are worth the time and expense – often it's overkill, as many end up in the bin. A b & w well-designed pricelist which includes a few paragraphs of

information on the venue, organisers and sponsors (plus logos), photocopied onto A4 sheets of good quality paper is usually perfectly adequate. For some exhibitions a few lines of biographical information on each photographer, and/or a specific comment on the artwork, may be appropriate – most viewers find these background details very interesting. (This information is usually requested on the entry form, to a maximum number of words, eg. 100.) Again, this is the sort of detail which can help foster an image of professionalism.

B & w catalogues done this way have the additional benefit of being cheaply and easily reprinted if required, or updated/altered if necessary.

Even in exhibited works are not for sale, it benefits everyone if there is a catalogue containing the following: a list of the exhibitors, the titles of their images and other details (eg perhaps the type of print, date it was produced, perhaps basic contact details such as the photographer's phone number, website address or business name etc)

4. 'Popular choice' awards:

A great way of encouraging the public to really think about the images on show, and making them feel their opinion has value. Usually the popular choice will differ from the judge's decisions – debate about the contrast between the academic and populist opinions can help generate excellent publicity. Usually the prize money for the 'people's choice' award is substantially lower than the first prize; often it's around 10% of the judges first prize money.

5. Total prize money:

The higher the prize money, the better quality the entries will be, and more widespread the publicity will be. Competitions which offer prize money of \$3-\$5000 upwards can expect to receive entries from some of Australia's best photographers, and national publicity. Competitions offering \$7-\$20,000 prize money are likely to attract international publicity amongst the photographic community. Professional photographers are running a high-input business, and they won't invest substantial time and effort into entering competitions for the possibility of a prize, which is too low to cover their costs.

Good quality in-kind prizes can attract good entries (eg the offer of a solo exhibition in a prestigious gallery, or a piece of quality photographic equipment), however there's nothing as useful as cash.

Most photographers need sales, not publicity, so it should not be assumed that photographers would be adequately compensated for image use by receiving good publicity alone. It does not necessarily result in immediate sales.

6. Number of awards/prize money split:

One large cash prize, or more numerous awards for a lesser amount? Splitting a large sum of prize money into 3-4 awards is likely to reduce controversy over the judge's decision (controversy is good for dramatic publicity; but a single prize is obviously

useless for the majority of entrants). Several prizes will encourage more people to enter – they’ll feel more like they have a chance of succeeding. When writing articles journalists usually refer to the total prize money available (rather than first prize amounts), so the prize money split has little bearing on general publicity.

The details of the prize money split need to be clearly spelt out on the entry form, unless “prize money distribution is up to the discretion of the judges”; in which case this needs to be mentioned.

Other sources of information:

National Association for the Visual Arts (‘practical advice’ section, ‘code of practice 2nd edition’; chapter 4, ‘competitions’ etc) www.visualarts.net.au

The Copyright Council of Australia (eg. ‘information sheets’, ‘competitions’).
www.copyright.org.au

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