

STANDARD CONTRACT FOR ENGAGEMENT OF FREELANCE PHOTOGRAPHERS

Where the University engages a freelance photographer to take photographs for a fee or any other benefit, the photographer, in the absence of any contrary agreement, owns the copyright in those photographs and not the University.

Further, if at the time the photographer was engaged the University informed the photographer expressly or by implication the purpose for which the photographs were required, the photographer has a right to restrain the University from using those photographs for any other purpose. For example, if the photographer was engaged to take photographs to be shown in lectures or to be published in a University's magazine, those photographs may not be allowed to be used for other purposes such as reproducing them on the Internet or incorporating them in a CD-Rom.

It is, therefore, vital to have an agreement with a freelance photographer to ensure that the University owns copyright in the photographs so it can use those photographs for any purpose. If you do not have such an agreement you will be restrained from using the photographs for other purposes.

A standard contract for the engagement of freelance photographers has been prepared by Legal Services which must be used whenever the University engages a freelance photographer.

Please contact Gilbert Ducasse of Legal Services to the University on Bundoora ext. 2495 if you wish to discuss this matter further or if you require any assistance.

This article provides general information only. It is not a complete or definitive statement of the law on the subject matter. Formal legal advice should be sought in relation to particular matters.