

## Charles Atangana wins right to stay

CHARLES Atangana, a Cameroonian journalist and NUJ member fighting deportation, won the right to stay in the UK following a hearing on 31 March. He had earlier appeared in court on 14 March – but the Home Office didn't show up. So the hearing was adjourned until 31 March, as the Freelance went to press. NUJ members were there to support him at the Immigration and Asylum Chamber on London's Rosebery Avenue. Charles is a well-respected journalist, specialising in economics and current affairs. He has lived in the UK since 2004. His journalistic activities forced him to flee Cameroon following harassment, detention by the régime and threats against family members who have to remain in Cameroon.

## Spotting 'shopping

Agence France Presse is reported to be using software called Tungstene to spot manipulated photographs. The details are deeply technical, but it seems that the quirks of the mathematics used in compressing the JPEG picture format does give such software a very good chance of detecting manipulation (what has become known as "shopping" unjustly taking in vain the name of a well-known piece of software).

## Frilans kalkulator!

The Norwegian union of journalists is forbidden by the country's competition authorities from helping freelancers negotiate rates together. So what could it do to support freelance members? The answer: **www.frilanskalkulatoren.no** – which works out the hourly rates that freelancers would need to charge to get equivalent pay to staff of a given media company. Explaining why the union prefers hourly rates to rates per 1000 words, Toralf Sandaker of the Norsk Journalistlag says, "every journalist knows that it takes longer to produce a good short article than a long one." "Some have found that what they were offered didn't even cover their expenses," Toralf reports: "so they had to seek work with other publishers." An English translation of the calculator is in the pipeline.

# Two hours is a long time in photojournalism

FOR HOW LONG is it legitimate to steal a photo? Cathleen Curtiss, who was Vice President of global photography at AOL from 1997 to 2010, told the Poynter Institute that it was the online service's policy to take pictures of breaking news from websites such as Flickr and Twitpic and keep it on its websites for two hours while attempting to contact the photographer for permission.

A lot can happen in two hours, especially on a fast-moving story – as the case by Haitian photographer Daniel Morel against AFP and Getty – for unauthorised use of photos which appear to have been taken from Twitpic by one Lisandro Suero – demonstrates. That is now expected to go to trial in the late summer.

That case has set the stage for a lot of soul-searching by US commentators on media ethics, of which Poynter is a leading example. Ownership and credit are not the only is-

ssues. A long and thoughtful article by Jared Keller in the Atlantic Monthly discusses, also, the increased risk of news organisations, in their headlong rush to be first, being duped into disseminating what are essentially propaganda images.

"If the original source of a photograph cannot be verified, the value of content is called into question," Keller notes, quoting several publishing managers who insist they're much better than AFP appears to have been at due diligence.

The conclusion? "Never has there been a time when you needed a professional class of journalists more than right now," as Jake Naughton of the Pulitzer Center for crisis reporting told Keller.

Meanwhile, those who are careless face more complaints, and lawsuits. Janon Fisher reports for Adweek that Ken Petretti Production, the video production company whose security video of the bomb-

ing of the army recruitment office in New York's Times Square in March 2008 is wheeled out every anniversary, is suing Associated Press. That could be interesting to argue under US law, since the video was captured with little human intervention.

And Shawna Malvini Redden, whose photos of a six-foot hole that appeared, a bit worryingly, in the fuselage of a Southwest Airlines 737 on 2 April were splashed across most media, via Twitpic, is a bit miffed that only one news organisation, Reuters, offered to pay – the princely sum of \$100. On 6 April she Tweeted:

"@MailOnline With this story & others: <http://bit.ly/fbEjml> Reuters does not own the copyright to my photo, nor have they yet licensed it."

Reuters told Poynter that they had credited her when they put the picture on the wire, but the Mail had omitted it. Watch this space.

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# Twitpic softens rights-grab

THE IFJ (International Federation of Journalists) has given a cautious welcome to the move by Twitpic, a picture posting service not owned by Twitter, to amend its rights-grabbing terms, noting that "this is an encouraging sign in the battle to defend authors' rights".

Following protest by Twitpic users and copyright disputes, Twitpic founder Noah Everett issued a statement today to apology for seeming to claim copyright on images uploaded on its website. Everett announced that Twitpic has changed its unfair terms and conditions stating that "users retain all copyrights" to their photos and videos.

"While we welcome Twitpic's apology and the acknowledgement of the issue of rights abuse, journalists should remain cautious when posting their works on social networking sites," said Beth Costa, IFJ General Secretary.

The IFJ warned that controversial clauses regarding the use of content by third parties still remain. "This means that by agreeing to the terms and conditions, the user grants Twitpic the right to distribute their images even though the terms say they still keep their copyright," it said.

"The unauthorised use by third parties seriously damages the moral rights of authors", added Costa, "The legal dispute regarding the

unauthorised use of users' content on Twitpic by Agence France-Presse (AFP) is a lesson to be learned."

Earlier this year, a US court partially vindicated Haitian photographer Daniel Morel, whose iconic photographs of the Haiti earthquake posted on Twitpic were published by AFP without prior authorisation. AFP also wrongly credited another Twitpic user as the author of the photographs. The US court rejected the claim by AFP that Morel granted third parties (under Twitpic's terms and conditions) a broad license to use his photographs.

AFP, with CNN, ABC, CBS Press and Getty Images, initially sued Morel for "antagonistic assertion of rights". Morel's lawsuit against AFP and Getty continues, with a hearing expected in the late summer. The British Journal of Photography reports that CNN, ABC and CBS have offered payments to settle his cases against them.

It is alleged – though the Freelance has not been able to verify this – that Twitpic's terms and conditions changed shortly after the Morel débâle.

For the record, at 19:00 on 15 May 2010 the essential parts read:

You retain all ownership rights to Content uploaded to Twitpic. However, by submitting Content to Twitpic, you hereby grant Twit-

pic a worldwide, non-exclusive, royalty-free, sublicenseable and transferable license to use, reproduce, distribute, prepare derivative works of, display, and perform the Content in connection with the Service and Twitpic's (and its successors' and affiliates') business, including without limitation for promoting and redistributing part or all of the Service (and derivative works thereof) in any media formats and through any media channels.

Twitpic does need some kind of broad licence to allow it to serve the pictures to those who follow Twitter links. But is the above too broad? And why does it currently insist on the following:

To publish another Twitpic user's content for any commercial purpose or for distribution beyond the acceptable Twitter "retweet" which links back to the original user's content page on Twitpic, whether online, in print publication, television, or any other format, you are required to obtain permission from Twitpic in advance of said usage and attribute credit to Twitpic as the source where you have obtained the content.

...why permission from Twitpic, not the photographer, then?

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