

# To ride an avalanche

PHOTOJOURNALISM is in crisis. "Pictures, whether from the carnage in Iraq or the floods in Norfolk, have helped to open a window on the world," NUJ General Secretary Jeremy Dear told the second NUJ Photographers' Conference. "They are the epitome of public service journalism," Dear continued: "yet that window is one that growing forces are determined to shut."

Dear was speaking to nearly 200 photojournalists at the "Photography matters" conference at the Institute of Education building in London's Bloomsbury on 18 May.

Attacking photographers from one side are publishers and broadcasters determined to cut costs, as Freelance Organiser John Toner and other speakers made clear. "Because of the false god of digital technology," Toner said, "there is a belief that amateur pictures are good enough. The professional response to that is simple enough. 'Good enough' is not good enough."

On the other side are Parliament and the courts imposing restrictions on anyone taking pictures – from frequently-misapplied anti-terrorism legislation to a mysteriously growing law of privacy.

Commander Bob Broadhurst, in charge of Public Order at the Metropolitan Police, came to offer a commitment to "improve relationships between police and photographers." There was outcry from photographers when he asked: "I don't know what the vetting is for holding an NUJ card. Can anybody

apply for an NUJ card who has a camera?" But, one photographer protested, "you can have the most left-wing anti-police member of the press there and they have a right to get their work published as much as the most right-wing."

"We reject entirely his false argument" belittling the NUJ's checking that applicants are in fact newsgatherers who earn their living as journalists, Dear responded concluding the conference: "We will fight not just to keep the window open but to open it wider and let more light in".

Commander Broadhurst promised to reply in writing on further moves to train and inform all officers of the guidelines agreed by the Association of Chief Officers on dealing with the media, and on whether the Met was keeping details of photographers who were themselves photographed by the police.

Members are encouraged to report incidents when they have been hindered – or assisted – by police, via [www.londonfreelance.org/policing](http://www.londonfreelance.org/policing)

On the challenge to the business of earning a living as a professional, veteran David Hoffman noted that there are three ways to survive an avalanche: "You can not be there – you can diversify into other fields. You can dive into a crevice and let it pass over you – specialise in a niche market. But the most fascinating way is to run with the avalanche and go with the flow." That's not easy: "There are plenty of visually illiter-

ate people buying pictures," Hoffman said, "and they like pictures like their friends take – professionals may laugh at those pictures, but professionals are rarely buyers."

The 60 members attending the conference session on copyright unanimously opposed to an idea floated by the UK government to deal with "orphaned works". This would deal with works whose authors cannot be identified as if they were abandoned bank accounts – the Treasury would take effective ownership. They also unanimously opposed US proposals that would leave use of orphaned works illegal but effectively to prevent any parents of the alleged "orphan" suing.

"From the protest at Kings north power station to the Israeli embassy, from the Greek embassy to the City of London," Dear concluded, "the NUJ has made the treatment of our members a key political priority."

## Mike Holderness

- A very complete report is available, to NUJ members only – contact the Freelance Office.

Commander Bob Broadhurst  
Photo © Paula Geraghty:  
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## Orphans return

The Intellectual Property Watch blog ([www.ip-watch.org](http://www.ip-watch.org)) reports the US Register of Copyright, Marybeth Peters, telling it that a new law to allow the use of "orphaned works" would be introduced in Congress by 22 June. It hadn't happened by 25 June: but the NUJ is geared up to oppose any re-run of last year's proposal. That would have left use of orphaned works illegal, but made it almost impossible for any author who showed up saying "I am the parent" to claim damages against a user who had followed guidelines – as yet unspecified – on searching for them. As impossible, in fact, as it is for the author of a fully-parented work to get damages if they haven't spent the money to register their work with Marybeth. The NUJ is also opposing a proposal by UK civil servants to deal with orphaned works in the same way that abandoned bank accounts are handled – they end up belonging to the state. Revenant authors wouldn't get anything.

## Google: goodwill or grasp?

GOOGLE's settlement with the US Authors' Guild over the web corporation's unauthorised digitising of whole libraries of books may technically affect only the authors of the books involved. But colleagues representing musicians, for example, are alarmed at its potential to set a pattern for the whole of publishing – in which authors and performers, from dancers to photographers, rely on the corporations goodwill to get paid for all use of our work, beyond up-front fees for its first appearance.

And, unsurprisingly, the settlement is entering stormy waters.

The proposed settlement includes all text authors (and publishers) in the countries that are members of the Berne Convention on authors' rights. The UK and Ireland do belong to Berne; if you live and work in Afghanistan, Angola or a handful of other countries, check. It offers them US\$60 compensation for each book copied without permission, and 30 to 40 per cent of in-

come from future advertising alongside scanned books, from library licence fees and from eventual pay-per-view access to books.

The proposed settlement does not offer any money to illustrators or photographers whose work appears in the books (unless they're the author of an entire book, or its an illustrated children's book). Images are supposed to be stripped out of the versions made available online, except for new book previews put online with publishers' agreement – for the moment. The *Freelance* is checking and would be interested to receive examples of this stripping-out not happening.

But how would the revenue split work? People in the music licensing world have issues with similar proposals to compensate musicians for work appearing on YouTube – owned by Google. This went ahead and distributed copyright material without permission and then offered in settlement a share of advertising

revenue. But how much? As a pointer, the *Freelance* is told that one of the three songwriters of the Rick Astley work that (for perverse reasons too complicated to explain here) was the most-viewed song on YouTube last year received a princely US\$12.

One issue is whether Google is prepared to be transparent about accounting for this revenue share. The European Federation of Journalists' annual conference in Bulgaria in May voted to campaign for transparency in all such deals – but that's a long-term project.

On 10 March Google started taking UK musicians' videos off YouTube, having refused a proposal on compensation from the music collecting society the Performing Rights Society (PRS). Somehow, this was portrayed in many places as musicians being unreasonable.

Because the settlement is proposed under US law following a

**GOOGLE: WHAT TO DO on p 4**