LONDON FREELANCE Branch held its July meeting in a House of Lords Committee room. Why the Lords? We’d fully expected the Commons still to be enrobed in coalition negotiations. We blame the pollsters. Everyone else does.

Our topic was: what can be done about unfair contracts? Our host was Tim Clement-Jones, international lawyer and LibDem peer; and our other speaker was Stephen Doughty, Labour MP for Cardiff South and Penarth and Shadow Business spokesperson.

Copyright campaigner Mike Holderness introduced the issues. The law of England and Wales — and Scotland too — is based on fiction. In the official picture, Mike sits down across a table from Rupert Murdoch, negotiates a fair bargain and shakes on it. Economists maintain that any contract is fairly made unless there is an actual, loaded gun pointed at one of the parties’ heads. In practice, freelance journalists and other creators are presented with contracts and told that if they don’t sign, they don’t work. There is no negotiation. Occasionally, clients are foolish enough to put this in writing — and if you have an example, please send it to contracts@londonfreelance.org — we will respect your anonymity.

Two of the many things wrong with these contracts are that they declare what will be paid for work and that they demand that freelances “waive” our rights to be credited for our work and to defend its integrity. In some of the worst cases, having thus grabbed the right to change work, clients then demand that the freelance “indemnify” them against the costs of any court case caused by the changes.

Some of the things we want are a right in law to fair remuneration and a list of contract clauses that are automatically deemed unfair. We want unions such as the NUJ to have the right to negotiate minimum terms collectively. And we want unions to have the right to bring cases over unfair contracts, because freelances are so often afraid to bring cases in their own names for fear of never working for that client again.

Mike introduced Tim Clement-Jones by noting that he had spoken to dozens of Parliamentarians about authors’ rights and all had at some point asked “and what does Tim think?” Tim noted that his party’s election policy document on “the creative industries” included a commitment to review the law on unfair contracts. “Too often”, he said, creators “are presented with ‘take it or leave it’ contracts.” We are “in a particularly weak position when negotiating with the very big battalions not only the big US players but our own BBC.” Advice from lawyers “is pretty unaffordable — hundreds of pounds an hour to get advice on a contract which is important to you” but not worth that much by itself.

“The right of attribution can be waived,” he went on, “so that you can’t even say that it’s your work — it’s effectively that of the entity to which you’ve assigned the copyright.”

“We need to learn from the experience of other countries and learn from the best of what they have to offer. Could the doctrine of “undue influence” be applied when one party is in a dominant position?”

Could we enact a right to fair remuneration — it works in Germany? The “moral rights” to identification and integrity are unwaivable in France and Germany — why not in UK law? These issues, Tim noted, affect many more people than those of us who want to earn a living from words, images and sounds: “all the internet platforms like Flickr have terms which are absolutely standard and deprive the creator of rights.”

So what is to be done? Perhaps a Private Member’s Bill could be presented as part of “a really serious campaign in the course of this parliament.” Tim also raised the possibility of a Parliamentary Inquiry. It could start by asking: “How can we meet the challenge of a thriving creative economy when the scales are so heavily weighted against creators?”

Stephen Doughty immediately picked up on this: he has previously worked with Ian Wright MP who had just been selected as Chair of the Business, Innovation and Skills Committee, which could possibly conduct such an inquiry.

Stephen has worked with the Musician’s Union and regularly meets with writers and musicians and photographers working at BBC Cardiff. “For me,” he said, “these concerns boil down to an imbalance of power which currently exists in these relationships.” The Labour Party would be busy — not least with the Trade Union Bill launched that week: but Stephen would be keen to hear more from us on this issue.

London Freelance Salon — book now while stocks last

Making a living online

FREELANCE SALON is an NUJ event that goes beyond the traditional orthodoxies of discussing pitching to editors — though that still has its place. Salon is a forum to discuss how to make journalism pay, in new ways, via speakers who’ve done something a bit different and made it work. The theme for the launch event on Thursday 15 October is “Online Publications: stories of growth and opportunity”. Booking is exclusive to NUJ members until Friday 11 September and costs £10. The evening will include networking with fellow freelances and some indy chic over a glass of wine (or water or orange juice) and some snack foods. The percentage of freelances in the union is growing fast, as we all know. Even those of us who have regular work have to be on the lookout for new ideas on how to develop our careers and shape an assortment — sometimes a ragbag — of
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. Higher, even than our highest rate of all time, for a film poster. Eighty thousand pounds!

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.

**Broadcasting**: BBC Radio Lancashire for rep-licencing producing day (house agreement says £129 for more experienced journalists and £89 for beginners) £86 X; BBC TV News channel, Pundit/expert interview in studio, supposed to be 3 mins, became 10 – £75 X.

**Photography**: Sky TV Poster pic for Sky TV drama dept £80,000 (yes, really) ©; Sky TV day for Sky TV drama dept £500 ©; Weekly local newspaper (various editions in Hants/Surrey) day, exes 0.34p per mile for petrol (plus they sell pics to public and no commission to photographer!) £50 XXX.

**Shifts**: Daily Mirror 9am to 5pm Sunday reporting day £185; Sunday Times 5pm to 2am night reporting shift, exes £20 taxi allowance bumps £30.

**THE TRIREME AWARD**

The Trireme Award for “the worst terms since I was chained to the oars” goes jointly to two national institutions this month. Newspaper the Daily Star pays one freelance subbing and shift reporting day rates that would have been distinctly unimpressive at the start of this century, let alone in 2015. It shares the award with BBC Lancashire, which apparently paid one reporter a rate for veteran journos.

**THE NUJ VIDEO**

The NUJ wishes to commission a video to explain to Police officers undergoing public order training the importance of adhering to the official guidelines in respect of their interaction with news gatherers. This will be shown during training sessions at Police training facilities.

We do not have a set budget, and will award the commission on the basis of a pitch’s impact of concept and the likely cost. Possible means to communicate this message could include: (but are not limited to) animation, a theatrical sketch or voiced-over images.

The package should end with a spoken-to-camera endorsement from a senior Police official. The cost of producing this should be included in the quotation.

For the video to serve its purpose, it will need to be both entertaining and memorable. Police officers sometimes fail to acknowledge the rights of journalists and photographers during public order situations.

The chance to put this information in front of them would be very important to NUJ members, but there will only be any point if the message sticks with those to whom it is shown.

The objective of the video is that all who view it:

- understand that there are guidelines for Police dealing with news-gatherers in public-order situations;
- understand that these guidelines are endorsed by all Chief Police Officers;
- understand what the guidelines say; and
- appreciate why it is important that the guidelines are followed.

Officers also need to know that journalists have legal rights. The more memorably the message is conveyed the better. What really matters is that Police officers remember the video when they are in the midst of a public order situation some months hence.

The length of the video should be around three minutes

Pitches should include the following details:

- explanation of concept/script;
- details of those who will work on the package;
- details of relevant previous work; and
- a quotation. The quotation should break down the cost into as much detail as possible, and should be for the full amount payable, to include performers’ fees, scriptwriting, equipment use and all other costs.

The NUJ will be seeking an enduring licence for this video to be shown to Police audiences and NUJ audiences.

Applications close at midday on Saturday 12 September and should be made to freelanceoffice@nuj.org.uk

**FREE MONEY FOR USE OF YOUR IMAGES**

HAVE ANY of your images been published in a book, magazine or on TV? If so, you’re likely to be eligible for Payback royalties covering secondary uses of your images, such as photocopying. (This in addition to other copyright royalties you may have been paid.)

The average payment to artists (including photographers, fine artists, illustrators and cartoonists) who had signed up the Payback scheme was over £250 last year.

The scheme is administered by the Design and Artists Copyright Society (DACS) – you can register with them and check which your works would be eligible at www.dacs.org.uk/for-artists/payback/ You have until 30 September to submit your form online for the current round of Payback.

Writers should register with ALCS at www.alcs.co.uk for the equivalent scheme for payments of secondary uses of their words.

© Matt Salusbury
**EU not trying to ban photos**

A PETITION circulated through change.org catapulted one of the most obscure corners of authors’ rights into the limelight. It’s headed “EU to ban holiday pics”. No, no, no. This is untrue.

The petition, a classic of scaremongering lobbying, referred to the “Reda report” and may have been inspired by two letters to the Times, both signed by Wikimedia/Wikipedia people. One letter appears to have misread the Reda report. As Wikipedia in edition two, letters require better references.

The petition wondered aloud whether photographers would in future have to get clearance from architects before taking street scenes. But the report was merely non-binding advice from the Parliament to the Commission, which would be trumped in the UK and Ireland anyway by the “exception” to copyright allowing reasonable reproduction for the purpose of reporting “news and current affairs”.

In the unlikely event that the provision protecting architects in Belgium were extended elsewhere, advertising agencies would possibly have to get clearance before using images of the National Theatre to promote their clients. Poor dears.

More alarmingly, the Reda report’s call for fair contracts for authors was watered down at the very last minute to weaken its call for fair contracts for authors. A cuddly-sounding phrase on “freedom of contract” was inserted – read “freedom for powerful corporations to impose contracts on individual creators”.

Anyway, this paragraph of the Reda report fell in the European Parliament vote. The bits in it calling for fair contracts for creators survived.

© Mike Holderness

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**High court overturns copyright change**

THE UK Government acted illegally by introducing a new exception to copyright law allowing private copying for personal use, as it failed to provide fair compensation for rightsholders. That was the ruling of the UK High Court on 19 July in a judicial review brought by the Musicians Union (MU), the British Academy of Songwriters, Composer and Authors (BASCA) and UK Music.

These organisations had welcomed a revision of the law enabling copying for “private use” but had repeatedly warned the Government of “significant harm” to the rights-holders if compensation was not included, and alerted the Government also to the fact that compensation to rightsholders is required by European law. In most European countries this is paid for by a “levy” on the price equipment used for copying.

The High Court agreed with MU, BASCA and UK Music that the Government’s case was based on “wholly inadequate evidence.” Oddly enough, that was the Freelance’s reaction to the “evidence” when it was published. The Government must now reconsider. It is likely to take its time.

More at www.londonfreelance.org/fl/1508mu.html

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**Trade Union Bill – bad!**

THE TRADE Union Bill – the most restrictive legislation on trade unions for 30 years, is now being prepared for its second reading in Parliament. The Bill would make it harder to strike. It specifies a percentage of the electorate for its second reading in Parliament. The supervisor a trade union picket would have to give their name to the police – rather alarming given revelations about their contributions to the trade union blacklist used by construction companies.

The Trades Union Congress (TUC, of which the NUJ is a member) will hold a rally at Westminster Central Hall, Storeys Gate, London SW1H 9NH, on Monday 2 November and a lobby of Parliament.

© Matt Salusbury

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**BBC charter chat**

There is a government consultation on the review of the BBC’s Charter: you have until 8 October to respond. Please do so via gov.uk/government/consultations/bbc-charter-review-public-consultation and note that license-fee-payers fork out around 38p a day for the BBC, far less than a subscription to the Sun and probably the least bad way of paying for the broadcaster. Links are online.

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**Information on Morton contracts, please**

Could NUJ members who have been issued with a contract by Mortons Media Group Ltd please contacting the Freelance Office at freelanceoffice@nuj.org.uk – we’d like to see the contract(s) and to know what title you work for – in strict confidence, naturally.

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**London Freelance Salon Thursday 15 October – book now while stocks last**

*Salon from p 1*

“Jobs” – into a progressive portfolio of opportunities, new ideas of new work streams and how to make our careers work: and so LFB and Freelance Industrial Council proudly present London’s Freelance Salon. For our first London Freelance Salon edition the speakers are:

- Alex Wood, Editor in Chief, The Memo – “a new [online] publication for people curious about the future, reporting on the individuals, technology and ideas changing the world". The magazine, partly financed by advertising, commissions freelance writers on fees or retainers, and acts as an agency hiring out “inhouse” writers, sub-editors, video-makers, and designers to corporate clients.

- A former freelance, Alex also played a part in establishing the online commercial success of news and listings site Tech City News.

- A trio from Byline, a crowdfunded platform for news represented at Salon by founders Daniel Tudor and Seung-woon Lee with consultant Peter Jukes. Their slogan is “Nothing between you and the news”. In brief the model is that journalists pitch their stories online to the public who may pledge money to support their work, stage by stage. Copyright remains with the writers; Byline’s commission is 15 per cent.

London Freelance Salon makes its debut on Thursday 15 October at NUJ HQ, Headland House, 308-312 Gray’s Inn Road, London WC1X 8DP (nearest station: King’s Cross) at 6.30pm – the speakers are on promptly at 7pm and we close at 9pm.

There will also be a Salon in Manchester on Friday 25 September and there are plans for an event in Scotland. Follow www.twitter.com/#NUJSalon and return to www.londonfreelance.org/fl/1508salo.html for details. You can book and pay on that page.

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**Attention!**

Any NUJ member contemplating work for Arise TV Limited should first telephone the Freelance Office on 020 7843 3706.

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**New members’ meeting**

There’s a meeting for new and recently-joined members of NUJ London Freelance Branch on Thursday 29 October. It’s a chance to meet other people new to the Branch, and there will also be some more experienced working journalist Branch members on hand with advice and tips.

The meeting’s from 6pm at the Camera Café, Museum Street, London WC1 (nearest Tube Holborn). It has to end at 8pm – turn up any time before then if you can’t make it at 6.
We’ll hear from C4 commissioner, and more

ACCOUNTANCY FIRM HW Fisher & Company are running another of their very successful evening seminars on tax for the self-employed – including staff who have recently become freelance.

As well as giving an introduction to taxation, they will cover:
- tax and NI for the self-employed;
- self-assessment;
- allowable expenses;
- setting up in business;
- operating via a limited liability company; and
- tax enquiries and how to avoid being the subject of one of them.

LFB meetings are from 7pm to 9pm at Friends’ House, Euston Road. LFB meetings are from 7pm to 9pm at Friends’ House, Euston Road.

There will also be plenty of time for questions from the floor.

Their specialist Authors and Journalists Team also runs the free tax helpline for NUJ members on 020 7874 7875 and offers free one-hour face-to-face consultations.

The seminar is on Wednesday 23 September from 6pm to 8:30pm. Places will be allocated on a first-come-first-served basis. It is free to NUJ members, but a £10 refundable deposit will have to be paid. The fee for non-members is £20. To book contact the Freelance Office on freelanceoffice@nuj.org.uk

There are £10 for this much. Acceptance is at the editors’ whim; appearance does not imply endorsement. If you have any comments on an advert, tell us. Submit ads by email to unclassified@londonfreelance.org

UNCLASSIFIED ADS

FREELANCE UNCLASSIFIEDS are FREE to members for non-commercial purposes. To non-members and for commercial purposes, £10 for this much.

WANT TO TRY YOUR HAND at fiction? Creative writing courses at The Groucho Club and other central London venues with experienced writers and tutors will help inspire you and develop your craft. Details, dates and prices at www.writingcourses.org.uk

I AM SEEKING to diversify so have started trading in vinyl records. So, fair prices paid for good condition LP records. In particular, 30s to 90s rock, 60s-early 70s soul, jazz, blues, folk, skatergge, Latin, Samba/bossa, African, Cajun/Zydec, klezmer. But all portable genres and eras considered. Contact Mike at info@vinylvanguard.com.

WRITER REQUIRED to write monthly newsletter. Neutroa send out a monthly newsletter to subscribers and are looking for a freelance writer to compile this and send out via Mail Chimp. Please email: mark.davis@msg.co.uk

GALLOWAY COTTAGE. Woodburning stove and games room. One mile from Scotland’s book town, two minutes walk to good village pub and distillery. Beautiful countryside and unspoiled beaches. woodpecker-cottage@btinternet.com or see our website at woodpecker-cottage.co.uk

SPORTS REPORTER or voiceover artist? Portable ISDN broadcast units for hire with carry case, ISDN lead and headphones/mic. Short or long term hire availability: nick80@hotmail.co.uk

We will hear from Dorothy Byrne, Head of News and Current Affairs at Channel 4, on a topic to be confirmed. She is expecting in the Q&A session to tackle tips on being commissioned.

Gatherings of LFB for the rest of the year include Guardian Labs head of studio Graham Hayday on “sponsored content” on Monday 12 October. The Freelance hopes he will be speaking about the ethical and journalistic issues raised by “sponsored content”.

It was of course the Guardian that parodied its own “Wonderful Ruritania” with a special pull-out from the government of San Seriffe on 1 April 1977. How things have changed since then? How?

Philip Beresford, best known for his work on the Sunday Times Rich List, will talk about positive, life-enhancing things like being a successful freelance at the LFB meeting on Monday 9 November.

The LFB get-together on Monday 14 December is very likely to be a seasonal Branch social event.

For possible motions for the next meeting, see www.londonfreelance.org/lfb/meetings.html#motions

To make sure you get email alerts of meetings and the electronic Freelance – just one message a month – to get the agenda in electronic form ahead of the meeting.

For notes on etiquette concerning recording or live-tweeting from LFB meetings, see www.londonfreelance.org/fl/1507film.html

Can members who have difficulty reading the agenda on paper please contact us by emailing editor@londonfreelance.org to get the agenda in electronic form ahead of the meeting.

For notes on etiquette concerning recording or live-tweeting from LFB meetings, see www.londonfreelance.org/fl/1507film.html

For details of NUJ London Photographers’ Branch meetings, see londonphotographers.org

More online…

This issue went to press even earlier than usual due to holidays. Watch www.londonfreelance.org/fl for more stories and updates. These are already more stories online there:
- Calls for action on creators’ contracts from the Society of Authors and others
- A Swift update – singer Ms Swift blasts Apple over her copyright, then grants new contracts to photographers
- Authors’ rights worldwide – notes from the World Intellectual Property Organization in Geneva in early July

ALL PAID-UP freelance members of the National Union of Journalists are entitled to a free entry in the online Freelance Directory. It’s a great way of being publicly accessible to possible clients without giving out your personal details. Build yourself an entry to promote your work at www.freelancedirectory.org

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