

## APPENDIX B - PRODUCTION PHOTOGRAPHS

The following Memorandum of Understanding was signed by CAEA and ADC July 8 2010



### Memorandum of Understanding

The parties to this Memorandum of Understanding are Canadian Actors' Equity Association (CAEA) and the Associated Designers of Canada (ADC).

As both parties seek to enhance and promote theatre in Canada to the benefit of the art form and all artists involved, and as both parties respect the importance of documenting Canadian theatre, the purpose of this Memorandum of Understanding is to clarify the position of the parties with respect to the taking of and use of production photographs by members of ADC.

Canadian Actors' Equity Association is party to several agreements with associations of producing companies and/or individual producing companies. Those agreements (such as the ITA, opera and dance agreements) contain clauses which recognize the importance of photographs as a part of the activity of producing companies. Those articles are generally with respect to the taking and the use of Photographs by the Theatre and various conditions under which permissions are required of the performing artists and under which the performing artists may be compensated for the use of photos.

While those articles clarify many situations relating to use of photographs and indicate that the word "Artist" includes "other artists whose artistic contribution to the production is represented in the photograph", the articles do not clearly identify specific concerns of the Designers.

Therefore, the parties agree that, notwithstanding the terms of those articles, CAEA agrees that affected members may waive any applicable fees under the applicable agreement or policy, and Designers may independently arrange to have photos taken, or to use the Company's Production Photographs, for the purposes of recording and promoting their contribution to the production, under the following conditions relating to the publication of said photographs:

1. Photos may be used for promotion of the Designer through portfolio or website without permission of or payment to the Artists.
2. Photos may be used for academic purposes without permission of or payment to the Artists.
3. Photos may be used in publications and exhibits relating to the Designer or to Stage Design without permission of or payment to the Artists.

4. For photos relating to set, lighting and projection design and which are considered “full stage” images, there is no requirement to credit the artists appearing in the photo.
5. For “medium to close-up” photos (*primarily featuring costume designs*) in which five or fewer artists are featured, the Designer and/or Publisher and/or Curator will use best efforts to obtain permissions from the artists and to credit the artists adjacent to the photograph or in an accompanying appendix.
6. Permission of the artists, or those acting on the artists’ behalf, is required for any publication of photographs involving semi-nudity, nudity or children.

CAEA will distribute this information to its member performers through stage-managers and deputies. The ADC will distribute this information directly to all ADC members.