

# Photographer wins on rights

JUST after the last *Freelance* went to press, on 16 October, celebrity photographer Alan Grisbrook won a case in the High Court that could – possibly – strengthen the case for all authors (a term in law which includes photographers) to get paid for online use of our work.

In 2008 Alan discovered that Mirror Group Newspapers (MGN) were making available back copies of their titles, including the *Daily Mirror*, to paying customers through

various archive websites and that these contained his images.

He complained that he had never consented to the inclusion of the images in MGN's back numbers database and on their websites. He had granted a licence for the production of current newspapers and occasional use of material stored in MGN's picture library in new publications for further payments.

Rather desperately, in the *Freelance*'s humble opinion, MGN ar-

gued the archive was in the public interest: Tom Cowling of solicitors Swan Turton report the High Court judge giving that "short shrift".

The complicating factor is that this case followed the settlement an earlier lawsuit by Alan against MGN, in which he won licence fees unpaid after he stopped working for them. Legal opinion on how widely future courts may apply this High Court precedent is divided.

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## Have you ever belonged to the FT?

The *Financial Times* announced last month that its complete archive is available online – for paying subscribers. The NUJ issued a statement: "As the House of Lords debates stamping out piracy by teenagers in their bedrooms, the NUJ asks whether publishers are the pirates we should really worry about." If you have words or pictures in the paper for which you have not licensed this use, please contact the Freelance Office – email [FreelanceOffice@nuj.org.uk](mailto:FreelanceOffice@nuj.org.uk)

## BBC snapper's terrorism police stop

BBC NEWS photographer Jeff Overs was stopped by police in late November under Section 44 of the Terrorism Act while photographing the sunset over St Paul's Cathedral from the South Bank. Interviewed by Andrew Marr, he reported that the Police Community Support Officer present at the incident assured

him: "We've stopped lots of people along the South Bank this morning, and none of them have complained." There do seem to be issues in the training of PCSOs. Jeff reported the PCSO's assertion, (which we keep hearing from PCSOs in other, similar incidents) that photographers might be

"reccyng for a terrorist attack." Marr concluded: "it's all so silly."

The BBC webpage with the video interview also has a "have you been stopped and questioned for taking pictures?" survey, and LFB's own website has a much more detailed survey at [www.londonfreelance.org/policing/](http://www.londonfreelance.org/policing/)

## Guy Smallman overturns ruling

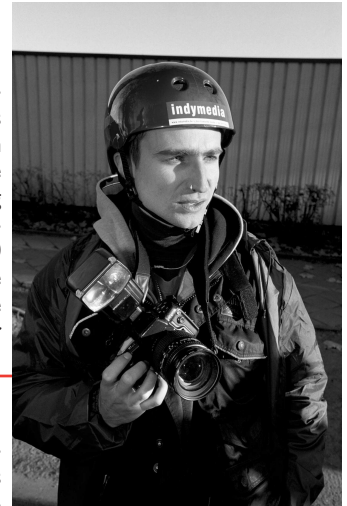
LONDON Freelance Branch member Guy Smallman has won the right to compensation for being shot in the leg with a "percussion grenade" while photographing protests at the G8 summit on 1 June 2003.

Guy was originally awarded compensation – to be determined – by a lower court for the canton of Geneva, only to see the cantonal appeal court deny that the State of

Geneva had any responsibility for his injuries. That court did so despite the grenade having been fired up at Guy as he climbed stairs away from the police, whose regulations state that these weapons may only be fired down at the ground.

On 20 November the Swiss Federal appeal tribunal dismissed that dismissal as "arbitrary" – so Guy will, eventually, get some money.

Dominique Diserens, General Secretary of the Swiss journalists' union Impressum, deplored the length of time it is taking Guy to get justice. The Tribunal awarded Guy £2950 in expenses and sent the case back to determine the level of damages and/or compensation.



Guy Smallman covering a protest in Brussels in December 2001

Photo © Paul Mattsson:

[www.thebppa.com/paul-mattsson](http://www.thebppa.com/paul-mattsson)

## Policing update

THE NUJ participated in the open meeting of the Metropolitan Police Authority, (MPA) Civil Liberties Panel on 5 November: the MPA is the London Assembly body that oversees policing in the capital. The meeting focused on the policing of demonstrations in London, with particular reference to the G20 protests in April 2009. NUJ Freelance Organiser John Toner attended, along with Legal Officer Roy Mincoff

and freelance photographer David Hoffman. John reported the NUJ's contributions were well received.

The finding of the MPA panel of particular relevance to journalists was that "the police should facilitate open media coverage of events and not impede access", and that police should ensure that "communication with the broader public via the media must be factual and objective, and should not present demonstra-

tions as potential conflicts." The Civil Liberties panel meeting on 15 December was to hear evidence from media workers addressing "key issues of concern provided by the media representatives". We hope to report on this shortly. John Toner also spoke at an officers' briefing at Met's Public Order Training Centre in Gravesend, ahead of August's Climate Camp.

## Far-right fatwa on photographers

NUJ freelancers Marc Vallée and Jason Parkinson have received death threats following their coverage of English Defence League demonstrations. Photojournalist and London Photographers Branch member Marc and NUJ video journalist Jason received emails after covering an EDL event in Leeds and other EDL protests throughout 2009. The NUJ has received other reports from photographers of verbal threats, intimidation and assaults while covering EDF demos. The union is providing legal support to those affected, and plans to file complaints

to the police. Jason Parkinson said: "It is ironic the English Defence League claim they are protesting 'peacefully' against Muslim extremism. Then late Saturday night, after returning from covering the Leeds protest, I receive a threatening email from one of their Welsh and English division organisers entitled 'Fatwa'. 'A fatwa has been issued on you my communist friend. Enjoy any money you've made from EDL protests, as if you are spotted again you will be fed up.'" Jason says he has traced the email to an organiser of the English and Welsh Defence

League divisions. See Jason's Comment is Free piece on this at [www.farrightfatwa.notlong.com](http://www.farrightfatwa.notlong.com)

NUJ General Secretary Jeremy Dear added:

"These are not idle threats made by kids – these are direct, named threats made by individuals who can be traced – in one case an individual already convicted of stabbing someone. They are designed to silence the media and stop photographers showing the true nature of the protests and protestors. The police must act now before a journalist is killed or seriously injured."

## New ways conference

The New Ways to Make Journalism Pay conference on Saturday 16 January 2010 is now full. If you have registered but not yet sent a cheque, you can still attend: send it now! To check for "no-show" places, email [pamelam@nuj.org.uk](mailto:pamelam@nuj.org.uk) – you cannot turn up without registering! For what it's about see [www.londonfreelance.org/fl/0912ways.html](http://www.londonfreelance.org/fl/0912ways.html)