

About Authorship Rights for Cinematographers

Last November in Huelva, Spain, the Congress of Cinematographers concluded that there is no strong viable reason for cinematographers not to be recognized for their work. Cinematographers are recognized as key persons in film production, they get prizes and are highly appreciated by many producers and directors, but not in relation to author rights. In fact, this is a major injustice in the history of authorship legislation.

Starting the 21st Century without that recognition may be due to the personality of Directors of Photography in general. The cinematographer is the right hand and closest collaborator of the director during production. More than anybody else the DoP is close to the director in every shot. He makes concrete the words of the script and the visionary ideas of the director. For the DoP serving the director is serving the film. More than being the photographer, the cameraman has to deal with production conditions. Many times finding solutions to help the film needs some real imagination while avoiding going over budget. The DoP leads the whole crew, which depends on him during most of the production. The cinematographer has in fact a huge responsibility for all kinds of aspects of film production. All these circumstances and pressures make the DoP into someone who fights, even more for the film, than for himself.

For this reason, maybe, the DoP has to compromise most of the time during his career. This demanding field of work professionally obliges the DoP to deal with the different pressures so he must be someone who has a balanced personality. Probably the spirit of compromise has not prepared the cinematographer to defend himself so as to get authorship recognition at the same time as others.

The personal input of the Cinematographer is a key asset for any narrative. The creation of mood, composition and light design is an artistic contribution.

The reality is that it is a great injustice that the photographer of moving images is not recognized by legislation.

This aberration leads to the point that happened not long ago in a commercial shoot in Lisbon. Andre Szankowski aip lit the whole set for a few hours to prepare for his shooting. At the end of the sequence the photographer with his still photo camera arrives. Everyone moved for the photographer to photograph the set with Andre's lighting. The photographer charged his day of work and of course his royalties. Who deserved to receive authorship rights? Not the DoP but the photographer ! This is a total aberration that occurs while an unfair legislation protects the wrong creator. If a still

photographer shoots 1 frame he is protected by copyright legislation, if a cinematographer shoots 24 frames a second, he is not protected.

The situation described above is probably one of many others happening around the world. How can we protect our work? There are a few ways to avoid such practice. One is to sign a contract where the ownership of artistic rights is clearly stated. In the contract can be stated that the photography has only one right holder.

To avoid such episodes, it is very important for each DoP to insist on the signature of contracts. This is one way to implement respect in the field and gain prestige as a cinematographer. The professionals cannot wait for the legislation to amend itself. There is a need to push forward rights that we should defend.

There are already many cinematographers who are protected by agents. But there are many others who aren't. We know that can cause a problem. The competition is very fierce and the Director of Photography is afraid of not being hired next time.

The pressure on the free lance photographer is very high. It has gone beyond any reasonable practice. In France many directors of photography have stopped working for an hour in 2003 in solidarity with the «intermittents du spectacle», by stopping, a few DoP's lost their clients for commercials just because of an hour of solidarity which concerned every one.

We have reached a point where the problems sadd up to a real obstacle. DoP's see themselves inside a trap of conditions. The production pressure, the lack of solidarity from directors, dishonest competition and many others remove their space to breathe and achieve new goals.

The difficulties are so great that even those who have successfully achieved the right to receive royalties have to continue fighting for them, as in the Czech Republic, where Public Service Television refuses to pay what is in accordance with the egislation.

There are still many other obstacles to overcome in the field of authorship rights for cinematographers. Even amongst colleagues there is not always agreement on this issue, some declare that it is not right, because the wardrobe, the production designer and various others would as well deserve the same right. Another obstacle is the fact that many directors do not agree to share the right that they thought exclusively theirs.

The copyright act that is in use in the UK and USA blocks in a certain way the rights for cinematographers. There are many people who defend the same for Europe. In political terms, to grant in the western world recognition to one more group of artists, is to go

against the final objective which is the same in practice in the USA, where all rights reside in the producer alone. Without a united force against it, will not be possible to avoid this in the future. The financial pressure on the entertainment business is tightening day by day, and if we do not have 'solidarity' with other artists the same will happen in Europe. So, maybe when the issue comes to Europe, directors will look for our solidarity.

There is no reason for any filmmaker in the world not to recognize the Director of Photography his right to be an artist and co-author of a film. After all, there is no respect for history. The cameraman was the inventor and he is the key contributor to the film. Without him there is no film.

What would a film be without a Director of Photography? A Director can make a film but he cannot succeed without a Director of Photography.

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