

STORIES NOT IN THE PRINT EDITION

US Supreme court to hear copyright case

THE US Supreme Court announced on 4 March that it has agreed to review a ruling by the Second Circuit Court of Appeals, which had invalidated a settlement of a global class action copyright infringement suit on behalf of freelance journalists against the combined newspaper and periodical industries and their electronic database partners – as one of those journalists, wrestling writer Irv Muchnik, puts it.

Mouthful? You bet.

In the beginning, writers and writers' organisations sued the *New York Times* and other publishers for selling their work, via online databases, without a licence. The case

went up to the US Supreme Court. The writers won in 2001.

Some writers' organisations proposed a deal with the publishers, worth \$18 million before extracting legal fees. Some publishers and online database owners piled on board, without increasing the settlement total.

Some individual writers objected, saying the net \$11 million was far too little and unfairly skewed toward writers who had registered their work with the US Register of Copyright.

Back to court, then. The appeals court, throwing out the proposed settlement, said that the federal

courts have no jurisdiction over settlements involving copyrights not formally registered with the US Copyright Office. That would exclude many US freelancers – and almost all authors outside the USA. ("Authors" in legal terminology includes lyricists, poets, crossword compilers and photographers.)

The publishers and the objectors were at last agreed: this last ruling was bonkers.

It is, however, the US Supreme Court that decides what lower court rulings are legally bonkers in the US. So back the case goes. There's no date yet.

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Beware citizen book publishers!

THE BLOGGING boom and publish-on-demand has produced a new trap for journalists who also write books. I was one such victim.

Guidebook writing is underpaid. Writers are getting a flat fee for work sold over several continents and reused without further remuneration. But the "always go for royalties" maxim is to be viewed with suspicion when it comes to small publishers without a well-known brand name, and those who are effectively self-publishers.

I was approached to write a guidebook to be called *France Instructions for Use*, inspired by a previous guidebook to Italy. The publisher told me the Italian version had sold around 6000 copies in six months, and the formula seemed a good one. I agreed to a very small advance of Euro 280 and 10 per cent of sales, which included a commitment to contribute to a web fo-

rum which linked to the publisher's website. When I started editing I realized I had not sufficiently quizzed the publisher on her credentials. There were French words used out of context in a way that changed the sense, making proof-reading ridiculously slow.

After the first royalty statement fell overdue, I eventually received an email saying that sales had not even covered the advance payment, followed by accusations that the low sales were my fault on account of not having a sufficient "web presence". My web presence amounted on that day to some 25 pages of Google, each with about 10 references, mostly links to my other books on Amazon. The three or four hours a week I had contractually put into the web forum had not been rewarded by sales.

It seems the publisher was looking for a blogger, who would sell the

book off their blog and via the blogger's network and forums.

To do this would have entailed almost a full-time researching and writing job on a blog which would not be useable to promote my other work.

The Italy book – which had supposedly sold like hot cakes – and its web forum called for a "down-home American style" that targeted a middle-American readership that was alienated by the British English style of my other works.

Steer clear of such people, or if you do get involved insist on a flat fee, professional editors and proof-readers, and do not undertake web promotion unless you already have a suitable blog to which you simply need to add a link to the book. I worked for five months for 280 Euro and ended up stitched up by my contract.

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the tabloid "decided reluctantly, to print the paper without it". An early victory against the future Murdoch empire!

However, according to Williams: "the cumulative impact of the propaganda assault on the miners by the overwhelming majority of the national newspapers was to present to their readers, over several months, a distorted view of the strike."

Even the *Mirror*, originally sympathetic to the miners, changed its editorial tone after Robert Maxwell acquired the paper in July 1984. The broadcast media was equally biased against the struggle, and coverage of the central issues of the dispute, (the ballot, violence, the return-to-work movement, the personality of

Arthur Scargill) was framed in terms that favoured the National Coal Board and the government.

But an ethos of self-organisation developed to counteract the increasingly vicious posture of the mainstream media. A collective effort by a group of alternative newspapers and publishers from up and down the country tried to tell the story from the miners' point of view. They included the *Other Voice*, the *Brighton Voice*, *Durham Street Press* and the *Islington Gutter Press* among many others. Publishers Leeds Postcards and Pluto Press launched special edition cartoons and cards that raised more than £50,000 for the strike fund.

It was the *Other Voice* that set the record straight on many issues, showing John Harris's picture of a mounted policeman clubbing pho-

tographer Lesley Boulton at Orgreave and bringing attention to the BBC reversal of videotape to show police cavalry violence in response to miners throwing stones rather than what really happened – the direct opposite.

Shafted reminds us that, in this post-G20 world we live in, with the ghost of mass unemployment taking its daily toll, we can draw inspiration from the resilience and strong solidarity ethic of the trade union movement of a generation ago, so that we can all face together these uncertain times in hope and with dignity.

● *Shafted – The media, the Miners' strike and the Aftermath*, edited by Granville Williams, Campaign for Press and Broadcasting Freedom, paperback £9.99. Order from www.CPBF.org.uk