

Is a Model Release Important?

Is a Signed Model Release Important?

By

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Some shortcuts may save you time with minimal risk, but skipping a model release form for your art is not one of those shortcuts. Several reasons reveal why signing a model release is important. And one of the most important may be the image you portray as an artist.

When does an artist need a model release? Essentially anytime you photograph or utilize a model in your art that might result in public viewing of your work. Model releases state that the model has agreed (or consented) to be photographed or used as the basis for your art, and that they understand that the art will be distributed for public viewing. This protects your role as an artist and acknowledges that the model consents to the modeling job being fully informed.

Suppose a model does not particularly like the pose or portrayal of oneself in the art? A model release allows your rights as an artist to be protected. The model still has the right to pursue a claim for violation of rights, but the release validates an agreement. This at a minimum can serve as a basis for compensation if your work cannot be shown.

Key words in the agreement should include the intent to publish, share, distribute, and display your art that contains or uses the model as a subject or a visual inspiration. Nude model releases are even more important to obtain

because privacy rights have a greater risk of being violated without consent. Verbal agreements do not hold up in a courtroom because it is impossible to demonstrate the consent was truly informed.

In cases that have been brought to trial (and there have been many), the issue that is always at the heart of the matter is a violation of privacy rights. Models have rights to the privacy of their body and person, and unless they waive these rights, using them as art models will always put you in a position of risk. If a model chooses to file suit when a release was absent, it is likely you will be digging into your pockets to compensate for rights infringement.

Most galleries require model releases even to show a work that displays a model. Galleries have greater liability, and therefore, they take no chances even though the piece is your art. If they display an art piece that identifies a model, galleries want to ensure informed consent of the model to protect their risk.

Age is another facet that must be clearly defined. In the U.S., a model can only sign a release if they are 18 years of age or older. If there is any question about their age, or if they are posing nude, obtain two forms of identification verifying their age. If the model is under 18 years of age, then their parent or legal guardian is the only person that can sign a model release. This is a very important point as using minors without proper consent can be a serious violation exposing you to bigger problems.

Lastly, a good reason to obtain a model release is simply to portray yourself as a professional artist. Models are accustomed to release forms, and

honestly they should expect them. By not asking for a release, it will reflect a lack of thoroughness and dedication to your art. The model, as well as others, may get the impression you are not as serious about your work as you should be.

Whether a model is being paid for their time, or whether you are trading services, model releases are a definite requirement. Take the time to find a good release form to use consistently, and keep a file of signed releases and age verification documents stored away for reference. This is the only way to protect your rights as well as the rights of your models.