

PHOTOGRAPHY AND THE LAW CONTENTS 1.0 Introduction 2.0 Objectives 3.0 Main contents 3.1 Photography and Copyright Law 3.2 Photography and Obscenity 3.3 Photography and Seditious 3.4 Photography and Invasion of privacy 4.0 Conclusion 5.0 Summary 6.0 TUTOR-MARKED Assignments 7.0

References/Future Readings 1.0 Introduction Let us be reminded that photojournalism is the recording of events for the public through photography it therefore involves publication of news through photography. Just as we have laws and copyright issues in writing books, the film industry so also it is applicable to photography. The right of the original owner cannot be infringed upon in his or her work without taking the necessary permission before taking any action on the work. This and other issues will be dealt upon in this unit. 2.0 Objectives At the end of this unit, you should be able to: Understand the use of copyright in photojournalism • Know the laws that guide against the use of obscenity, seditious and • moral values. 3.0 Main contents 3.1 WHAT IS COPYRIGHT LAW IN PHOTOJOURNALISM? This is another law of Mass Communication that affects the job of a photojournalists. This Law gives the original owner of a photograph the right to control the use of his photograph by another person or group without his consent. The author of a negative owns the copyright as it reside in the work of a author such as a book, a photograph, a piece of music an art audio visual works sound recording and even commercials. If the photojournalist is employed by a newspaper or magazine house, the copyright here belongs to the newspaper or magazine house that employs him or her. It is also illegal to photograph certain secret places such as defense industry, airport building, and other high security zones. The essence of this restriction is to prevent the leaking of important security information to the enemies of a country or spies through such photographs. 82 According to Stella J.E (1997) ,Copy right was originally established by statute in England in 1556, , prior to the time the only protection that existed was under the common law. The law extended copy right protection from the former maximum of 56 years to the life of the author plus 50 years. For works made for hire and copyrighted by others as well as anonymous materials, the new term is 75 years from publication or 100 years from creation whichever is shorter. The copyright council of Nigeria 1988 Before the copyright council, Nigerian copyright laws were loose with minimal stipulated penalties which are now being replaced. The federal military Government then during the General Babangida administration in 1988 promulgated a decree known as decree 47 of 1988 which established the Nigerian Copyright Council, which would administer copyrights in Nigeria. The copyright body was inaugurated and consisted of members drawn from publishers, writers, lawyers, the academic community, National library etc 3.2 PHOTOGRAPHY AND OBSCENITY It is an offence to publish an obscene material. A material is obscene at common law in Nigeria, if it has a tendency to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of the sort may fall. Obscenity from another angle may be seen as a relative factor in the sense that what may be seen as terrible or taboo in a particular community may not be same in another community but there should be laws guiding against what should not be seen on the public for the sake of morality. At this point the photojournalist is left to use his or her professional training to decide and not get him or herself into trouble. However, pornographic magazines and films are highly questionable and this is the more reason why the legislature , police, army have tight security post that checks and control photojournalists on illegal photography escapades. 3.3 PHOTOGRAPHY AND SEDITION Seditious intention therefore means an intention to bring into hatred or contempt or to excite disaffection against the person of the Head of the Federal Military Government and intention to promote feelings of ill- will and hostility between different classes of population in

Nigeria. Any person who does or attempts to do an act with a seditious intention or who prints, publishes or reproduces any seditious publication is guilty of an offence. If a photojournalist takes a picture of the Head of State or a government official, which may in any way incite violent reactions against such a personality or lead chaos or revolt against the government, that photojournalist is guilty of a seditious offence.

3.4 INVASION OF PRIVACY

The Nigerian constitution seems to be a bit silent over invasion of privacy. The right of privacy of course is the right to be left alone and is a very serious legal inhibition on the photojournalist. The photojournalist has no business taking a photograph of a person in his swimming pool without his or her consent. This law protects the individual from being seen as societal form or frame. It protects the individual from having his photograph or his name published without his consent and so limits unauthorized publicity. In the work of Stella J.E(1997) analysis of four perspectives of invasion of privacy was discussed 1 intrusion 2 embarrassing private facts 3 misappropriation and 4 False lights As all these relate to other channels of information dissemination. Intrusion: no one has the right to intrude into someone's privacy. There are two common offences under intrusion A physical intrusion this means using a hidden electronic devices to get some facts about someone without his / her knowledge B The news published must show its newsworthiness. This is known as the consequence publication of news. Embarrassing private facts; there are certain things one may not want discussed in the public arena no matter how factual. Therefore individual have the right to keep this truth of facts as the case may be Misappropriation; one misappropriates when he uses something the exclusively belong to another person and as such deprives the original author of that work of his / her commercial property. False light: this is where the journalist presents a false picture of someone. This means giving a distorted picture or picture with exaggerated finishing of someone.

4.0 Conclusion

Like every other profession photojournalists require some guiding principles to check and balance their attitudes and attributes towards their career to maintain a good profession. In order to control and discharge duties with fairness and delinquency he / she should remember that their work is a mirror that nurtures and beef up public understanding of the environment and events in whatever presentation they have done. The story should be told exactly how it is.

5.0 Summary

Photojournalist might have suffered from neglect over years but that is not the end of the road from the profession and its practitioners. All the ethics entail the molding of discipline , self reliance and patriotism