Copyright, Norms, and Copyright Norms: Examining Incentives in Today’s Photojournalism

The past ten years have witnessed a seismic shift in the photojournalism industry. The combined pressures of a full-scale shift toward digital imaging and communications technology—affecting the practices of professional photographers and encouraging the rise of “citizen photojournalists”—have forced the various players to adjust to a radically altered economic landscape. Against this backdrop, my project examines the nature of copyright’s role as an incentive to creation for photojournalism today. In the past, the typical career trajectory encouraged aspiring photojournalists to insert themselves into dangerous environments and offered some assurance that they could then exploit the copyrights in the resulting photographs over time and into retirement. Thus, under the traditional model, the promise of copyright protection was, at least to some extent, an incentive to embark upon this line of work. Today, the vast proliferation of images and image makers and the disappearance of established publishing platforms in favor of newer ones have required photographers to quickly retool, while copyright law protections have failed to adapt at the same pace and freelance contracts have become more demanding.

This project is designed as a case study to dovetail with other industry-specific studies that have been undertaken in recent years. While most of those case studies have focused on areas where sources of formal intellectual property protection are either not available or are not readily utilized (as in the case of U.S. fashion designers, stand-up comedians and French chefs (Fn. 1)), my project fills a key gap by exploring the shifting norms and practices in an area where formal intellectual property rights have historically played a significant role. The project examines current licensing, marketing, registration and litigation practices; business models; institutional players; and also instances of “constructed cultural commons” (Fn. 2) of shared resources that may exist among photographers.
