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# Pic credits a must

A US COURT has ruled that Haitian photographer Daniel Morel can go on to sue Agence France Presse (AFP) and others, striking out a motion to dismiss the case. It dismissed an argument that pictures made available via Twitter are fair game.

The Southern District Court of New York also ruled that Morel can pursue a claim against AFP for removing his credit from his photos.

AFP sued Morel for claiming copyright in his own pictures, saying this was "commercial defamation" and "an antagonistic assertion of rights". Morel then counter-sued for abuse of his pictures; AFP and co-defendants moved to strike out this counter-suit.

The judgement described how "Morel is a professional photographer... [He] was in Port au Prince, Haiti, when an earthquake devastated the city. He photographed the immediate aftermath."

The judgement went on to relate how Morel then opened Twitter and Twitpic accounts, posting his photos on Twitpic, linking to his Twitter posting that said he had "exclusive

earthquake photos". While his photos carried no copyright notice, next to them were the clear attributions "Morel" and "by photomorel".

Minutes later Lisandro Suero in the Dominican Republic copied and posted the photos on his own Twitpic page, claiming he had "exclusive photographs of the catastrophe for credit and copyright."

Numerous international news outlets then emailed Morel asking to purchase his images. But before he could respond, an AFP editor had already downloaded 13 of Morel's photos from Suero's Twitpic page, and via its online database AFP transmitted Morel's photos to Getty.

As the judgement put it, "Morel alleges that in their rush to obtain credit for the photographs, ADP and Getty wilfully or recklessly failed to follow standard journalistic practices or use due diligence to verify Suero's authorship and the photographs' authenticity." The agencies had no reason to believe Suero was in Haiti, and in the words of the judgement they "trusted the images' authenticity be-

cause they knew Suero 'stole' them from Morel, a well-known resident Haiti photographer".

AFP and co-defendants claimed in the hearing they had an express licence to use Morel's images, or that they were third-party beneficiaries of a license agreement between Morel and Twitter.

Judge William H Pauley III at the hearing gave short shrift to AFP's arguments, particularly the unfortunate defence that because a multitude of people, including Suero, were re-Tweeting and copying others' work it was OK. The court also ruled that Morel can proceed with his complaint that AFP removed the credits he had placed on his TwitPic page – contrary to Section 1202 of the US Copyright Act – and rejected AFP's argument that this applies only to "copyright management information" embedded in an image or sound file.

The issue is now likely to be decided in a subsequent substantive hearing. There's a longer, more detailed, version of this article online.

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## Photographer wins £30k

PHOTOGRAPHER David Hoffman has received £30,000 damages from the Metropolitan Police, after being assaulted by an Inspector while covering the G20 protests on 1 April 2009 in the City of London.

An inspector in full riot gear ran towards David and hit him in the face with a shield, fracturing his teeth.

As well as paying compensation and the cost of the extensive dental work that has been required, the Commissioner of Police of the Metropolis has also apologised to David for his treatment and has confirmed the force's recognition that journalists have a right to report freely.

Throughout the event he was covering, David was carrying professional equipment and had his Press Card clearly visible around his neck and was obviously a journalist. The Met has refused to say whether action is being taken against the officer, who is still on Public Order duty.



David Hoffman managed to photograph himself in a cell during a previous arrest, at protests against author Salman Rushdie in 1989. That got David £25,000 – in 1992 money – and a statement in open court from the Met that the "evidence" on which he'd been arrested for assault and charged with obstructing police was, to use a technical term, crap.

Photo © David Hoffman

## Interns fightback

THE CASHBACK for Interns campaign spearheaded by London Freelance Branch continues to gather momentum. Current and former media interns are still contacting the campaign and signing up for NUJ legal support to help them fight for the minimum wage owed to them

by law. Some interns have responded to LFB's advert for the campaign in the NUJ's *Journalist* magazine (December 2010-January 2011, page 12, [www.internsad.notlong.com](http://www.internsad.notlong.com)) and Facebook members can search that site for its "NUJ Cashback for Interns campaign" group. The NUJ

has already replied to interns who contacted the campaign and invited them to talk to the legal team.

If you're over 21 and no longer a student, unwaged labour is illegal, and interns are entitled to the National Minimum Wage, which comes

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