

Bills of change

After the purchase of *Independent* titles by Alexander Lebedev and of 28 local Guardian Media Group titles by Trinity Mirror Group, freelancers are reminded to get their invoices in now to avoid complications in payment.

The Rate for the Job

WE HAVE rates for writing work for clients in the USA, a market that's well worth a look, as it's easily five times the size of the UK market. One such rate is for re-use of a 12-year-old article, a reminder of the benefits of keeping your rights if you can.

Thinking about work for a company you've not dealt with before? Simply look at the Rate for the Job to find out what companies in similar niches have paid. Then aim higher. You can submit rates online, in confidence, at any time, at www.londonfreelance.org/rates – please give not only the basic rate (e.g. for **FBS**, First British Serial rights) but extra payments negoti-

ated for extra uses, like the Web – or for print if it's a Rate for the Online Job. These are shown as (eg) £400 + 100. We now record rates paid in Euro as well.

Rates marked **X** are, in the editor's fallible opinion, below par. Treat all rates as minima, even perhaps the happy ☺.

Photography: *Guardian* supply photo for website £66 **XX**; APTW 1 minute footage 50 per cent extra for online use £300 + 150; *Financial Times* 5 cols p3 £180 + 90; *Financial Times* online slideshow £130 **XX**.

Shifts: ITN News producer/ director day £322; **X**; Pearson Education commissioning + development editing, per hour £30; *Bookseller* layout sub day £140; *Oxford Times* writing day £100 **XX**; *Daily Mail* editorial assistant day £100; *Condé Nast Traveller* editorial assistant day £80 **XXX**; *Bookseller* layout sub day £140; *Shortlist* writing day £120.

Words, per 1000: *Which* £750; Sony Legacy album sleeve notes US\$1000; *Saturday magazine* celebrity column FBS £625; *Express* FBS £533 + 0; *Fabulous* FBS £533; *Mail on Sunday* 'You' magazine £500; *Aviation Week* blog item US\$700; *Fabulous* FBS £400; *RBS* magazine review £462.50; *Daily Mail* £400; *Insurance Times* all rights £360; *Express* online,

FBS £350; *Daily Mail* all rights £333 **X**; *Guitar World* reuse of (4000-word) feature from 1998, 50 per cent of original rate US\$500; *24 Housing* £312.50; *Yours* £300; *Accountancy Age* all rights £270; Virgin Media website entertainment features, first world online rights (FWOR) £250; *Metal Bulletin* (Euromoney group) £247; MSN website all rights £200 **X**; *Independent FBS* £200; MSN Travel 2500-3000-word piece, all rights £200; *London Review of Books* £210, + £10 per photo; *Sussex Life* writing local feature which is used on web £200; *Marine News* £195; *Music Week* feature no terms specified at commission, assume FBS £172; *The Times* £150 **X**; *NME* feature £140 **XX**; *Football Punk* £125; *British Journalism Review* £90.

Words, other: *History Today* 2200 words £150 **X**; sports books 24,000 words on teams, pic research, pre-production, all rights £2000 **XXXX**; *World Travel Guide* 850-word exclusive, one photo £195; *The List* (EdinburghGlasgow) 100-word reviews £5 **XXX**; FirstWord 10-15,000 word business report, 6 weeks research £3500; *New Internationalist* 300 words + 1 pic £145; Engadget technology blog per post US\$15.



The Gong

This month's Gong, a wake-up call to late payers, goes to *Football Punk* magazine (JF Media Ltd), who took more than five months to pay a freelance £100 for an article.

Photo:
© Dave Rotchelle

COPYRIGHT from p 1

onto the political agenda and the insertion of "creators" into the political lexicon is a direct result of lobbying carried out by the NUJ with the Creators' Rights Alliance (CRA), and of the amendments we supported while the Bill was going through the Lords.

During that process the government made significant changes to the Bill. For example it now outlines the steps that someone wanting to use an orphan work would have to go through to try to find its creator or creators. It makes it much clearer how creators' organisations and other interested parties are to be consulted, not just on the content of the "statutory instruments" that are to flesh out the organisational machinery but on individual licence applications. It has gone some way to meeting the CRA's demand that only bodies genuinely representative of creators may grant such licences.

The other two key safeguards that the CRA sought – in short, the creator's right "to be identified and to stay identified" – are not in the Bill, nor were they ever likely to be. As Viscount Bridgeman said in the Lords debate, "It is a logical and legal absurdity" to make provision for use of works by unidentified authors and other creators "while there are significant groups of authors who do

not have the right to be identified". No-one contributing to a newspaper or magazine or reporting news and current affairs currently has the key rights in UK law.

There was no practical political possibility of stopping the government's move, not without scuppering the entire Bill and damaging the interests of creators – including journalists in the trial areas for "regional news consortia". So the CRA wrote to key MPs saying that no authorisations under the Bill should be granted until the moral rights issue was sorted out.

That was hard work. Now it gets harder, exorcising the devil in the details. See www.creatorsrights.org.uk/?page=ECL for a guide to extended collective licensing and the next political stages.

Meanwhile in another corner of Westminster, the government's Intellectual Property Office is taking a look at creators' contracts. Yet more consultation.

Over in New York, the Google Books Settlement is delayed again. Anyone with words published in a book should visit www.londonfreelance.org/fl/1002goog.html – our online checklist to work out what the settlement means to you. We're waiting to see whether the Authors Guild, publishers and Google come up with a second re-

vised settlement agreement, as Judge Danny Chin hinted they should at the 18 February fairness hearing. The ranks of those objecting has swelled, with Ursula K. Le Guin resigning from the Authors Guild, and exhorting US authors to join the National Writers' Union: See www.ursulaklequin.com/Note-NWU.html

And in Washington, DC, the Supreme Court has issued its second ruling in *Tasini versus Times* – the case in which Jonathan Tasini and others sued the newspaper and online databases for putting freelancers' work online without a licence. The ruling is that the settlement can include authors who did not register their work with the US Copyright Office – including most freelance claimants. The effect is that the case – launched in 1995 – goes back to the Southern District Court of New York to decide whether the \$11 million for writers is fair, or not.

Back in Europe, meanwhile, we await with interest the imminent publication of a draft EU-wide law on authors' rights. The "Wittem group" of law professors is producing this on its own initiative, with no formal mandate and no consultation. It could be influential, given noises coming from parts of the EU's civil service, the Commission.

© Mike Holderness