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Our Copyright Policies

First and Foremost, I believe real estate is all about relationships.

I value our working relationship and make every effort to get you what you need at a fair price. If there is ever an issue, I will always talk to you first. I'm not in the field of photography to play a game of gotcha with my photos and end up in court. It wouldn't be good for my business or my reputation. The only way a client ever has an issue is if they give the photos to someone else, like a stager, builder, or vacation rental owner/agency and they in turn use them for their own marketing/profit. Personal use is fine. The syndication out to the internet that automatically happens through the MLS, Zillow, Trulia, Realtor.com, Redfin, etc, is all expected and not at all an issue for my clients.

What is copyright? Basically, it is the owner of the photograph. They can say who gets to use the photos through licensing. The person who takes the picture automatically owns the copyright. No contract needed. In order to sign over copyright, it has to be in writing and bear the copyright owner's signature. In the world of real estate where contracts are king, ownership without contract is a strange concept. But this is how copyright law works in the United States and it does apply to photography.

So when you photograph a house, what is the real estate agent getting? Even though I hold copyright, I license rights to use the photos according to the terms on every invoice. This is no different than any other real estate photography business in the area. Tour Factory, Obeo, Cirlepix, Floorplan online all have the same policy. They do hide it deeply in their terms and conditions, but it is there (see this: <http://showspacesphoto.com/copyrightterms-of-real-estate-photography-companies/>.) On your invoice, the licensing fee is a separate line item to make clear what you are paying for as well as the licensing terms at the bottom of your invoice.

My real estate level license, in summary:

1. The listing agent and their brokerage can use the photos for marketing the property for sale as long as they are the listing agent. This includes distribution to the MLS, feeds, and syndication.
2. The real estate agent client can further use the photos indefinitely for his own self-promotion.

I feel like this takes care of everything an agent would need the photos for. If there is further use needed, then we should discuss. Sometimes further use is needed in cases where a builder may want use of the same photos on a new construction home. Each additional use may have additional fees.

My Price Structure: In addition to the production fee (aka shoot fee + editing fee), my licensing price structure reflects expected use and potential income generated by the photo.

- Real estate photos for a resale home have lower price per photo since their use is for a small time frame, in the local market and really is a snapshot of a home a one point in time. (currently \$1.50 per photo for licensing)
- My builder rate is higher (currently + \$75), since the photo may be used for selling more than one home and ongoing website/print marketing. In the case of a spec home, there are many ways to structure the pricing between the agent and builder where it actually becomes a price break for each of them by splitting the shoot and editing fees.
- Full buyout rate including copyright for my photos in the local market is generally \$25 per photo. National is much more depending on distribution.

Why don't I want to give up copyright? The photos I take may have further value to another entity. Especially in real estate, the photos are out on the web. If another person/entity takes a photo from the internet to use for their own profit, I want to be reimbursed for its use. There are plenty of instances of this that occur every day. For example: A photo appears on the cover of Better Homes and Gardens. The photographer and copyright holder was not asked for permission or reimbursed for it. They should have some recourse. It is for this reason I register my images with The United States Copyright Office so that there is official record of my ownership of the imagery.

Policies that are unique to my business. To my knowledge no one else does this:

1. The real estate agent client can further use the photos indefinitely for his/her own self-promotion. As long as your name is attached to its use and not another unique listing, it is permissible.
2. If more than one license is granted for a photo, I will reimburse the person who originally paid me to come in for the photos half of their shoot fee and editing fee back.
3. Having the licensing fee as a line item on the invoice is a savings to you since NC Sales tax does not apply to this fee. Granted, it is a small savings, but through the course of business, it can add up.
4. If another agent wants to use the photos for a listing I photographed for you, I will not sell them licensing without your permission. Triangle MLS has a similar policy requiring written permission to use another agent's photos, so this does not often come up here.

FAQ:

What if I want to publish your photos in a real estate magazine? It is fine as long as it is in conjunction with the real estate agent's marketing for the specific house OR just for YOUR self-promotion. This does not include another entity promoting themselves.

What if a photo you took for me ends up on a website/in a magazine advertising something else? Not a problem for you unless you gave the photos to the magazine to use. Please don't be offended if I ask about it. If I do end up getting compensated for it, you will get half of your shoot fee and editing fees back.

What should I do if someone asks me to use your photos? Personal use is fine. If they want to use them commercially - meaning for advertising or profit be it on the internet or print - refer them to me for a quote of the fee. Again, if I do end up getting compensated for it, you will get half of your shoot fee and editing fees back.