Doubting Thomas: The Testaments

2014

Ivan Riascos

University of Central Florida

Find similar works at: https://stars.library.ucf.edu/etd

University of Central Florida Libraries http://library.ucf.edu

STARS Citation

https://stars.library.ucf.edu/etd/4499

This Masters Thesis (Open Access) is brought to you for free and open access by STARS. It has been accepted for inclusion in Electronic Theses and Dissertations by an authorized administrator of STARS. For more information, please contact lee.dotson@ucf.edu.
Doubting Thomas: The Testaments

by

Ivan Riascos
B.F.A the School of the Art Institute of Chicago, 2008

A thesis submitted in partial fulfillment of the requirements for the degree of Master of Fine Arts in the School of Visual Arts and Design in the College of Arts and Humanities at the University of Central Florida
Orlando, Florida

Spring Term
2014
ABSTRACT

This paper will discuss the creation of my artwork, which has been inspired by my experiences and understandings of Catholicism and its icons. I will consider how iconography works in art, its influence, and how and why I have created this artwork dealing with my beliefs. I will also refer to the works of contemporary artists Duane Michals and Michael Wesely to help explain my exhibition, which I have titled “Doubting Thomas: The Testaments.”
ACKNOWLEDGMENTS

I would like to thank Keith Kovach, Theo Lotz, Mark Price, and Wanda Raimundi-Ortiz for their assistance and guidance in my evolving as an artist. I am dedicating my thesis to my mother, Elvia Riascos for giving me a compass in life.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>LIST OF FIGURES</td>
<td>vi</td>
</tr>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>UNDERSTANDING AND DOUBTS</td>
<td>2</td>
</tr>
<tr>
<td>CREATING</td>
<td>8</td>
</tr>
<tr>
<td>THE EXPERIENCE</td>
<td>18</td>
</tr>
<tr>
<td>CONCLUSION</td>
<td>22</td>
</tr>
<tr>
<td>APPENDIX A: ARS PERMISSION LETTER</td>
<td>23</td>
</tr>
<tr>
<td>APPENDIX B: ART RESOURCE PERMISSION LETTER</td>
<td>25</td>
</tr>
<tr>
<td>REFERENCE</td>
<td>29</td>
</tr>
</tbody>
</table>
LIST OF FIGURES

Figure 1 Francesco Solimena, Saint Michael the Archangel Bring Down Lucifer, c. 1657-1747............ 4
Figure 2 The Dutch School, The Collapse of the Tower of Babel, c. 17th century ................................ 5
Figure 3 Rembrandt Harmensz van Rijn, The Hundred Guilder Print, c.1649 ................................. 7
Figure 4 Ivan Riascos, Bendecido (Blessed), 2014............................................................................. 9
Figure 5 Ivan Riascos, El Frutos de Nuestro… (Fruits of Our…), 2014 .............................................. 10
Figure 6 Ivan Riascos, En El Nombre de…(In Thy Name of…), 2014.................................................. 14
Figure 7 Ivan Riascos, Noche de Paz (Silent Night), 2014................................................................ 14
Figure 8 Ivan Riascos, Cuarenta (Forty), 2014................................................................................. 15
Figure 9 Ivan Riascos, Tercer Dia (Third Day), 2014........................................................................ 16
Figure 10 Michael Wesely, 29.7.1996-29.7.1997, Office of Helmut Friedel, 1997......................... 17
Figure 11 Ivan Riascos, Zarza Ardiente (Burning Bush), 2014......................................................... 19
Figure 12 Ivan Riascos, El Vitral de Pedro (Peter’s Stained Glass Window), 2014............................ 20
INTRODUCTION

Having been raised in a religious household I witnessed my mother’s unwavering belief in and devotion to Catholicism, despite highly publicized reports of pedophilia, and corruption within the institution. When I was a child I did not question going to Mass or the Church’s teachings, but as I got older, those teachings began to conflict with what I was witnessing in the world. Also, I often felt disconnected from the religious imagery I was exposed to, because I was taught that the images were actual representations of what had happened according to the scriptures. Instead, that imagery came from the imagination of an artist and his view of the world, or from his interpretation of the scriptures of the Bible, which did not relate to my views or offer substantial proof.

For my thesis show I have created two bodies of work that explore my experiences and understanding of Christianity. First is the use photography to create my understanding of the biblical stories that my mother and I often discussed. The second are sculptures referencing a specific experience that I believe was directed, perhaps from God, towards only me. That experience raised the question, “Is God communicating with me”? For the installation, I created an object similar to the one that I encountered during the event to recapture the spiritual effect it had on me.

This paper will discuss how and why I created the photographs from the first part of my exhibition and the sculptural installation for this exhibition, which I have titled “Doubting Thomas: The Testaments.”
UNDERSTANDING AND DOUBTS

In this chapter I will provide a brief history of Catholic iconography and of my formerly incomplete understanding of it to justify my thesis.

The origins of iconography are hard to determine, because many cultures have been shown to “write with images.” Iconography is a term used in anthropological studies and art studies. *Iconography* is also a general term applicable—generically—to the West and the East, as well as to their respective religious sub-genres, such as Christian, Orthodox, and Buddhist. Each branch has specific criteria, such as its location, culture, beliefs, and a system of symbols that have been established through historical studies.

In the Oxford Dictionary of Art the word icon is defined as:

An image of a saint or other holy personage, particularly when the image is regarded by the devotee as sacred in itself and capable of facilitating contact between him or her and the personage portrayed. The term, which derives from the Greek word eikōn, meaning ‘likeness’, has been applied particularly to sacred images of the Byzantine Church and the Orthodox Churches of Russia and Greece (The Oxford Dictionary of Art).

Because several meanings and histories of icons exist I do not intend to write broadly about the subject. Instead I primarily discuss Catholic iconography I was exposed to and its relevance to my artwork.

While growing up I encountered religious iconography inside churches and in an illustrated Bible. I accepted their truths as literal. Two paintings that affected me were *Saint Michael the Archangel Michael Bringing Down Lucifer* by Francesco Solimena, and *The*
Collapse of the Tower of Babel by the Dutch School (Figs. 1, 2). Solimena’s painting depicted a winged creature banishing the angel who was to become Satan. But I began to wonder, if Michael had the opportunity to defeat Lucifer once and for all, why did he not do so? Michael would have eliminated evil in the world. I believed that evil arose from Satan’s desire to lead us away from God. Where did a world of winged, and powerful creatures come from? How did they relate to me? Would they rule over me if I reached heaven? How does someone become an angel? It did scare me into not wanting to be a sinner and end up in hell. I was less inquisitive about The Collapse of the Tower of Babel because its message was clear and it was such a powerful image that I did not question its validity. In the story of the tower of Babel, God was angered that humans believed they could reach heaven on their own. God destroyed the tower and created different languages so humans could not complete the construction of the tower. I reacted equally strongly to images that depicted the scriptures in which God punished humans for not obeying him, especially from the Old Testament, such as; The Destruction of Sodom by Jean Baptiste Corot, The Evening of the Deluge by John Martin, The Plague of Asdod by Nicolas Poussin, etc. These images blurred truth and fiction and confused me as a child. Images created by these artists matched my understanding of particular scriptures. I was taught, “you do not question the word of God,” which meant the Bible is the truth. At the same time I was being taught in school the theory of Evolution and other scientific theories. Why did men attempt to give us a metaphorical understanding of the world at a time when it was not possible to explain the phenomena referenced in these stories? This conflict weakened my trust in biblical scriptures as tools for resolving my daily moral dilemmas.
Figure 1 Francesco Solimena, *Saint Michael the Archangel Bring Down Lucifer*, c. 1657-1747
Source: Scala/Art Resource, NY © 2014
When author Albert Moore discusses Rembrandt Harmensz van Rijn’s, *The Hundred Guilder Print*, he suggests that an icon is a ‘likeness,’ and that the reality it seeks to embody is actually present (Fig. 3). Thus Rembrandt’s etching shows us that Jesus was a person 2000 years ago who preached and healed the sick. The picture purports to provide us his likeness despite the fact that neither Rembrandt nor anyone else could be sure of what Jesus looked like. At the same time we are drawn into the picture as a depiction of the present, for it represents (makes present again) to our mind’s eye Jesus meeting a group of people who would have seen him. The
“reality” of the image has simply been taken from its original time and place – or at least from Rembrandt’s – and made available to us (Moore 30).

Over the years as an artist I’ve learned that the purpose (or effect) of art is to illustrate the artist’s intentions as well as the culture and time period that the artist lived in. “Art is sometimes classified by anthropologists as cultural tradition and as communication-to convey ideas and emotions by means of conventions and formal symbols and to reinforce beliefs, customs and values” (Moore 33).

After reading Albert Moore’s ideas, I understood my feeling of separation from the religious imagery I had grown up with. These images from the past did not relate and coincide with my understanding of the world. This alienation became a primary motivation for the creation of this body of work.

Three main things that I was taught about faith were: (1.) one does not question it, because God works in mysterious ways; (2.) God’s intentions for us are incomprehensible to us, and (3.) one can witness God’s hand in the everyday if one pays attention. The ideas correspond to “blind faith,” which I had difficulty with, but the third idea was also a motivation for my thesis project, which meant if I witness God’s hand at work or its results, I can photograph it.
Figure 3 Rembrandt Harmensz van Rijn, *The Hundred Guilder Print*, c.1649
Source: Art Resource, NY © 2014 The Metropolitan Museum of Art
CREATING

I use photography in this project to establish a tangible connection to my corporeal existence. My problem with paintings and drawings is that they are not realistic, by which I mean they do not represent something I have personally witnessed, touched, or captured, which a camera has the ability to document. Yes, a photograph “can lie” with the use of darkroom and Photoshop techniques, but photography still has the power to make the viewer question reality in a way that no other visual mediums can, except for video. Another aspect about photography that made it viable for my intentions is that I was interpreting my beliefs, after all “interpretive photographs make no claims to truth or that they do not have truth value. Fiction can offer truths about the world” (Barrett 78).

For the past several years I have two criteria for taking photographs that invoke my spiritual side and seem to reflect a biblical scripture, namely that: (1.) I must shoot instinctively, and (2.) I must only use found scenery. The reason for this is because I am approaching my subject matter as a documentarian, capturing God’s hand at work. My photographs of the soap, which is part of the triptych En El Nombre de…(In Thy Name of…), and Blessed (Bendecido), were the only exceptions to these criteria (Figs. 4, 6).

I understand that the images are open to interpretation, but I needed to keep the images consistent in reflecting my understanding of the scriptures. I titled the work to inform the viewer of my intentions. One example is in the triptych, El Frutos de Nuestro… (The Fruits of Our…), in which I leave the title vague enough for the viewer to complete the title with such words as: labor, love, loins, the Holy Spirit, etc. (Fig. 5). The three images in the triptych address the
elements of the Adam and Eve story that most strongly resonate with me. It is most significant that Eve was created from Adam’s rib, that the pair lived in Paradise, and that we are their descendants. I envisioned the story of Adam and Eve in the Garden of Eden in a contemporary setting, and I used imagery arising from my interpretation of the scripture. The first photo documents the bruised ribcage of my friend, whose name is Adam. The second photo employs an idealized setting to represent Paradise, which is inhabited by a couple scanning the landscape. The third image contains a pole with nametags. All three images direct the viewer to provide the titles based on their own interpretations.

Figure 4 Ivan Riascos, *Bendecido (Blessed)*, 2014

An artist, who works with the theme of religion, using primarily the medium of photography, is Duane Michals. He was raised Catholic, as was I, and has made photographs that dealt with his struggles and understanding of religion. “Michals used three to fifteen shots
to compose picture stories which, however, were not usually complete narrations, but mysterious events meant to raise questions and to entice the viewer into further contemplation” (Bieger-Thielemann 433). In the piece titled *Paradise Regained*, Duane Michals made a series of six images that show one male and one female in their apartment, and as the series progresses the two slowly lose their clothing as the apartment becomes more like a garden. The sequence of the photographs suggests that we should consider letting go of our worldly possessions, to regain the paradise we have lost. Unlike his suggestions, my version is a re-visioning of the story of Adam and Eve of the parts that made me question its validity.

![Image](image.png)

**Figure 5** Ivan Riascos, *El Frutos de Nuestro... (Fruits of Our...)*, 2014

My use of personal imagery was vital to ending the religious confusion that I had experienced, because it required me to engage my notions of my culture, my race, my beliefs, and the time period that I live in. Although many of the images are serious, such as *El Frutos de Nuestro...*, others allow me to poke fun at myself. *En El Nombre de...*(In Thy Name of...) is an example of the latter (Fig. 6). As a child I had difficulty grasping the concept of the Holy Trinity
for two reasons: (1.) the Holy Trinity consists of three beings, namely the Father, the Son, and
the Holy Spirit, though it is regarded as a single entity, and (2.) the distinction between the two
Fathers of Jesus Christ. How can Jesus have two fathers? I had always incorrectly assumed that
Joseph is the father of Jesus. Joseph was the father of Jesus only on earth, and is not the
Almighty Father. I incorporate my own symbolism to artistically share my confusion. I
photographed a clipboard that had the name, Jose, written in graffiti style – as if my discovery of
the name itself were a miracle. José is the Spanish language equivalent for Joseph, which is
significant because Spanish is my first language. The Holy Spirit is often symbolized as a white
dove, which – also by coincidence – is the trademark of my mother’s favorite brand of soap. The
triptych uses cryptic symbolism to embody the things that define me: family, language, and
beliefs.

Christmas contributed to my confusion about what to believe. Under my Christmas tree
the presents were labeled from “Niño (Baby) Jesus,” and not Santa Claus. At home I was being
exposed to one ideology, and at school, another. In the triptych, Noche de Paz (Silent Night), I
address this apparent contradiction (Fig. 7). The first image is that of a family of snow people,
the second is a fence, but in the distance are Christmas lights forming a star with the moon in
view. The final image is a Nativity scene. I illustrate the cultural dichotomy juxtaposing
Christian and secular North American icons, the family of Jesus beside the snow family. My
comparison is obvious, but I do not indicate which, if either, iconography better represents
Christmas.

The images titled Cuarenta (Forty) and Tercer Dia (Third Day) satisfied the two criteria
mentioned in this paper, and they were the only two taken with a pinhole camera (Figs. 8, 9).
The 4” X 5” Leonard pinhole camera that I used lacks a viewfinder, which forced me to guess at the pictures’ composition. Another procedural element that I left to fate in these two images was their long exposure times.

The idea for Cuarenta was to make a symbolic 40-day exposure of my bedroom to reference Lent, which commemorates the forty days Jesus spent in the wilderness. Catholics fast and sacrifice a token during this period. I decided to photograph my bedroom, because the camera needed a secure and steady location to record me, the subject, during the exposure.

Cuarenta and Tercer Dia were influenced by the works of photographer Michael Wesely, who uses long time exposures of days to years. I employed Michael Wesely’s formula, in which he places heavy density filters over the pinhole so as not to expose the film too quickly during long exposures. I attempted to develop an image on film, but failed. The reason for the failure was that I used too many red filters to cover the pinhole. In my final attempt I exposed the film during the 40 days of Lent without filters. The result is a wide-angled image of my bedroom, with certain objects appearing as ghostly material, and in others a bright white light. Wesely stated, “The framework is an architectural view, but it’s only the frame. Time itself is the subject, manifesting itself in many details. The details are the essential things that tell the story, and for that reason it is important to look closely” (Meister 13). Time is the main concept in both of my images. During the forty days the shutter was open it recorded me sleeping, getting dressed, having sex, having conversations, making decisions, making sacrifices, etc. It became a photo diary of my life. Wesely is more interested in documenting the activities around him, instead of documenting himself. In his early work he experimented with long exposures at train stations across Europe, by positioning his camera on the platforms of trains heading to Munich.
He would then expose the film for the duration of a trip, starting with the train’s departure until it reached Munich, his birthplace. His first successful one yearlong exposure made was titled 29.7.1996-29.7.1997, Office of Helmut Friedel (Fig. 10). Wesely concluded that if he could make a yearlong exposure, why not undertake a two or three-year exposure, which he then embarked on.

My work and Michael Wesely’s employ long exposures and share a concept of time, although our subject differs. Instead of documenting the activity of the world myself, as Michael Wesely does, I choose to document my own bedroom, a private space that only a few people see.

Cuarenta and Tercer Dia also differ from the other photographs in that I did not know what would be captured on film; I was working with faith in hopes that a wonderful image would be the result, distinguishing it from the other images, which imply how I view the scriptures. If I were to try and retake these images their results would be different.
Figure 6 Ivan Riascos, *En El Nombre de...*(In Thy Name of...), 2014

Figure 7 Ivan Riascos, *Noche de Paz (Silent Night)*, 2014
Figure 8 Ivan Riascos, *Cuarenta (Forty)*, 2014
Figure 9 Ivan Riascos, *Tercer Dia (Third Day)*, 2014
Figure 10 Michael Wesely, 29.7.1996-29.7.1997, *Office of Helmut Friedel*, 1997
Source: Artists Rights Society (ARS), New York / VG Bild-Kunst, Bonn © 2014
THE EXPERIENCE

The second body of work for my thesis exhibition celebrates a real life experience that seemed to pose the question, “Is God speaking to me?”

The experience in question happened about two years ago, when a blue notebook appeared on top of an electrical transformer in my neighborhood. After several days of noticing the book go unmoved, my curiosity finally won and I opened the book. I was amazed to find pages filled with color slides, with images touching on religious themes of astronomy, idolatry, creationism, morality, natural disasters, paganism, history, and religious iconography. The slides may have been used as part of a sermon, because each page was labeled by subject matter and with a brief description in Spanish. I began to wonder, “Is this experience directed only at me?” I thought this because I found this notebook two houses down from my address, and because I collect things related to photography. Furthermore, the writing throughout the notebook was in Spanish, and the majority of the enclosed images related to religion in some form. In the past people who claim to have communicated with God typically describe their experiences as voices in their heads, some type of apparition, or something that they alone understand. My own, strange experience could be characterized in those terms.

The sculptures Zarza Ardiente (Burning Bush), and El Vitral de Pedro (Peter’s Stained Glass Window) are inspired by this experience (Figs. 11, 12). I began to relate my experience to Moses and the Burning Bush because both of us interacted with an inanimate object that was the vehicle for communication with a higher power. I do believe my unusual experience was addressed to me, and it became my responsibility to create artwork to share with people.
Figure 11 Ivan Riascos, *Zarza Ardiente (Burning Bush)*, 2014.
My intentions with Zarza Ardiente was to recreate a life-size, common electrical transformer that is found in the suburbs, but at the same time is an object that does not seem part of this world, to evoke a spiritual feeling, since I wanted it to coincide with my experience, and to be more spiritual than religious. With the slides my intention was to create a vehicle that had a double function. I wanted to simulate a stained glass window, because as a child I would sit in
church looking at the beautiful colors emanating from the glass and their distorting effect upon the landscape on the other side while I wondered what was transpiring in the world. The other function was a light box, because I wanted to emulate daylight and a light box is a tool that photographers use to view slides.

Each slide depicts an issue that troubles the world and is still connected to everyday life, but that offers no resolutions or explanations. I titled the piece *El Vitral de Pedro*, because Saint Peter is the founding father of the Catholic Church. I wondered if St. Peter could look at this window, how would he interpret these slides? Is the subject matter of the slides a consequence of him having created God’s church? Would St. Peter be happy, angry, or sad? My intentions for the window were to display the slides in a grid, so that those who view it can face, as I did, the dilemma of deciphering its message.
CONCLUSION

My spirituality developed from my experiences in Catholicism as well as nature, society, relationships, and family. Also, by visiting museums, exhibitions and galleries, I have found ways to further reflect upon the world’s current situation. Simply going to Mass and hearing the sermon of the week no longer mediate my view of the world.

I have learned that my artwork is working like the religious imagery that I had a hard time connecting with in the beginning, in such way that the photographs and the sculptures demonstrate my understanding of the scriptures, my faith, my culture, my time period, and my wanting to share a spiritual experience.

This self-exploration shows my struggles with my faith, whether I make light of it or at the same time hold it in high regards. I believe in a higher power, but to say that it is definitely God, Allah, or Buddha, I cannot decide. I struggle with the need to give it a face or a body, something that I can identify, something tangible and thus similar to the doubt that Thomas had.
Dear Ivan,

Permission is hereby granted for this use of Michael Wesely's 29 July 1996 - 29 July 1997, Office of Helmut Friedel, in the thesis “Doubting Thomas”. No rights fees shall be attendant to this usage due to the small print run and educational nature of the publication. Please note, however, in the event that any additional uses of the Michael Wesely work are planned (such as any web use, any cover use, any reproductions in excess of the requested one (1) print run, etc...), additional permission must be obtained in advance from ARS.

Also please include the following copyright credit line:

© 2014 Artists Rights Society (ARS), New York / VG Bild-Kunst, Bonn

This authorization includes the non-exclusive worldwide right to reproduce the work(s) in the context of the publication in print and electronic editions and through the following third-party services: EBSCOhost, JSTOR, Project MUSE. Any use outside of what is specified above will require additional permission and may require fees.

Any other uses (including, but not limited to advertisements, web display, brochures, etc) are subject to the review and approval of ARS and may be subject to licensing fees.

Please note: One gratis copy of the publication is required by ARS. Please send the gratis copy as well as copy of this letter of permissions to my attention at the address listed below.

If you have any further questions, feel free to contact me.

Best,

Hannah Rhadigan
Permissions Assistant

Artists Rights Society, 536 Broadway, Fifth Floor, New York, NY 10012
Tel. 212.420.9160 Fax. 212.420.9286
Images from over 6,000 museums worldwide.

**INVOICE**

INA0597033

516 Broadway • 5th fl. (at Spring St.) • New York, NY 10012
Tel. (212) 561-4700 • Fax (212) 562-2053
Web Site: www.artres.com • Email: requests@artres.com
Federal ID: 13-2649041

To: University of Central Florida
   Ivan Riascos
   900 Suwannee Drive
   Apopka, Florida 32703
   Tel. 4077721261

Date: 02/25/2014
Due Date: 04/24/2014
Currency: USD Rate: 1

One-time, non-exclusive English language rights for the use of the images listed below in Ivan Riascos’ Doctoral Dissertation for up to twenty print copies and electronic distribution via ProQuest Dissertations & Theses (PQDT) database.

PLEASE NOTE: Any image from THE METROPOLITAN MUSEUM OF ART must be reproduced in its entirety, not cropped, overprinted or otherwise manipulated. If any of the above is necessary, please contact the Art Resource Permissions Department, for approval BEFORE item is published. The documentation as given below MUST accompany the work of art.

Reference: Doubting Thomas: The Testaments (Thesis)

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Quant.</th>
<th>Unit Cost</th>
<th>Discount/</th>
<th>Total Net</th>
<th>Tax Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ART06922 dissertation use</td>
<td>1</td>
<td>30.00</td>
<td>0.00</td>
<td>30.00</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>ART79060 dissertation use</td>
<td>1</td>
<td>30.00</td>
<td>0.00</td>
<td>30.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dutch School: The Collapse of the Tower of Babel. 13x18 inches. Museo Stibbert, Florence, Italy. Photo Credit: Scala / Art Resource, NY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

No Rights of Reproduction shall pass unless fees are paid.
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Quant.</th>
<th>Unit Cost</th>
<th>Discount/</th>
<th>Total Net</th>
<th>Tax Rate</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Total Net</th>
<th>Tax</th>
<th>Total to pay</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>90.00</td>
<td>0</td>
<td>USD 90.00</td>
</tr>
</tbody>
</table>

No Rights of Reproduction shall pass unless fees are paid.
Terms and Conditions as to Delivery and Reproduction of Art Resource Digital and Analog Images

A. Submission Terms:
1. Photographs and digital files may not be used in any way including layouts, sketches, or prototypes until submission of an Art Resource invoice indicating recipient’s right to use same.

2. Retention of Photographs, Transparencies, or Digital Files:
a. Photographs, or transparencies (hereafter “Photographs”) may be held for thirty (30) days from invoice date. If not released within a longer period is requested and granted by Art Resource. A holding fee of five dollars ($5.00) per week color transparency and one dollar ($1.00) per week black and white print will be charged after such thirty (30) day period, up to the time of return.
b. Digital files may be retained for sixty (60) days or until the date indicated on the invoice. Unless this period is extended in writing, recipient must delete the digital files from all electronic and removable media and destroy any other copy of the digital file, except as licensed under this agreement. Art Resource’s copyright information and image identification number must be kept with the digital files while recipient retains them.
c. Recipient is responsible for loss or damage to the Photographs delivered to it. Upon return of the Photographs to Art Resource, and shall indemnify Art Resource against any loss or damage to Photographs in transit or while in the possession of recipient. This agreement is not considered a bailment and is specifically conditioned upon the item so delivered being returned to Art Resource in the same condition as delivered.
d. Prohibition of Photographs and/or digital files is not permitted. Recipient assumes an insurer’s liability for the safe and undamaged return of the Photographs to Art Resource.

e. The monetary damages for loss or damage of an original Photograph shall be determined by the values of the individual Photograph. Recipient agrees, however, that the reasonable minimum value of such a lost or damaged color Photograph shall be no less than one thousand dollars ($1,000.00) and, for a color Photograph for which a replacement is available, will be valued at a reasonable minimum value of a lost or damaged duplicate color Photograph.

f. Photographs and/or digital files containing original work shall be returned to Art Resource within ninety (90) days after the completion of the work. A service charge of two percent (2%) per month on any unpaid balance will be charged. Any claims for adjustment or rejection of the Photographs must be made to Art Resource within ten (10) days after receipt of invoice.

3. Payment to recipient is to be net thirty (30) days and must not be postponed until the completion of the work. A service charge of two percent (2%) per month on any unpaid balance will be charged. Any claims for adjustment or rejection of the Photographs must be made to Art Resource within ten (10) days after receipt of invoice.

4. Photographs licensed for reproduction are to be returned within four (4) months after date of invoice. Recipient agrees to pay as reasonable charges, the sum of five dollars ($5.00) per week color Photograph and one dollar ($1.00) per week black and white Photograph for material held beyond this time.

B. Protection of Photographs and Digital Files

6. Photographs and/or digital files remain the property of Art Resource.

7. Time is of the essence in the performance of recipient’s obligations for payments and return of Photographs and/or digital files hereunder. No rights are granted until payment in full is made to Art Resource. Failure of recipient to notify Art Resource of use of Art Resource Photographs and/or digital files, including, without limitation, any electronic reproduction or preparational rights, and will not make, authorize or permit any use of the Photographs and/or digital files made therefrom other than as specified herein. Full credit and copyright information included with the Photographs and/or digital files must remain with the Photographs and/or digital files.

8. Payment herein is to be net thirty (30) days and must not be postponed until the completion of the work. A service charge of two percent (2%) per month on any unpaid balance will be charged. Any claims for adjustment or rejection of the Photographs must be made to Art Resource within ten (10) days after receipt of invoice.

In the event that recipient uses any Photograph and/or digital file in a publication, recipient shall provide Art Resource with two (2) gratis copies of such publication upon printing.

9. Photographs and/or digital files must bear a credit line as indicated by Art Resource. Failure to credit Art Resource shall invoke a minimum thirty-three and one-third percent (33 1/3%) surcharge.

10. All rights not specifically granted herein to recipient are reserved for Art Resource’s use and disposition without any limitations whatsoever.

11. Recipient agrees that the above terms are made pursuant to Article 2 of the Uniform Commercial Code and are to be bound by same.

C. Restrictions As To Use of Photographs and Digital Files

12. Recipient agrees not to sell, sublicense, re-license, rent, or lease any Photographs and/or digital files, or any material derived from the Photographs and/or digital files, either in whole or in part, or to otherwise utilize any advertising or commercial use of the Photographs and/or digital files, or any material derived from the Photographs and/or digital files, except as expressly agreed in writing by Art Resource. Without limiting the foregoing, recipient agrees that it will not: (a) archive, reproduce or transmit any of the Photographs and/or digital files by any method without Art Resource’s prior written consent, (b) copy or publish any of the Photographs and/or digital files to a network or bulletin board, or otherwise distribute or allow any of the Photographs and/or digital files to be distributed to or by anyone other than as permitted hereunder, without the prior written consent of Art Resource; (c) use the Photographs and/or digital files to promote a business that sells or licenses Photographs and/or digital files, or otherwise competes with Art Resource in any manner; and (d) use the Photographs and/or digital files in any manner that would discredit or disparage Art Resource or the owner of the Photographs and/or digital files.

D. Indemnity

13. Recipient agrees to indemnify and hold Art Resource, and the owner of the Photographs and/or digital files, harmless from any and all claims, liabilities, damages, costs and expenses, including reasonable attorney’s fees, arising from recipient’s use of a Photograph and/or digital file in any breach of this agreement. Any additional rights, consents or permissions as may be required must be cleared by the recipient.

E. Limitation of Liability

14. UNDER NO CIRCUMSTANCES WILL ART RESOURCE OR THE OWNER OF THE PHOTOGRAPHS AND/OR DIGITAL FILES BE LIABLE FOR ANY DIRECT, INCIDENTAL, CONSEQUENTIAL, INDIRECT OR PUNITIVE DAMAGES FROM RECIPIENT’S ACCESS OR USE OF THE PHOTOGRAPHS AND/OR DIGITAL FILES. IN EVENT THE LIMIT OF LIABILITY OF THE PHOTOGRAPHS AND/OR DIGITAL FILES SHALL BE THE FEE PAID BY RECIPIENT FOR USE OF THE PHOTOGRAPHS AND/OR DIGITAL FILES.

F. Dispute or Claims Arising Out of Submission and/or Use

15. Any and all disputes arising out of, under or in connection with this agreement, including, without limitation, the validity, interpretation, performance and breach hereof, shall be settled by arbitration in New York City, New York, pursuant to the rules of the American Arbitration Association. Judgment upon the award rendered may be entered in any court having jurisdiction. This agreement, its validity and effect, shall be interpreted under and governed by the laws of the State of New York. If recipient is an agent or an employee of a non-U.S. company that operates in a place of business in the United States or its territories or in Canada, recipient expressly agrees that any dispute regarding this agreement shall be adjudicated within the United States in the manner described here.

16. If Art Resource is caused to present claims or suit as a result of any breach of the above terms set forth, it shall be made whole for such reasonable legal fees or costs by recipient.

G. Miscellaneous

17. This agreement is not assignable or transferable by recipient.

18. These terms and conditions contain the entire agreement between Art Resource and recipient concerning the transmission, delivery, review, and reproduction of Photographs and/or digital files, and no term or condition may be added or deleted unless made in writing by Art Resource. Recipient further agrees to indemnify Art Resource and any company on whose behalf it is receiving the Photographs and/or digital files. This agreement and the terms of any subsequent invoice supersede any and all terms of any purchase order submitted by recipient.
REFERENCE


