

Editorial

NAUI rights theft competition

Underwater photography seems to have more competitions available to enter than any other type of photography. They are an opportunity to see how the standard of your shots compares and there is always the possibility of winning a prize of either equipment, travel or cash. Indeed some of the more hotly contested competitions only have cash prizes and there is a small band of European photographers who make a tidy living entering and winning such events.

Naturally in such competitions the image is king and the value of a winning entry is enhanced by its raised public awareness because, in addition to the prize money, many winning shots have gone on to be used in advertising, promotional editorials and stock libraries to earn more than the original prize money. What use they are put to is a separate contract regarding copyright but most ethical competitions reserve the right to use winning images to promote the event and future ones.

So far everything seems to be fine but imagine a competition whose rules are designed to acquire “perpetual, non-exclusive rights to use the photo in any way, including but not limited to advertising and promotional use.” I hope, like me, you would consider such a clause as a blatant misuse of a photographers image yet such a competition does exist and is currently being run by NAUI, the thus far respected dive training agency.

The competition in question has been running for 4 years and each year there are grumbles from the underwater photography community but this

year, initiated by Jason Heller of DivePhotoGuide, a written dialogue has been taking place between Jed Livingstone of NAUI and the responses to our complaints about the rules were robust and unrepentant and left us in no doubt that there was no way the rules were going to be changed.

The responses were quite disparaging about underwater photographers who cared about the image rights of those who might unwittingly enter this unethical competition.

‘They don’t have to enter if they don’t want to’ was the stance.

Now he is perfectly entitled to place whatever rules he wants upon competition entries but he must be aware that such rights grabbing terms will be highlighted in the underwater photography media to make sure that those who chose to enter, do so fully understanding the implications.

The world is a changed place even within the last 4 years since his “competition” has been running and underwater photographers know divers, and divers advise those who want to learn to dive and, before he knows it, the word has spread to the very people he wants to attract, that NAUI is run by “businessmen” who use unethical tactics regarding underwater photo competitions. More importantly these newcomers can then be advised that there are other ways to learn to dive. Websites like MySpace, Twitter, YouTube and blogs have become immensely powerful forms of communication which have been used very

effectively to highlight unethical corporations.

My impression is that his mind is made up and he is perfectly entitled to take that attitude but he should be aware that the ability to communicate is very different nowadays and even a very well established corporate identity can be adversely affected by the mass disclosure of unethical practices.

My final concern is for the companies who have been encouraged to donate prizes. I wonder if they were fully informed of the unethical rules behind this competition. I suspect that, if they were, they would retract their prize rather than be associated with such a blatant and unethical competition.

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NAUI Wants to See You... “Just Dive” in 2010!
Get your camera, get in water, get creative and get GREAT prizes!

Details of the competition you should avoid are at

www.naui.org/ContentDetail.aspx?ID=185

www.uwpmag.com