

Contracts and Releases

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If There are Lawyers in the house...

I apologize in advance for any snarky remarks

and...

I am not a legal professional. This is coaching only. If you listen to me and get in trouble, it's your fault

So the best plan is to consult a legal professional

When Do You Need a Contract?

- Whenever there is a fair exchange of goods or services for “valuable consideration”¹
- Whenever the expectations cannot be exactly understood and agreed upon by all parties (smells like always)
- When there are humans involved
- If the event has any chance of being important to someone

¹ - Valuable Consideration can be as little as \$1

When Do You Need a Release?

- If you ever intend to use an image in a portfolio, or on a web site, and the subject has a reasonable expectation of privacy
- If you will sell or otherwise distribute for gain a likeness of an individual that is recognizable
- Images made in a public space MAY not require a release, but it never hurts to have one

What Is a Minor Release?

- A Minor (a person of less than eighteen years) cannot sign a release. It can only be signed by a parent or guardian.
- Publishing an image of a minor in any way without a release is a very risky path, even if the parents ask you to make the images. Say “yes” and get a Minor Release

Why Do We Need to Do This?

- We live in a very litigious society
- Contracts and Releases set clear expectations and boundaries
- Help to reduce confusion and misunderstandings, particularly after the fact
- Provides clarity on image ownership and usage rights

Where Can I Go For Documents Good in Canada?

- Your own lawyer
- A site like findlegalforms.com that has Canadian specific forms written by lawyers that have been validated for Canada
- Google - good luck with that, you get what you pay for
- CAPIC.org
- American Society of Media Photographers (mostly Canada ok)

Conclusion

- If you are shooting people, you should have releases in your bag
- Paper-based releases will hold up in court much more effectively than digital ones (give US Court example)
- An event is probably important to someone, so if you are shooting the event for compensation, have a contract