

# Vigilance on diligence

ON THE copyright front we have some good news. The UK government has withdrawn proposals to change how long copyright lasts in unpublished works. The Minister, Baroness Neville-Rolfe, said that this was due to “genuine concerns about the potential negative impact on rights holders” and the lack of a “satisfactory legislative solution”.

Under existing law, certain unpublished works created before 1989 remain in copyright until 2039. Libraries argued that this covered mediaeval correspondence. Musicians argued that the proposed change would play hell with their rights in demo tapes and the like.

The Creators’ Rights Alliance, of which the NUJ is part, is keeping an eye on Orphan Works licences granted since 1 October, and aims to check how “diligent search” for their authors is working. Up to early February, the government’s Intellectual Property Office had received 15 applications, 5 commercial and 10 non-commercial. So far, 9 applications had been granted covering 195 works: a commercial licence (for re-publication of books in digital format) and 10 non-commercial (for use in exhibitions, learning resources and reformatting a classical piece of music using notation software). No applications have been refused to

date, one has been withdrawn.

Please help us monitor the effect of other changes in force since October, particularly those affecting when words – and pictures – may be “quoted”. As usual with “common law”, we don’t know what the legislation means until it’s been through the courts. When the legislation was being debated we pointed that it was vague enough to impose a burden on creators who’d have to pay for cases.

We haven’t yet found any reason to revise our advice at [www.londonfreelance.org/lifting.html](http://www.londonfreelance.org/lifting.html) on when you as a journalist can quote others’ work. Email [quoting@londonfreelance.org](mailto:quoting@londonfreelance.org) to alert us to cases you come across, or abuses that should be tested in court.

The big thing happening with copyright is the pressure being put on the European Union to change its authors’ rights law. In November Andrus Ansip, the responsible Vice-President of the Commission, blogged his aim of “removing restrictions... and particularly to stop blocking of online consumers based on their location or residence. This will be about reforming copyright rules and getting rid of unjustified curbs on transfer and access to digital assets.” He asked: “is there anyone who would not want to get rid of geo-blocking, which goes against

the core principles of Europe’s single market?” The answer is yes: for starters, film producers whose funding and licensing of subtitled versions would be fouled up. Thus opens a long lobby-fest. We expect a communication from the EU Commission in May.

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Hipsters should pay more attention, to copyright – even if this part of the corporate logo of a music production company that occupy part of this building in Kingsland Road, Hackney.

Pic © Matt Salusbury



## Creators need paying after all, more agree

ON THE bright side of the copyright divide, in some circles our message is getting through. Jaron Lanier coined the term “virtual reality”. For years he had toed the anti-copyright line that creators should forget about making money from copying of their work and live off public appearances. Jaron’s also a musician.

Jaron noticed in the noughties he was being asked to play two benefits a month for musicians who’d followed his advice, spent the gig fees, and now needed life-saving op-

erations. His 2013 book *Who Owns the Future* concludes that, yes, creators need to be paid for copying. In January three books – *Rise of the Robots: Technology and the threat of a jobless future* by Martin Ford, *Culture Crash: The killing of the creative class* by Scott Timberg and *The Internet is Not the Answer* by Andrew Keen – appeared, all acknowledging that they’re effectively follow-ups to this and reinforcing the case.

On 24 February Alan Graham of thrusting startup One-click License

told a gathering called by the “DG Connect” department of the European Commission: “Copyright is a civil right: when tech companies have shown us that information is more valuable than gold or oil I can’t think of a right that is more important than copyright... We are all creators and we all need to protect that.” Suddenly the anti-copyright line pushed by DG Connect – and resisted by others – seemed dreadfully old-fashioned. Like 1995 old.

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**FALSE FREELANCES** from p1 with the magazine publishers. An important effect of the law that it is possible to challenge contracts “offered” to journalists, and the unions frequently get them overturned.

The Irish Congress of Trades Unions has written to their competition authority pointing out that its position has “damaged the exercise of a fundamental human right, namely the right to collective bargaining for many thousands of workers and their unions in Ireland” and requesting an urgent review.

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## Extended collective consultation

ATTENTIVE readers may remember debate over the last couple of years about Extended Collective Licensing, leading to a law in effect last autumn allowing collecting societies to apply to government to be authorised to collect money for use of works by people who are not their members (the “extended” bit).

The Copyright Licensing Agency wants to apply to issue such a licence for the education, business and public administration sectors. The licences in question allow holders to copy

up to 15 per cent of a book or one magazine article to their students or employees. The Authors’ Licensing and Collecting Society (ALCS) would be distributing the part that goes to authors – including diligently tracking down non-members to pay them their share. It needs its members to complete a short survey to find out whether you do: see [www.bit.ly/ALCS-ECL](http://www.bit.ly/ALCS-ECL) – and if you are a writer and not yet an ALCS member go now to [www.alcs.co.uk](http://www.alcs.co.uk) to join and get your share of the payout.

### More online...

There are more complete versions of many of the reports here at [www.londonfreelance.org/fl](http://www.londonfreelance.org/fl) with web links to sources and further information. Also online:

- *Nous sommes Charlie*: statement from NUJ Paris Branch;
- Are you working healthily? Physiotherapy review
- Branch motions via website and email, not just print – new rule for a new-ish century