

Newsletter of
London Freelance
Branch, NUJ

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Raising your
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Guardian 'day of rest'

THE NUJ is set to designate a "Guardian day of rest" when it will ask photographers to refuse to enter into contracts to work for the paper on a specific day in protest against recent changes to their terms and conditions.

The union wants the company to improve its offer to all freelance photographers, after it was able to negotiate an agreement covering re-use fees for those working under retainer contracts for the paper.

The dispute relates to a decision by the *Guardian* to refuse to pay fees for re-using commissioned photographs. In July the *Guardian* wrote to all freelance and contract photographers stating it would no longer pay re-use fees for photographs they commission.

After NUJ intervention it has been agreed that over a dozen photographers who work under contract for the *Guardian* will agree a licence to be paid re-use fees on a sliding scale for a five-year period after the end of the contract.

This only applies to contract photographers, and the union is demanding improved conditions for all photographers commissioned by the paper. Many photographers depend on re-use fees for a significant proportion of their income.

The day on which the protest will take place will be specified nearer the time, minimising the advance notice that will be given to

the company. NUJ Freelance Organiser John Toner said: "We're pleased to have reached an acceptable deal for contractors on re-use fees. But other issues remain to be resolved. Now we're looking to the *Guardian* to show the same willingness to review its position for all photographers."

An NUJ protest on 1 September outside the *Guardian's* offices at Kings Place in London, was attended by 40 photographers and their supporters. Jeremy Dear, NUJ general secretary, expressed the solidarity of the whole union with *Guardian* photographers' fight. "If we are successful here it will help us to defend attacks on freelance conditions elsewhere in the industry," he said.

Steve Bell, *Guardian* cartoonist and member of the paper's NUJ chapel committee, told protesters: "Comment may be free, but content is not free. This move is

theft of people's work and their right to make a living from it." The union also sent a letter signed by over 900 photographers to Chris Elliott, the managing editor of the *Guardian* – www.londonfreelance.org/fl/0910gmg.html to add your name to this petition.



Protesting photographers photograph NUJ General Secretary Jeremy Dear (left) and Steve Bell

Photo © Pete Jenkins www.petejenkins.co.uk

©hange is in the air

AUTUMN is already seeing a flutter of initiatives on "orphaned works" – words, pictures and sounds for whom no author can be traced. Mike Holderness reports:

As the *Freelance* has previously reported, libraries' wish to digitise and distribute works without asking whether they can find their author or not – and Google's attempt to redefine the word "library" to mean "Google" – may well be a bigger threat to the framework of authors' rights and to journalists' income than the possibility of a scheme for commercial use of orphaned works.

If "library" comes to mean "copies of anything delivered to your computer" then we could all suddenly be dependent on Google's decision of what our share of its income is as payment for pretty much all uses of our work after first publication.

On 7 September EU Commissioners (Civil Service chiefs) Reding of the "Information Society" department and McCreevy of "Market" announced that they plan to "ensure a regulatory framework which paves the way for a rapid roll-out of services, similar to those made possible in the United States by the recent settlement [Google Books: see page 3], to European consumers and to the European library and research communities..."

"It goes without saying," they said, "that digitisation of copyrighted works must fully respect copyright rules and fairly reward authors."

The Commission will face very strong pressure for a "library exception" that would give them – and Google – permission to copy all works, orphaned and parented. It seems likely, given the Commissioners' statement, that this would come with some kind of payment, via collecting societies. Would this

come from central funds? From the income of the googlibrary? Who would set it?

The UK government seems to want to get in first. Its Digital Britain report back in June announced plans to introduce legislation to allow licensing of "orphaned works" – and "extended collective licenses" that could extend the scheme currently used for cable television re-distribution to library copying and perhaps television archives. Authors (who, for the avoidance of doubt, include photographers) would not be asked but would be paid, through collecting societies.

It remains to be seen what will actually be announced in the Queen's Speech on 18 November. The NUJ will be watching closely and pressing to ensure that authors' rights are respected.

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● For much more detail see www.londonfreelance.org/fl