

Infringer offers £150, pays £20,000

DAYBROOK HOUSE Promotions Ltd, which runs Nottingham's Rock City music venue and club, made unauthorised use of a photo of pop stars Ke\$ha and LMFAO cavorting backstage. The photo had been taken by Jason Sheldon, who had obtained exclusive access to go backstage and photograph them.

When it came to court, Sheldon

was able to show the judge five-figure sums quoted for licences of this exclusive photo to agencies including Rex Features and Getty.

Daybrook had originally offered Jason £150 in settlement after he pointed out their unauthorised use of his very exclusive photo in a montage on their website and on flyers. It turned out that Daybrook had in fact

used the image much more widely than they had disclosed to Jason.

Following hearings before His Honour Judge Birss in May, Daybrook agreed to pay Jason £20,000.

There's more detail at www.epuk.org/News/1039/infringer-who-originally-offered-150-forced-to-pay-20000-in-settlement

The ProQuest promo flyer below is extracted for the purposes of reporting news and current affairs.

ProQuest makes discordant melody

OUR APPEAL for members to contact the Freelance Office about the large-scale copyright infringement by IPC Media in putting its magazines on the ProQuest subscription digital archive service has produced considerable useful information. Members have also approached potential witnesses, who would be prepared to testify. An initial meeting with the NUJ's copyright solicitor identified the need for specific evidence, and armed with this the NUJ's Freelance Organiser will meet with counsel for a more definite opinion. Any member who has had work published in affected IPC titles and has not yet contacted the Freelance Office should do so as soon as possible, at freelanceoffice@nuj.org.uk

A legible list of ProQuest entertainment titles is at www.londonfreelance.org/fl/1310ipc.html

ILLUMINATING THE HISTORY OF THE ENTERTAINMENT INDUSTRY THROUGH DIGITISED BACKFILES OF VITAL SOURCES

The Entertainment Industry Magazine Archive is ideal for scholars studying:

- The economics of the motion picture industry
- Production, marketing, and reception of specific films or albums
- Factors surrounding the emergence of subcultures such as punk, two-tone, or grunge
- Culture, politics, and social

Each magazine can be browsed cover-to-cover in full-page, full-text format.

Users are able to search for original reviews, interviews, industry news, listings, charts, and features relating to the full range of popular media using advanced search and retrieval functionality.

- Includes key trade and mass-market consumer magazines – weekly and monthly issues

Titles include:

- American Film (1975-1992)
- Back stage (1960-2000)
- Billboard (1894-2000)
- Boxoffice (1920-2000)
- Broadcast (1960-2000)
- Broadcasting / Broadcasting & Cable (1931-2000)
- Contrast (1961-1965)
- Disc / Disc and Music Echo (1958-1975)
- Film journal international / Independent Film Journal / The Film Journal (1934-2000)
- Film Weekly (1928-1939)
- Melody maker (1926-2000)
- Mixmag (1983-2000)
- Musician (1976-1999)
- Muzik (1995-2000)
- NME: New Musical Express / Accordion Times and Musical Express / Musical Express (1946-2000)
- Picturegoer (1911-1960)
- R & R / Radio & Records (1973-2000)
- Rave (1964-1970)
- Record Mirror (1976-1991)
- Screen International (1975-2000)
- Spin (1985-2000)
- The Beat (1982-2000)
- The Stage (1880-2000)

Parliament committee backs copyright

THERE'S NO REST for the innocent. We await, as we go to press, the imminent official publication of the government's proposals on the licensing of "orphan works" and on "extended collective licensing".

Members of the working groups advising on the legislation have had confidential previews of the proposed legislation. It is probably not a breach of confidence to say that a large number of concerns were raised over matters of detail. Your union will be thoroughly checking that the government is honouring all the commitments on safeguards for authors – including illustrators and photographers – that it has made over the past two years.

On 9 September the government slipped out a consultation on the regulation of collecting societies. Officials confirmed that this is the full proposal for regulation – including the measures to apply to those that will wish to apply for authorisation to issue extended collective licenses. You will not be surprised to hear that we are asking for the maximum democratic representation and fair distribution to authors.

We are also waiting for the government's response to the consultation on proposed exceptions to copyright – rules for when your work may be used without permission from, or payment to, you.

On 26 September the Parliamentary Select Committee on Culture, Media and Sport issued a highly critical report entitled "Supporting the creative economy", which recommended notably that: "the introduction or amendment of copyright exceptions should be contemplated only following detailed impact assessments and after proper parliamentary scrutiny on an individual basis". It concluded that it is "not convinced by [Professor Ian] Hargreaves' implication that a facility for private copying is factored into the purchase either of music or devices that store, play or copy it."

The responsible Minister, Viscount Younger, was candid in evidence about influences on the process: "Google is one of several search engines," he told the Committee, "and I am very aware of their power, put it that way, I am also very aware, I think, that they have access, for whatever

reason, to higher levels than me in No. 10, I understand."

It remains to be seen, given this, whether the government will pay any attention to the Select Committee. Music industry interests have already lodged notice of their intention to challenge in court any proposal for a "private copying" exception that does not include the "fair compensation" mandated by EU law.

In other news, the "Copyright Hub" has launched its Phase 1a – largely informative – at www.copyrighthub.co.uk. The Hub process has produced a voluntary code for the preservation of "metadata" with creative works (especially photographs). It's not awful.

And the European Federation of Journalists has met with Michel Barnier, the EU Commissioner responsible for authors' rights. He was clear that there will be no moves to weaken these on his watch: unfortunately that ends in 2014.

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• The online version of this article at www.londonfreelance.org/fl/1310copy.html has links to the policy documents mentioned.

To dance in a new order

Club and record label the Ministry of Sound is suing online music service Spotify over its failure to remove Spotify users' playlists, which reproduce the sequence of tracks on MoS compilation albums. The individual tracks are, as we understand it, licensed to Spotify, in most or all cases from other labels. The case appears to hinge on the MoS "database right" in the compilation: surely, also, the DJ or whoever is responsible for selection of the compilation has a moral right to protect the integrity of their work? This issue may become relevant to written works as they move into the digital sphere: will books become compilations of chapters? Newspapers and magazines are of course compilations of articles, but the sequence is not generally held to be very important: will many newspaper and magazine articles themselves become compilations of "update" postings?