

# Digital economy action

THE DIGITAL Economy Act was rushed through in April, with last-minute Conservative opposition ensuring that the Act lost its Clause 43, which would have affected creators' rights by introducing "extended collective licensing" and licensing of orphan works.

Throughout the passage of the Act, the Creators' Rights Alliance – which includes the NUJ – worked with organisations that are democratically representative of creators. We worked with Lords to assist drafting amendments to make the "moral" rights to be identified and to defend the integrity of our work available to all, including journalists, and enforceable, and to give creators the right to stay identified.

In the event they were proposed without a vote being forced, to get clarification. The government *did*

put up amendments that clarified the proposals, partly addressing concern about what bodies could be authorised to grant licences, and on what would have to be done before a work could be declared "orphan".

This activity has put these issues on the political agenda more clearly than for decades. We are "all creators now. I create when I post on my website: you create when you post a note on your Facebook wall, we create when we tweet to each other." That was David Lammy, then Minister for intellectual property, at a March Strategic Advisory Board for Intellectual Property meeting on moral rights. "Any artist puts not just effort but quite a lot of themselves into their work," he went on, concluding that "the huge endeavour which that artist has put in" is the reason "why moral rights

are important." Sympathetic words indeed – though he acknowledged he wouldn't be Minister for long.

Were the proposed copyright provisions that failed to make the Act "the best compromise that could have been reached", as one CRA member, the Society of Authors, put it, "or a poor compromise mercifully avoided?" One thing is certain, the SoA (and the CRA) say: "the question of how to enable orphan works to be used legitimately, and how to license a limited range of digital rights more practically, have not gone away."

Now we have to ensure, through the promised consultations, that the sections that were included in the Act – notably the "internet throttling" powers – do not imperil freedom of expression.

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## Guardian: la lucha continua

Resistance continues to the *Guardian's* attempt to impose new contracts and unilateral rate cuts on freelance photographers.

London Photographers' Branch has endorsed a model letter in response to the contracts – see [www.londonphotographers.org/2010/04/no-guardian-cuts](http://www.londonphotographers.org/2010/04/no-guardian-cuts) – it

sets out terms for use and re-use of pictures and concludes "Should my terms no longer be acceptable to GNM Media Ltd, please... destroy all remaining electronic copies of my photographs in your possession."

LPB secretary Marc Vallée told [www.journalism.co.uk](http://www.journalism.co.uk) he'd had confirmation of his pictures being

removed and commented: "Let's hope that the *Guardian* management will wake up to the fact that a huge amount of high quality content will no longer be available to them as more photographers refuse to sign up to these cuts." Despite the brevity of this message, rest assured that *la lucha continua*.

## What about the workies?

WORK experience for student journalists was under discussion at April's London Freelance Branch meeting. Vanessa Edwards, a journalism lecturer at the University of Bournemouth and a former BBC journalist, recently "got an email from a newspaper asking whether a student would do two month's maternity leave for free." Such cases present a "serious problem, both for you as freelancers and us as educators – we want to be producing journalists who can make a living".

Simon Crutchley, who teaches at the Centre for International Studies at SOAS, lamented how journalism has fallen into "the hands of amateur accountants", while a caste of hereditary interns from wealthy families has grown up – "there are fewer

surnames than journalists in the BBC." But the "squabble over access" to jobs is, in Simon's opinion, less important than "whether *anyone* gets paid in the future".

Victoria Neumark Jones teaches journalism at London Metropolitan University and agrees that "the battle is not about interns, it's about the shape of capitalism in this country. "Teenage 'workies' have always been ripe for exploitation. These are not your enemies." She recalled how a local paper praised a brilliant student who filled "a gaping hole" on three pages, while another got the front page splash, but with no suggestion they should be paid.

What in practice can be done? Vanessa has helped get students to employment tribunals, and reported

that broadcasting union BECTU in November got intern Nicola Vetta to an employment tribunal where she won more than £2000 and a ruling that expenses-only engagements breach minimum wage law (see [www.bectu.org.uk/news/548](http://www.bectu.org.uk/news/548)).

Do proliferating journalism courses really equip future journalists for the job? Approaching our colleagues in the lecturers' union UCU was one suggestion for how this could be practically addressed.

Vanessa also recommended that freelancers go to their local college and "go and meet students – who don't realise most of their work will be freelance."

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● There's a much longer version of this article online, with links.

## Good company sees sense!

MUSIC photographers have a constant battle with music promoters who thrust complex and suspiciously similar "release forms" at them – and sometimes they win. They have to – in some cases the legal boilerplate goes as far as claiming ownership of the images, on top of the usual "first three numbers only, no flash" restrictions.

Photographer Jason Sheldon reports that in April he arrived to shoot the band Bad Company and found he couldn't agree to the terms imposed by their release form. The band's management were adamant that Jason and colleagues couldn't shoot unless they agreed. The representative of promoters Live Nation was supportive, but as it

was the first night couldn't go above the head of band management. "But she did point out that there were professional photographers ready to walk away," and as Jason points out that would mean "no coverage and no reviews". So they agreed to use the photo agreement worked out between photographers and the association of music managers.

## How to do it

Lawyers! Plagiarise this! The photo contest at [www.clickaboutit.net](http://www.clickaboutit.net) has the wording you need: "All rights to the photographs in this competition are reserved by the individual photographers. The European Journalism Centre reserves the right to use the photos in this competition for promotional purposes with attribution credits given to the photographer."

## More online...

- Prizes and competitions
- Unfriend Facebook? AFP takes photos, then sues photographer
- Centre for Investigative Journalism summer school discounts

For all these: [www.londonfreelance.org](http://www.londonfreelance.org)

## Investigating the murder of Zardasht Othman

KURDISH journalist Zardasht Othman was kidnapped on 4 May and murdered soon after. Within days of an open letter, signed by 18 journalists with experience of the region, being sent to Massoud Barzani, President of the Kurdistan Regional Government of Iraq, and Jalal Talabani, President of Iraq, Barzani's office responded that he is going to hold the independent investigation they called for. See the full letter at [www.londonfreelance.org/fi/1006kurd.html](http://www.londonfreelance.org/fi/1006kurd.html)