

# Collecting what, for whom?

PHOTOGRAPHERS' representative bodies are organising to challenge a plan to set up a body in competition with DACS, the Design & Artists' Collecting Society. DACS distributes monies such as those paid by university libraries for copying works for students, on the basis of surveys of such "secondary uses".

It was the Editorial Photo UK group [www.epuk.org.uk](http://www.epuk.org.uk) that exposed practices at the Rex agency that are now the subject of a police investigation. EPUK is now aware of such investigations into four major picture agencies.

The *Freelance* cannot currently comment on these investigations. But a major concern is that agencies and libraries are taking a growing share of the money paid for secondary use. EPUK believes that all this money is in law due to individual photographers. Until recently there has been no contractual basis for agencies taking any "rake-off". Earlier this year the Alamy agency – his-

torically one of those better regarded by photographers – issued a new contract including this (see below).

Now the British Association of Picture Libraries and Agencies [www.bapla.org.uk](http://www.bapla.org.uk) has launched a new collecting society in competition with DACS, to be called PICSEL. BAPLA has stated that there will be no requirement for a mandate from the photographer. EPUK says this shows a willingness to claim secondary rights payments without the creators' permission or even perhaps their knowledge.

But requiring PICSEL members to show the agreement of contributors would not solve this problem. It is regrettably well-known that agencies put pressure on photographers to allow them to claim when the photographers do not want them to do so. EPUK has examples of bullying letters from agencies claiming non-existent legal rights, even threatening that the agency may terminate their contract unless they agreed

to authorise agency claims. Agencies withhold the sales data that photographers need for their claim.

Further, PICSEL has stated that undistributed money will be used for the benefit of its members, the agencies. DACS found more than 400 untraceable names in the REX list of contributors for whom claims had been made. This raises the question of where the money for those claims has gone in the past and why they have continued to be made. Under PICSEL the money due to the creators for those claims would be handed to the agencies. This policy, EPUK notes, "creates a perverse incentive for an agency to be unable to trace a contributor".

This story is set to run and run.

The immediate practical advice is: anyone receiving a new contract, or being asked to agree to varying a contract, must seek advice from your Union before signing anything. Which means being in the union.

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## New members meet

LFB members new to freelance journalism are invited to meet other people new to the Branch, and members with more experience of freelance journalism, at the Camera Café, Museum Street, London WC1A 1LY on **Thursday 27 October** from 6pm.

These meetings happen there on the last Thursday of every third month. The Branch hopes to resume inviting new members who come to their first Branch meeting to have their photo taken and give a few words about themselves: see them at [www.londonfreelance.org/lfb/intros.html](http://www.londonfreelance.org/lfb/intros.html)

## Battle of the Alamy been and gone

THE PICTURE agency Alamy sent a new contract to photographers – including a clause stating that "You authorise Alamy to grant to the Collecting Society a mandate to negotiate, claim and administer the rights in respect of Secondary Uses of your Images that you have authorised Alamy to represent you for."

This would give the agency a right to skim off money due to photographers for "secondary uses" of their work. The NUJ produced a model letter for photographers to opt out of this clause. The deadline was 30 July. Sorry this happened between issues of the *Freelance* and we couldn't do a special edition to alert you.

So do regularly visit [www.londonfreelance.org/fl](http://www.londonfreelance.org/fl) for such urgent updates. We were able to email photographers whose addresses London Freelance Branch has. If you want these monthly mailings – even if you are not an LFB member – visit [www.londonfreelance.org/link-up](http://www.londonfreelance.org/link-up) to request them.

## Ce n'est pas Agence Fair Price

IT'S NOT JUST English-speaking clients that are trying it on. Agence France Presse (AFP) is demanding its photographic stringers across the globe, in offices outside of France, sign unacceptable contracts which include handing over all rights to exploit their photos without any additional payment.

The International Federation of Journalists (IFJ) has called for an immediate revision of these contracts and is advising photographers not to sign them as they stand.

The standard contract requires photographers to sign a global, irrevocable and perpetual licence to

use their photos and videos in any medium, in any language, in any form including in any future products. Journalists working under a collective agreement made in 2012 and governed by French law, in contrast, receive payment for the re-use of their images.

AFP is seeking to justify this new practice by claiming that payments for photographers' time also cover this wide licensing of their authors' rights. Currently these are two distinct payments. IFJ president Philippe Leruth said: "We ask AFP to immediately review its terms of exploitation of photographic works and strongly

encourage photographers not to sign any contract...

that does not provide additional payment for [each] use." For more on the IFJ's campaign against such unfair contracts please see [www.ifj.org/campaigns/fair-contracts-for-journalists](http://www.ifj.org/campaigns/fair-contracts-for-journalists)

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## Leave.EU stole Vice pix

VICE magazine sent Chris Bethell to cover the premiere of *Brexit: The Movie*, which Vice describes as "farical" – not surprising since it was directed by Martin Durkin... about whom the less said the better. Not much surprise either that 12 hours later Chris noticed that the Leave.EU campaign had "taken my photographs, re-appropriated them into another photographic artwork and posted them

on Facebook and Twitter." The campaign had taken all the photos from the article and stuck them in a film-reel-style image with a caption claiming "A great turn out at the Brexit: The Movie premiere".

Chris "contacted them the same night asking to have them taken down. The next day I sent them an invoice, to which they replied that they would take them down immediately. It was at least a further 24 hours before they were taken down. Obviously they'd had their

use out of them on social media, and it didn't matter at all if they took it down at that point."

NUJ Freelance Organiser John Toner told Vice that Chris "is well within his rights" to pursue the campaign for payment. The case illustrates – again – how photographers' (and other authors') right to determine how our work is used is about more than cash – it's about reputation, integrity and ethics. Shame, then, about the contracts Vice is imposing – see page 5 opposite.

