

**Bold red texts
are
interactive links!**

FOCUS

Volume 87 - No. 5

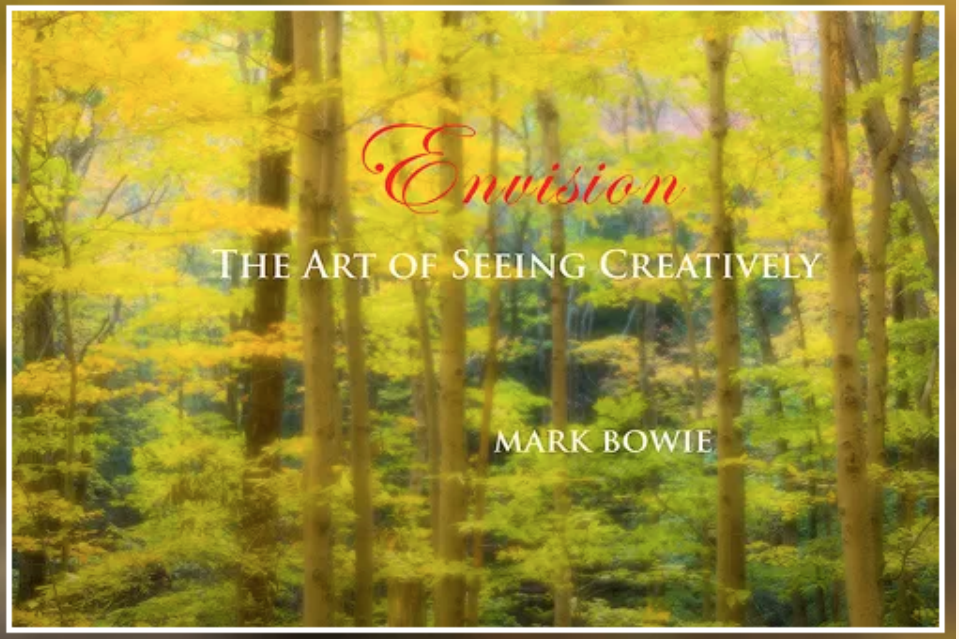
www.spsphoto.org

January 2021

**EVENT
NIGHT**

ENVISION: THE ART OF SEEING CREATIVELY by Mark Bowie January 20

Learning to use our powers of observation — to envision an image in the mind's eye — is a life-long learning process that can elevate our imagery to ever-higher levels. With compelling still images, time-lapse sequences and video, I cover field strategies for looking deeper, working with a wide range of weather, light and subject matter. I discuss seeing subjects not only for what they are, but what they can be. I also examine how to truly see, then transfer what we envision into a strong image by refining subject placement, using lines, form and detail, colors and tones to create interesting compositions. With example image sequences I relate how my thought processes and compositional choices evolved from the initial appeal to the final results — images with heart that resonate deep within us.



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MESSAGE FROM THE PRESIDENT

Rich Schreibstein

My visit from the ghost of photography past

When last we spoke, I was lamenting my rudderless photographic journey, appreciating the vision of Jeff Plant, and contemplating pulling the plug on my painful photographic oeuvre.

I really was adrift...landscapes, architecture, street, an occasional portrait, monochrome, color. I was hopscotching genres and feeling that I was mastering none. To me, photography requires mastery. I've known that. I mistook photographic mastery for post-production skills. I bought CaptureOne, Photoshop, Lightroom, Topaz, the Nik Collection, Portrait Pro, Luminar, all the AI iterations, and others I can't recall that are buried somewhere on my hard drive.

My lens collection grew extensively and expensively. I delved into vintage lenses, adapters, Lensbaby's quirky collection, all sorts of neutral density filters and gadgets to attach them to my lenses. I can make water stop. Did it and realized, Holy Cow, I can stop water as well as anyone else. In fact, I could do it until I got really tired of it. I can also make the starburst effect in my sleep.

But I wasn't satisfied. I can count on the fingers of one hand the photos that pleased me of the thousands I took in 2020. I'd go back after a competition and make some tweaks a judge mentioned to see if I could improve the photograph. Finally, it dawned on me, the only one who needed to be satisfied was me. I'm not shooting for competition, I'm shooting for Rich.

As many of you know, shooting for competition is an iffy prospect at best.

The technology was getting in my way. So, I had the talk all photographers eventually have with themselves and asked a question I had avoided—not deliberately—but because it hadn't traveled from my left brain to my right brain. "What really matters here, Rich?"

Does software mastery equal good photography? Does your skill manipulating sliders make you a better photographer? Or is it the capture? The answer is necessarily different for all of us. So just as I now understand I'm shooting for me, all photographers need to make their own decision. I don't shoot for clients. Many photographers do. They must march to the beat of a different drum.

So, I sold off a bunch of lenses I was rarely using and bought a fixed-lens Fuji X100V. The lens is a 35mm full-frame equivalent. You can't swap it, hence the "fixed-lens" designation. You can get a couple of screw-on adapters that can get you a 28mm or a 50mm focal length if you're so inclined. I have the 28mm on order because I frequently like to shoot wider than 35mm.

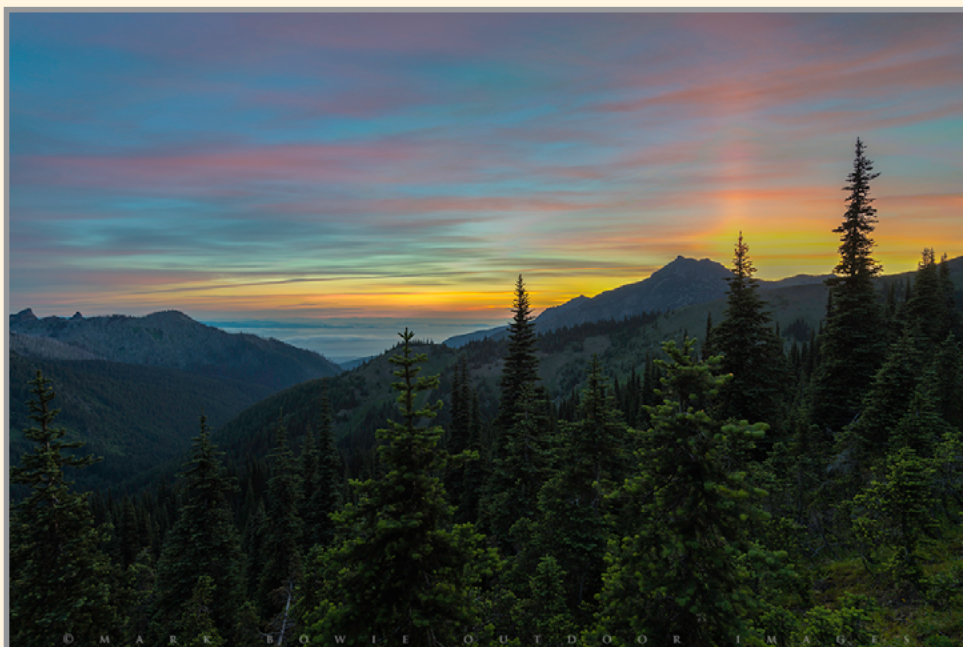
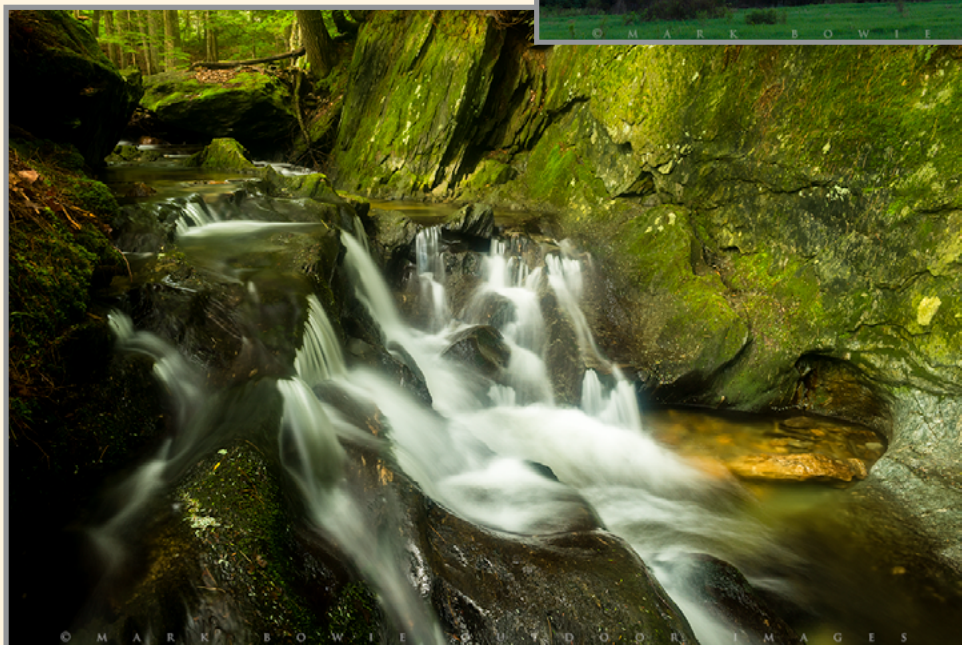
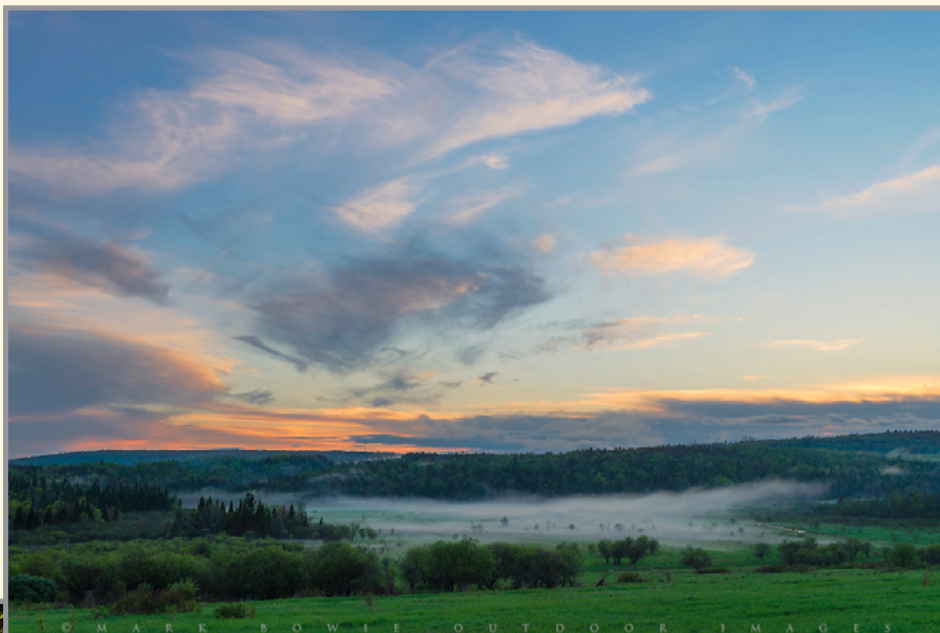
The most critical decision I made was to shoot only jpegs. I want to get it right in camera, not in post. Do you know what another name for getting it right in camera is? We who dabbled in photography prior to the digital age, called it film. Film was so final. You could fiddle with your aperture and shutter speed. You could focus, but you couldn't do anything about your ASA, now ISO. You were stuck with the film you bought. But I don't want to go back to film. What I want is the same thrill I felt when I got that package of prints back and flipped through them to see if I nailed a few in that batch of 24 or 36. Maybe it's a fanciful flight of nostalgia, but I'm boarding that plane. If any SPS members want to join me, let me know, there are seats available.

Rich

Envision

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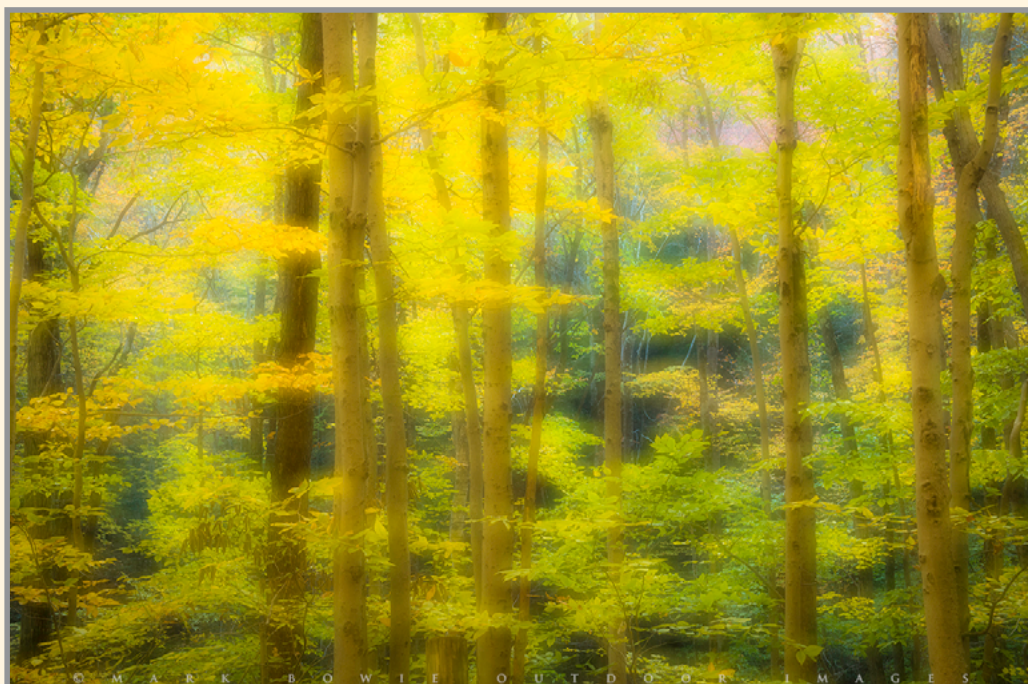
Envision

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Mark Bowie is a professional nature photographer, writer and much sought-after public speaker. His work has been published internationally in books and magazines, on calendars, posters, greeting cards, and in advertising media. His first two coffee table books, *Adirondack Waters* and *In Stoddard's Footsteps*, have become landmark regional publications. He followed those with *The Adirondacks: In Celebration of the Seasons*. Each won the Adirondack Center for Writing's Photography Book of the Year Award. He has also authored two extensive e-books on night photography: *The Light of Midnight* and *After Midnight: Night Photography by Example*, and one on his photographic journey, *Finding November*. Mark is a staff instructor for the

Adirondack Photography Institute and leads digital and landscape photography workshops and tours.

For more on Mark's work, visit www.markbowie.com.



FROM CAPTURE TO PRINT: THE ART OF BLACK & WHITE PHOTOGRAPHY by Lewis Katz January 27

**SPECIAL
EVENT**

By first looking at some black and white images from iconic photographers we will discuss the reasons to convert to monochrome : timelessness, contrast, mood, pattern and emotion. Using personal imagery the black and white conversion process will be demonstrated using both Lightroom as well as Nik software. Why you should always shoot in color and then convert to monochrome and the importance of the color channels in the conversion process. The emotional impact of black and white versus color will also be discussed. How to create more dramatic and powerful images using contrast as well as creative composition. The program concludes with a brief overview of the Print module in Lightroom to ensure that your prints mirror your monitor. This presentation is a unique combination of the “how to” with the “why and when” which sets it apart from other programs in regards to black and white photography.

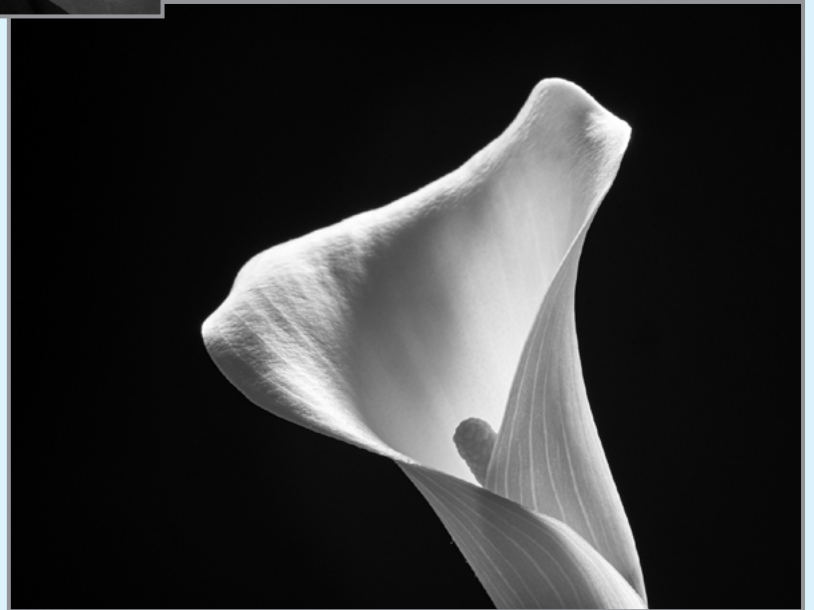


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Envision

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Lewis had a camera in his hand from the age of 14. Inspired by his father he began to explore photography more seriously in high school with a darkroom in the basement. Fast forward many years to his life in Baltimore and his joining the Baltimore Camera Club. Further inspired by his peers Lewis became an award winning photographer and photography teacher. He currently teaches at Johns Hopkins University, the Community College of Baltimore Country, Capital Photography Center out of DC as well as at the Baltimore Camera Club.

He lives for the aha! moments which only teaching can provide.

Check out more of Lewis' beautiful
black & white images on his website:
<https://www.lewiskatzphotography.com/>

**SAVE THE
DATE!**

THE PSYCHOLOGY OF PHOTOGRAPHY

by Nic Stover
February 24

ANOTHER SPS SPECIAL EVENT!

Join professional landscape photographer Nic Stover for this session to talk about an area of photography seldom explored, The Psychology of Photography.

The psychology of photography goes beyond making pretty pictures and starts to examine the deeper questions beyond the creation of our images.

1. How are we drawn to patterns, shapes, lines, and what do they mean to our subconscious?
2. What is the relationship of these elements to our emotional response to scenes in the field?
3. What are the different schools of psychology and how the brain forms thoughts and how you can work with that.
4. What models of creativity can we look to follow and understand where we are in the creative process?
5. How does our formation of limited beliefs and our belief system dictate who we are as photographers?
6. Are there definable stages of our growth that we experience as photographers?
7. What are the types of biases and how do they influence our artistic and creative journey?



Watch for more details in the
February issue of the Focus!
In the interim, check out
Nic's work at
stoverphoto.com

SUBMIT YOUR IMAGES FOR CRITIQUE!

The last portion of this presentation includes a participant submitted CONSTRUCTIVE and positive image critique/image review with feedback from me and hands-on demonstrations on how to make changes to your images for greater impact. This will be mainly conducted in Lightroom with some minor modifications / highlighting of the times you might want to use Photoshop.

SPS Members will be advised by email where to send images for critique.

YOU MUST REGISTER TO PARTICIPATE!

SPS Members will be sent the registration link via email.

*There is no limit to the number of submissions but time will be limited so choose images that showcase your best examples of composition or images where you want to bring out some compositional element but have been unable to bring forward.

*EDITOR'S NOTE: We may not be able to get to all images submitted, so choose judiciously.

FOCUS ON

Antarctica - with Cynthia Placek

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Since our worlds have shrunk immensely this past year, I decided to “take” you on my adventure to Antarctica last December. I was on flights or at airports for 24 straight hours, landing in Santiago, Chile, praying that I’d see a sign with my name on it when I left the airport. There was!

It was a two hour flight from Punta Arenas, Chile, to King George Island. We flew in a plane designed for short landing strips, landing on a hard gravel surface. It had gotten hot on the plane because we all wore our “outdoor Antarctica clothes” three layers on the bottom, four on the top and knee-high boots. “Use the bathroom before you leave the plane. It’s a long walk to the boat and there is no terminal.” The island was a grim place: black stone and dirt, treeless, barren. It was “home” to Russian and Chilean researchers.

Large rubber rafts (Zodiacs) waited at the shore to take us to the ship, but not before we were instructed on how to get in to them. Boarding had to be fast to prevent anyone getting injured from an unexpected incoming wave. As instructed, I stood in the water, my back to the boat where I was supposed to pull myself up so I could sit on the wall of the Zodiac, lift my legs, twist around, stand up in the boat and quickly move to my place for the ride. I could do this when I was getting out of the Zodiac, but not when I was in the water, because I was a foot deeper. No problem. Hands boosted me up, but never quite high enough. I wound up on my back like a beached whale. Half

sitting up, I spun around on my behind to get my feet into the boat, stood and crossed over to my place. It wasn’t pretty, but it worked!

Our ship was small: 71 passengers and 87 crew members. The weather was perfect—for us, not the ice. Clear blue skies, warm temperatures that sometimes forced us to remove a jacket or pair of gloves. We did two landings a day, each demanding the “dressing ritual” of struggling with all those layers, camera straps to protect my camera while walking, a fanny pack and a life jacket. Pulling on the boots with all those layers of clothes was actually exhausting and my roommate (a necessity on the ship) hurt her back getting them off.

Before we arrived on land, crew members made pathways in the snow. I quickly gave up the hikes because walking was difficult and all I was doing was looking down, not taking in the incredible beauty around me. The snow-covered mountains, softly sculpted by blowing winds, seemed peaceful and majestic. Mammoth chunks of ice floated by, carved by waves into magnificent sculptures with pulsating beams of deep brilliant blue emanating from their core. When someone yelled “Whale!” on the ship, we’d frantically search the horizon for a glimpse, usually of a tail as the whale dove. We stopped at an abandoned Norwegian fishing village with its massive rusted storage tanks, housing units with caved-in roofs, huge rusted wheels slowly being buried by the black sand—all of it taking on a kind of beauty. One day we sailed

Continued...

Focus on Antarctica

(Continued from page 8)

for hours in a sea of ice, unable to reach our destination despite the ship's steel hull.

And, of course, there were the penguins that enchanted us with their antics. They waddled about, skidding down snow banks, wings outstretched to cool off. It was nesting time. Many sat on eggs, warily eying the birds that flew overhead searching for an opportunity to swoop down and snatch an egg. We were riveted to the penguin who brought a stone to his beloved's nest, then turned to find another stone while a second penguin crept up and stole a stone from the nest. The first penguin would return, drop his new stone and look puzzled, like he KNEW there had been more stones than he now saw. But off he went again and the thief quickly returned. We watched other penguins edge toward the water, bend over ready to dive in, bolt upright, quickly back up, edge closer, back up again, as if to say, "Br-r-r, I'm not going in there!" Finally, they dove in. Even a sleeping seal was entertaining, its flippers looking like human hands as it hugged itself.

All in all, it was a trip filled with what I call "Hallelujah" moments where I simply thanked God for being there.

You can learn more about
Antarctica here:

[https://www.britannica.com/
place/Antarctica](https://www.britannica.com/place/Antarctica)



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Continued...

Focus on Antarctica

(Continued from page 9)

Antarctica

With ice and snow carved by wind and sea,
Antarctica is barren, yet breathtakingly beautiful.
Man is dwarfed by the immenseness of it all.
The stillness is broken by penguins exalting over a recently laid egg,
while a seal slumbers on, its flippers looking like chubby hands.
A baby whale swims next to its mom.
What a joyful experience!.



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Continued...

Focus on Antarctica

(Continued from page 10)



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WINTER PHOTOGRAPHY TIPS FOR SHOOTING IN COLD WEATHER

by Laurence Norah

(Reprinted with permission from FindingtheUniverse.com.)

Access the original article here: <https://www.findingtheuniverse.com/tips-cold-weather-photography/>



Wintry cold places offer myriad opportunities for photography, from shooting beautiful snow covered landscapes to chasing the northern lights. If the light is right, you can get some truly fantastic winter shots. However, cold winter weather also offers unique challenges to photographers – and I'm not just talking about cold fingers!

In this post I want to share with you some of my top winter photography tips and ideas to help you prepare yourself and protect your camera when photographing in cold weather and wintry conditions. This advice is based on my experiences doing winter photography in various conditions all the way down to negative 40 in countries like Norway, Finland, Canada and Scotland.

You can actually damage your camera equipment (and yourself!) if you're not properly prepared for winter photography, and some of these winter photography tips are particularly important for keeping your camera protected from both the snow, and the cold. I hope you find it useful!

Winter Photography & Cold Weather Tips

1. Use a sealable plastic bag

OK, so this might seem a bit weird. But this is one of the most important winter photography tips in this list, so I've put it first to ensure you properly protect your camera in winter from the cold. If you're using your camera in particularly cold weather, you're going to want a bag (or bags) that you can fit your camera gear (i.e., camera body, lenses) in that has an airtight seal – my recommendation would be something like a freezer bag with one of those easy close systems.

The reason for this is that when you move from somewhere very cold to somewhere warmer, there is the risk that moisture will condense on or inside your equipment. Moisture does not play well with the internals of most cameras, and protecting your camera from it is important.

To stop this happening, before you head inside after your shoot, seal your camera equipment inside the freezer bag along with some of that cold winter air. You can remove the battery and memory card before putting it in the bag if you want so you can begin importing your photos and recharging your batteries. Then you can take your camera inside, leaving it inside the sealed bag, and it will warm a little more slowly with none of the moisture able to penetrate the bag.

You'll want to leave your camera in the bag for at least a couple of hours to warm up before taking it out the bag – in the meantime you could be importing your photos to your computer, or just warming yourself up after your winter photography session!

Continued...

Winter Photography Tips

(Continued from page 12)

2. Take spare batteries (and keep them warm!)

Cold weather kills batteries. It's a known fact. The cold causes batteries to drain faster than normal inside the camera, and even when not in use, they'll still lose their charge.

To mitigate against this, and to save yourself from running out of battery power at a key juncture, you're going to want to carry spare batteries, and keep them in an inside pocket as close to your body as possible. Your body heat will help protect them from discharging and keep you shooting for longer. You should also keep your main batteries warm in this way until you need to use your camera.

If you can, I'd also recommend having your camera inside your coat and close to your body, but this isn't always practical for more bulky equipment. However, if you're using a smaller camera system, a point and shoot camera, or even a smart phone, then keeping it close and protected can help.

3. Don't freeze your nose to your camera

A lot of cameras are made of metal, and when you drop down to seriously cold temperatures, metal can become a bit of a risk to our skin. In particular, when you hold your camera up to your eye to take a photo, your nose might touch up against the camera body, which can lead very quickly to frostbite, or even your nose being frozen to your camera!

To avoid freezing your nose, I'd suggest wrapping your face with material to protect it, like a scarf or balaclava, or wrapping the camera body with something to protect you. Alternatively, shoot from a tripod and use the camera's screen rather than the viewfinder to compose the shot, and avoid the problem altogether.

4. Wear good gloves

One of the big challenges of cold weather photography is just trying to use the camera in those

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sub zero temperatures. Dials, buttons, filters – all these things that are easy to deal with when shooting in normal conditions, all become very challenging when we're wrapped up to the max.

The right pair of gloves can be key in this situation. If it's not insanely cold, fingerless gloves can be an option – allowing you the dexterity of your fingertips whilst keeping the rest of your hands warm. Otherwise, you're going to have to be pulling those toasty warm gloves on and off to operate your camera.

There are a variety of gloves designed for winter photography and cold weather conditions, which vary in their approach, from fingerless solutions to gloves with removable sections. In my experience, really cold conditions tend to need bulkier gloves, so make sure you pick the pair that will suit the conditions you'll be shooting in.

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Continued...

Winter Photography Tips

(Continued from page 13)

I'd suggest avoiding fingerless gloves for anything but the mildest temperatures, as they are less likely to keep your fingers really warm. Instead, find a pair of gloves that has detachable fingers so buttons and dials can be adjusted quickly.

There are a number of options on the market. **These** are a good pair specifically designed for photography, with a warm merino wool lining and magnetic finger caps. These are the pair that I own which I use for winter photography at temperatures around freezing and just below.

The company that makes them specializes in winter photography gloves, and they have a wide range of options, depending on the weather conditions. The pair I own are good for fairly cold weather, but I would recommend one of their more heavy duty pairs if you are traveling somewhere really cold, such as **these** or **these**.



There's another option to consider for keeping you hands warm, which is to:

5. Use heat packs

Chemical **heat packs** solve the problem of your hands (or feet) getting cold, and you not being able to warm them back up again. This is especially the case for your hands, which will be handling very cold camera equipment.

A chemical heat pack can provide hours of warmth to your hands for a minimal cost, and are a sound

investment – just pop them in your gloves (or hold them in your hands) for instant relief from the cold.



6. Wear warm winter clothes too!

This should be obvious, but sometimes obvious things needs stating. If you're out in cold weather, you want to be wearing clothes designed for cold weather. The secret is layers—**thermal base layers** to start, and then build up the layers until you finish with something that's ideally water and windproof.

Avoid cotton if you can, as if it gets wet from either rain or snow or if you are sweating you'll get cold very quickly. Synthetic fleeces or wool are a better option.

Don't forget a hat of course – I like a hat that covers my ears (any extremities are susceptible to frost bite), warm socks, a scarf, and those gloves I previously mentioned.

Continued...

Winter Photography Tips

(Continued from page 14)

7. Use a good camera bag

This isn't just a cold weather photography tip, but when you're out in extreme conditions, a good camera bag is a must. It will protect your gear until you're ready to use it. You want something that is purpose designed to be a camera bag, as it will have the necessary amount of padding to protect your gear.

You also want a bag that offers some level of protection against the elements. When it's cold, this is usually snow, which will brush off, but a bag with a waterproof cover is a good investment nonetheless. You'll also want to be sure it fits all your gear and anything else you usually take with you when out (heat warmers, snacks, drink etc.).

I'm proud to be a Vanguard ambassador, and love their range of bags. Currently my go-to bag is the excellent **Vanguard Alta Sky 49**. I can fit two camera bodies with lenses in, it has a side pocket for a travel tripod (or water bottle / flask of hot coffee), it has a water-proof cover, and it's comfortable for all day wear even when loaded up.

8. Invest in a good tripod

I'm already a big proponent of using a tripod to help you improve your photography—in fact I wrote a post detailing **12 reasons you need a tripod** for awesome photographs.

This is no different for winter photography—especially if you're out at night trying to capture the night skies or the elusive northern & southern lights. That low level of light is going to need you to use long exposures, and the only way to do that is by ensuring your camera is rock-steady – something you can't do with your hands.



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A good tripod is a worthy investment. There are plenty of options available, but I'd be remiss if I didn't mention the excellent **VEO range from Vanguard**. They've been my go-to travel tripods for a number of years, and they offer a great balance between price, portability and functionality.

9. Use the right camera settings for Winter Photography

Snow makes for beautiful winter photography opportunities, but it can also wreak havoc on your camera's exposure meter, resulting in images that are under-exposed, or darker than you would expect. This is because all the glare from the snow confuses your camera, causing it to read the light in the scene wrong.

If you are shooting snowy scenes, one of my top winter photography tips is to compensate by increasing your camera's exposure by around 1 stop – the exact amount will vary depending on the amount of snow and light.

When taking the shot, you'll need to check how dark the image is by checking the preview on your camera's screen. If it looks too dark, you'll need to compensate – you can do this with the exposure compensation feature of your camera, or by shooting in manual mode and setting everything up yourself.

Working with exposure compensation (and taking full control of your camera!) is something I cover in much more detail in my **travel photography course**, but in essence, you need to find the exposure compensation function on your camera, which usually looks like a "+/-" button. It may also be accessible from inside your camera menu system.

Once you've found it, set it to "+1". This means that the camera will allow twice as much light in versus not using exposure compensation, and should get your pictures looking brighter and more true to the scene as your eye sees it.

Continued...

Winter Photography Tips

(Continued from page 15)



10. Carry an air blower

The last tip on this list is to help keep your camera free of snow. When you're out photographing in cold weather, errant snowflakes might find their way to your camera's lens – not ideal for your compositions! Thankfully, your camera will be cold so they won't melt, and can be brushed off.

You don't want to brush them off with your hands or a cloth though as the warmth could cause them to melt, or you might leave fingerprints on your lens. Instead, use a photography lens **air blower** like this to just blow them off the lens. Easy!

Well, those were some of my top tips for preparing yourself and your camera for cold weather photography. I hope you found them useful! Let's take a quick look now at some:

More Photography Resources...

This isn't the only post I've written on photography! Here are some more resources to help you out with improving your photography:

If you're traveling in the northern hemisphere in winter, you might see the northern lights. See our guide to **photographing the northern lights** for more information on getting great photos.

My always expanding series of **Photography Location Guides**, to help you get the best shot in locations around the world.

An overview of my **Travel Photography Gear**, in case you wondered what a professional photographer has in his bag

We have a guide to **what to buy a photographer**, which has gift ideas at all price points and experience levels.

Our always updated guides to the **best travel camera**, the **best travel camera lens**, and the **best compact camera for travel**.

A Beginners' Guide to Improving your Travel Photos

My series of **Photography Tips**, which I am always expanding and updating with posts like this one.

And, if you're serious about improving your photography, I run an incredibly comprehensive on-line travel photography course, which will teach you everything you need to know about photography. Check that out **here**.

You can follow Laurence Norah in a number of ways:

Website: **Finding the Universe**
on Twitter as @lozula

Facebook Page:
facebook.com/findingtheuniverse

PHOTO ESSAYS AND MUSIC

by Saul Seinberg, J.D.



As many photographers will tell you, photo essays are a lot of fun to put together and show for the benefit of an audience. The photo essay's visual storytelling appeals to viewers and creates interest in the essay's subject matter.

As part of that appeal, the selection and use of suitable accompanying music enhances and enriches the photo essay and often heightens its impact. However, if the photographer-essay creator isn't careful, he or she could run into legal problems should they adopt musical accompaniment that is still governed by third party rights.

As it turns out, very few commercial activities in the U.S. are as thoroughly policed today as is the use of music. For example, music used in videos posted on the YouTube, Facebook and Twitter platforms, the unauthorized use of which was once ignored, is now scrutinized to ensure that every dollar of potential licensing revenue is not lost to free riders. Thus, it would not be a surprise that even as small a target as an SPS member's photo essay using an unlicensed music accompaniment and posted to the SPS YouTube channel would be the subject of a cease and desist letter or an actual lawsuit.

Current digital copying capability makes it easy to capture music belonging to others and add it to one's photo essay to make the essay even more pleasing. The captured music is often integrated into the photo essay without a second thought. In such a scenario, while the use of protected music is innocent, it is not without potential consequences.

More often than not, use of third party owned music occurs because there are no visible or express warnings that the music belongs to another. In other instances, many photographers are simply unaware that much of the music they use isn't available for the taking in the absence of appropriate licensing and royalty payment.

Ease of copying music from an online source or from a purchased music CD, for example, makes the photo essayist believe there are no legal barriers to using music from the online source or CD. Oftentimes a copyright © or phonorecord ® symbol is present on the music source, but ignored. At other times, such symbols and the notices they are used in are absent and the photo essayist either fails to recognize that fact or simply ignores it. Bottom line, in many instances music copying is done without permission and while sometimes inadvertent, it is probably illegal.

In fact, concern over possible unauthorized music use and its potentially adverse legal repercussions have caused many businesses that provide access to musical content to put safeguards in place. The safeguards prevent suspect videos or music from being posted or warn would be posters that the music in the content they seek to place online likely belongs to third parties.

All of the social content platforms have rules about what is permissible in the content users seek to post. YouTube is one such provider that takes steps to filter videos that users seek to post for unauthorized use of the music these videos contain.

YouTube uses filters it has developed when scanning videos in which music is used, to determine if such music is copyrighted as far as they can determine. In such situations, YouTube allows for three different classifications by which the posted video can be seen. The poster can classify their video as: (1) Public, where any YouTube user can view the video and hear its included music, (2) Unlisted, where only those having specific knowledge of the video's link can view the show and (3) Private, where only the poster can view it.

It should be noted that satisfying the posting requirements with respect to copyrighted material

Continued...

Photo Essays and Music

(Continued from page 17)

for YouTube or any other social platform or web site that indicates the to-be-posted music can be used, does not mean a poster is in the clear. The social media sites are simply enforcing their own rules on potential unauthorized use of third party copyrighted material. A copyright owner can have a significantly different conclusion.

Keep in mind that online platforms have a liability shield. Section 230 of the Communications Decency Act, mentioned in the political news of late, protects them from being held liable for unauthorized user content posted to their sites. The statute also permits the site operators to review, categorize and control content in good faith. This process is part of the good faith effort online platforms use to evidence their good faith efforts to police the use of music on their sites.

It would seem that once a would-be poster manages to satisfy the social platform filters, all would be well. Unfortunately, that is not the case for posters. Often, a video or photo essay with music is posted with approval only to be subsequently removed. Why does this happen?

It seems unfair, but as it turns out, despite any permission to post, all posted material is subject to the takedown provisions of Title II of the DMCA (17 U.S.C. Â § 511 and following). These provisions state that an Internet Service Provider (ISP), a social content platform like YouTube for example, can avoid financial liability for posting of copyrighted material by following the “notice and takedown” requirements of the DMCA provisions. Basically, these statutes make it clear that when a platform operator receives notice of an infringement from a copyright owner, it must “take down” the unlicensed material. There are “put back” provisions in place to ensure that the “take down” provisions aren’t abused.

The foregoing illustrates, with respect to social content platform operators, how online copyright policing is carried out. It’s prudent to appreciate how this process helps protect social network platform operators, however, photographers need

to know how copyright law operates to protect them when they put a photo essay together, add music as an accompaniment and then post that essay on a public platform or website.

First, let’s take a look at the issues arising out of using non-musical material in a photo essay. Then, we will move on to the use of third party music as background for a photo essay, when the essayist is not the composer and/or performer of such music.

This requires that we start with a brief look at the basics of copyright law. As written in Circular 1 published by the U.S. Copyright Office (<https://copyright.gov/circls/>):

Copyright provides the owner of copyright with the exclusive right to

- A. Reproduce (copy) the work in copies or phonorecords,
- B. Prepare derivative works (modifications) based upon the work,
- C. Distribute copies or phonorecords of the work to the public by sale or other transfer of ownership or by rental, lease or lending
- D. Display the work publicly if it is a literary, musical, dramatic, or choreographic work; a pantomime; or a pictorial, graphic, or sculptural work. This right also applies to the individual images of a motion picture or other audiovisual work.
- E. Perform the work publicly by means of a digital audio transmission if the work is a sound recording .

A “phonorecord” is a material object (for example, think CD or DVD) in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed and from which the sounds can be perceived, reproduced, or otherwise communicated either directly or with a machine. The technology for creating and using a phonorecord includes those now known or later developed.

Continued...

Photo Essays and Music

(Continued from page 18)

Copyright provides the owner of copyright the exclusive right to authorize others to exercise all of these exclusive rights, subject to certain statutory limitations. If not expressly licensed to others, third parties, such as a photo essayist, cannot use such copyrighted music. Note that buying a CD or DVD only gives the purchaser a right to privately replay the music, purchase or possession of that CD or DVD does not confer a right to copy or otherwise reuse the included music.

The original copyright owner, creator of a work can sell or transfer any of the rights to another party, such as a publisher or record company. The creator or copyright owner can also license their protected work in whole or in part and even place it in the public domain.

Works can also enter the public domain once their copyright expires.

Public domain is that entire collection of creative works to which no exclusive intellectual property rights apply because these rights may have expired, been forfeited, expressly waived or may be inapplicable. In other words, no license to utilize a public domain work is needed.

Most often, a copyright owner permits use of their copyrighted work, subject to the terms and conditions of a license that define the license, in return for payment. Under that license, one or more of the copyright owner's exclusive rights can be used by a licensee for a defined period and purpose. The licensee does not acquire any ownership rights under the license and the exclusive rights of the copyright owner remain with the copyright owner except as defined by the license terms.

In addition to the foregoing copying or reproduction related rights, there is also a question under U.S. copyright law pertaining to public performance rights. Under our copyright law, the "performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a non-profit educational institution, in a classroom or similar place devoted to instruction" is allowed without permission. In most other cases, public perfor-

mance rights (PPR) are needed to give one the right to legally screen videos or play music (as part of a slide show or video) in a public setting, even for a non-paying audience.

Please note that videos posted to social media platforms are usually considered "home use" only unless they have been specifically purchased or licensed with PPR. "Home use" can include a dorm room or other private space, where showings are limited to a "normal circle of a family and its social acquaintances." The only exception to this is the face-to-face teaching exemption noted above.

If a performance of unlicensed copyrighted music is open to the public, a PPR license is needed. For example, if performance attendees are outside your normal social circle of friends, such as performance for a club or organization, a PPR license is also needed. It should be clear that an organization, such as the Schenectady Photographic Society (SPS) is unlikely to be considered a purely family or social group although that conclusion should be resolved for purposes of SPS based essay postings to YouTube or like platforms.

There is one other potential problem photo essayists who use music in their essays need to be aware of. It has been noted that classical music seems to pass through the social media platform filters without raising an alarm. I think that's because a significant amount of classical music is in the public domain and is assumed to be so. This may be why YouTube's algorithms fail to trap classical works since they could be assuming that all classical music is in the public domain or otherwise have no way of accurately making that determination. Further, none of the social media platforms seem to bother with identifying works subject to performance rights, again adding to the difficulty of reaching accurate conclusions as to whether performing rights are applicable to a CD or DVD.

A CD of public domain chamber music or a symphony, for example, is oftentimes thought to be

Continued...

Photo Essays and Music

(Continued from page 19)

free of performing rights restriction because of the age of included music. However, the music on that CD may be protected as a sound recording under U.S. copyright law. This performing rights protection is indicated by a capital “P” within a circle or the symbol ©.

Look at one of your classical CDs that include all public domain pieces as performed by a chamber group, an orchestra or choir. That CD probably won’t have a ©, but it likely include a ©. This symbol means the performance on the recording is protected independently from any copyright applicable to the music. In other words, that music has aged out of protection, if there ever was any, into the public domain. On the other hand, the PPR rules with respect to performance within or for a social circle or family group would probably shield you from infringement charges if applicable.

It’s important to keep in mind the fact that in order to incorporate music into an essay, a photographer first needs to copy the music into their essay. If that music is copyrighted, hasn’t fallen into the public domain, and the photographer doesn’t have a license to copy, an infringement will likely have resulted. Yes, for this infringement and others, an accused photographer can attempt to defend their actions by claiming “fair use,” but that’s a tricky and difficult situation to prevail on, especially since a defense based on “fair use” is admitting infringement.

Playing the musical photo essay before an audience will probably be permissible if it can be shown that the viewing or performance is not of a public nature, that is, the performance is made to a social circle or family group. However, I don’t think that think SPS would be able to sustain such a defense. SPS is clearly not a family group and arguing that SPS is a social organization would also be a stretch. On balance, I don’t think that such a claim would effectively shield SPS from impermissible and unauthorized use claims.

In sum, basing use of third party music on the conclusions of a social media basis test, created

by the platform operators, would not be helpful. Those tests serve to benefit the platform owners, not the photo essayist. Proceed at your own risk.

The act of copying music as part of its use in a photo essay without a license would be impermissible as an infringement. Yes, a “fair use” defense might prevail, but the odds on that happening are pretty low, too low for most photo essayists or photo organizations to take.

Relying on music being in the public domain is a possibility as a defense, but such reliance may be ignoring the applicability of performance rights to use of the music with adverse consequences.

The bottom line optimum solution for photo essayists who incorporate music into an essay is to use music that is free or low cost for them. Such music is readily online in significant quantities. It avoids all the foregoing unauthorized use problems and allows the photographer to focus on their approach to integrating the selected music rather than spend time responding to nasty-grams.

There are many websites to be found with a simple search that help with music selection and also provide assistance in effectively using such music such as with its integration and synchronization. If you’re already a photo essayist or a photographer considering on trying that specialty, avoid problems and adopt a copyright/performing rights free approach. Your essays will likely be better.



DECEMBER ASSIGNED TOPIC #1

Hands

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1



First Place: "There is an Apple for That"

© Elena Keesee

JUDGE:

Marilyn Lemay Patterson

As a pictorial Expressionist painter and photographer, Marilyn views her work as an aggressive form of problem solving. When composing her work, whether through a camera's viewfinder or on canvas or paper, she is continually deciding what angle or perspective, which color, what light, and which medium to manipulate best to illustrate our environment and the human condition. Born the youngest of five French Canadian Cree Indian children, she was fortunate to have had a mother that valued dance, music and travel, for it was traveling to foreign destinations that lit creativity in her soul. These excursions led her to begin photographing the world's cultures and its environments attracted to other mediums of expression, notably watercolor, oil and acrylic painting.



Second Place: "The Pull"

© Linda Tommasulo

Continued...

DECEMBER ASSIGNED TOPIC #1

Hands

Honorable Mention



Third Place: "Four Generations in Remembrance of Papa"
© Jeana Caywood



"Time Flies"
© Linda Tommasulo



"Musical Fingers"
© Joe Cotroneo



"Tough Question"
© Bert Schreibstein

Check out these winning images and more competition photos on our website:

www.spsphoto.org

DECEMBER ASSIGNED TOPIC #2

It's Just Tee Pee (Toilet Paper)



First Place: "TP Flower Abstract"
© Linda Tommasulo



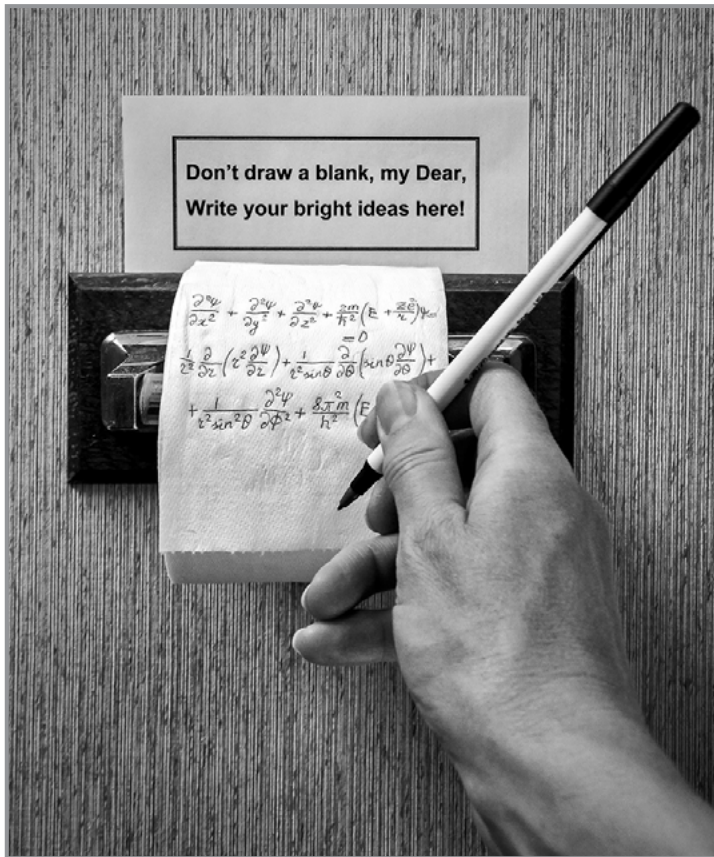
Second Place: "Toilet Paper Man"
© Joe Cotroneo

DECEMBER ASSIGNED TOPIC #2

It's Just Tee Pee (Toilet Paper)

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2



Third Place: "The Rest is Still Unwritten"
© Elene Keesee

Honorable
Mention



"COVID Rescue Dog"
© Linda Tommasulo



"Low Calorie - High Fiber"
© Elena Keesee



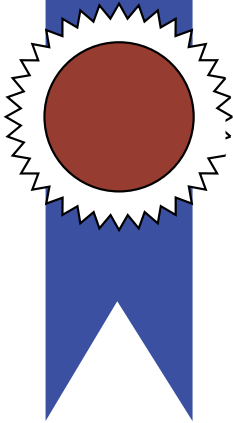
"The History of TP - Cliff Notes Version"
© Rich Schreibstein

DECEMBER DIGITAL IMAGE GENERAL



First Place:
"Bye Bye Autumn"
© Elena Keesee

GENERAL



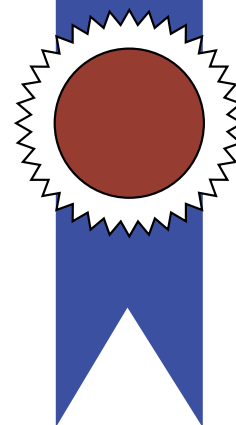
Second Place:
"Red Canoe"
© Alan Wiggins

Continued...

DECEMBER DIGITAL IMAGE GENERAL



Third Place:
"Get Your Own Flower"
© Linda Tommasulo



Fourth Place: "Sunset Cruise"
© Barb Lawton

JUDGE: Ronald Peiffer

Ron is a lifelong photographer, starting with the family's ancient box camera in the 1950's. In the most recent decade, he has been doing a limited amount of commercial and real estate photography while working to improve his expertise with the camera and with post production. He is also a member at large on the Executive Council of the Maryland Photography Alliance (MPA), which supports the work of nineteen community photography clubs statewide. Ronald is certified by the MPA to judge photography competitions and judge club level contests across the region. His work has been selected for display in the 2017 and 2019 MPA gallery shows.



Fifth Place: "Pumpkins"
© Larry Hill

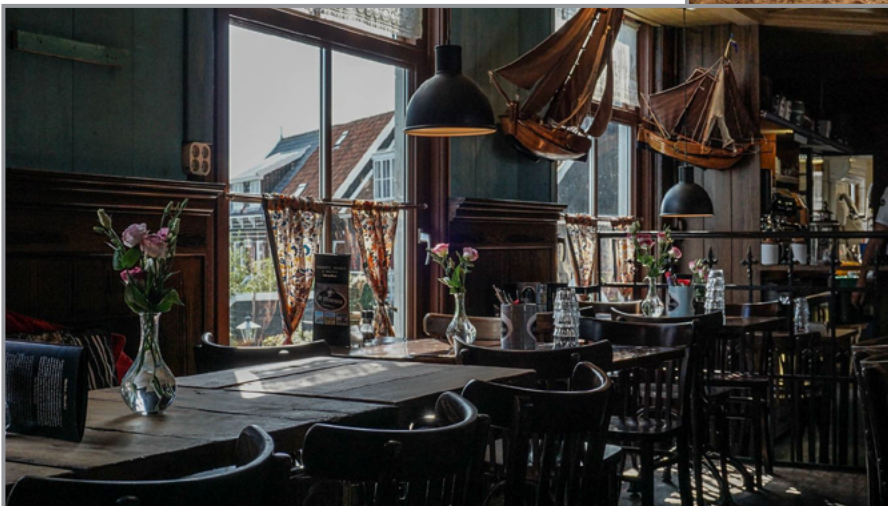
DECEMBER DIGITAL IMAGE - GENERAL



"What Ya Lookin At"
© Sean Sullivan



"Angel's Light"
© Ron Herndon



"Marken Cafe"
© Sharon Silversmith

Honorable
Mention

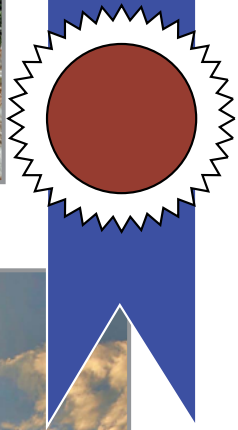


"Church with Red Doors"
© Kim Koza



"Windmill"
© Saul Seinberg

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Check out these winning images and more
competition photos on our website:

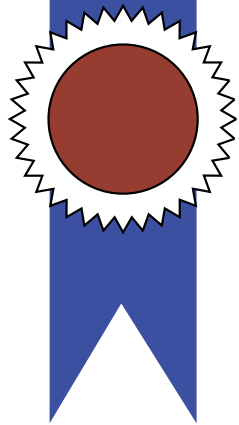
www.spsphoto.org

DECEMBER DIGITAL IMAGE - MONOCHROME



First Place:
"American Gamera"
© Neil Shapiro

MONOCHROME



Second Place:
"Northville Laundry"
© Kim Koza



Third Place:
"The Rose"
© Sean Sullivan



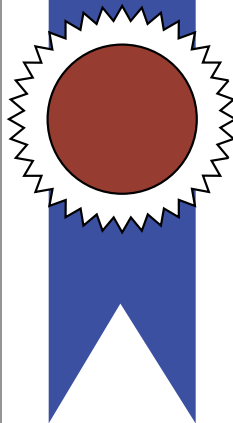
Fifth Place: "Hot Air Balloon"
© Joe Cotroneo



Fourth Place: "Skywalks"
© Elena Keesee

DECEMBER
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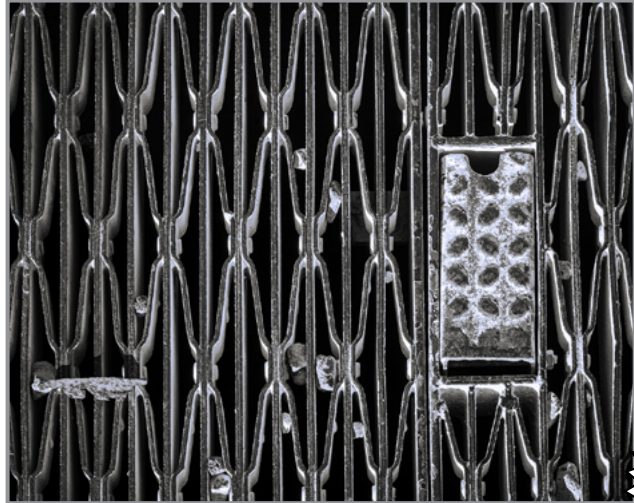
DECEMBER DIGITAL IMAGE MONOCHROME

Honorable
Mention

MONOCHROME



"Lupine's Jewels"
© Elena Keesee



"Albany Grate"
© Linda Tommasulo



"Forsaken"
© Nancy Pfuntner

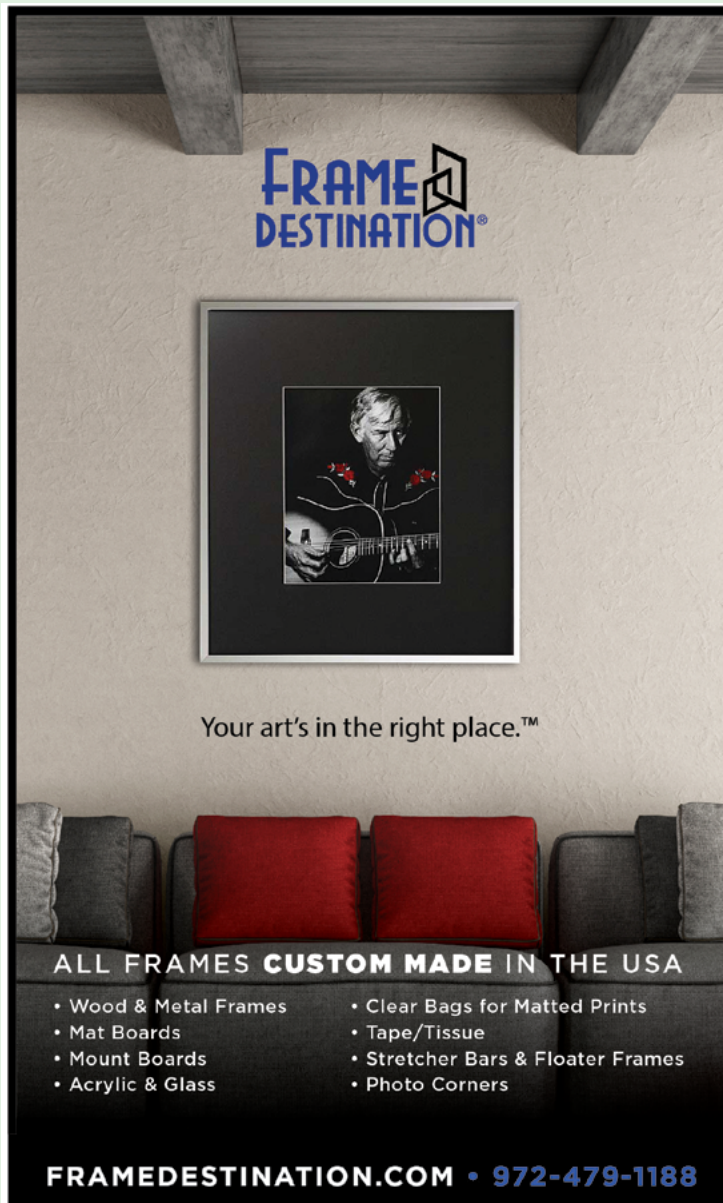


"Dad's Tools #4"
© Phil Olivo



"Standing Tall"
© Linda Tommasulo

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2. Click "Create an Account" in the middle of the page.
3. Chat or send an email to info@framedestination.com saying you are a registered user and need your account set for SPS membership.

To see how easy it is to order custom frames on our website you can check out the video "How to Order a Custom Picture Frame..." in our video gallery: [framedestination.com/video-gallery](https://www.framedestination.com/video-gallery).

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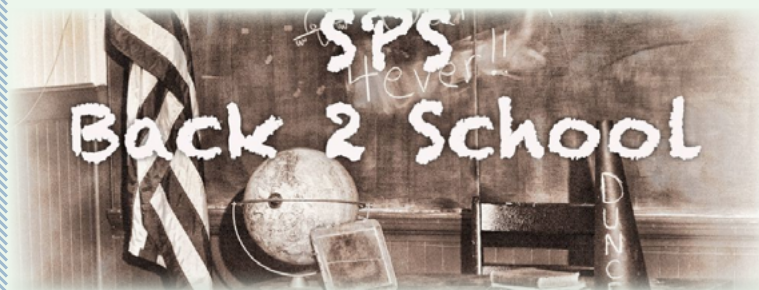
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His hours are usually 8:30-5:00pm,
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Leave a message or send an email
(asamiljan@huntsphoto.com),
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New Camera's Alert!
Canon 90D, Sony A7R4, and just
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SCHOOL IS IN SESSION **At SPS Back To School on Facebook**



<https://www.facebook.com/groups/sps.back.to.school>

And don't forget to connect with us on our Facebook Page:

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and Facebook Group:
<https://www.facebook.com/groups/schenectadyphotographicsociety>

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NO 2020-2021 DUES DUE FOR '19-'20 SPS MEMBERS
New Members Can Join This Season for \$20 (\$30 Family)

We're making you an offer you can't refuse. Join the Schenectady Photographic Society for our 89th year with full membership for \$20, and \$30 for a family (all residing at the same address). This lets you enter our twice-monthly judged competitions, and participate in our event nights with video presentations by skilled photographers. You will also be eligible to join the SPS Back-To-School Facebook page where you can post your photographs and receive member critique to help improve your skills. You can join by clicking on the button below. Note that this offer is to new members only, current members do not need to renew this season.

[Join Now](#)

Happy New Year!
Let's hope we'll be back to a "new normal" soon!

ABOUT THE SCHENECTADY PHOTOGRAPHIC SOCIETY



For more than 89 years, the Schenectady Photographic Society has been the meeting place of photographers of all levels—from beginners to serious amateurs to professionals—with the goal of exploring and sharing their love of photography. Members throughout the Capital Region meet primarily on Wednesday nights to engage in various competitions (print, projected, photo essay and more), enjoy member round-table discussions, guest speaker presentations and hands-on mentoring to further their knowledge, creativity and inspiration. Occasional field trips* give us the opportunity to expand our photographic vision; and frequent exhibits* in the local area allow us to share that vision.

In addition to our monthly print* and projected competitions, we are challenged with an assigned topic—encouraging participants to venture out of their comfort zones. Members participating in competitions receive specific commentary and suggestions to take their images to the next level. Don't wish to compete? That's OK too. Observing competitions is always an inspirational and learning experience.

The Schenectady Photographic Society is an enthusiastic and energetic group. Our camaraderie is infectious. Check out our calendar on the last page (season runs from late September to mid-May) and join us! Visitors are always welcomed...especially those who have a passion for photography.

*It's not about being better than everyone else...
it's about being better than you were.*

*Postponed for the 2020-2021 season due to Covid-19.

SPS BOARD OF DIRECTORS 2020-2021

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Connect with the Schenectady Photographic Society:

Website: **www.spsphoto.org**

Facebook Group: **<https://www.facebook.com/groups/schenectadyphotographicsociety/>**

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Instagram: @schenectadyphotographic

THE FOCUS NEEDS YOU! For articles, suggestions, and member profiles (bios/photos).

Contact Linda at **newsletter@spsphoto.org**.

SCHENECTADY PHOTOGRAPHIC SOCIETY VIRTUAL 2020-2021 SEASON CALENDAR

Meetings start at 7pm via Zoom. Members will receive appropriate link to sign in.

This schedule is always work in progress and is subject to change!

Note: All competitions are DIGITAL. For Assigned topics, with the exception of October, images must have been taken on or after May 1, 2020. October Assigned Topics must have been taken on or after May 1, 2019.

Images which previously placed (in print or digital) may NOT be resubmitted.

Members may enter a total of four (4) images, no more than two (2) in any one category.

Deadline for submission of digital images is midnight on Saturday before the competition date—no exceptions!

September, 2020

9/16/20.....2019-2020

Digital Image of the Year Competition

9/23/20.....2019-2020

Digital Photo Essay Competition

October, 2020

10/14/20.....General/Monochrome Digital Competition

10/21/20.....Event Night

Dow Smith, "Photo Essay Inspiration"
and Jeana Caywood, "Photo Stacking"

10/26/20.....Assigned Digital Competition

Topic #1: Fairs and Festivals
Topic #2: Show Us Your Curves

10/28/20.....Virtual 2019-2020 Banquet

November, 2020

11/4/20.....Assigned Digital Competition

Topic #1: Turn the Ordinary into Art
Topic #2: What's That Outside my Window?

11/11/20.....General/Monochrome Digital Competition

11/18/20.....Event Night

Cole Thompson, "Why Black & White Photography"

December, 2020

12/2/20.....Assigned Digital Competition

Topic #1: Hands
Topic #2: It's Just Tee Pee

12/9/20.....Event Night

"Mirrorless Cameras" presented by Hunt's Photo
plus vendors TBA

12/16/20.....General/Monochrome Digital Competition

January, 2021

1/6/21.....Assigned Digital Competition

Topic #1: Bubbles, Splashes and Drops
Topic #2: We All Stayed at Home

1/13/21.....General/Monochrome Digital Competition

1/20/21.....Event Night

Mark Bowie: "Envision: The Art of Seeing Creatively"

1/27/21.....Special Event Night

Lewis Katz: "From Capture to Print: The Art of Black & White Photography"

February, 2021

2/3/21.....Assigned Digital Competition

Topic #1: Things Broken
Topic #2: Juxtaposition

2/10/21.....General/Monochrome Digital Competition

2/17/21.....Event Night

Sarah Marino: "Creative Approaches to Photographing Plants and Flowers"

2/24/21.....Special Event Night

Nic Stover: "The Psychology of Photography"

March, 2021

3/3/21.....Assigned Digital Competition

Topic #1: Back to Basics
Topic #2: It's not Always What it Seems

3/10/21.....General/Monochrome Digital Competition

3/17/21.....Photo Essay Competition

Hosted by Dow Smith

3/31/21.....Special Event Night

David DesRochers: "Artist Earth"

April, 2021

4/7/21.....Assigned Digital Competition

Topic #1: Time of Year
Topic #2: Food Deep Dive

4/14/21.....General/Monochrome Digital Competition

4/21/21.....Event Night

Joe Cotroneo: "Macro Photography"

4/28/21.....Special Event Night

Essdras Suarez, "Mastering Street Photography"

May, 2021

5/5/21.....Assigned Digital of the Year

5/12/21.....General/Monochrome Digital Image of the Year

June 9, 2021.....Awards Banquet ???