Freelan\’s future

NUJ FREELANCES showcased an innovative range of strategies to survive and prosper at ‘New Ways to Make Journalism Pay’, a one-day conference in November. More than twenty speakers described initiatives including instant-video documentary making, selling into new foreign markets and self-publishing via Kindle. In excess of 200 people – more than half of them women – attended the event organised by the London Freelance Branch, aided by the NUJ’s Freelance Office.

Photographer Guy Smallman has had numerous assignments in Afghanistan, most self-funded. By entering the country as a non-embedded journalist he has been able to cover stories not accessible to colleagues who worked more closely with the military. The reputation he built as a result has enabled him to source work crowdsourcing for larger projects.

After a career as a photographer, Christian Payne of documentally.com now blogs and makes video documentaries, some as commercial assignments. Payne’s total engagement with Twitter started when, after a car crash, he used it to ask, “what do I do now?” It was, he said, “the first point of using social channels, where “media are booming”. She says that “in India, newspaper sales are growing at a rate of 1.5 per cent a year” and its media have a desperate thirst for content – particularly news about how India and its people are perceived abroad.

Yusuf suggested initially offering material to smaller Indian titles. With your reputation established, approaches can then be credibly made to larger titles such as The Times of India – it “has a circulation of 4.3 million” says Yusuf. Pay rates vary between $50 and $1000 US for 600 words.

Leveson – myth and petition

AT THE time of writing, Prime Minister David Cameron looked set to ignore the key recommendations of Lord Leveson’s inquiry into the culture, practice and ethics of the press. The NUJ, following policy set at successive Delegate Meetings, welcomed Leveson’s support for common sense clauses in journalists’ contracts, specifying that we will not be penalised for upholding the Code of Conduct. The union “welcomes Lord Justice Leveson’s support for a free press” and calls for “independent regulation of the press – independent of both government and of the industry”.

Members may wish to look at the Hacked Off petition calling for Cameron, Clegg and Miliband to “implement, as soon as possible, the recommendations of the Leveson Report in full” at www.hackinginquiry.org – and consider signing it. The proposal is far from government control, the Freelance observes. Over 100,000 had already signed as we went to press, less than three days after the report came out. And check www.londonfreelance.org for details of a possible special meeting on Leveson organised by NUJ London branches early in 2013.
The Rate for the Job

THIS MONTH’S crop of Rates for the Job includes data on what freelances are actually getting paid for CD sleeve notes in the UK and for travel writing and for a day’s worth of journalism training, both in the sterling zone and in the Eurozone.

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.

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


Shifts: BBC radio newsroom news writing day (10 hours) – says here £30 holiday pay – £180.

Teaching: Frontline Club Journalism training (day) £400; International Federation of Journalists training workshop (day) £400.

Words, per 1000: Daily Express 1200-word feature plus 200-word boxout @ £700 = £500; Michelin

I-less in Guernsey

MANY READERS have asked about the creation of a new “intellectual property” right in the Bailiwick of Guernsey, the island in the Channel that is a British Crown Dependency but not part of the UK or the EU.

Here’s what the Freelance has been able to find out so far: it’s strange, but not apparently lethal.

From 3 December, people and companies are able to register a “personnage” – rights that in many ways resemble a trademark in the “image” of a person or group; whether flesh or corporate, real or fictitious; and whether alive, dead or wound up in the past century. Registration of an individual costs £1000 for 10 years, plus agent’s fees.

As the Freelance sees it, this will work as a tax dodge.

Currently, for example, Starbucks in the UK pays Starbucks Netherlands for use of its trademark rights. Starbucks pays enough, doubtless by coincidence, to register a UK tax loss and take advantage of a low Netherlands corporate tax rate.

The new right will allow a sports personality – or a presenter or columnist – to register their “image” in Guernsey and have a part of their income sent to a company there that licences its commercial use – and pays no corporation tax.

There will be side-effects: lawyers are curious about what these may turn out to be.

A briefing from Taylor Wessing solicitors suggests that companies may block their websites in Guernsey, as a foolproof means of avoiding unintentional infringement (www.taylorwessing.com/download/article_guernsey_image_rights.html). The rights can be assigned, which opens a number of bizarre possibilities, including contracts that turn away performers’ rights to depict themselves.

Registered personal names and groups of them, and their heirs, gain the moral rights to be identified with uses of their image and also to object to distortion or mutilation of their images.

Crucially for journalism, all image rights are subject to “exceptions” that allow “fair dealing” for the purposes of news reporting, commentary and satire, as well as for education, research, the arts, and “incidental” use including the mere presence of a registered personnage in a crowd. Sadly, the precise scope of these permitted uses remains to be determined, expensively, in court, probably in Guernsey.

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Guardian/Observer freelances – get in touch

DO YOU WORK as a freelance for the Guardian and/or Observer – either as a casual or on contract? If so, we need to hear from you.

The editorial management is looking to slash its budget, and it has proposed doing so at the expense of NUJ members.

If we are unable to negotiate an amicable settlement it will not just be staff journalists who pay the price – casuals and freelances will be hit hard too.

We are now on the point of balloting for industrial action, and we want to include eligible freelances and casuals.

So, using one of the email addresses below, drop us a line with a few details of your working arrangement with Guardian News and Media (casual, freelance on retainer contract, occasional freelance etc) and an indication of the percentage of your overall earnings that your income from the Guardian and Observer represents. It would be really helpful if you could include your NUJ membership number as well.

Who to contact:
Ben.Tarring@guardian.co.uk
David.Marsh@guardian.co.uk
Brian.Williams@guardian.co.uk

The 31 January deadline to have your tax return filled in and sent online is fast approaching. Now is the time to get to work on our tax admin if we haven’t done so already. See the Freelance Fees Guide (www.londonfreelance.org/feesguide) section on “Tax and National Insurance”. NUJ members can also use the free tax helpline from HW Fisher accountants, on 020 7874 7875 or 020 7380 4947

Solidaridad!
The Spanish newspaper El País wants to cut 149 of its 3000 signatures and had 8642 when the Freelance went to press. Be aware that change.org demands that you give any comments you add to the world under a Creative Commons licence and that you indemnify them against libel, etc. We’re looking into better petition hosts.
ERR or message

NOVEMBER’s London Freelance Branch meeting was in the Houses of Parliament. Copyright was on the agenda again, and in particular the government’s latest attempt to change copyright law through the Enterprise and Regulatory Reform Bill (also known, aptly, as the ERR Bill).

Opening the discussion was Creators’ Rights Alliance chair (and Freelance editor) Mike Holderness. We also heard from Saskia Walzel, senior policy advocate at Consumer Focus, Rosy Bond, NLA Association of Illustrators, from Naomi McDonald of the Musicians Union, Lib-Dem Peer Lord Clement Jones and our host, Viscount Bridgeman.

The ERR Bill seeks to grant the Secretary of State the power to change “exceptions” to copyright – uses of your work that don’t need your permission – without effective Parliamentary debate. It also includes plans for “extended collective licensing” and proposals for a mechanism to license “orphan works.”

Mike noted the jargon around the ERR Bill, and its “complexity and devilish detail.” It is, he said, “as if there’s a kind of ‘anti-sub’ at work to make it more confusing.” The proposals in ERR would, said Mike, allow the British Library to write “one cheque to the ALCS and one to DACS and with that get the rights to put out-of-print books online,” and would allow the BBC a “similar arrangement” for its archive.

Saskia noted that various collecting societies in Scandinavia are now allowed to “do” extended collective licensing (ECL), but only after demonstrating that they are democratic organisations with a broad membership. They had to “consult members and get their agreement… go on recruitment drives to get around 80 per cent of sector on board”. Saskia thought the UK’s collecting societies would need three years to reach this standard.

Lord Clement Jones advocated putting the ERR Bill’s proposals on exceptions “before Parliament one at a time,” and allowing the membership of collecting societies to vote on whether that body should be allowed to take on ECL. He had “about 25 questions” on the ERR Bill, and suggested that he hoped ECL wouldn’t go ahead. On the following Wednesday, he spoke as lead LibDem Lord on this section of the Bill, and asked “Will the Government examine the whole issue of moral rights in the context of giving better protection to individual creators?” Those would be the rights to be identified as author, and to defend the integrity, of your work.

Rosie said cartoonists and illustrators are being “railroaded into unfair contracts for fear that they’ll lose work – bullied into signing rights away.” If creators “can’t make a living” then the “market fails.” Naomi identified “metadata stripped out of recordings” as a serious problem in the music industry. “It should be illegal to strip out the metadata,” said Naomi.

Mike noted “the creative economy is vaunted as a springboard for growth out of recession, but this is not possible if there are no dedicated professionals” working in the said creative economy. The ERR’s proposals will, he concluded, affect not just those trying to make a living, but also our friends sticking up photos online for free. We as journalists are not just arguing for our own rights: with so many people posting their work online this is now about the rights of “every citizen”. Please write to your MP about the ERR bill – see www.londonfreelance.org/fl/1210copy.html.

New fronts in copyright battles

WHAT’S HAPPENING in the world of authors’ rights? How long have you got? We’re reduced to summarising the main points, as new fronts open in the battle to get a fair deal for people like us who produce the lifeblood of that much-vaunted “information economy”. So, from the local to the global:

• In the UK, we expect the aptly-named ERR Bill to be debated in a House of Lords Committee in early January, and the Creators’ Rights Alliance in probing government intentions by helping several Lords present amendments. See the meeting report above.

We also expect the government to publish proposals on extending “limitations and exceptions” to copyright – uses that can be made of your work without permission or without even payment, respectively – just before Xmas.

Meeting the new Minister, Lord Marland, in mid-November, we strongly put the case that at the very least any changes should be introduced one at a time, with sensible research on the impact of each.

• In Europe, the EU civil service – the Commission – announced on 5 December that it is re-opening debate on the exceptions allowed in EU law: the leaked announcement is open-ended. We vividly recall a meeting with the responsible Commissioner, Michel Barnier, at which he promised that he would do nothing to undermine authors’ rights.

We will support the very powerful pressure by a Famous Web Search Engine on other Commissioners. The Society of Audiovisual Authors, formed by collecting societies dealing with the film business, produced an advance petition – at www.ipetitions.com/petition/support-authors – the authentic original is, like Barnier, French.

• Worldwide, pressure is mounting at the World Intellectual Property Organization (WIPO). At the meeting of the snappily-titled Standing Committee on Copyright and Related Rights in mid-November, a US professor acting, allegedly, for the African countries was pushing for the first explicit mention in an international treaty of the so-called “fair use” provision of US law. She wants it bolted on to the side of the proposed treaty on exceptions allowing your work to be made available to blind people, which already exist in the UK and EU. There’s more on this at www.londonfreelance.org/fl/1211wiopo.html.

The reality of “fair use”, as we put it to Lord Marland, is: “You are now entering the US legal system. Please deposit $1M to find out whether the use was fair or not.” None of the African countries has it in their law. In fact it appears only in US law – and in the dreams of a Famous Web Search Engine.

Needless to say, we are working hard to make sure that only exceptions that are truly in the public interest are allowed, and that their scope is clearly defined in law, not left to expensive court action.

The august setting for the November meeting

Photo © Matt Salusbury

Atex anecdote

WE HAVE heard that some version of the content management systems Atex – used by among others the Guardian and Observer and the Indy – now refuses to allow editors to send copy to press without author data. The same has long happened in WoodWing, as used by Reed-Elsevier. Subs and editors – is this the case for the content management system you use, or are we looking at customised versions? Let us know, in confidence, via editor@londonfreelance.org. Newspaper proprietors have long claimed that writers and photographers can’t possibly have a legal right to a credit or byline because it’s “too hard” for them to keep track of it all – a position rather undermined by these observations.

Newquest pay quest

Many journalists working for Newquest titles have received only one pay increase of two per cent in the past four years. By comparison, inflation has risen by an average of three per cent each year. Newquest journalists in York lost a day’s pay for attending a 10-minute union meeting in November. Watch www.nuj.org.uk for details of further action. As ever, the chapels would appreciate it if freelances engaged to work on any strike days found themselves unavailable. Anyone suffering hardship as a result of being unavailable should contact the chapel.
LONDON FREELANCE BRANCH MEETINGS

It’s time for democracy

WE WISH YOU A MERRY festive midwinter end-of-year enforced unemployment thing. Remember that if you get holiday pay on the basis of working regular shifts, you receive it on the understanding that you do actually take some time off.

The LFB meeting on Monday 14 January is the Branch’s Annual General Meeting, which sees the election of its committee. We’ll be back at our usual venue for this – Friends House, opposite Euston Station.

See www.londonfreelance.org/lfb/meetings.html for the possibilities that each of the committee posts coming up for election at the AGM entails. There’s more detail for those considering standing for one of these posts at www.londonfreelance.org/lfb/1112ctce.html, including support available for those who put themselves forward. You can declare you candidacy on the night, or contact the Branch Secretary by email: padraig.belton@gmail.com before then to let them know you want to stand.

The posts up for election are: chair; vice-chair; secretary; treasurer: welfare officers; membership secretary and new members’ reps; equality, training, Chapel liaison and negotiations officers; Freelance editor and assistant; and members without portfolio. Job-shares are possible.

The meeting also sees the election of two auditors (not Committee members) to scrutinise the Branch annual accounts. It is the venue for changes to Branch Standing Orders (www.londonfreelance.org/lfb/rules.html) – none having been notified, only purely technical changes.

LFB meetings are 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, see the Branch calendar, www.londonfreelance.org/lfb/meetings

LETTER

Battle of Alamy

In response to Stefano Cagnoni (letter, October issue) I would like to say that when my talk to LFB on the subject of online distribution was reported in the previous issue of the Freelance, too much emphasis was given to my mention of Alamy as one of the outlets for my stock. I have been a contributor to the environmental picture agency Stills Pictures and also to Panos Pictures for many years now than to Alamy. I was introduced to Alamy by a fellow NUJ member and campaigner, and there are many members of our union who contribute to that agency.

Unlike what Stefano suggested in his letter, I think that the rates Alamy negotiates for its contributors are more or less in line with NUJ guidelines. As one example from a recent sales report: for UK rights for double page editorial use in a textbook I received £125.00; that is 60 per cent of the total rate of £208 they received. The NUJ freelance fees guide suggested rate for that use is £200.

In solidarity, Julio Etchart


SEASONAL TIPS

How to survive Xmas

’TIS THE season of compulsory holidays. But how are forcibly underemployed freelances supposed to survive the Christmas period?

You could use the downtime to sign up to the Authors Licensing and Collecting Service (ALCS, www.alcs.co.uk) if you haven’t already, that’s how. The ALCS licences – for example – libraries to make copies of articles, and the fees from this are distributed to the articles’ authors, that’s us.

If you’re already an ALCS member, now’s the time to update your ALCS records of the articles you’ve written recently, via the ALCS website member’s area, in time for the distribution in early 2013. If you’ve forgotten your password, ring them before they close on 22 December to be reminded of it.

Photographers can do the same via the Design and Artists Copyright Society (www.dacs.org.uk). If you’ve had a book published, now’s the time to register with Public Lending Right (PLR – www.plr.uk.com) to ensure you get some pennies each time it’s borrowed from a public library. And while you’re at it, does your NUJ Freelance Directory entry need updating? It’s free to NUJ members: www.freelancedirectory.org

The holidays are also a time to ensure your completed online tax is sent off by 31 January to avoid a fine: see page 2. There are also letters you could be writing to your MP about copyright legislation (page 3) during this period of not much work – preferably to put in an envelope ready to post on 6 January when they get back from recess.

Finally, we commend to you Humphrey Evans’s guide to Xmas freelance survival at www.londonfreelance.org/lfb/survive.html

UNCATEGORIZED ADS

UNCLASSIFIED ADS

FREELANCE UNCLASSIFIEDS are FREE to members for non-commercial purposes. To non-members and for commercial purposes, £10 for this much. Acceptance is at the editors’ whim; appearance does not imply endorsement. If you have any comments on an advertiser, tell us. Submit your ads by email to unclassified@londonfreelance.org

IRISH COUNTRY COTTAGE for rent, 1 hour from Cork: remote, rustic cottage, l hour from Cork: remote, rustic cottage, 2007, 220,000€, www.southfieldsstudio.co.uk or email: southfields.bed@btconnect.com or tel: 07836 600 882

LEGAL TIPS

Collect your vote!

NUJ members who have joined collecting society ALCS will, some time in December, receive ballots for the election of member directors to serve on its board. Members may be particularly interested to note the candidature of Jenny Vaughan, LFB’s current Treasurer, and moderator of the NUJ/Society of Authors NibWeb email network for children’s non-fiction authors (www.nibweb.co.uk).

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