To the lighthouse!

BUILDING AND maintaining a profile online was the topic of London Freelance Branch’s October meeting. Our speaker was Adrian (“Adi”) Gaskill, head of online content at the Process Excellence Network and former head of online at the Chartered Management Institute. He blogs at www.adigaskell.org/blog See page 3 for advice on copyright implications of putting your work online, from the same meeting.

Online authors need to change “how you think about your writing,” says Adi, who believes writers (and photographers) need to create a “strong presence” that will follow you around the world, rather than just your body of work. He outlined five principles:

• Be yourself: some of us are now expected, as part of working for a regular client, to send Tweets from the client’s corporate Twitter account. This has a disadvantage. What happens to “what you’ve built up” on their Twitter account?

“if you move, your employer (or client) keeps it,” says Adi: “it’s wasteful work in a way” as far as you’re concerned. (See www.londonfreelance.org/11204twit.html on Twitter for journos.)

• Interact: on social media, “people are expecting you to be human, to “make the odd mistake here and there, be authentic and personal.” They want to leave comments on what you’ve put online, and also expect you to comment on their comments, to interact with them. “The authors of articles on, say, the Guardian online don’t respond to the comments, they’re missing an opportunity. Traditional journalists don’t do this,” but if you put your work online yourself you can “engage, give feedback, interact with your audience.” Some freelances report being commissioned by the likes of the Guardian and asked also to respond to readers’ comments as part of the gig, at which point we should start asking “OK, but how much extra?”

• Manage and cultivate your community: you want to be a “lighthouse brand”, that is the “figurehead and authority on a particular subject. It doesn’t matter who you’re writing for, they’re consuming the time to cultivate a following with friends for shifts… Online was where all the action was – and budgets were shifting.” So she set up blogs and “taught myself the new digital ropes.”

Now she’s got a steady flow of consultancy work.” At the conference’s “Maximising Social Media And More” session, she’ll reveal that it involved a lot of research and putting herself about in new digishopwindows.

Fiona has to invent new names for what she does: when she told a BT Group manager at a conference she covered that she was a video blogger, “his reaction was: ‘Is that even a job?’ I’m happy to say that it is.”

Max Glaskin, freelance writer on cycling, airships, brain surgery and technology, covered that she was a video blogger, “his reaction was: ‘Is that even a job?’ I’m happy to say that it is.”

New Ways To Make Journalism Pay 2

LFB’s conference, New Ways To Make Journalism Pay 2 is subtitled “A Freelance Lifeboat In The Perfect Storm”. Recession plus internet crisis = aaahggh! But freelances never made a crust by letting doom and gloom subsume them.

So the conference is about how real freelances are working through this bad time and creating a freelance future – new media, sometimes from the ground up, sometimes based on old ways and old media, whatever delivers a decent fee.

Digital content editor Fiona Cullin in 2009 went “100 per cent digital” after 20 years freelancing in print. She explains: “With the credit crunch and the collapse of advertising budgets, I was suddenly competing with friends for shifts… Online was where all the action was – and budgets were shifting.” So she set up blogs and “taught myself the new digital ropes.”

Now she’s got a steady flow of work, raising her fees up from £130 a day to £220 minimum – more for consultancy work. At the conference’s “Maximising Social Media And More” session, she’ll reveal that it involved a lot of research and putting herself about in new digishopwindows.

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The Rate for the Job

IN AUGUST the Freelance reported (online only) that “Millions of Lord Gnome, the notorious mythical proprietor of Private Eye... have been heard claiming that the Eye “doesn’t pay for tip-offs”.” We found that hard to believe; and one rate submitted below shows that it is at least sometimes false. More, please.

Thinking about work for a company you’ve not dealt with before? Simply look at the Rate for the Job to find out what companies in similar niches have paid. Then aim higher.

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 or for print if it’s a Rate for the Online Job. These are shown as (eg) £400 + 100. We now record rates paid in Euro as well. You can also get a PDF to print a paper form to take to meetings of colleagues from www.londonfreelance.org/forms – please ask them to write legally.

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

Photography: Law firm in London and around UK, portraits for website, 4 full days and 2 hrs travel paid, web use only £2200; internal newsletter video, photography (extent unspecified) £400.

Shifts: Water Resources (NGO publishing) photography, video, reporting day £350; tech blog design, blogging, for bank, per day £300;

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A SMALL CLAIMS procedure to hear copyright cases opened on 1 October. NUJ freelance organiser John Toner said: “The absence of such a procedure for many years has denied creators access to justice when their copyright has been infringed.

“For our members, it has been incredibly frustrating that they had been restricted from seeking redress through the courts. Now infringers can be pursued at a cost appropriate to the level of the infringement. In the long term, we hope the small claims track will act as a deterrent to would-be infringers.”

Mike Holderness said as chair of the Creators’ Rights Alliance: “Access to justice for individual creators is one of the seven pillars of the CRA’s Manifesto for Creators.

“For too long creators, whether artists, photographers, writers or musicians, have been priced out of justice. This has contributed to the misperception that copyright is a special interest of the large corporations that can afford to bring cases.

“We hope that the ability of individual authors and performers to seek justice when their work is exploited without permission – often by those large corporations – will help to redress the balance. It is the rights of the individual creator that are the real foundation of the ‘information economy’ that is the best hope for economic growth.”

The Small Claims track is part of the “Patents County Court” – which will, one day soon-ish, change its name to reflect its function as the Intellectual Property County Court. For the moment, the court is based only in London – though it is planned that many cases will be decided entirely on the basis of documents, avoiding the need to travel to the Strand.

There is a guide to using the service on the government’s “Justice” site via http://patentscounty-court.notlong.com, and a provisional summary in the longer online version of this article.

Photo © Mike Holderness

Your clips online? © warning!

IF YOU plan to put your already published work online, be very careful about copyright, warned London Freelance Branch’s own copyright expert Mike Holderness at the November Branch meeting, following Ali Gaskill’s advice at the same meeting on building and maintaining an online presence (see page 1).

What copyright protects, Mike reminded the meeting, is the “expression” – the exact arrangement of words, or of pixels in a photo – not the idea. And generally there’s more than one copyright in the work – newspapers and magazines will have a right in the typography, so sticking up a scan of an article without their permission is a no-no.

Many contracts will be for First British Serial (FBS, see our glossary at www.londonfreelance.org/ fl/108glos.html). In these cases, you should wait until the issue your article featured in has become a back-issue before putting your piece online. Earlier than that, and you’re in breach of contract – and you’ll have pissed them off.

Can you stick up just the text of an article you’ve written for a publication? This is good reason to avoid assigning your rights. If you’ve assigned them (had your arm twisted to give them away) they belong to the publication.

But “even very nasty publishers will on request give permission for use in a compilation of your own works”. Remember that the original version you submitted is a different work from the published version, but you should ask just in case, in the interests of keeping a good working relationship going – and do resist the temptation to mention how the chute slaughtered it.

Saying “this is what I had in The Times, it’s behind a paywall, but see it here” could be problematic.

Putting your published photos online? While you may have had to assign some rights on a particular photo, remember that the “second-best shot from the (digital) contact sheet” that they didn’t buy from you is yours to do with as you please. What about the text of an article that was commissioned and not yet used? Email the editor, asking – are you doing anything with it, can I do anything with it? On no account stick it up if it’s not yet published. If it was “commissioned, and you know they’re not using it, really they should pay the full fee – unless you’ve turned it in a dog’s breakfast.” If you do put such unused articles online, best practice is to say, “here’s a piece I wrote that didn’t get used” – but not to say by whom, advises Mike.

Photo © Mike Holderness

Your clips online? © warning!
Made of Stone?

A SERIES of comeback gigs by well-known indie band Stone Roses at Manchester’s Etihad Park in July was preceded by a “quite appalling” contract being sent to photographers who were due to cover the gigs, Ian Tilton, who was among the NUJ member photographers who helped organise a photographers’ boycott of these Stone Roses gigs, told the Guardian that the initial contract offered by the Stone Roses allowed the pictures to be used only in the publication that commissioned them. Far worse, for a flat £1 fee, the Stone Roses would own all rights to use the pictures on their own merchandise, forever. Stone Roses managers declined offers to negotiate on the terms of the contract.

NUJ Freelance Organiser John Toner explained that “a photographer must have the right to license editorial use of images without obtaining the band’s permission for each use... The band’s intransigence on this point has led to the organisation of a boycott.”

The NUJ boycott gained the support of the British Photographic Council, the Royal Photographic Society, Master Photographers Association and the British Institution of Professional Photography. One music website that was contacted by the Stone Roses’ PR company then enforced the NUJ about the boycott, as a result of which their photographer joined the boycott as well.

In the event, the gig was covered by some professional photographers. But despite Stone Roses’ PR manager, Murray Chalmers, telling the British Journal of Photography “there is no boycott,” the media trade press and music press widely reported a boycott by “dozens” of photographers. For a short while, a Google search on “Stone Roses” would take you to “Stone Roses photographers boycott.” As result of the considerable publicity generated, several rock photographers joined the NUJ.

New Ways to Make Journalism Pay – Brussels

NEW WAYS to Make journalism pay was already a successful NUJ event when Brussels Branch decided to import it. The format remained the same: journalists who had successfully (profitably) launched their own internet news services told our audience of around 40 how they did it, followed by a busy question and answer session.

We had two excellent speakers: Duncan Lumsden, managing editor and co-founder of MLEX, a Brussels-based regulatory risk newswire that now employs more than 50; and Hugh Wheelan, managing editor and co-founder of responsible-investor.com, which is based in Paris.

They told us how they managed to make money from journalism – an increasingly remarkable feat – and walked us through the potential pitfalls. When should you discount?

Crispin Aubrey

CRISPIN AUBREY, who came to wide public notice through involvement in 1977 with a defence campaign for fellow journalists Phil Agee and Mark Hosenball, threatened with deportation for uncovering the GCHQ spy operation, died of a heart attack aged 66 on 28 Sep,

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Please write to your MP now on copyright

THE NUJ is renewing the plea for members to write to their MPs stressing the importance of decent copyright laws to the economy – and in particular a part of the economy of their constituency, i.e. yours. There’s an outline letter linked via www.londonfreelance.org/ fl/1210copy.html

Personalising your message and printing it to post to your MP is more effective than an unaltered cut-and-paste email or letter, especially when, as now, it addresses specific pending legislation rather than just discussing open-ended policy matters. Please email a copy of your letter to us at editor@londonfreelance.org

That specific context is the UK government having another go at copyright law through the aptly-named ERR ("Enterprise and Regulatory Reform") Bill. This seeks to:

- give government to power to change “exceptions” to copyright – uses of your work which don’t need your permission – without it going before Parliament (Clause 57);
- set up a mechanism for “extended collective licensing” – for example, your work included in a BBC programme, or appearing in a book in the British Library, could be made available on payment to a collecting society; but without asking you; and
- establish mechanisms for licensing “orphan works” whose author or performer cannot be located.

The NUJ is actively lobbying to minimise the damage that these proposals could cause you. As Chair of NUJ Copyright Committee and of the Creators’ Rights Alliance I met Business Secretary Vince Cable on 18 September, alongside publishing and collecting-society interests, on Clause 57. The civil servants of the Intellectual Property (IPO) eventu-
ally conceded that the Bill aimed to allow them to change the exceptions while maintaining the levels of criminal penalties for breaches of copyright. They can already make all the changes allowed in European Union law, without any Parliamen-
tary debate, under the European Communities Act 1972 – but, they are advised, this requires reducing the penalties to the minimum level set out by the EU. The government amended Clause 57 on 17 October, clarifying that it cannot do anything not allowed under EU law.

We expect the ERR Bill to be debated in the House of Lords on 14 November and to go into Lords Committee in early January. We are talking with members of the House about amendments such as giving creators a proper, enforceable right to be identified. Then we need to ensure that MPs don’t overturn any good amendments from the Lords.

There is a further confusion with the news that the government plans to introduce an exception to copyright for non-profit uses by libraries and public service broadcasters – following an EU Directive passed on 4 October: Watch this space. © Mike Holderness

Our 12 November meeting will discuss this, in Parliament: see page 6

Getting Started course returns

The popular Getting Started as a Freelance course will return on Friday 16 November. The companion Pitch & Deal course will be running, too, early in the new year on Friday 18 January. General Secretary Michelle Stanistreet recently met LFB member and Getting Started tutor Humphrey Evans, national freelance organiser John Tonner and assistant organiser Pamela Morton: she said that she is firmly behind keeping the two courses running. She plans for the actual arrangements to be carried out by the General Federation of Trade Unions, already charged with running the NUJ’s trade union courses, teaching people the ins and outs of representing members in workplaces. The two courses for freelances, Getting Started and P&D, help people understand how to represent themselves in negotiations where no collective NUJ representation is possible. The Getting Started course will cost NUJ members £60 and the P&D course £70. These charges for members are helpfully reduced from previous prices. For non-member and special student prices see this story online; and to book a place on either course email training@nuj.org.uk

Delegate meeting report

THE NUJ’s policy-making “Delegate Meeting” (DM, its conference) in Newcastle on 5-7 October opened with General Secretary Michelle Stanistreet speaking on the Union’s funding crisis and its Recovery Plan. The Union’s actuaries predict that funding crisis and its Recovery Plan.

The Union’s finances. A motion was passed a London Freelance Branch (LFB) motion which welcomes new alliances to defend authors’ rights, particularly that with consumer groups and calling for more work to educate citizens on their rights in what they create.

The Branch agreed to “remit” its motion calling for the union to support independent research on the impact of government policy proposals, on the basis of a National Executive Committee statement of support for the principle.

Following card votes, proposals for Councils to represent photographers and members over 60 (the latter an LFB motion) were both passed. An LFB motion arguing the case for a Dead Members’ Section was ruled out of order. And LFB’s motion calling for a working party to investigate the strengths, weaknesses, opportunities and threats facing the NUJ in the face of media change was defeated.

A move to reduce the number of members of larger delegations, such as LFBs, was defeated 93:92 on a card vote. Following a close vote, DM will now take place every two years, making it a BDM. The Freelance anticipates with some trepidation a Biennial Delegates’ Special Meeting.

© Mike Holderness

There’s a longer report online.

Our 12 November meeting will discuss this, in Parliament: see page 6

Protect sources – support Ed and Anthony

BACK ON 6 July the United States First Circuit court of appeal in Boston, Massachusetts, ruled that Boston College must hand interviews over to the Police Service of Northern Ireland (PSNI). On 1 October United States Supreme Court Justice Stephen Breyer granted a “stay” on the handover – now extended until 16 November, and likely until the Supreme Court decides whether to hold a full hearing on the case.

The interviews were carried out by Ed Moloney and Anthony McIntyre for the Belfast Project – on condition that they be sealed until the death of the interviewees. The PSNI seeks the interviews to further investigate of dissappearances during the Troubles in Northern Ireland.

Not only does the July ruling challenge the confidentiality of sources: it affects the safety of the interviewers and surviving interviewees. And, beyond journalism, it casts serious doubt on future oral history projects and academic research more widely.

The Union’s 2012 Delegate Meeting on 6 October passed a strong motion of support for Ed and Anthony and the principle that confidential sources must be protected.

© Mark Pinder

© Mark Pinder

© Mark Pinder
Lobbying to defend copyright, in Parliament

ONCE MORE, the government is having a go at copyright law; see page 5. So our meeting on Monday 12 November will discuss what we’re doing about it. Our speakers will include Mike Holderness, who is Chair of the Creators’ Rights Alliance, to which the NUJ belongs.

Go to the ramp to Parliament’s public entrance: arrive by 18:40 to be sure of getting through security checks in time. You are going to the meeting in Committee Room 4, hosted by Viscount Bridgeman. Keep an eye on LFB’s Twitter feed https://twitter.com/NUJ_LFB for updates and a pointer to full directions.

Battle of Alamy?

I was disappointed to see the last copy of the Freelance quoting my old friend and fellow photographer, Julio Etchart, commending Alamy picture agency. This company is notorious for undercutting NUJ recommended rates and I hope that LFB is not endorsing Julio’s words or celebrating any other company adopting the supermarket model of “piling them high and selling them cheap”.

The NUJ should be publicising why decent rates are necessary and shaming the companies that charge less, especially if they won’t negotiate sustainable rates.

I acknowledge Julio’s supermarket analogy, but do portray it for what it really is: an unequal and exploitative relationship between large companies that hold too much power over their competing suppliers.

In response to these business models that serve only to harm our members’ long-term interests and sustainability, it’s about time the NUJ told them to BOGOF rather than doing their work for them — below the Union rate.

Stefano Cagnoni

On Monday 10 December we’re holding a seasonal social event, jointly with the NUJ’s London Magazine Branch, at the NUJ HQ, Headland House, 308 Gray’s Inn Road: nearest Underground King’s Cross.

The meeting on Monday 14 January 2013 will be the Branch Annual General Meeting. Send any proposals to update the Branch rules, to editor@londonfreelance.org before 22 November.

This issue went to press on 20 October. Your deadline for the December / January issue is 22 November.

LFB meetings are usually from 7pm to 9pm at Friends House, Euston Road, which is 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. Volunteer minute-takers are needed for the LFB meeting in November and next year. For details of the NUJ London Photographers’ Branch meetings, see www.londonphotographers.org

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PRÉCISION

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