

miamiseXposé

A model release, known in similar contexts as a liability waiver, is a legal document typically signed by the subject of a photograph granting permission to publish the photograph in one form or another. The legal rights of the signatories in reference to the material is thereafter subject to the allowances and restrictions stated in the release, and also possibly in exchange for compensation paid to the photographed.

Publishing an identifiable photo of a person without a model release signed by that person can result in civil liability for whoever publishes the photograph.

Note that the photographer is typically not the publisher of the photograph, but sells the photograph to someone else to publish. Liability rests solely with the publisher, except under special conditions. It is typical for the photographer to obtain the model release because he is merely present at the time and can get it, but also because it gives him more opportunity to sell the photograph later to a party who wishes to publish it. Unless a photo is actually published, the need (or use) of a model release is undefined. And, since some forms of publication do not require a model release (e.g., news articles), the existence (or non-existence) of a release is irrelevant.

Note that the issue of model release forms and liability waivers is a legal area related to privacy and is separate from copyright. Also, the need for model releases pertains to public use of the photos: i.e., publishing them, commercially or not. The act of taking a photo of someone in a public setting without a model release, or of viewing or non-commercially showing such a photo in private, generally does not create legal exposure, at least in the United States.

For more information please visit
http://en.wikipedia.org/wiki/Model_release