

# Protecting Your Leased or Consigned Photographs

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*Article by: Carolyn Wright*

Photographers often lease artwork to businesses or sell photos on consignment. But if the business or gallery goes bankrupt, your photos may become part of the bankruptcy estate. The creditors of the business or gallery then may seize your work without further obligation to you.

Some states have enacted laws to protect photographers in these specific instances. For example, the Uniform Commercial Code ["UCC"] has been enacted in some form in every state. Check with your local attorney to determine whether your state has adopted the specific UCC provisions that will protect your consigned goods from being seized.

Other states have passed laws purposely to protect consigned goods. Many of them require the consignment agreement to be in writing. Following are some necessary and other helpful items to include in the agreement:

- who is responsible for damage to the photographs
- prices to charge for the photographs
- specific list and description of the photographs being consigned
- the gallery's fees and responsibilities
- the requirement that the gallery post a sign that the goods are consigned

It may also help to include a clause in the consignment contract that states: "If any lien, attachment or bankruptcy petition is placed against the Gallery, this Agreement shall terminate immediately and the Gallery will return all of the Photographer's works to the Photographer." If the gallery files bankruptcy or becomes insolvent, get a lawyer to help you protect your property.

Take my advice; get professional help.

PhotoAttorney

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Carolyn E. Wright, Esq., has a unique legal practice aimed squarely at the needs of photographers. A pro photographer herself, Carolyn has the credentials and the experience to protect photographers. She's represented clients in multimillion dollar litigations, but also has the desire to help new photographers just starting their careers. Carolyn graduated from Emory University School of Law with a Juris Doctor, and from Tennessee Tech Univ. with a Masters of Business Administration degree and a Bachelor of Science degree in music.

She wrote the book on photography law. "88 Secrets to the Law for Photographers," by Carolyn and well-known professional photographer, Scott Bourne, is scheduled for fall 2005 release by Olympic Mountain School Press. Carolyn also is a columnist for PhotoFocus Magazine.

Carolyn specializes in wildlife photography and her legal website is <http://www.photoattorney.com>