

Watch for strikes at the BBC

Journalists and technicians at the BBC held a 12-hour strike on 28 March over the way the Corporation is enforcing redundancies. Watch www.nuj.org.uk for news of possible further strike dates, on which you may find yourself unavailable. Freelancers who suffer hardship as a result of being unavailable should contact the Broadcasting Office at NUJ HQ on 020 7843 3726 or SueH@nuj.org.uk



The Trireme

This month's Trireme Award for "the worst terms since I was last chained to the oars" goes to the Mail Online. The extent of the plethora of pictures they run may be partly explained by their paying just £25 each – and, as a member notes, if the pic is picked up through an agency they get half that. The *Freelance* suspects that these rates may not apply to the "paparazzi" pics that the printed paper keeps denouncing and the website keeps salivating over.

British Library papers move

Nearly all the 24,000 newspaper titles in the British Library collection will be inaccessible in "hard copy" from June. Around 100 "high-use" periodicals – including TV listings magazines, fashion titles, trade papers and comics – are still available until the autumn. Collection Moves Bulletins are at www.bl.uk/newspaper-moves. After the Colindale site closes this autumn, reading print versions of newspapers will be hard to impossible, with a smaller selection of print titles orderable at the St Pancras British Library site, taking 48 hours to come by van from Boston Spa. More at www.londonfreelance.org/fl/1303bl.html

The Rate for the Job

IN RESPONSE to an earlier appeal, this month we have for you some day TV production rates. There's also some photography fees from the nationals, lucrative US magazine fees for words, as well as "rubbish" TV punditry terms and one outlet that wouldn't even name a figure!

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 negotiated for extra

uses, like the Web 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 ☺ few.

Broadcasting: Sky Sports News presenting, 4 hours £300; BBC news reporting day £280; Al Jazeera TV (English) punditry, terms "rubbish" £225; ITV regional news reporting day £180 **X**; BBC radio arts magazine producing programme – 8-hr day + prod. exes, no holiday pay, £160 **X**; BBC Regional TV News, early morning reporting, producing, presenting £150 **X**.

Photography: in-house PR half-day shoot, no exes, FBS £600; *The Sun* commissioned photoshoot, exes 27p per mile, retain copyright, News Corp have syndication rights £165; economist.com pic for tourism piece all rights £25 **XX**; *Daily Mail* per pic used online £25 **XXXX**.

Shifts, per day: *Shortlist* subbing £130 **X**; *The Times* subbing night-

shift for print, web and tablets £170 (£15 more than equivalent day shift); *Construction News* subbing £160; unnamed periodical editorial, bargained down from £150 per day, with extension of contract, to £130 **XX**; Sussex Newspapers subbing £80 **XX**; Bradford Telegraph & Argus reporting £75 (rejected) **XXX**.

Words, per 1000: *Economist* 250 words @ £300 = £1200; *Opera* (Metropolitan Opera of New York) no travel exes US \$1000; earthzine.org 1200-word feature @ \$1000 = US\$833; *Caster*, sought first article for free, wouldn't say what rates offered from then on **XXXX**; *Empire* feature £300.

Words, other: English Heritage web editing, 5200 words £800; *World Travel Guide* (Columbus Travel Media) feature all rights £200; CNET.com 5 x 500-word articles £800; *The Times* 20 x 100-word listings + pic research £400; *Forbes Travel Guide* monthly retainer for 14 short items online all rights US\$250 **XX**; *Vice* magazine 1000 words + sourcing pics £80 **XX**.

Copyright Small Claims court is here!

THE SMALL Claims copyright court is up and running – and the NUJ launched its effort to get members ready to enforce their intellectual property rights with a seminar fronted by barrister Isabel Jamal and Kate Fox, specialist at Thompsons, lawyers to the NUJ. This Small Claims "track" of the Patents County Court (eventually to be renamed the Intellectual Property *ditto*) enables freelancers to pursue claims worth up to £5000 – a limit due to rise to £10,000 soon.

The existence of the Small Claims copyright court is a testament to the lobbying of the NUJ Freelance Office and the Creators' Rights Alliance since the 2006 Gowers Review of copyright. "For too long, members suffering infringement of copyright on a small scale have been deprived of any realistic access to justice," said NUJ Freelance Organiser John Toner, speaking after the seminar. "Not only does this deprive freelancers of

income that is rightfully theirs, but there has been the additional frustration of seeing infringers getting away with it. This is why we have campaigned long and hard for a small claims procedure. We also hope that once the court has ruled on some cases it will begin to be a deterrent."

Previously, the mainstream small-claims courts had deemed copyright too complex for their informal procedures to resolve. This left small claimants to sue through Patents County Court – risking costs up to £50,000 should they lose. The fee for issuing a small claim range from £25 for a claim up to £300 filed at www.moneyclaim.gov.uk to £120 for a claim up to £5000 filed on paper. Costs claimable by the winner are limited, with legal advice capped at £260, loss of earnings at £90 a day; hearings rarely last more than a day.

"The new system has its difficulties," Toner added. "Its jurisdiction is

England and Wales and... cases will be heard only in London at present. Another difficult aspect is the prescribed Letter Before Action. It's very demanding, and a case could falter if it is not adhered to."

So members who think their work has been nicked are recommended to talk to John Toner or Assistant Freelance Organiser Pamela Morton, who can shepherd them through the process, in consultation with the Union's legal department if necessary: email via freelanceoffice@nuj.org.uk – and HM Courts Service has a guide at <http://patentssmallclaims.notlong.com>.

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● There's now apparently a cross-border European small claims procedure (<http://tinyurl.com/claimseurope>) for claims of up to €2000. Please let the *Freelance* know if you have had any experience of using this, or of enforcing its judgements.

Leeching isn't 'fair use'

A US COURT has ruled that copying of Associated Press stories by "news aggregator" Meltwater is not permitted under the country's "fair use" rules. Judge Denise Cote, in the Southern District Court of New York, found that "permitting Meltwater to take the fruit of AP's labor for its own profit, without compensating AP, injures AP's ability to perform this essential function of democracy." The NUJ has of late had to make

the case that the US legal doctrine of "fair use" is anything but fair. In UK law, the circumstances in which work can be used without asking are covered by the relatively well-defined rules of "fair dealing".

The NUJ and the Creators' Rights Alliance quote, for example, a study for the British Copyright Council that shows that it can easily cost \$1M in legal fees to find out whether a particular use is "fair" in US law.

That would suit corporations with deep pockets – such as Google, perchance – that are lobbying for "fair use" in Europe, using the UK and Ireland as beach-heads. We are inquiring how much Associated Press has had to spend, so far. Members may be interested in the roundup on the effect of "fair use" on US journalism produced by the Poynter Institute, linked from www.londonfreelance.org/fl/1304fair.html