
Walter Dufresne, Photographer:

Assignment and Stock Licensing Services

31 Montgomery Place

Brooklyn, NY 11215-2342 USA

Assignment Photography Creative & Licensing Fees:	Creative services and license fee: Initial license for a single client: (add 33% to fee for each additional commissioning client)	85¢ per square foot for interiors 67¢ per cubic foot for exteriors (1500 square/cubic foot minimum) Marketing and Publicity for the life of the © copyright for a single client (see the terms on the next page, including item ⑦)
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Capture and Processing Production Charges (Digital or Analog):	12.1 and 56.25 megapixels, per direct digital capture and processing: \$50.00 135 and 120 formats, per roll/pack: color & b&w \$50.00, Polaroid \$40.00 04x05 inch format, per sheet: color \$09.50, b&w \$09.00, Polaroid \$06.50 08x10 inch format, per sheet: color \$55.00, b&w \$42.00, Polaroid \$28.00 Contact proof prints of films: color \$60.00, b&w \$60.00 001 to 100 megabyte file scans, prepared and optimized: \$50.00 per file
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Other Production Charges:	Staff assistance: \$275.00-\$350.00 per day Transport, lodging, sustenance, gratuities, equipment rentals, props: at cost Markup on estimated production charges unpaid upon completion of work: 17% Consultations, written estimates and quotes, local scouting: no charge Certificates of Insurance (CGL, Workers' Comp): \$60.00 each per year © Copyright Registration, including uploading: \$75.00 per assignment NY State Sales and Use Tax is collected on some transactions
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Stock (Existing) Photography Licensing Fees: See The Terms On The Next Page, Especially Item ⑦	<u>Editorial:</u> (single insertion/language/printing in North America, up to 100,000 circulation): 2% of the equivalent advertising space rates, with minimum rates for Cover, any size, \$1000; up to one page, \$400; up to 1/2 page, \$300; up to 1/4 page, \$225 <u>Marketing and Publicity:</u> (from a single project, including certain further editorial uses and editorial re-prints, see terms at item ⑦ on next page): 030 months (2.5 years): \$335 for 1st license, \$267 for additional 060 months (5.0 years): \$500 for 1st license, \$400 for additional 120 months (10 years): \$750 for 1st license, \$600 for additional life of © copyright: \$1000 for 1st license, \$800 for additional Stock Licensing Fee Caps for State-Licensed Designers and Architects: \$1340 (2.5)/\$2000 (5.0)/\$3000 (10)/\$4000 (©) per project <u>Advertising:</u> 2% of the audited media buy (trade or consumer), \$1500 minimum (\$75,000 campaign) exercised within 180 days <u>Other Licenses:</u> will be quoted (minimum sale \$300)
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Other Production Charges:	Research and submission fee: \$150.00, including uploading/downloading. Scans, prints, slides, dupes, shipping, etc.: see Laboratory Services price list. NY State Sales and Use Tax is collected on some transactions. Subject to change: See the terms on the next page.
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Walter Dufresne, Photographer:

Terms and Conditions

- ① All photographs supplied (electronic files, transparencies, slides, duplicates, negatives, prints, scans, et cetera) are copyrighted under Title 17, US Code, and all rights are reserved. All photographs, whether newly-created by assignment or previously-created and available from stock, are registered for copyright before delivery. All transactions are regulated by US Copyright Law and New York State Contract Law.
- ② Unless otherwise negotiated, copyrights for the photographs and ownership of all camera-original films and camera raw files are retained by Walter Dufresne, Photographer.
- ③ Licenses and rights for use are conveyed only by invoice, and such licenses are not transferable to other parties. All other rights are reserved by us. No licenses and no rights are granted without full payment of the invoices specifying those licenses and rights. Walter Dufresne, Photographer, is first secured in all financial transactions here. Our photographs often do not include property releases. We only own the copyrights to our photographs. We do not own any other kinds of property rights, includes trademarks and patents. If we do have any kind of release for a photograph (property release, trademark release, patent release, model release, et cetera), a copy will be included with the transmittal of the photographs or the invoice. Architects and engineers frequently obtain property releases from owners and developers, allowing them to use my photographs of an owner's project, because they are often included in, for example, AIA contract documents.
- ④ Editorial licenses require a credit line (a copyright notice next to any reproduction) as a part of compensation. That adjacent credit line is vital, making licensing possible at editorial rates. It is so vital that we demand an editor's signature on a transmittal recognizing its value and agreeing to increased cash compensation if there's a failure to provide such credit line. Credit lines for other uses are gratefully appreciated.
- ⑤ Credit lines (when appropriate) should read as follows:
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- ⑥ Written estimates are not exceeded by 10% without authorization, and may include production charge documentation with the subsequent invoice. Competitive bids and quotes are firm as to both the price and the number of views created, and do not include production charge documentation on subsequent invoices. While we have no "re-imbursables," we certainly have production charges.
- ⑦ Editorial License is a non-exclusive use, for publishing businesses only, to use and reproduce a photograph, and includes specific frequency, size, and edition limits, typically a single insertion in a single edition of the first printing of a publication. Subsequent "reprints" of editorial content are licensed at marketing and publicity rates. Editorial rates are keyed to percentages of the publication's own space rate for advertising uses, typically two percent. Marketing and Publicity License is a non-exclusive license for an organization ("our client") to use and reproduce a photograph, with specific limits. This use includes any "self-publishing" by the client, including "self-publishing" by both print and electronic methods. Our clients may freely distribute the tangible photographs or reproductions, but may not sell nor distribute such intangibles as use licenses and copyrights. We will freely license editorial uses by publishing businesses who agree to credit both our clients and ourselves. This use excludes any advertising use ("paid placement") or sale of the photographs or sale of reproductions of the photographs or otherwise licensing others to use or reproduce the photographs ("third party use"). Advertising License includes Marketing and Publicity uses as above and use in spaces purchased from publishing businesses ("paid placement"), with specific frequency, size, and edition limits. These fees are usually percentages of the "media buy," with certain minimums, most often 2% of the media buy (trade or consumer) with a \$1500.00 minimum (\$75,000 campaign).
- ⑧ New York State Sales and Use Taxes are collected on some, but not all, transactions delivered in New York State and nowhere else. Exceptions are made for clients who submit re-sale or exemption or exempt use certificates, and for clients who only reproduce the photographs after borrowing them. This is called a reproduction-rights only transaction, and my invoices are legally required to specify the return of the photographs, un-retouched. A ruling letter from New York State allows us to *not* charge sales tax when our photographs are licensed and delivered as electronic copies (uploaded or downloaded, locally or remotely) with *no* accompanying transfer of title to DVDs, CDs, prints, or any other materials characterized as "tangible personal property" by NYS.
- ⑨ DUNS and Tax Identification Numbers are cited on all invoices.

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Walter Dufresne, Photographer:

Laboratory Services for Licensed Clients

written confirmation required for orders over \$200.00

Color Prints		<u>first charge</u>	<u>additional charges</u>					
Type i ("ink jet"), from digital files	up to		1+	5+	10+	25+	50+	100+
Type c ("color coupler"), from color negatives,	8 ¹ / ₂ x11 inch	\$50	\$24	\$18	\$16	\$11	\$10	\$9
internegatives,	11x14 inch	\$65	\$31	\$28	\$22	\$18	\$13	\$11
copy negatives,	16x20 inch	\$90	\$45	\$36	\$30	\$26	\$22	\$19
separation negatives, or digital files	20x24 inch	\$120	\$55	\$45				
	30x40 inch	\$185	\$95	\$75				
color internegatives / copy negatives): 4x5 inch: \$55; 8x10 inch: \$90								

Black & White Prints		<u>first charge</u>	<u>additional charges</u>					
gelatin silver prints on medium-weight resin-coated papers; add 50% for archivally-processed fiber base papers as per US Library of Congress;	up to		1+		10+		50+	
Type i ("ink jet"), from digital files	8 ¹ / ₂ x11 inch	\$50	\$30		\$18		\$11	
	11x14 inch	\$70	\$40		\$25		\$16	
	16x20 inch	\$100	\$55		\$32		\$22	
	20x24 inch	\$140	\$76		\$44		\$38	
black & white internegatives / copy negatives: 4x5 inch: \$55; 8x10 inch: \$90								

Scanning, Recording & Archiving to Disk Format (Flatbed or Drum Scanning)		<u>first charge</u>	<u>compact disk (standard file format)</u>					
file sizes up to		for scans	10-year archive recording					
050 megabytes		\$50	\$50					
250 megabytes		\$100	\$50					
electronic file transfers per file up to ten megabytes in size: \$25.00 each								

File Conversions & Optimization, Retouching, Page Assembly, Image Setting, and Film Recording (analog or digital)		
	<ul style="list-style-type: none">• quoted by project, depending on the number and complexity of elements, generally \$100 per scan, \$300 per hour for file conversions and optimization and retouching, and \$300 per 8x10in film output• First charge is for setting-up to a unique size, position, color, cropping, and density. It's applied per billable party <i>and</i> per order <i>and</i> per image, but <i>not</i> per print nor transparency.• Additional charges are for extras (1+, etc.) ordered at the same time as the first. Other sizes and quantities will be priced on request.• Special sizes, colors, densities, borders, cropping, positioning, and retouching are subject to surcharge.• Archive recording includes storage in our files and forward data migration in our files each 48-months.• Terms: Net balance is due from invoice date. New accounts are shipped COD.• Shipping and handling, add 5%, \$10.00 minimum. Messengers are extra.• New York State Sales and Use Taxes are collected on some transactions.• All prices, terms, and techniques are subject to change.	

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