

Work for your rights

THE NUJ has made strongly-worded submissions to the Second Reading of the Digital Economy Bill in the House of Lords on Wednesday 2 December and is continuing pressure as the Bill heads into Committee stage in early January.

The Creators' Rights Alliance, www.creatorsrights.org.uk – of which the NUJ is an active member – produced a briefing for the Lords, in which union activists picked three key points that must be observed.

The Bill would, if passed in its present form, empower ministers to write rules for authorising bodies – such as collecting societies – to license use of “orphaned works” and to licence other uses by so-called “extended collective licensing”.

“There will be no digital economy worth having,” the CRA observes, “unless the individuals who create its ‘content’ remain able to make a professional living. We cannot live in ‘wikiworld’ – the universe of volunteer contributions, blogs, Sunday paintings and demo recordings – alone.”

Section 42 of the Bill would allow the minister to make regulations to allow the use of works whose creators cannot be identified. “It is a logical and legal absurdity,” we point out, “to make such provision while there are significant groups of authors who do not have the right to be identified as authors of their work.” That’d be you, then.

We also demand that there must be a legal guarantee that “metadata” – including your byline or picture credit – stays with everything published, online or otherwise. The *Freelance* understands that publishers are also presenting an amendment to the Copyright, Designs and Patents Act 1988 that would give protection to

“rights information” – though they’re not keen that that should include information on the actual writer, photographer or performer.

And if there is to be any scheme for licensing use of orphaned works or collectively licensing to libraries or other bodies, then it may only be administered by organisations that genuinely represent creators.

As the *Freelance* sees it, the “extended collective licensing” provision will affect journalism much more than licensing of orphaned works. It would mean that for example the British Library could scan books and put them online – without asking, but *with payment* to creators such as writers and photographers. The BBC is also hoping to use such provisions to put its archive online without having to clear rights with individuals.

At the time of writing – 8 December – the CRA was discussing

possible amendments to the Bill to implement these principles. Much of the work – for example ensuring that nobody can declare a work “orphaned” without doing a very, very thorough search for its author – remain to be done in the consultation over the drafting of the “Statutory Instrument”, the measure that the Bill would empower the minister to make as “secondary legislation” changing the rules.

Viscount Bridgeman made many of these points in the Second Reading debate in the Lords on 2 December. Other Lords expressed concern about the clause in the Bill that would allow ministers to make practically any change to the Copyright Act by Statutory Instrument, instead of needing a new Act of Parliament. Powerful interests such as Google oppose allowing ministers to do this.

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Health and safety conundrum

WARM clothes, waterproof, gas mask... a journalist packs to cover the protests around the climate summit in Copenhagen in mid-December. Unfortunately, wearing gas-masks is illegal in Denmark, according to the protest briefing – presumably to give the police a monopoly of virulence. The results of the *Freelance* sweepstake on the number of journalists arrested for ensuring their own health and safety at work will appear online. More on contact with the UK police on page 3.

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Photographers' Branch to launch

THE NUJ's National Executive Committee has approved a call from some photographers to form a separate London Photographers' Branch. Membership will be open to NUJ members who define themselves as photographers and do work for media based in London. And London Freelance Branch voted in November to lend the new LPB £500 to-

ward its start-up costs. Membership of the Branch is open to any NUJ photographer who lives in London or who carries out the majority of his/her work for clients based in London.

To be clear, no photographer has to transfer from his/her existing branch. You are entirely free to remain with your current branch – the

choice is yours. You will still get full NUJ support, both from union full-timers and from experienced London Freelance Branch members, and receive the *Freelance*.

If you do wish to transfer your membership to the new Branch, you should contact the NUJ Membership Manager, Sharon Gilbert:

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