

Equine photography: Who owns that photo of your horse?

At many horse shows and events, equine photographers are present to help immortalise your experience. Unlike your parent, friend or spouse, these folks are trained to catch your horse at the height of its jump, not right before you take off or right after you land.

We all wait with bated breath to receive the proofs, hoping to find the photo that captures the excitement of the moment, the glory of our horse, and hopefully our at least acceptable equitation.

It's at this point that confusion arises. When a photographer posts proofs on his or her website or sends them to you in the mail, they do not belong to you. They belong to the photographer who has used his or her equipment and expertise to obtain the shot. You are not supposed to download them, post them on your website, or print them out. Either this is widely misunderstood or frequently flaunted because photos with PROOF written clearly across the image are seen everywhere — on websites showing horses for sale, in people's web photo albums, facebook accounts, and on-line where riders ask for critiques.

Some photographers no longer post proofs, as evidenced by statements such as -

Due to the issues faced in past years with images being removed from this site unlawfully and uploaded to other sites like Facebook and due to other copyright infringements, proofs are no longer available for public viewing.

So, you say, I never post proofs. I buy the image and own it! But do you?

When you purchase a print from a photographer, you do just that: you buy **that** particular print of **that** particular photograph. It is now yours to frame or put in an album. And that's it. You may not copy it, scan it, post it on your website or use it for an advertisement unless you have been given or have negotiated those rights with the photographer who took the image.

It's a question of copyright. And keep in mind, copyright laws are not the same in every country so it's important to understand how they apply to your situation. Generally, photographers retain the copyright for the photographs they take unless they sell those rights. Where photographers are employed to photograph, the person who commissioned and paid for the photograph(s) to be taken owns the copyright unless there is a contract to specify otherwise.

Although the photograph was taken of you and/or your horse, the rights to use the image belong to the photographer. You can purchase the right to post the image on your website, or publish in a sales ad or other venues, but that right does not automatically come along with the print that you ordered. It's a good idea to always check with the photographer who took the picture how you can use it.

Now, here's another thing to consider. Say you have a photograph of your horse being shown by a professional at a show. You negotiate with the photographer to use the pic in a sales ad. So, you're good to go? Nope. Not unless you have permission from the professional to use it, in the form of a model release. It's always a good idea to have a release in writing from the rider that allows you to use the photograph in a variety of situations.

But what about the photos that appear to support show results, such as those that appear in horse show magazines? That's different. Photographs taken for editorial content do not require the permission from you or the rider to appear in print.

It's also tempting to make copies of the prints or to post the proofs. Just remember: photographers make their living by selling photographs, not by giving them away. If you think your friend or family member can take pictures that are "good enough" for what you want, then use the ones they take. Just don't complain that the photo isn't sharp or that she didn't catch your horse at the right moment.

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