THE UK government has published its 171-page consultation on plans to change copyright law – dubbed “Consultageddon” by the Creators’ Rights Alliance – and the deadline for responses is 21 March. It outlines plans to implement all of last year’s Hargreaves review recommendations – so it’s effectively a powerful attack on the rights of creators (us).

One late addition is the alarming proposal for an “exception to copyright” to allow educational institutions to use parts of works without permission or payment. The proposal would deprive the authors of books, and other works used in schools and colleges, of an important source of income through collecting societies. The Authors’ Licensing and Collecting Society is collecting evidence of the effect this would have – see www.alcs.co.uk and see author Philip Pullman’s denunciation at pullman.notlong.com.

Another proposal which is likely against European Union law is finally to legitimise the “private copying” of works – but with the mandated “fair compensation” to “authors” (including photographers) set to zero.

There are plans to set up schemes to license use of “orphan works” (those whose creators cannot be identified) and for “extended collective licensing” (ECL) that would allow organisations such as the BBC to write one cheque to each collecting society for permission to use, for example, works in its archive – without inquiring who held rights in them. Neither of these is acceptable without also amending laws to give all creators the right (currently denied to journalists, including photographers) to be identified and to defend the integrity of their work. Both are tied to government regulation of collecting societies. We will support the suggestion from officials that if ECL is to happen, a collecting society should need a vote of its members to approve each scheme.

Then there are the frankly sarcastic proposals – such as an exception allowing use in parodies (apparently requiring legislation legally to define what is “funny”).

The NUJ will be responding in the strongest possible terms and activists are booked up solidly with meetings with government officials for the foreseeable future.

© Mike Holderness

• Go to www.londonfreelance.org/fl/1002copy.html for details of the proposals – and explanation of some scary things they would not do.

Sponsored court reporters and other business models

A LOCAL news cooperative in Port Talbot, run by a board of seven journalists who met via the NUJ, continues to provide news coverage after the Port Talbot Guardian, the community radio station and the local council freesheet all closed down. Port Talbot Magnet (www.lnpt.org) carries news sourced by professional journalists, volunteers (some of them cooperative members) and members of the community who send in copy such as match reports.

Over three years Magnet has attracted £50,000 in funding. It has a “Pitch-In!” scheme that solicits story ideas and funding. Magnet’s Rachel Howells says Pitch-In has brought “new members, donations, advertising, a free office, and has paid for our public liability insurance”, which covers coop member volunteers.

The “Pitch-In!” scheme brings home the fact that if you want quality news coverage, it’s going to cost you. Its “Sponsor a court reporter for a day” section reminds readers that the now-vanishing practice of “reporting from an ongoing court case is a highly specialised job that requires training and experience... which will cost £150 a day.”

As we go to press Magnet’s commercial arm, which has sold stuff to Sky News, is putting their “first toe in the water of print” – as a media partner on one-off newspaper produced by a major cultural organisation. Cash from the project goes into paid Magnet reporting. The project is provisional on Magnet’s advertising sales people (they’re paid commission) selling advertising on it.

Meanwhile Magnet journalists are busy enough to turn away paid work, which they’re passing on. Rachel told us “we’re becoming more of an agency for members.”

Magnet’s 2010 market research revealed 63 per cent of people surveyed were willing to pay for local news, and a quarter of respondents “had never used the internet,” a phenomenon based on “socio-economic” background “rather than age”, says Rachel. Her day job writing a funded PhD – on the “democratic deficit” caused by the decline of local media – and her work with Magnet “feed into each other”.

A pdf Magnet is planned, possibly a print-on-demand version, with readers paying a local print shop (but not Magnet) for a print-out. They’re talking with Ofcom and innovation investors NESTA about this and other “hyper-local” initiatives.

The imaginative business models will be the focus of a London Freelance Branch conference later this year, working title “New Ways To Make Journalism Pay: 2”. See www.londonfreelance.org/fl/1002ways.html for its successful 2010 precursor.

© Matt Salusbury
The Trireme Award

This month’s Trireme Award for “the worst terms since I was last chained to the oars” goes to the Inland Waterways Association, whose six-month PR and journalism internship for two to five days a week pays expenses only “where appropriate.” See also the Journalism Screwed blog (http://journalismisscrewed.tumblr.com) for numerous worse examples, such as the (regrettably anonymous) “2p per word” ad.

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Strike alert

NUJ members at Trinity Mirror; the Guardian and the Financial Times have authorised the union to call ballots on possible strike action. Members at Thomson Reuters were due to have struck on 9 and 10 February, and at Newsquest on 13 February. Watch nuj.org.uk for further strike dates, on which you may find yourself unavailable. Freelances who suffer hardship as a result of being unavailable should contact the striking chapel. Meanwhile national papers have announced cut-backs on casuals’ shifts. News International is offering an “exit payment” and the Independent a choice between an exit payment and continuing to do fewer shifts. The Guardian is reported to be cutting half its shifts. The Freelance Office is doing its best to support members with claims for “exit payments.”

The Rate for the Job

This MONTH’S Rate for the Job includes a fee for a Daily Mail health feature on what causes or cures cancer this week. And we appeal for photography rates, of which we are experiencing a dearth currently.

You can submit rates online, in confidence, at any time, at www.londonfreelance.org/rates – please give not only the basic rate (e.g. for FBS, First British Serial rights) but extra payments negotiated for extra uses, like the Web. These are shown as (eg) £400 + 100.

We now record rates paid in Euro as well. Rates marked X are, in the editor’s fallible opinion, below par. Treat all rates as minima, even perhaps the happy few.

Broadcasting: Al Jazeera TV Reporter day shift on contract (so includes time off elements) £337.50; ABC radio (USA) 29-minute documentary (10 interviews) – no travel £1000; BBC World Service programme, 8-minute item including 4 interviewees, no exes, all rights £290; Inside Story Punditry – 25 mins including car pick up 1.5 hours £250; DW-Radio (Germany), 6-minute radio feature Euros 227; BBC World Service 30-minute simultaneous recording £180; BBC Radio day (features) exes paid £150, half day £75 X; Radio France International 4-minute feature Euros 124; Nursing Standard podcast £100; Channel 4 News expert interview £60 X.

Shifts: The Architect’s Journal subbing day £150; ENDs Report subbing day, unchanged from 2000, £140; Haymarket titles subbing day £150;

iBastard?
The End User License Agreement (EULA) for Apple’s new iBooks Author free new software seems not only to restrict what users can legally do with it but, according to ZDNet (znetbooks.notlong.com), would appear also to restrict its output – the e-books that the user produces using the software. ZDNet described it as being a bit like Microsoft deciding what images you can project at your presentation using PowerPoint, or determining what views you can express in a Word document.

The EULA states that if the work you produce using iBooks Author is for commercial purposes, “(a) you will be required to enter into a separate written agreement with Apple (or an Apple affiliate or subsidiary) before any commercial distribution of your Work may take place; and (b) Apple may determine for any reason and in its sole discretion not to select your Work for distribution.”

There’s also what, on ZDNet’s first inspection, appears to be a liability clause absolving Apple of any legal action resulting from the e-book you publish with their software, and dumping that liability on you. This includes any claims arising from Apple deciding not to distribute your work.

ZDNet suspect “sloppy lawyering” rather than deliberate greed. One author told the Freelance that they thought no serious professional writer would be using any free software to publish e-books anyway.

It’s for charidee?

A NEW development could lead to a more optimistic landscape for local news start-ups. A campaign by Lord Phillips of Sudbury seems to have persuaded the Charities Commission to allow local news start-ups to register as charities.

Third Sector reported that the Charities Commission had “referred the matter to its board for a decision” and that “It is the commission’s view that the production of a community newspaper may be capable of being recognised as a charitable purpose”, which would make local news start-ups eligible to apply for grant funding and “in kind” benefits – charities get many services at reduced rates, and a lot of local councils have a stock of buildings that they make available at below market rents, but only to organisations with charitable status.

Watch this space for updates on developments at the Charities Commission. See our report on journalism as a social enterprise at www.londonfreelance.org/fl/1003coop.html and the story of Magnet on page 1.

Working Tax Credit puzzle

We have heard from a freelance who receives Working Tax Credit and who was contacted by the WTC compliance office requesting proof they’d been working the current required minimum of 30 hours a week. Another freelance also investigated by the compliance office was told by them they’d carried out 16,000 compliance checks of late, with more to come. Meanwhile, the Department for Work and Pensions has proposed a new “Universal Credit” to replace Jobseeker’s Allowance, Income Support, Working Tax Credit, Child Tax Credit, Housing Benefit, Disability benefits and more.

The Freelance is still struggling to get its heads round the implications for the many freelance journalists on Tax Credits. Freelances on Tax Credit are advised to ensure they have documentary evidence of working at least 30 hours a week.

See the online version at www.londonfreelance.org/fl/1202tax.html for resources and advice on Working Tax Credit. LFB expects to start campaigning around this issues in the near future: watch this space.
Journalist’s killers named?

THE HUNT for the killers of Martin O’Hagan, the journalist shot dead in Lurgan, Northern Ireland, on 28 September 2001, may finally be ending. On 3 February one Neil Hyde, among those publicly accused of the killing, was sentenced to three years’ jail for 48 admitted offences concerning the “Loyalist Volunteer Force” (LVF).

Judge Patrick Lynch QC told Hyde that if he had not agreed to identify the alleged culprits in Martin O’Hagan’s murder and give evidence about the activities of the outlawed LVF, he would have been jailed for 18 years. Martin O’Hagan’s work for the Sunday World included many exposés of the LVF and similar groups and, as Secretary of NUJ Belfast Branch, he was on his way home from a Branch meeting when shot.

More story at www.londonfreelance.org/fl/1202moh.html

Defending sources – again

NUJ MEMBERS Ed Moloney and Anthony McIntyre were in court in Boston, Massachusetts on 24 January to defend their right to protect their sources. The NUJ National Executive has voted to support them.

Ed was director of The Belfast Project, and Anthony was a researcher for interviews with participants in Northern Ireland’s “Troubles”. The Project promised interviewees that the tapes would not be released while they live. The tapes were deposited at Boston College.

In March 2010 Ed published Voices from the Ghetto, a book containing interviews with former IRA (Irish Republican Army) leader Brendan Hughes and David Ervine of the Loyalist UVF (Ulster Volunteer Force), who had both died. In March 2011 the UK government contacted the US Department of Justice, asking it to pursue a court order to hand over the archive – initially under the banner of the Police Service of Northern Ireland investigation into the “disappeared”, those presumed killed by the IRA.

In December 2011 Judge William G. Young ruled against both Boston College’s motions to quash the subpoenas, and Ed and Anthony’s to intervene. He ordered the College to hand the interviews over to the court. Boston College did not appeal. The 24 January hearing confirmed that ruling, but Ed and Anthony were hopeful of succeeding at appeal.

This is not only a matter of defending journalists’ sources. It also raises troubling questions about academic research and archiving ethics.

And this is not Ed Moloney’s first brush with the authorities over documentation of the Troubles. In October 1999 the High Court in Belfast overturned an order which would have required Ed to hand over confidential interview notes.

 английская статья

Objectionable byelaws

The GREATER London Assembly (GLA) wants to introduce new byelaws for Trafalgar and Parliament Squares, which would make expensive permits required for commercial photography and filming. Photographers doing news and PR shoots in Trafalgar Square report sporadic hassle by English Heritage “wardens” – to whom enforcement of the existing byelaws seems to have been devolved. Wardens seem to go for shoots involving models or equipment such as lighting rigs and tripods. People who look like tourists are left alone.

More online...

Check soon at www.londonfreelance.org/fl for more stories:

• Copyright not evil, and enforcement laws not making the sky fall in!
• Join the international earnings survey!
• Flipper: email network for freelances at Penguin and Dorling Kindersley
• Rhinegold gets star for improved contracts
• More on Leveson

Pressweiler ahoy!

A press ombudsman to regulate the Press and enforce better ethics among members of Her Majesty’s Press are among the proposals before the current Leveson Inquiry into the ethics, practices and regulation of the Press. But the freelance has heard of a disturbing new development – the arrival of “pressweilers” in the UK.

In early January, the Daily Record reported breeders selling “deadly” pressweiler “superdogs” (artist’s impression above) in Scotland. The pressweiler is a cross between a Rottweiler bitch and a Presa Canario – the latter banned in New Zealand and Australia. Our thanks to Freelance Organiser John Toner for drawing this to our attention.

The NUJ received assurances from then Mayor of London Ken Livingstone that news photographers would be allowed to go about their business, but the proposed new bylaws are unclear on the distinction between newsgatherers and crews shooting feature films or advertising. Freelance Organiser John Toner is taking up the matter with the GLA.

The byelaws are not yet “confirmed” by the Department of Culture. Objections are invited to the restrictions on newsgatherers before 29 February; see squaresconsult.notlong.com. Members attending any hustings ahead of May’s London mayoral elections may wish to question candidates.

Meanwhile in Bristol, the NUJ reports a meeting with the city council’s Bristol Film Office (BFO) about paid-for permits which it is demanding from photographers on all PR photo shoots in the city. While the BFO officer does not make the final decision, he seemed positive. The freelance would be interested to hear of any other issues around permits required by councils for photography.
New venue! Pitches, LinkedInSpotTube.com

PLEASE NOTE that the London Freelance Branch meetings in February and March are not in the usual venue, but on the 5th floor of the NUJ HQ at Headland House, 308 Gray’s Inn Road, London WC1 8DP: nearest Tube King’s Cross or Chancery Lane. We regret we will have to be out of the building by 9pm sharp, after which many retire to a pub.

If this were to reach you in time, you’d want to know that the LFB meeting on Monday 13 February is on pitching articles to commissioning editors. Our speakers are Mark Wagstaff, art editor of music magazine Mojo, and Emily Bobrow, arts and books editor of The Economist and contributing editor to Intelligent Life. There was also a possibility we would be joined by an editor from Marie Claire.

The topic for the meeting on Monday 12 March on social networking tools for journalists. How can you use social networking sites and apps to increase your professional profile, seek out contacts and generate paid-for work? Watch this space for details of our speakers.

April’s LFB meeting is on Monday 16 April – on the third Monday of the month due to Easter Monday falling on the usual second Monday meeting date. And we’re back in the usual Friends House venue from April onwards (Euston Road NW1, opposite Euston Station). The subject of the meeting is provisionally travel writing: watch this space for speaker details.

To make sure you get email alerts of meetings and the electronic Freelance – just one message a month – visit www.londonfreelance.org/linkup.html. Volunteer minute-takers are still needed for LFB meetings throughout 2012. Please contact a committee member if you are interested. A guide to submitting motions to meetings is at www.londonfreelance.org/lfb/business.html

LFB meetings are accessible to people who use wheelchairs. If you need the Branch to pay for care for a child or dependent so you can attend a meeting, call a Branch officer. For updates on meetings see the Branch calendar web page www.londonfreelance.org/lfb/meetings.html

And you can now follow the latest developments regarding forthcoming LFB meetings as they happen click on the Twitter logo near the top right of the www.londonfreelance.org homepage to sign up to the LFB Twitter feed.

Change in the Branch

The Freelance welcomes new NUJ London Freelance Branch committee members, and members who are returning to their posts or taking up new ones. New faces on the committee are Soniya Thomas, now joint equality officer with Penny Quinton; Jon Holden as New Members’ Rep; Arjum Wajid as job-share training officer with Julio Etchart; and Janet Awe and Rosanne Edelman join the committee as members at large. Jane is administrator for the Branch’s new Twitter account (see www.londonfreelance.org/lfb/1202twit.html) and Rosanne will be focusing on campaigning around Working Tax Credit and the threatened forthcoming Universal Credit – see www.londonfreelance.org/lfb/1202tax.html Padraig Belton takes over as Branch secretary, with Fiona O’Cleirigh as vice-chair. Congratulations to outgoing Secretary Tom Davies on the birth of his daughter. Tom will continue as a member at large on the Branch committee. There is a full list of all the new faces and old hands on the Branch committee — and their email contacts – at www.londonfreelance.org/lfb/contact.html

A guide to LFB and its meetings for new members produced by new member Jon Holden will be in the Freelance and online soon.

Party on!

The LFB London Freelance Branch/London Magazine Branch party in December was a success. The food spread (below) was particularly popular disappearing quicker than usual and prompting one attendee to say there was “not enough food and too much drink,” possibly the first such complaint at a journalists event. LFB chair Dave Rotchelle is shown making his now normal interruption to announce items of Branch business, under the now traditional Streatham High Street poundshop decorations bedecking the top floor meeting room of the NUJ HQ at Headland House.

Photos © Tony Rizzo

ELECTIONS

There are vacancies on the NUJ’s Freelance Industrial Council – the elected body that helps formulate and carry out the Union’s policies. Candidates need to seek nomination from an NUJ Branch in plenty of time for that Branch’s nomination papers to arrive by post at the NUJ HQ by 27 February. There are also vacant seats representing various geographical areas, industry sectors or demographic groups on other NUJ Councils. See www.londonfreelance.org/fl/12026c.html for more.

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HARD-PRESSED journalists will have noticed a famously encyclopaedic website, and others, “going dark” for a day in January in protest at the proposed Stop Online Piracy Act (SOPA) in the US. SOPA triggered a lot of “sky is falling” rhetoric, few objections that make sense – and the amusing finding that sponsor Representative Lamar Smith was stealing photos on his website.

The proposal – now withdrawn – was for court orders ensuring US internet users trying to connect to sites carrying unauthorised works were redirected to web pages telling how bad “piracy” is. Such orders would work by intervening in the “domain name system (DNS)” – this translates names like www.londonfreelance.org into actual addresses of websites, which look like “217.72.179.7”.

This would require the hard work of rewriting a proposal for secure DNS.

And it would tempt people wanting free films to click a virtual button leading to an alternative DNS – likely to be controlled by unsavoury characters seeking to mine people’s online bank accounts as well as their viewing habits.

Then came another proposal, to make internet service providers keep records of which subscribers used what internet connection when. Out went the message: this means “tracking all of your financial dealings online”. Write your Senator now! In fact the law would only have allowed (broadly-defined) law enforcement to track internet connections, as in current UK law.

While the signing of the Anti-Counterfeiting Trade Agreement (ACTA) provoked thousands to march in Poland on 26 January, we can find nothing in ACTA not already in EU – includes UK and Polish law. ACTA would strengthen the hand of those accused of copyright infringement.

The sky was still up when we last looked; but the perception that copyright is the domain concern of evil media corporations is not good for those of us who depend on it for our livings.

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Flipper is a Penguin & DK freelance discussion list

FLIPPER is a new email list for discussion among freelances working for Penguin and Dorling Kindersley. We have created it following the meeting of freelances at these imprints in November.

Frozen fees at these publishers are the priority of freelances who work for the company. This was the overwhelming view of those who attended a meeting organised by the NUJ Publishing and Freelance departments. One freelance reported she had turned down offers to work for less than “100 per day, and it was claimed there are freelances being paid much lower fees than that.

Freelances also explained that “DK jobs always expand” and no further payment is offered, so the agreed rate reduces during the course of the job.

The meeting was also attended by members of the NUJ Chapel committee, who offered their support to the freelances.

It was agreed that everyone would provide information on rates paid by other book publishers, for comparison purposes. The NUJ organisers will write to the company seeking information on their current rates and asking by what mechanism increases can be negotiated.

John Toner
Freelance Organiser

To sign yourself up, go to www.londonfreelance.org/flipper

More soon...