Biographical details

CLaire Tomalin, probably Britain’s best-known biographer, told London Freelance Branch’s February meeting that “the most important thing if you want to write a biography is to know the story you want to tell, to have seen the story, that’s what makes a biography work.”

Biographer of, among others, Mary Wollstonecraft and Charles Dickens, Claire contrasted journalists who also write books (Dickens was a court reporter) with academics, writing for other academics, who haven’t learned what Sunday Times editor Harry Evans explained, deleting the first paragraph of one of her reviews: “That’s just throat-clearing – you have to get right in there and catch your reader.” Claire’s 1990 book The Invisible Woman – on actress Nelly Ternan, with whom Dickens had a clandestine relationship – sprang from passing references to Ternan found in 1953 as a Cambridge undergraduate. There is “a new biography of Dickens every year,” but this was one story “that needs to be told… about the hidden women in the lives of famous men.”

Biographers “mustn’t get too excited about film or theatre rights”. The BBC “wasted a great deal of time” on The Invisible Woman. But “the happy ending is… Ralph Fiennes got interested, ‘and the film’s made, you can see it in the autumn.”

We also heard from LFB’s own Claire Tomalin: Photo © Tony Rizzo

Minister gives comfort on copyright

GOVERNMENT plans for changes to copyright law have been clarified in debate in the House of Lords. The NUJ raised concerns through the Creators’ Rights Alliance (CRA), with the result that we got six pages of commitments from the minister, Viscount Younger. The next stage of the Bill is, at the time of writing, scheduled for 16 April, when the Commons considers amendments introduced by the government in the Lords. These include removing what looked like a new power to change the “exceptions” to copyright – the conditions in which your work can be used without your permission or payment to you.

A government statement of its precise proposals on these exceptions is imminent. We also await the promised meeting with the minister on the imposition of unfair contracts on creators (that’s us). The proposal in the Enterprise and Regulatory Reform Bill on which we focused was that dealing with “Extended Collective Licensing” (ECL), which would allow organisations such as the BBC or the British Library to write cheques to collecting societies for the right to make its archive available. This would leave www.alcs.co.uk to distribute money to writers and www.dacs.org.uk to photographers, when it finds us – so register now, at those addresses.

The minister has made clear that the “statutory instrument” implementing the details of the scheme will provide that only a collecting society that shows it is representative of creators may apply to him for authorisation to issue ECL. It will have to show that its members consent to the application, probably through a ballot. Such authorisations will be regulated, and revocable.

There’s still an issue around unclaimed monies. The CRA is lobbying for these to be applied for the benefit of creators as a whole, for example for training and education. The Intellectual Property Office proposal that this money should go to the Treasury is not quite dead, but is strongly opposed by the libraries as well as creators.

Another proposal that frightened many is for licensing “orphan works” – those for whom no creator or other owner can be located. Broadly the same safeguards will apply as for ECL. The NUJ/CRA position that such licences must be issued only for a fee payable in advance – reflecting the market value of the work – is confirmed. Lord Howarth pushed to the vote an amendment opposing this. The minister’s argument against him reflected the CRA’s argument that any other approach would distort the market in which we work, and he was defeated. The statutory instrument will set out what constitutes a “diligent search” for the creator of a work.

© Mike Holderness
• There’s much more detail linked from www.londonfreelance.org/fl/1304biog.html
IN RESPONSE to an earlier appeal, this month we have for you some day TV production rates. There’s also some photography fees from the national, lucrative US magazine fees for words, as well as “rubbish” TV punditry terms and one outlet that wouldn’t even name a figure! 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: Sky Sports News presenting, 4 hours £300; BBC news reporting day £280; Al Jazeera TV (English) punditry, terms “rubbish” £225; ITV regional news reporting day £180 X; BBC radio arts magazine producing programme, 8-hr day + prod. exes, no holiday pay, £160 X; BBC Regional TV News, early morning reporting, producing, presenting £150 X.

Photography: in-house PR half-day shoot, no exes, FBS £600; The Sun commissioned photo shoot, 27p per mile, retain copyright, News Corp have syndication rights £165; economist.com pic for tourism piece £400; Forbes Travel Guide monthly retraining for 14 short items online all rights US$250 X; Vice magazine 1000 words or sourcing pics £80 XX.

The Trireme
This month’s Trireme Award for “the worst terms since I was last chained to the oars” goes to the Mail Online. The extent of the plethora of pictures they run may be partly explained by their paying just £25 each – and, as a member notes, if the pic is picked up through an agency they get half that. The Freelance suspects that these rates may not apply to the “paparazzi” pics that the printed paper keeps denouncing and the website keeps salivating over.

British Library papers move
Nearly all the 24,000 newspaper titles in the British Library collection will be inaccessible in “hard copy” from June.Around 100 “high-use” periodicals – including TV listings magazines, fashion titles, trade papers and comics – are still available until the autumn. Collection Moves Bulletins are at www.bl.uk/newspaper-moves. After the Colindale site closes this autumn, reading print versions of newspapers will be hard to impossible, with a smaller selection of print titles orderable at the St Pancras British Library site, taking 48 hours to come by van from Boston Spa. More at www.londonfreelance.org/Fl/1303bl.html

The Rate for the Job

Copyright Small Claims court is here!

THE SMALL Claims copyright court is up and running – and the NUJ launched its effort to get members ready to enforce their intellectual property rights with a seminar fronted by barrister Isabel Jamal and Kate Fox, specialist at Thompsons, lawyers to the NUJ. This Small Claims “track” of the Patents County Court (eventually to be renamed the Intellectual Property ditto) enables freelances to pursue claims worth up to £5000 – a limit due to rise to £10,000 soon.

The existence of the Small Claims copyright court is a testament to the lobbying of the NUJ Freelance Office and the Creators’ Rights Alliance since the 2006 Gowers Review of copyright. “For too long, members suffering infringement of copyright on a small scale have been deprived of any realistic access to justice,” said NUJ Freelance Organiser John Toner, speaking after the seminar. “Not only does this deprive freelances of income that is rightfully theirs, but there has been the additional frustration of seeing infringers getting away with it. This is why we have campaigned long and hard for a small claims procedure. We also hope that once the court has ruled on some cases it will begin to be a deterrent.”

Previously, the mainstream small-claims courts had deemed copyright too complex for their informal procedures to resolve. This left small claimants to sue through Patents County Court – risking costs up to £5000 should they lose. The fee for issuing a small claim range from £25 for a claim up to £300 filed at www.moneyclaim.gov.uk to £120 for a claim up to £5000 filed on paper. Costs claimable by the winner are limited, with legal advice capped at £260, loss of earnings at £90 a day; hearings rarely last more than a day.

“The new system has its difficulties,” Toner added. “Its jurisdiction is

Leeching isn’t ‘fair use’

A US COURT has ruled that copying of Associated Press stories by “news aggregator” Melwater is not permitted under the country’s “fair use” rules. Judge Denise Cote, in the Southern District Court of New York, found that “permitting Melwater to take the fruit of AP’s labor for its own profit, without compensating AP injures AP’s ability to perform this essential function of democracy.” The NUJ has of late had to make the case that the US legal doctrine of “fair use” is anything but fair. In UK law, the circumstances in which work can be used without asking are covered by the relatively well-defined rules of “fair dealing.”

The NUJ and the Creators’ Rights Alliance quote, for example, a study for the British Copyright Council that shows that it can easily cost £1M in legal fees to find out whether a particular use is “fair” in US law.

That would suit corporations with deep pockets – such as Google, per chance – that are lobbying for “fair use” in Europe, using the UK and Ireland as beach-heads. We are inquiring how much Associated Press has had to spend, so far. Members may be interested in the roundup on the effect of “fair use” on US journalism produced by the Poynter Institute, linked from www.londonfreelance.org/Fl/1304fair.html

Words, per 1000: Economist 250 words @ £300 = £1200; Opera (Metropolitan Opera of New York) travel exes US $1000; earthzine.org 120-word feature @ £1000 = US$833; Caster, sought first article for free, wouldn’t say what rates offered from then on XXXX; Empire feature £300.

Words, other: English Heritage web editing, 5200 words £800; World Travel Guide (Columbus Travel Media) feature all rights £200; CNET.com 5 x 500-word articles £800; The Times 20 x 100-word listings + pic research £400; Forbes Travel Guide monthly retraining for 14 short items online all rights US$250 XX; Vice magazine 1000 words or sourcing pics £80 XX.
Public lending is all right

THE PUBLIC Lending Right Office, which distributes money to authors and illustrators whose books are lent by libraries, is to stay put, for now. The government had insisted that it would be thrown onto the “bonfire of the quangos”. Having had 1015 responses to its consultation paper, it has decided that the existing lean, mean funding machine will stay put in Stockton-on-Tees under boss Jim Parker, but will reprint its headed paper to say it is a division of the British Library.

The British Library replied to the widespread suspicion that it has an interest in weakening copyright and — though it does not lend books itself — reducing payments to creators, saying that it “is committed to a robust and balanced copyright regime that respects the interests of rights holders, creators and users alike [and] operates at the fulcrum of the copyright balance.”

One point in the government statement reeks of an “oops!” Jim Parker co-ordinates the International PLR network: “the future of the network will be an area for further consideration…”

Treat data like any other source

GOOD DATA journalism is “not really about maths,” says Guardian Datablog editor Simon Rogers: it’s about “treating data as another journalistic source”. Financial Times economics editor Chris Giles believes that “data helps you to get to the truth,” but in dealing with data there are “exactly the same issues as dealing with sources.”

Chris and Simon were speaking at the London Freelance Branch March meeting, on data journalism. Simon works “close to the news desk” and his Datablog team has since “gone from being an eccentric part of the newspaper, to part of the editorial process.” It now produces “two or three pieces a day hooked to the news agenda.”

Recently Datablog has covered antibiotics use in the UK compared with other countries; and a detailed look at people sentenced in connection with the 2011 riots. Using a Ministry of Justice “data deluge” eventually released to the Guardian, Simon’s team showed 2011 riot defendants were disproportionately “from poor parts of country… treated more harshly” than usual by the courts, and included “an unusual number of minors.”

Data journalism has taken off, says Simon, because “barriers to entry are very low: there are lots of free tools out there… you don’t have to be techie to use them.”

Chris came from statistics and economics into journalism — “telling the story I actually found harder than doing the numbers.” He spotted a £12 billion hole in the government’s finances after uncovering flaws in the equation behind the “model” the Office for Budget Responsibility uses for forecasting. Chris “replicated” the OBS model and “didn’t quite get their results,” then “went to them privately: they were helpful.” Data now, says Chris, “quite cool — a while ago it was lone… like being a librarian.” Data journalists “don’t need a degree in stats,” more important is an ability to find “things that other people want to know,” and to produce “great story-telling out of the data.”

Can freelances get in on the data action? Chris says the FT’s responses to a freelance data journalism pitch “wouldn’t be different from any other story: we’d want to check it.” © Matt Salusbury

It’s good to talk — about rates, contracts and Haymarket

FREELANCE journalists need to start sharing their experiences and linking up with each other; if they are going to resist attacks on pay and conditions, freelance organiser John Toner told freelance activists’ summit meeting on 16 March. More than 20 members met at Headland House to hear about successful campaigns to improve freelance conditions and discuss tactics.

Ian Cranna described how Haymarket has recently changed the ways that it engages “casuals”, paying them holiday and sickness pay, but insisting on taxing them at source, and cutting day rates from £150 to £120. A member reported that this followed another magazine publisher being hit hard by Her Majesty’s Revenue and Customs for paying people who were really staff as if freelance. Some had been told that they would have to accept the new rate even if they were sub-editing at home. At least one person had, we were informed telepathically, managed to negotiate the day rate back up a bit, on condition of not telling.

Assistant Organiser Pamela Moron described an increasing number of publishers trying to require contributors to sign “indemnity” agreements, which aim to shift all legal risk, including the cost of defending defamation cases or copyright disputes, onto freelances. She also described instances of members agreeing amendments such as promising to use all reasonable professional efforts to ensure that their copy posed no legal risk, or limiting the amount of the indemnity to the amount paid.

Mike Holderness, chair of the Creators’ Rights Alliance, outlined recent developments in the NUJ’s ongoing campaign to defend freelance journalists’ rights to their work — see page 1. NUJ vice president (job share) Adam Christie told the meeting about the range of resources that the union made available, including the Freelance Fact Pack and the Freelance Directory. He urged members to share information on what they’re being paid through www.londonfreelance.org/rates.

Closing the meeting, General Secretary Michelle Stanistreet promised freelances that we could count on her support, and that of the rest of the NUJ, when they came together to campaign for improved pay and conditions.

© Tim Dawson

• The email network for Haymarket freelances has been re-launched: to sign up visit www.londonfreelance.org/HayBazaar

Been stopped under Terrorism Act Schedule 7?

THE NUJ is seeking information from members who have been stopped and questioned under Schedule 7 of the Terrorism Act 2000. Have you been asked questions about your research, or had your phone or laptop examined? Schedule 7 seems to override automatic rights to a lawyer under the Police and Criminal Evidence Act. It could be that the questions you were asked did not relate to terrorism in any way if you have had similar experiences, please email campaigns@nuj.org.uk — all information will be treated confidentially. More at www.londonfreelance.org/1303terror.html
Leveson, gardening or the other way round

THE LONDON Freelance Branch meeting on Monday 13 May will be either on “Leveson: what now?” or on gardening journalism.

What does the post-Leveson “Royal Charter” deal debated in the House of Lords on 18 March mean? And what opportunities are there for us to influence the actual form of secondary legislation and the essential detail of the new regulator’s codes of practice?

We hope to have a speaker or speakers on the subject from among the movers and shakers in the realms of media or politics, or both.

And can journalists still make a living writing about gardening in this internet age? Our speaker will be possibly a very big name in gardening journalism, or a journalist better known from another field who’s recently diversified into writing about gardening. There will be more detail on the “angle” of the discussion when the speakers are confirmed.

The meeting on gardening, whether in May or June, will (provisionally) also be accompanied by a slightly unseasonal LFB seed swap, which may or may not coincide with the end of the Big Freeze prevailing at the time of writing.

Stand by to bring along to the “gardening” meeting any spare seeds you may have to give away to your fellow LFB members – tidily packaged and clearly labelled, please!

The LFB meeting on Monday 10 June will be on whichever of the two topics for discussion – Leveson or gardening – has not already happened by then, if you are still following us!

Watch www.londonfreelance.org/lfb/meetings.html and the LFB Twitter feed at http://twitter.com/NUJ_LFB for confirmation of which of the LFB meetings in May and June will be on “Leveson, what now?” and which of the meetings in these months will be on gardening (or possibly other topics) – and for details of speakers, and whether the seed swap is still on.

This issue went to press on 2 April. Deadline for the online edition is 25 April.

LFB meetings are from 7pm to 9pm at Friends House, Euston Road, NW1 (opposite Euston Station), 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, contact 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 LFB meetings for the rest of the year. For details of the NUJ London Photographers’ Branch meetings, see londonphotographers.org.

THE GETTING STARTED AS A FREELANCE COURSE

THE NUJ PRESENTS: GAME OVER?

HOW CAN JOURNALISTS make a living from or in the digital games industry? Writing about games, or scriptwriting for games: how does it work? The NUJ presents: Game Over!

This event’s on Thursday 18 April from 7pm to 9.30pm at the Innovation Warehouse, 1 East Poultry Ave, London EC1A 9PT (tubes Farrington, Barbican, St Pauls). It’s free to NUJ members and £5 to others. You must book to attend, via thenujpresentsgameover.eventbrite.co.uk (with no hyphens). This will tell you if any places are left after this Freelance has reached you by ninth-class post.

Speakers include games writers Rianna Pratchett, who worked on the recent Tomb Raider reboot; Ed Stern of UK games developer Splash Damage; and Andy Walsh, writer of Prince of Persia and many other titles.

On writing about games, we have the Guardian’s Steve Boxer on “How Video Game Journalism Has Changed”, See www.londonfreelance.org/lfb/1302trai.html.

LONDON B&B

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Data backup half-price offer

Protecting the contents of your computer is the technology equivalent of home contents insurance, says BackupBod.com. They’re offering their basic service – unlimited, fully automated backup – at half price to NUJ members, for £1.99 per month.

There’s no commitment, contract or minimum duration. The software “makes an exact copy of its files online”. When you modify a file, the software will automatically replace the old version in “the cloud”. See www.londonfreelance.org/fl/1304back.html for details of their offer; and quote offer code NUJ1 (“NUJ one”) when ordering.

Contact the Branch by email to freelancelondon@nuj.org.uk and the Legal Helpline by phone on 020 7843 3706 (membership) or 0800 085 3425 (legal helpline).