

Copyright Small Claims ready to roll

A SMALL CLAIMS procedure to hear copyright cases opened on 1 October. NUJ freelance organiser John Toner said: "The absence of such a procedure for many years has denied creators access to justice when their copyright has been infringed."

"For our members, it has been incredibly frustrating that they had been restricted from seeking redress through the courts. Now infringers can be pursued at a cost appropriate to the level of the infringement. In the long term, we hope the small claims track will act as a deterrent to would-be infringers."

Mike Holderness said as chair of the Creators' Rights Alliance: "Access

to justice for individual creators is one of the seven pillars of the CRA's Manifesto for Creators."

"For too long creators, whether artists, photographers, writers or musicians, have been priced out of justice. This has contributed to the misperception that copyright is a special interest of the large corporations that can afford to bring cases."

"We hope that the ability of individual authors and performers to seek justice when their work is exploited without permission – often by those large corporations – will help to redress the balance. It is the rights of the individual creator that are the real foundation of the 'information economy' that is the best

hope for economic growth."

The Small Claims track is part of the "Patents County Court" – which will, one day soon-ish, change its name to reflect its function as the Intellectual Property County Court. For the moment, the court is based only in London – though it is planned that many cases will be decided entirely on the basis of documents, avoiding the need to travel to the Strand.

There is a guide to using the service on the government's "Justice" site via <http://patentscounty-court.notlong.com>, and a provisional summary in the longer online version of this article.

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Recruitment drive – how you can help

The NUJ has launched a recruitment drive to counter the drop in the number of members due to industry-wide mass lay-offs. If you can spare some time to volunteer at the NUJ HQ making calls as part of this drive, or have time to help in other ways, please email recruit@nuj.org.uk. There are now 1600 NUJ members on the NUJ's LinkedIn group. To find out how you can help use LinkedIn as a recruitment tool, see [NUJlinked.notlong.com](http://notlong.com).

Your clips online? © warning!

IF YOU plan to put your already published work online, be very careful about copyright, warned London Freelance Branch's own copyright expert Mike Holderness at the November Branch meeting, following Ali Gaskill's advice at the same meeting on building and maintaining an online presence (see page 1).

What copyright protects, Mike reminded the meeting, is the "expression" – the exact arrangement of words, or of pixels in a photo – not the idea. And generally there's more than one copyright in the work – newspapers and magazines will have a right in the typography, so sticking up a scan of an article without their permission is a no-no.

Many contracts will be for First British Serial (FBS, see our glossary

at www.londonfreelance.org/fl/1108glos.html) In these cases, you should wait until the issue your article featured in has become a back-issue before putting your piece online. Earlier than that, and you're in breach of contract – and you'll have pissed them off.

Can you stick up just the text of an article you've written for a publication? This is good reason to avoid assigning your rights. If you've assigned them (had your arm twisted to give them away) they belong to the publication.

But "even very nasty publishers will on request give permission for use in a compilation of your own works". Remember that the original version you submitted is a different work from the published version, but you should ask just in case, in the interests of keeping a good working relationship going – and do resist the temptation to mention how the subs slaughtered it.

Saying, "this is what I had in *The Times*, it's behind a paywall, but see it here" could be problematic.

Putting your published photos online? While you may have had to assign some rights on a particular photo, remember that the "second-best shot from the (digital) contact

sheet" that they didn't buy from you is yours to do with as you please.

What about the text of an article that was commissioned and not yet



used? Email the editor, asking – are you doing anything with it, can I do anything with it? On no account stick it up if it's not yet published. If it was "commissioned, and you know they're not using it, really they should pay the full fee – unless you've turned it in a dog's breakfast." If you do put such unused articles online, best practice is to say, "here's a piece I wrote that didn't get used" – but not to say by whom, advises Mike.

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Chair Dave Rotchelle takes a question for Abi Gaskill (right)

Photo © Mike Holderness

Vital insurance

THE NUJ offers Freelance members savings of up to 50% on cover through Imaging Insurance. The Professional Indemnity Insurance policy includes libel cover and other policies include Public Liability, Products Liability and Equipment insurance. For details see www.londonfreelance.org/fl/1208insu.html

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more, speaks at the conference on "Finding The Client Who Didn't Know They Were Looking For You" about how a nudge from Max has persuaded them that they were indeed looking for him. As well as pitching to and getting published by obvious clients (*New Scientist*, *Sunday Times*, *B2Bs*), in the 90s he started broadening his client base, racking up a "massive fax bill pitching to about 60 editors". A quarter of a century later, he reaches by different means potential clients just needing

a nudge to discover the truth.

In addition to Max and Fiona, speakers confirmed so far include: Steve Hewlett (BBC *R4 The Media Show*); Arjum Wajid (broadcaster, trainer); Guy Smallman (international photographer); Christian Payne (video-blogger, *Documentally*); Imran Jina (*Panorama & Dispatches*); Huma Yusuf (freelance writer/editor, on new global markets); Mark Watts (editor, Exaro investigative agency); Una Murphy (proprietor, Belfast community "paper" *VIEWdigital*) and Dave Boyle (co-ops expert) on

start-ups, small, big and/or co-operative; Alex Klaushofer (co-author of Newmodeljournalism.com and NUJ/ALCS *Help Yourself: New Ways To Make Copyright Pay* guide); NUJ freelance organiser John Toner and NUJ General Secretary Michelle Stanistreet.

It's on **Saturday 17 November** at the London Welsh Centre. For details and updates, and to book online, go to www.londonfreelance.org/NewWays – and follow the Twitter tag [#NUJ_LFBCConf2012](https://twitter.com/NUJ_LFBCConf2012)

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US judge rules 'fair use' in scanned books

In the first round of the US Authors' Guild case against a consortium of US university libraries going by the name "Hathi Trust", a judge has ruled that scanning books with a view to making them available online is "fair use". More at www.londonfreelance.org/fl/1210hath.html