

Google to pay US authors

FAMOUS WEB search engine company Google has agreed on a \$125m settlement after US publishers and authors threatened lawsuits over its scanning their books and making them available online.

Google has been scanning US university library collections since 2004. Authors and publishers sued Google, alleging that its scanning and online republishing activity infringed their copyright in the books.

Google initially claimed that distributing authors' works thus was "fair use" under US law. The Authors' Guild responded: "The hell you say. Of such disagreements, lawsuits are made... While we don't approve of your unauthorised scanning of our books and displaying snippets for profit, if you're willing to do something far more ambitious and useful, and you're willing to cut authors in for their fair share, then it would be our pleasure to work with you." After over two years' negotiation, the settlement set up a system by which publishers and authors can be paid from institutional subscrip-

tions to the system, individual payments for access to books and book purchases made through it. A Book Rights Registry will ensure that payment is made to the correct rights-holders.

Google will pay \$34.5 million to get the Registry up and running, notify rights-holders of the settlement, and process claims. There's \$45 million to distribute for uses so far.

"It's hard work writing a book, and even harder work getting paid for it," said Roy Blount Jr., President of the Authors Guild. "As a reader and researcher, I'll be delighted to stop by my local library to browse the stacks of some of the world's great libraries. As an author, well, we appreciate payment when people use our work. This deal makes good sense."

The settlement has important implications for Google's work with European libraries to digitise their collections. That is a driving force in the discussion over permission to use "orphaned works" for which no creator can be identified – which

until now has left open the question of what Google and the libraries planned to do about distributing works that are *not* orphaned.

Meanwhile, Google announced in September that it was stepping up efforts to scan back copies of newspapers in the US. The *Freelance* is inquiring what arrangements have been made to pay for contributions in which journalists keep copyright.

And in Germany in October Google lost two lawsuits over its making and publishing "thumbnails" of photos for its image search service, which makes money from advertising. The Regional Court in Hamburg ruled that thumbnails of photos by Michael Bernhard violates his copyrights, and also ruled for Thomas Horn, reported by Bloomberg News as holding copyrights on comics. Here too, payments through collecting societies seem to be the answer.

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● Read more on the Authors' Guild web site via www.googlepays.notlong.com

Training in Wales

Freelance journalists living and working in Wales can get up to 80 per cent of training costs covered by Skillset Wales. This can cover the cost of the course itself and any travel, accommodation and childcare costs. To apply email wayne@skillset.org

Jeremy Dear with the evidence: photo

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(www.marcvallee.co.uk)



Insure and prosper!

FREELANCES should get Legal Liabilities Insurance for peace of mind and possibly even more. Here the brokers who arranged the deal for NUJ members explain why.

THE NUJ Freelance Members Professional Indemnity and Public Liability Insurance has now been available for two years. Many of you have appreciated the value of this exclusive membership benefit and taken out a policy, but there are many who are still taking the risk of working without essential insurance.

Like it or not, as a freelance you are legally liable for the work you produce. This means that unless you have a specific agreement with a publisher or other client which relieves you of your legal liabilities, if you make a mistake you could be sued and risk losing everything. Even if you've done nothing wrong, could you afford the legal costs of defending yourself?

The NUJ Freelance Members policy covers you for negligence, libel and slander, unintentional infringement of someone else's copyright, unintentional breach of someone else's confidentiality, loss of documents, withdrawal expenses, and even your liability to other people for causing injury or damage to their property. The cover is for awards against you as well as legal defence costs.

The basic policy provides Public Liability Insurance of £1 million and

Professional Indemnity Insurance of £50,000, which can be increased up to £500,000 if you need the extra cover. The basic policy is available for as little as £251.25 for the year, or a deposit of £37.69 and then 11 monthly payments of £20.87 each. The policy can cover virtually all the types of work you may undertake as an NUJ member, including newspaper, magazine and internet Journalism; TV, radio, video and film work; technical material production; book writing; design and graphics work; editing; publishing; photography; production of PR and marketing material, advice and training work.

Because of the value the insurers place on NUJ membership and the NUJ Code of Conduct, the policy even provides you with cover for all the material you have produced since the first day of your current continuous NUJ membership. And if you stop working while you are insured due to permanent retirement, incapacity or death, the policy provides with you with run-off cover for claims made against you for 12 months after the expiry of your policy (up to 36 months if you need it).

So, why risk everything when for less than £5 per week you can help save yourself from potential disaster? The NUJ Members Professional Indemnity & Public Liability Insurance Policy is called Writers Insurance and is provided by the NUJ's recommended insurance supplier, Imaging Insurance. Imaging In-

Possible progress on policing

POLICE obstruction and surveillance of journalists at work were on the agenda of a recent meeting between Home Office minister Vernon Coaker and NUJ General Secretary Jeremy Dear. The meeting seems to have gone well. Proposals from it include the development of guidelines to ensure that police "production orders" ordering journalists to produce source material do not become "fishing expeditions". Routine surveillance of photographers by the Metropolitan Police's Forward Intelligence Team also came up – see www.londonfreelance.org/fi/0804fit.html and following the meeting, the NUJ may become involved in briefing officers on journalists' role and our needs in carrying out our work. There's more at www.nuj-policing.notlong.com

Jeremy also gave evidence for the NUJ at a 21 October Parliamentary Joint Committee on Human Rights session (above, and see video at www.jchr.notlong.com). He told them police have stopped photographers snapping the London Eye, a railway station and the switching on of the Ipswich Christmas lights. The Committee questioned him on details of the Forward Intelligence Team's surveillance of journalists.

A photographer who recently rejoined London Freelance Branch told a Branch meeting he went to photograph Congestion Charge signs at the Bricklayers Arms roundabout to illustrate his blog. He was approached by police officers who told him that such activity might be "terrorist reconnaissance". The photographer didn't have his Press Card with him – as he wasn't on a formal assignment. The police did a check on his name and address and "went off after a while". A colleague advised that members should always have their Press Card readily to hand whenever they're out taking photographs.

Insurance can also help with photographic, video and other business insurances as well as household insurance.

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