

Facebook thought we were stupid

SOCIAL networking site Facebook quietly altered its terms and conditions back in February. A clause in Facebook's terms of service allows them to alter those conditions at any time without notice.

They removed the terms of service clause that stated "You may remove your User Content from the Site at any time. If you choose to remove your User Content, the license granted above will automatically expire", although Facebook could keep still archived copies of these.

This was replaced with: "The following sections will survive any termination of your use of the Facebook Service." This effectively meant that anything users ever put on Facebook belonged to Facebook forever, even if the users had subsequently taken it down. Remember those embarrassing pictures of yourself you took when you were

still at school, the ones you decided to take down before you make that job application some years later? Yes, these would now belong to Facebook in perpetuity, including rights to "publicly perform" users' content, and to use their "name, likeness and image" for "commercial and advertising purposes."

It seems that Facebook either felt users wouldn't notice the change in its terms of service, or wouldn't understand its implications if they did notice, or would accept Facebook CEO Mark Zuckerberg's explanation to his users that he "needed" these rights in order to legally facilitate user content sharing.

In the event, the huge outcry from Facebook users meant that the clause in question was quickly removed, and replaced with a slightly better version of the original contract. Facebook users can now happily waste vast amounts of their

valuable time on the site, safe in the knowledge that Facebook can no longer profit from their now deleted pictures of themselves taken when they were drunk all those years ago.

The Facebook affair shows that the general public *do* occasionally show an interest in copyright.

With an increasing number of freelance journalists using "free" sites like Flickr and Blogger.com to showcase their work, it's more important than ever to study diligently the terms of service before signing up, and periodically to review them to check they haven't unexpectedly changed. It's probably a good idea to give some thought now to having a (paid-for, tax-deductible) back-up plan and domain name ready for when your current free blogging or photo-sharing hosts try to grab all your rights, start charging money or go out of business.

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Photographer forced to un-publish pictures

INDUSTRIAL photographer Stephen Mallon was engaged to document the salvage of the plane that landed on the Hudson River in New York, US, back on 15 January. He was engaged by Weeks Marine, the company that lifted the plane from the water.

Those who have seen the pictures, the Online Photographer blog theonlinephotographer.typepad.com reports, say he did a wonderful job. Pulitzer-prizewinning photo editor Stella Kramer called his pictures "an incredible, beautiful document of the recovery".

Stephen put some pictures up on www.stephenmallon.com. But you can't see them there now.

First, about a week after the pictures went up, the US National Transportation Safety Board – the accident investigator – asked him to take them off. He did. Two weeks later the NTSB cleared them. Cor-

respondence continued about precisely which pictures were cleared for the public to see.

Then J. Supor & Son, owners of Weeks Marine, wrote to assert that they were his client. Strange.

Then troubled insurance company AIG passed Stephen a lawyers' letter demanding that he un-publish his pictures.

And... let's get this straight, if we can. What are the roles of AIG and those lawyers here? US Airways is the owner of the plane that failed to complete Flight 1549. And Stephen tells the *Freelance*: "US airways hired the law firm and AIG. AIG hired Supor & Son; Supor hired Weeks Marine, Weeks hired me. So there are the degrees of separation in the claim that I am a sub-sub-sub-contractor of theirs."

Under US copyright law, photographers' and other authors' clients can ask them to sign a "Work for

Hire" agreement – which means that the client is legally regarded as the author of the work. A "Work for Hire" agreement means that a freelance, who by default owns their own work, is treated as employees are under US law. (Note: this happens *only* in US law.)

But Stephen had signed no such agreement.

Ironically, Stephen has an email from US Airways, thanking him for shooting the recovery of the plane – and asking for copies of his pictures, for their archive. Other photographers will not be surprised to hear that they offered no fee for this.

The *Freelance* is frankly puzzled over what legal case AIG could make. But it'd cost Stephen a small fortune to challenge them, so for the moment you can't see his pictures, and he can't sell licences to use them either.

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Shafted: the media & the miners' strike

THE 1984-1985 miners' strike was a defining moment in British industrial relations. *Shafted*, edited by Yorkshire freelance Granville Williams and published by the Campaign for Press and Broadcasting Freedom (CPBF), to which the NUJ is affiliated, has been published to commemorate the 25th anniversary of the strike's start. It bravely explores the ways in which the media covered the strike and looks into the devastating impact of the pit closure programme on mining communities.

It analyses the pressures on journalists who reported the strike, with accounts from prominent reporters, among them Pete Lazenby of the *Yorkshire Evening Post*, Nick Jones of the BBC, and Paul Routledge of *The Times*. But the book also looks at the important contribution from the alternative media and the coverage of the long conflict by freelance photographers and filmmakers.

It was the official line at the time that, by defeating the NUM, Thatcher crushed the trade union

movement. Fortunately, this incisive title reminds us of many instances of strong solidarity and cohesion in our organizations, a prime example being the refusal by all the *Sun*'s chapels to run a front cover showing a cropped picture of Arthur Scargill to appear as though he was giving a Hitler salute to illustrate the editor's headline: "Mine Fuhrer". The historic 15 May 1984 edition instead ran a blank front page stating that

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