

# Exceptional confusion

JULY'S London Freelance Branch meeting was treated to a whirlwind update from Mike Holderness on recent changes to copyright law, alongside John Toner's presentation on claiming for breaches (see page 1). There is an unfortunate amount, and there's been more since.

Several measures extending "exceptions" to copyright had been passed, dealing with:

- widened educational use;
- use by libraries and archives (including so-called "data mining" for non-profit uses);
- use for government purposes such as quoting in reports; and
- use for people with disabilities.

Among these, there has been concern that the education measure could reduce the payments that writers receive through [www.ALCS.co.uk](http://www.ALCS.co.uk) and illustrators and photographers through [www.DACS.org.uk](http://www.DACS.org.uk) (A straw poll showed a significant number at the meeting who hadn't registered, so weren't receiving anything: so do!) There is hope that schools and colleges will go on paying for licences covering uses beyond the exceptions.

Two more sets of exceptions were approved by the House of Commons on the night of the meeting. One of these dealt with extending the ways in which words, images and music can be "quoted" without permission. The other dealt with legitimising so-called "personal copying" – which is a good idea – but with the "fair compensation" demanded by European Union law set to zero – which is a bad idea.

Musicians and the music industry had argued that the "private copying" measure were "*ultra vires*" – that the mechanism the government was using to introduce them in the form of "Statutory Instruments" without full debate was invalid. Parliament's Joint Committee on Statutory Instruments (JCSI) had issued a deeply sceptical report. The measures were postponed, then reintroduced unchanged: see [www.londonfreelance.org/fi/1408copy.html](http://www.londonfreelance.org/fi/1408copy.html) for the sorry saga.

The Creators' Rights Alliance, of which the NUJ is a leading member, later made a last-ditch presentation to the Lords, supporting the argument for compensation for private



copying and raising the question: what on earth does it mean to "quote" an image? There was a lively debate in the Lords. Labour peer Lord Stevenson of Balmacara reminded the House that:

"...photographs can be "quoted" for genuine criticism and review but are excluded from the exception to copyright when reporting current events. [Photographers and their organisations] say that this is a tried and tested definition which has worked. Introducing a more general

See **COPYRIGHT** on p4

Mike Holderness gives a whirlwind guide  
photo © Hazel Dunlop

## Public Lending Right and e-books

THERE'S NOW another reason for book authors to join the Public Lending Right (PLR) scheme – if you haven't already done so. PLR makes payments each time a book is lent via a public library. As of 1 July this year, it is extended to cover "on-site e-book lending".

That means e-books downloaded on a library's premises for use away from library premises, or when library users bring in their laptop or tablet to have a library copy of an e-book for loan downloaded on to their device at the counter.

E-books downloaded for loan via a library institution but outside the library's premises, such as through its website, are regrettably not covered. The UK Government has, however,

committed itself to "looking into the feasibility of changing copyright law to enable PLR to take in remote e-book loans", and "is seeking ways to overcome the legislative problems" associated with such an extension.

Nearly all library e-book loans are currently "off-site" according to the PLR Office, [www.plr.uk.com](http://www.plr.uk.com) – where you should sign up if you have a book, or a chapter, published. Their data suggest that 60 per cent of public libraries in England do e-book loans, with 0.4 per cent of total library loans in that nation being e-book lending.

Library versions of e-books are accessible to the borrowing reader for a limited period only, and each library's copy of an e-book can only

be lent to one reader at a time. Audio-book loans are also covered by PLR from 1 July. Authors will get between 30 and 60 per cent of each PLR payment for the library loan, with the remainder going to the narrator, producer, abridger or translator as applicable.

But don't expect any extra money yet. The PLR website says that they will start collecting "loans data" for audio-book and on-site e-book loans from 1 July, with the first "payments arising from loans of the new categories of works" being made in February 2016.

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- For full details, see [www.plr.uk.com/allaboutplr/news/UpdateAudioEbooks.pdf](http://www.plr.uk.com/allaboutplr/news/UpdateAudioEbooks.pdf)

## Awards alert

If you are an Edinburgh-based journalist either at the start of your career or covering the arts in that city, you have until **30 October** to apply for the Jan Fairley Memorial Award, started by NUJ Edinburgh Freelance Branch, which includes £300 in cash – details: <http://janfairleyaward.net> Also, the deadline for the Asian Media Awards is 18 October: see [www.asianmediaawards.com](http://www.asianmediaawards.com)

## Geneva gremlins go gaga

THERE IS AN account of the proceedings of the World Intellectual Property Organization (WIPO) meeting in Geneva in late June and early July, by the *Freelance's* own correspondent at [www.londonfreelance.org/fi/1408wipo.html](http://www.londonfreelance.org/fi/1408wipo.html)

The meeting once more broke up without agreeing formal conclusions or recommendations. It included:

- A contribution from Mike Holderness for the International Federation of Journalists, warning that "ill-thought-out exceptions without fair compensation are in effect

a transfer of value from one set of corporations in the global North to another set of corporations – those corporations which skim off value by distributing works which others have written and produced, and selling advertising alongside them."

- Debates on a possible Treaty – or maybe just an "exchange of good practice" – giving schools and libraries "exceptions" to use authors' and performers' work without payment
- Complex discussion, that's been going on for 15 years, on a proposed Treaty to require member states

to pass laws giving broadcasters the right to prohibit "pirates" re-transmitting their "signals". This is clouded by the lack of definitions of "signals", "internet broadcasting", "traditional broadcasting" and now the UK's about-to-go-internet-only traditional broadcaster BBC3. Less-developed countries insisted broadcasters couldn't have this unless they got a full-fat free schoolbook Treaty..

- A side-meeting on the 17-year discussion of "traditional knowledge", and who or what it is that could hold rights in traditional knowledge.

## The Freelance

This print edition of the *Freelance* has been delayed by circumstances beyond the editors' control. That is, it was decided to postpone the *Journalist*, with which this is posted. Sorry.