A Statsi comedy

OUR SPEAKER began with the words, “My name is Mark Thomas and I’m an NUJ member.” Mark was at LFB’s April meeting on the judicial review he’s bringing, with NUJ support, on the Metropolitan Police practice of gathering data on journalists for “Domestic Extremist” databases. Mark was “very happy to have my co-litigants with me” – Jason Parkinson, David Hoffman, Adrian Arbib and Jules Matteson, four of the other five NUJ members bringing the judicial review.

Mark’s “accidental journalism” started with The Mark Thomas Comedy Product, whose mission was to “just take the piss out of people… mock them,” starting by interviewing Tory MPs while he was dressed as a bear. One bewildered MP blurted out “eighteen” when questions about honey suddenly turned to capital punishment and “at what age should we kill people?” Mark turned to something a bit more “factual based… we were actually investigating”. His fake media training school for arms dealers at an Athens arms fair got Indonesia’s military to admit on camera to torture.

Mark has come across “instances of spying” before. When Martin Hobbin, his close friend at Campaign Against The Arms Trade, was outed as a spy for BAe Systems (British Aerospace), “the immediate effect was to deter people associated with Hobbin from activism.”

And Mark was “very proud to say that according to the Met I am a domestic extremist,” noting the absurdity of the term: “it’s housebound, so it’s possibly in the kitchen: am I a radical when it comes to cooking?”

A Data Protection Act request to the Met revealed “they had noted when I did book readings… fundraisers and various anti-nuclear stuff.” The data compiled on Mark was “like being spied on by the Stasi crossed with an Ealing Comedy.” One report on a demo noted, “Mark appeared at the South side of the Square, with a mountain bike with yellow forks; he

See DOMESTIC on p 4

Contracts campaign gathers pace

THE IMPOSITION of unfair contracts on journalists is the focus of campaigns by the Creators’ Rights Alliance (CRA) and the European Federation of Journalists (EFJ) – the NUJ is active in both. In the UK, the case was put to MPs from the three largest parties, and a Green Party representative, at a “general election hustings for the writing community” organised by the Society of Authors and Authors’ Licensing and Collecting Society on 24 March. For the Liberal Democrats, Martin Horwood MP gave the impression that this issue was a priority for the party.

For Labour, Chris Bryant made sympathetic noises and asked for more information. Ed Vaizey, Conservative, invited LFB’s Phil Sutcliffe to intervene.

This Phil did, passionately. The contracts creators are made to sign “are totally unbalanced by the difference in economic power between me and Murdoch, or the BBC, or the government.” The issues go beyond grabbing rights and depriving creators of the income we need to carry on as professionals feeding the much-vaunted “information economy”. The contracts we are presented with “extend to dumping total liability onto the writer,” Phil noted. They often demand the right to change the work and deny corporate liability for legal actions resulting from the corporation’s altered version. “There goes my house, or my shirt,” Phil observed: “These contracts are crushing for individual creators and if the government doesn’t have the guts to do something about it that sector of the economy will be starved. It’s strangling us.”

Vaizey returned the default answer that his party supports “freedom of contract”. Mike Holderness, also of this parish and CRA chair, replied that this is a mere slogan: it serves to pander to the myth that he and Rupert sit down across a table, negotiate as equals and strike a fair bargain.

In any case, “freedom of contract” isn’t as sacrosanct as some pretend.

See CONTRACTS on p 4
The Rate for the Job

WE’VE heard of a writer in an online music journals’ network who managed to raise an offer for a BBC radio punditry spot from zero to £70, so do try it! And see below for reported rates for complete Radio 4 programme packages.

Thinking about work for a company you’ve not dealt with before? Simply look at the Rate for the Job to find out what companies in similar niches have paid. Then aim higher.

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 – or for print if it’s a Rate for the Online Job. 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.

Broadcast: corporate and educational video production daily rate, no holiday pay, no agreement on rights, expenses paid separately £300; Radio 4 Great Lives programme appearance as expert/pundit £300; Radio France “On the Spot”; creating a 4-minute radio documentary (pithing, writing, recording, editing). Ideally 1 full day of work, realistically 1.5 to 2 days of work, expenses paid for travel outside of city limits only, £80; BBC Radio 4 complete 30-minute radio programme production, for “everything”: arts programme £6000, factual documentary from £7000.

Illustrations: Time double-page spread, overnight turnaround, no exes first use £1800.

Photography: Redditch Standard photography per day, no exes £100 XXX.

Shifts: Guardian subbing day (7h) £185; Daily Telegraph subbing day (8h) £135; Cassari (what?) live interview per hour £120; Soaptife subbing day £120 XXX.

Words, per 1000: Woman’s Own 750 words (no pictures) @ £150 = £200; Vice.com researching and writing 1800 words inc interviews @ £300 (up from £200 offered) £167; Vice.com reporting job, photos included £135; News Corp 200 words @ £300 = £1500; Mail on Sunday 200 words @ £200 £1000; BBC Online £576; Stylist 500 words @ £200 all rights £400; Evening Standard 500 words @ £150 = £300; Daily Mail 1200 words @ £350 = £292; Jane’s £220; When Saturday Comes £215 X; Guardian online and print – agreed minimum is £310.68 £215 XX.

Words, other: Easyjet website regular 400-word city guides all rights £42 XXXX.

The Trireme Award

This month’s Trireme Award is coming to the Freelance Office on 020 7843 3706.

Attention!

Any NUJ member contemplating work for Bloomberg Television Africa Limited should first telephone the Freelance Office on 020 7843 3706.

Invitation to tender: copyright booklet

THE NUJ would like to commission two freelance members to produce a booklet that would provide a good grounding in the current law on copyright for freelance journalists: one writer/researcher, and one editor/formatter.

This would be contained within a maximum of 30 pages of A5 format, and should be readily understandable by beginners.

Content would include, but would not necessarily be limited to:
- What is meant by copyright
- Which legislation applies
- The international framework
- What is protected
- Who owns copyright
- Definition of “in the course of employment”
- The difference between assigning and licensing
- How long does protection last
- The rights of the copyright owner
- Exceptions
- What is meant by a “substantial part”
- How to tackle infringements
- Moral rights
- Update on new exceptions
- Creative commons licences
- Self-publishing
- Unfair contracts
- Collecting societies and secondary rights
- Extended collective licences
- The IPEC small claims track
- A list of relevant creators organisations
- How the NUJ can help
- Glossary

The following fees would apply:
- For the writer/researcher: £2000; for the editor/formatter: £1000.

Applicants should have a good working knowledge of copyright law, and the ability to express this understanding in an accessible way.

The NUJ reserves the right not to engage any of the applicants at the end of this process. Applications close at midday on Monday 25 May and should be made by email to: freelanceoffice@nuj.org.uk

Freelance Salon is coming

FREELANCE Salon is the working title of a series of local events for freelances currently being put together by the NUJ’s London Freelance Branch (LFB) in collaboration with the Union’s Freelance Industrial Council www.londonfreelance.org/lfic and other NUJ Branches that have a strong freelance presence among their members.

The format is expected to be similar to the successful “New Ways to Make Journalism Pay” conference in 2012 (www.londonfreelance.org/NewWays), except that this will be a series of shorter events – evenings rather than a full day – with refreshments and drink laid on and an opportunity for freelances to network and compare notes. As with New Ways, it will be about how we as freelances can diversify into new techniques for earning a living as journalists. There is also a report of a stripped-down, local version of New Ways that was run by NUJ Brussels Branch at www.londonfreelance.org/lfic/1209brus.htm.

Manchester and Salford Branch are interested in putting on a pilot Freelance Salon, and there are plans for a follow-up event in Cardiff if this proves to be a success. LFB are looking into a possible Freelance Salon event in London, provisionally sometime in June. Watch this space.
Garbage: ‘that’s rubbish’

PHOTOGRAPHER Pat Pope got a message from Big Picture Music, a management company involved with the band Garbage, asking to use some of his photos of the band in a book. For free.

Here is the letter in full, reproduced with his permission:

I don’t know if you will remember me, my name’s Pat Pope and across a few years in the nineties I worked for you as a photographer. That’s one of my photos of you accompanying this, some of the photos I took of you and would like to use them in your book. It also says that in return for the use of my photos you will give me a “proper credit” but that given it is planned to be a self release the budget is “financially limited”, by which your management company mean “we’re not going to pay you”.

So I wanted to ask you a couple of questions, and I wanted to do it publicly because I think it’s important that people know what your answer is. I don’t expect as many people will think “content providers”, whatever that means, deserve to be paid for their work, or is that a special category for musicians? If I want to release a music album, can I use your music in it if I give you a “proper credit”?

Q: If you’re putting together a book, presumably someone at your management company or somebody in the band has written a budget. And if there’s a budget, somewhere in that budget, against the line for “use of photos” somebody has written “improper credit and get them free”. Against all the other lines, for writing, for printing, for distribution, for retailing, for marketing, for the management company, for the band, for Uncle Tom Cobbley and the hell that means, deserve to be paid for their work, or is that a special category for musicians? If I want to release a music album, can I use your music in it if I give you a “proper credit”?

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BY WRITING THIS OPEN LETTER, I’m obviously committing professional suicide when it comes to ever working with you again, and probably it won’t do my reputation any good within the music industry to be seen as a troublemaker. Obviously that worries me, but it worries me more that musicians and others are saying something publicly about the need for artists to be paid for their work whilst privately people working for them are doing exactly the opposite. I’m not accusing you personally of being hypocrites, I don’t know how involved you are in this process, but I’m letting you know it’s happening and it’s happening in your name.

So, very respectfully,

No, you don’t have my permission to use my work for free. I’m proud of my work and I think it has a value. If you don’t think it has any value, don’t use it. I’m saying no to a budget that says you can take my work for free and make money out of it.

Thanks, and still a fan of the band
Pat Pope / www.patpope.com
PS: Just so you know, this is actually an improvement on the management of your Absolute Garbage album where the record company just used my work without asking. I only found this out when I went into a shop and bought a copy, which, when you think about it, has a certain irony.

Pat received many comments. By eye, more were supportive than we would have expected online a year or two ago. Some, unsurprisingly, were abusive. Pat posted a final reply at www.bit.ly/PopeFinal pointing out that “the power relationship is that a gigantic branded entity with huge reach and backing is asking a lone freelance to accept that the value of their work is zero.”

Vigilance on authors’ rights, please

The Freelance is still asking readers to keep an eye out for results of the changes to copyright law on 1 October 2014. Is anyone claiming that they can “quote” your work, or colleagues’ work, in ways that they could not before? Is anyone trying to get away with “quoting” photographs? Tell editor@londonfreelance.org

Harare’s Book Café needs your old laptop

DO YOU have a reliable old laptop you don’t need anymore, that’s still in very good condition? If so, the Book Café in Harare, Zimbabwe, needs it.

The Book Café’s Patricia Brickhill told the Freelance: “Zimbabwe is a difficult place to operate commercially. Book Café has always been inclusive and non-elitist and has an open door policy... in a country which has suffered years of political and economic upheavals and an ongoing lack of investment into developing a cultural infrastructure... We offer artists and cultural activists free wi-fi and are currently looking for a few second hand laptops in excellent working order to improve the facilities available.” There’s a short video on Book Café at www.bit.ly/BookCafé.

London Freelance Branch Treasurer Jenny Vaughan, who is familiar with The Book Café, describes it as an “institution, a bookshop, café and music venue that also hosts political satire and makes to get away with it.”

The Book Café can be reached by email care of Patricia at zimgeko@aol.com. © Matt Salusbury

Save local news in Caernarfon!

NUJ members have launched their own petition to oppose the local newspaper office closure in Wales. The National Union of Journalists in condemning the proposed closure of its Caernarfon office, ending a 180-year presence in the town. Please sign the petition and share with colleagues, friends, contacts & online. It’s at www.tinyurl.com/caernarfonpetition

Extended collective consultation extended

The Authors’ Licensing and Collecting Society (ALCS) still needs its members to complete a short survey to find out your views on an “Extended Collective Licensing” scheme to gather payments for re-uses such as educational photocopying of all works: – see www.bit.ly/ALCS-ECL – and if you are a writer and not yet an ALCS member go now to www.alcs.co.uk to join and get your share of the payout.

NIBWE Belarusian Writers' Association

Non-fiction book authors' new site

NibWeb, the NUI-initiated online network of authors of non-fiction children’s books, has a new showcase website – at, oddly enough, www.nibweb.org.uk
Has GCHQ spied on you?

PLEASE give your consideration to a petition circulated by Privacy International, who are calling for the Investigatory Powers Tribunal (www.ipt-uk.com) to ask GCHQ (www.gchq.gov.uk) whether it has spied on any of the petitioners illegally. The petition’s at www.privacyinternational.org/illegalspying

This initiative follows a recent ruling that the “sharing” of intelligence between GCHQ and the NSA before last December was illegal. (Those acronyms would be the Government Communications Headquarters, Cheltenham, UK and the National Security Agency, Fort Meade, Maryland, US, respectively.) The petition warns you that by signing it, you allow your name to be passed on to GCHQ for the purpose of determining whether they spied on you.

But they probably have your details (and more) already – on the assumption that you have ever made a phone call, sent an email or used the internet. The Freelance would be interested to hear from signatories who ultimately get any kind of result, via spookwatch@londonfreelance.org © Matt Salusbury

DOMESTIC from p 1

said ‘hello’ to us and seemed happy.” At the Mayday 2000 Guerrilla Gardening event in Parliament Square police noted that “Mark Thomas…has a large quantity of cress on rear of bicycle.”

There’s “stuff which is factually inaccurate.” Although “to my eternal shame” Mark has never been on a Class War demo, one police log listed a Class War event at which “the only identifiable protester was general rabble-rouser and alleged comedian Mark Thomas,” a phrase he plans to use on posters for a forthcoming tour.

Among “over 60 items” of “intelligence” Mark discovered, “police are making notes about when stuff I do about nuclear reactors appears on TV; when articles I’ve written appear in Time Out and the Guardian.” It seems that the Met is not just spying on activism but spying on journalism.

“We believe there are other NUJ members who are being monitored by the police. If you have covered the police, it is important that you put in a Subject Access Request and find out whether you are a Domestic Extremist – and if you are, join the court case.”

Jules did a FOIA request to the Met and was “told by way of refusing that request” there were over 2000 records on the Domestic Extremism database with keywords such as “journalist”. It would “cost too much” to find out exactly how many records on journalists they have.

Jules also found a Powerpoint slide showing his name and photo, with the words “no trace PNC.” [Police National Computer, so no criminal record]… pain in the arse.”

We also heard from photographer David Hoffman, who despite having no criminal record found a police-man’s notebook had recorded that “Hoffman has a conviction in the late 80s for assaulting the police.” Where does this inaccuracy come from? “There is no trace of this information in any police system,” the police said.

Environmental photographer Adrian Arbib found himself a labelled a “domestic extremist” following a police stop near Heathrow. “I was doing an article on the death of the English apple orchard,” he said, still puzzled. For Jason Parkinson’s and Jess Hurd’s testimony on their domestic extremist files, see www.londonfreelance.org/fl/1502xtw.html. Mark said the judicial review under Human Rights Act Articles 8 and 11 (privacy, association, freedom of expression) comes to court “soon”, and “it is my legal opinion the Met are fucked”.

© Matt Salusbury and Mike Holderness

• There’s a longer version online, with links

CONTRACTS from p 1

Parliament had instructed the government to intervene in another area where contracts are unfair: between landlady of his local pub and the “pubco” that owns it. Horwood observed that the pubco got to own it because of a previous attempt to deal with the issue, by separating the breweries from the freeholds. “You did that to try to avoid dealing with the root issue – the contracts,” Mike said: “this time, you have to do it right”.

The European Commission is organising surveys of the contracts that creators, including journalists, work under. The EFJ has pushed to make this happen and hopes it will produce quantitative evidence on the economics of unfair contracts. Journalists in the UK will be invited to complete it: when you are, please set aside 15 or 20 minutes to make sure your experience is represented. Please continue sending details of unfair contracts put before you to unfair@londonfreelance.org

© Mike Holderness

The suspicious proximity of this “Audio Surveillance Zone” on the wall of a street in Whitechapel to the London Met Cass School of Art leads us to believe it to be the work of art students

Photo © Matt Salusbury

More online:

• French court calls Facebook to heel
• and updates as they come in

All at: www.londonfreelance.org/fl

L to R: Jules Mattson, Jason Parkinson, Adrian Arbib, David Hoffman and Mark Thomas

Photo © Hazel Dunlop

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Radio 4 – listen carefully

HOW SHOULD you go about getting a commission for Radio 4? Explaining at March’s London Freelance Branch meeting how it’s done was Jo Coombs, creative director of Loftus Media. Her recent credits include Dads Who Do and D-Day: A Family Affair and she’s on the boards of the Radio Independents Group (RIG) and women in audio network Sound Women.

Radio 4 is changing, says Jo. Independents like Loftus do much of its content. These days the BBC “publishes” across many platforms, with radio just part of a package including photos, video clips or even cartoons and a “campaign” commissioned first, with radio as an add-on later.

Jo advises, “Listen”. Listen to Saturday Live’s four-minute slots, to You and Yours, and much more.

While doing so, try to “work out how they did it… how did it work? And why did you like it?” Also read plenty of the short descriptions on the i-player pages of various Radio 4 programmes. The usually come from the wording of the original programme proposal.

The sort of programmes Radio 4 are seeking would include those that explain, such as its ten-part history of terrorism Terror Through Time, and those that ask, “Why?” – like the recent Putting Your Money Where Your Mouth Is, about a “guy who commits 20 per cent of money to charity, how much should we give? Why give to charity?” And Jo played a clip of A History of the N-Word, exactly the sort of “exceedingly provocative” content Radio 4 is looking for. Radio 4 are also “pushing for more women: they want more LGBT, more ethnic minority.”

An example of a successful Radio 4 proposal is Costa Del Flameenco, on a flamenco festival for people in prison across Spain. You should be able to hear a radio programme when it’s described. Send 200 words in, then they discuss it. It can take months before they come back to you, and then “sometimes you just get a ‘no’.”

Your first Radio 4 production will be “almost work experience.” A half-hour feature pays £6000 for an arts programme, and factual documentaries start at £7000. You’re not going to make a living on radio alone; you need a wider proposition, tweets, photos… you own the uncut material. The RIG can re-sell these uncut bits on, to Radio 5 Live for example.

Independent radio is growing, adds Jo. Penguin Books do their own audio guides. Universities want podcasts – packaging, not just publishing their audio from lectures. The South Bank Centre’s broadcast content needs packaging. The independents pay better, but you’re unlikely to get work with them unless “you’ve done the Beeb – that’s your calling card.”

© Matt Salusbury

Will tax returns come back?

IN HIS pre-election Budget – what is the most important word in that phrase? – the Chancellor of the Exchequer announced “the end the annual tax return”. So what does this mean for freelances?

We need to read the small print, of course. The document Making tax easier: The end of the tax return from HM Revenue and Customs specifies that “By early 2016 five million small businesses and ten million individuals will have access to their own digital tax account.” For most purposes, freelances are considered “small businesses”. The official estimate is that in 2014, 4.6 million people were self-employed – so it seems that it applies to us.

We will still have to keep receipts for business expenses we claim. At least, it is currently impossible to imagine any alternative.

It is also nearly impossible to imagine the end of penalties for late filing. They’re too important a source of revenue. Will there now in fact be more frequent deadlines? Indeed, the Daily Mirror reported that “bundled in the Chancellor’s “simple tax” proposal are fines for late returns being replaced by a points system, under which late filers could end up paying £2000 for their late returns.”

The document says “small businesses will have the option to ‘pay as you go’ to help manage their cash flow”. We need to keep an eye this. The temptation to force earlier payment will be strong – the effect would be to get 5 million people’s tax in six months early on average. It’s now difficult to get clarification because civil servants are in “purdah”, forbidden from commenting in the formal electioneering period. But considering the proposal, it seems likely that it was, firstly, intended to generate misleading headlines and, secondly, to cover up an “oops” created when those who are supposed to pay higher-rate tax on salaries were suddenly required to fill out annual returns to check their new non-eligibility for Child Benefit. These people may be assumed to be assumed by the Conservative Party to be its potential supporters. Oh, and those on low incomes claiming “Universal Credit” will have to complete something very much like a tax return every month. It can be assumed that these are not assumed…

The Independent reports that small businesses may not get “digital tax accounts” before 2020; even if the computer project doesn’t over-run.

© Mike Holderness

Press Barons and press freedom

RICHARD DESMOND banned Tom Bower, the author of a new biography of him as owner of the Express papers, celebrity magazines and “adult” TV channels, from entering the Express building to speak to the NUJ chapel. Tom’s other books include the unauthorised biographies of media moguls Robert Maxwell, Tiny Rowland and Richard Branson. Tom will be heading a panel of speakers, chaired by NUJ general secretary Michelle Stanistreet, at the NUJ’s London headquarters to mark World Press Freedom Day. Other speakers are to be confirmed. The meeting is on Tuesday 5 May from 18:30 to 21:00 at NUJ HQ, Headland House, 308-312 Gray’s Inn Rd, London WC1X 8DP. To book, go to www.bit.ly/Barons2015

© Matt Salusbury

Will tax returns come back? © Mike Holderness
When work reappears, try re-claiming

LAST YEAR I found on the Guardian website an article I’d contributed over 30 years ago. My 1981 piece on childcare books had been resurrected in the “from our archive” slot. I hadn’t been consulted – or paid.

I finally got round to contacting the rights department last month, and – after some nudging – had a reply explaining that the purpose of this slot was to “draw upon the resources of the Guardian archive” to “highlight the richness of Guardian journalism over the years”.

There was, I was told, no policy on fees. “However, as a goodwill gesture we would be happy to make payment of £50.”

When I asked Pamela Morton whether the Freelance Office had received complaints before (it hadn’t), she said “I love his comment about highlighting the richness of Guardian journalism. Perhaps some richness back to you!”

Indeed! I pointed out to the rights manager that as this was re-use of an article sold for one use only, a goodwill gesture was inappropriate: I should be paid at the features rate which, pro rata, would amount to £210.

But this rate, he countered, related to commissioned content. “We are offering this payment as a reproduction fee and not a commission fee”. Ah, a reproduction fee – and not a goodwill payment. He had a point, I agreed. In that case, it should be 50 per cent. And so it was that I received £105. A small victory. But proof that one should “always ask for more”.

© Hilary Macaskill

MONEY FOR OLD WORK

When work reappears, try re-claiming

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I finally got round to contacting the rights department last month, and – after some nudging – had a reply explaining that the purpose of this slot was to “draw upon the resources of the Guardian archive” to “highlight the richness of Guardian journalism over the years”.

There was, I was told, no policy on fees. “However, as a goodwill gesture we would be happy to make payment of £50.”

When I asked Pamela Morton whether the Freelance Office had received complaints before (it hadn’t), she said “I love his comment about highlighting the richness of Guardian journalism. Perhaps some richness back to you!”

Indeed! I pointed out to the rights manager that as this was re-use of an article sold for one use only, a goodwill gesture was inappropriate: I should be paid at the features rate which, pro rata, would amount to £210.

But this rate, he countered, related to commissioned content. “We are offering this payment as a reproduction fee and not a commission fee”. Ah, a reproduction fee – and not a goodwill payment. He had a point, I agreed. In that case, it should be 50 per cent. And so it was that I received £105. A small victory. But proof that one should “always ask for more”.

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French court calls Facebook to heel

A LOVELY story for those who appreciate legal quirks: Facebook is subject to French law when a French citizen objects to its behaviour.

Frédéric Durand-Baissas posted to Facebook a photo of L’Origine du Monde (The Origin of the World), an 1866 painting by Gustave Courbet. The Freelance suggests not searching for images of this painting, hugely important in the history of art, while anyone may be looking over your shoulder.

Facebook took it down. Frédéric went to court, arguing that his freedom of expression had been violated. Facebook argued in response that he’s signed up to terms and conditions that said disputes could be heard only in California courts. The High Court of Paris ruled (to no great surprise) that Facebook could va te faire foutre (earlier warnings about looking things up still apply).

As with the Google “right to be forgotten” case (reported July 2014) this is about jurisdiction – what courts can hear the case – more than about the substantive issues.

As with the Google “right to be forgotten” case, the implication is that the California corporation may be subject to European courts in tax matters. Oh yes.

So we’ll ignore for the moment the question of whether Frédéric had a licence to use the reproduction in question.

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