Day 11

Photography
Photo ethics and copyright

Shepherd Fairey
Afghan girl
Photo manipulation
Fake News
Photographic Copyright

0 In general, when the shutter is released, the photographer who pressed the button owns the copyright.

0 Some courts have found that a photographer has violated privacy rights even when photographing someone in public.

0 The person who creates a derivative work from a photo owns the copyright to the revision, annotation, or other type of modification only. The original copyright is still owned by the original creator.

http://blog.kenkaminesky.com/photography-copyright-and-the-law/
Privacy in Public: a study

Taking photos up girl's skirt at Beaverton Target: Appalling, but not a crime, judge rules

CBS46 reported that this week, the Georgia Court of Appeals ruled the state's invasion of privacy laws didn't prohibit taking a photo up a woman's skirt (or an "upskirt photo") unless she's "behind closed doors," like in a bathroom stall or dressing room. Otherwise, taking an invasive photo of a woman's body in public is still considered fair game.

Too often, behavior like Gary's — which is difficult to categorize in legal terms — is not considered illegal due to the outdated wording of certain laws, said California lawyer Elizabeth Voorhies, who has been working in criminal law for more than 20 years.

“It's got to be illegal. The question is what do we prosecute it as?” Voorhies said in a phone interview. "The law can never keep up with changing technology."

MA had a similar case in 2010; after finding the defendant not guilty a two-party consent law was passed in 2014.

https://mic.com/articles/149497/it-s-now-perfectly-legal-to-take-upskirt-photos-in-georgia#.N9sq92hBZ
MA: 2 party consent

Cannot film without consent, unless..

State Ban On Secret Recordings In Regards To Gov't Officials And Cops Is Ruled Unconstitutional
PETA, photographer reach settlement in 'monkey selfie' case

By Joshua Berlinger, CNN
© Updated 6:19 AM ET, Tue September 12, 2017

On Monday, People for the Ethical Treatment of Animals announced a settlement with photographer David Slater, ending a lawsuit it filed on Naruto’s behalf. Under the deal, Slater agreed to donate 25 percent of future revenue from the photos to groups that protect crested macaques and their habitat in Indonesia. Both sides also asked the 9th U.S. Circuit Court of Appeals “to dismiss the case and throw out a lower court decision that said animals cannot own copyrights,” The Associated Press reports.

“PETA and David Slater agree that this case raises important, cutting-edge issues about expanding legal rights for nonhuman animals, a goal that they both support, and they will continue their respective work to achieve this goal,” read a joint statement on the group’s website.
Hope

Obama Hope case, 2011:

http://www.nytimes.com/2011/01/13/arts/design/13fairey.html

Garcia’s photograph of Obama (left) and Fairey’s famous poster.
Afghan Girl

Afghan girl: Steve McCurry
Manipulation of Public?

0 Vietnamese children as Nepalese:

In less than a week, this photo has gone viral on Facebook and Twitter, credited as "Two-year-old sister protected by four-year-old brother in Nepal".

There have been attempts to look for the brother and sister among the earthquake's victims, even calls for donations.

Only, the photo was taken nearly a decade ago in northern Vietnam.

Its real author, Vietnamese photographer Na Son Nguyen, told the BBC: "I took this picture in October 2007 in Can Ty, a remote village in Ha Giang province".

Manipulation of Public (cont’d)

0 OJ mugshot:

http://www.tc.umn.edu/~hick0088/classes/csci_2101/ojcovers.gif
Altered photographs → art or fake news?
Depends on the context, caption, audience, political climate...
FACEBOOK AND TWITTER REALLY ARE WHERE PEOPLE GET THEIR NEWS

Nikon and Photographer Apologize for Photoshopped Prize-Winning Photo

Published on February 1, 2016 by Michael Zhang

http://petapixel.com/2016/02/01/nikon-and-photographer-apologize-for-photoshopped-prize-winning-photo/
NPAA Code of Ethics

0 Be accurate and comprehensive in the representation of subjects.
0 Resist being manipulated by staged photo opportunities.
0 Be complete and provide context when photographing or recording subjects.
0 Avoid stereotyping individuals and groups.
0 Recognize and work to avoid presenting one's own biases in the work.
0 Treat all subjects with respect and dignity.
0 Give special consideration to vulnerable subjects and compassion to victims of crime or tragedy.
0 Intrude on private moments of grief only when the public has an overriding and justifiable need to see.

https://nppa.org/code_of_ethics
NPAA code cont’d

0 While photographing subjects do not intentionally contribute to, alter, or seek to alter or influence events.

0 Editing should maintain the integrity of the photographic images' content and context. Do not manipulate images or add or alter sound in any way that can mislead viewers or misrepresent subjects.

0 Do not pay sources or subjects or reward them materially for information or participation.

0 Do not accept gifts, favors, or compensation from those who might seek to influence coverage.

0 Do not intentionally sabotage the efforts of other journalists.

https://nppa.org/code_of_ethics
“Advertisers commonly alter photographs to enhance the appearance of models' bodies, and such alterations can contribute to unrealistic expectations of appropriate body image – especially among impressionable children and adolescents. A large body of literature links exposure to media-propagated images of unrealistic body image to eating disorders and other child and adolescent health problems.”

–American Medical Association, 2011

https://www.today.com/money/ama-stop-photoshopping-models-bodies-1C8368546
Psychological Issues
Snapchat filters: Filtering ‘Flaws’ and Forging Ideals

Deputy Editor Imogen Lancaster explores why Snapchat filters may not be completely harmless

http://www.redbrick.me/lifestyle/snapchat-filters-filtering-flaws-forging-ideals/
Body Image Distortion

https://www.huffpost.com/entry/france-photoshop-models-law_n_59d0dccc6e4b05f005d34c309
Issue for all genders?

https://www.youtube.com/watch?v=VD6z64aov3o
Truth in Advertising Act: 2016

Directs the Federal Trade Commission (FTC) to submit a report to Congress that contains:

“The prevalence, in advertisements and other media for the promotion of commercial products and services in the United States, of images that have been altered to materially change the appearance and physical characteristics of the faces and bodies of the individuals depicted. The report must contain: (1) an evaluation of the degree to which such use of altered images may constitute an unfair or deceptive act or practice, (2) guidelines for advertisers regarding how the FTC determines whether such use constitutes an unfair or deceptive act or practice, and (3) recommendations reflecting a consensus of stakeholders and experts to reduce consumer harm arising from such use.

The FTC must solicit input, to the extent practicable, from: (1) stakeholders that are geographically and culturally diverse; and (2) experts from physical and mental health, business, consumer advocacy, and advertising industry communities.”

Not yet passed

1/9/2013 “Photoshop Law” in Israel

https://www.youtube.com/watch?v=kck6Q7tmFmM
Update 10/2017

New French law says airbrushed or Photoshopped images must be labelled

France

All commercial photos that have been digitally retouched will now have to bear a label in accordance with a new French law that aims to combat unrealistic body images and eating disorders.

As of October 1, "it will be mandatory to use the label ‘retouched photo’ alongside any photo used for commercial purposes when the body of a model has been modified by an image-editing software to either slim or flesh out her figure", the French ministry of health said in a statement published last May. The law applies to photos published both in magazines and online. Anyone who violates the law could face a fine of up to €37,500.