

Freelance Journalism and Copyrights

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13 October 2020

About the speaker

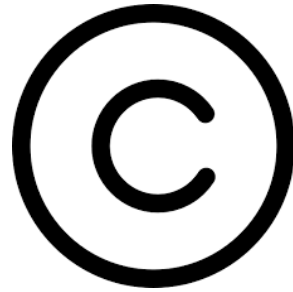


- Korieh Duodu – Principal, Egality Law
- Egality Law is an international law firm with offices in London and Accra, with a keen focus on high quality service delivery
- For more information, please visit – www.egality-law.com

What we will cover

- What rights freelance journalists have over their work
- Infringement of copyright under English law
- Responsibilities freelance journalists owe to others
- Safeguarding your copyright

Basics of Copyright



What is copyright?

An exclusive legal right given to a creator to protect their products from reproduction, adaptation, distribution or public performance without prior permission from the creator

Copyright Registration?



- Under English law, when an author creates an original work, it is automatically protected by copyright
- No requirement for work to be 'registered' or even marked "copyright" or "©"



Forms of Copyright

Copyright subsists in the following works:

- Original dramatic, musical, artistic works, published editions of typographical arrangements
- Literary, films, broadcast, sound recordings, news, facts and information



Forms of Copyright

- News, facts, information??
- Must be expressed in a **tangible medium** such as a news article, television broadcast or photograph...

Duration of copyright



- Literary, dramatic, musical and artistic works copyright protection lasts for 70 years from the end of the calendar year in which the author of the work dies
- Other works have shorter protection such as sound recordings and broadcasts.

Ownership of rights

- The author of the work is the first owner of the copyright
- An employee's work created during the course of employment is owned by the employer subject to any other agreements
- An “employee” means a person under a contract of service or apprenticeship

Assignment of rights

- Ownership can be transferred by way of assignment
- An assignment is the transfer of the entire interest in the copyright to a third-party.
- An assignment is only legally binding if written and signed by or on behalf of the assignor



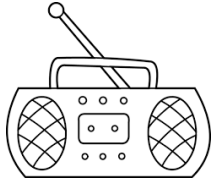
Licenses



- **Exclusive License:** An exclusive license enables the licensee to use the copyright work in the manner specified by the license to the exclusion of all others, including the copyright owner
- **Non-Exclusive License:** Allows the use of copyright protected material normally for limited purposes. Others may be granted the license to use the material

Basic rights

- Right to exclusive use of your work for the duration of the copyright
- Right to exploit your copyright
- Right to receive attribution or acknowledgment for your work



Copyright in Traditional Media



- Print (e.g. newspapers)
- Radio
- Broadcast television



Copyright in New Media



- Online news articles
- Hyperlinks to news articles
- Blogs
- Social Media



Effect of new media on copyright

- Substantial copying of an online news article or even a [hyperlink](#) may constitute a copyright infringement
- Terms and conditions of social media websites e.g. Instagram, Twitter and Facebook

Terms and Conditions



Infringement of copyright



Forms of Infringement

Infringement can be by:

- Copying (i.e. reproduction)
- Issuing of copies to the public (i.e. publication)
- Communicating to the public (i.e. broadcast)

Copyright obligations of media professionals





Obligations

- Not to copy another copyright holder's work without permission
- Always acknowledge the source of the work if it is not your original content
- Consider the principles of "fair dealing"

Fair dealing

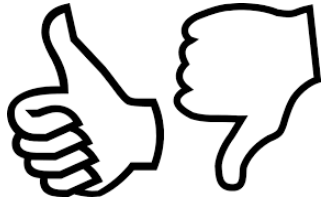


A Defence: This allows you to use someone else's copyright protected work without permission or payment of copyright royalties and vice versa.

Fair dealing

Three main forms of fair dealing that journalists can benefit from:

- Criticism
- Quotation
- Reporting current events



Criticism or review



- Where the work is for the purpose of criticism or review, some use of the work will not amount to an infringement
- Use must not be more than is necessary to fulfil the purpose of the proposed publication or work
- The work must be accompanied by a sufficient acknowledgment

Quotations

Quoting someone's work will not amount to infringement if the:

- Work is available to the public
- Use of the quotation is fair dealing with the work

Quotation

Quoting someone's work will not amount to infringement if:

- The extent of the quotation is **no more than is required by the specific purpose for which it is used**
- The quotation is accompanied by a sufficient acknowledgement (unless this would be impossible for reasons of practicality or otherwise)

Reporting current events

- Other than photographs, for the purpose of reporting current events, copyright is not infringed if it is accompanied by a sufficient acknowledgement
- The courts will not only be looking at the “dealing” aspect of the work, but also if there has been “substantial” taking

Practical considerations



Practical considerations

- Syndication
- Pitching ideas to media organisations
- Third-party copyright
- Copyright, confidentiality and non-disclosure agreements (NDA)
- Photographs



Syndication

- What is syndication
- What to look out for in syndication deals

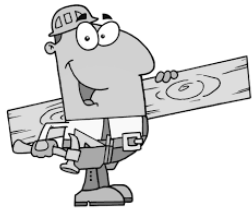
Syndication

What is syndication?

- Distributing news content, including articles and columns, to various publications



Syndication



Practical things to consider:

- Agency fees (can be up to 50-50 split with agency)
- Retention of rights- look out for “right grabs” in contractual work
- Have contracts in place
- Do it yourself (DIY)?

Pitching ideas to a media organisation

- There is no copyright in an idea
- Confidentiality agreements *versus* copyright (in the context of news??)
- Offer a teaser/taster, not the full story

Copyright, confidentiality and NDAs

- NDAs can protect your ideas during pitches with editors/publishers
- Take care when deploying: potential that publishers may be put off
- Have a template NDA drafted



Photographs

- Creator of image is usually the owner unless contrary agreement in place
- If you use someone else's photograph or image you will need permission



Photographs



How to obtain permission to use an online image

- Contact the copyright holder (google image search!)
- Look at metadata of digital files, watermarks etc

Photographs

Circumstances where permission may not be needed:

- If the copyright in the image has expired
- The image is available under a free-to-use license (e.g. creative commons)

Photographs

How to stop others from using your copyrighted images

- Watermark /pixelate your photos
- Identify yourself in the metadata
- Consider including terms of use on your blog or website

Photographs

What to do if someone has used your photograph without your permission

- Contact the infringer
- Complain to the website operator
- Can write to the internet service provider (ISP) who hosts the site
- Consider writing a take down notice

Key takeaways



Key takeaways

- Unless you fall within one of the fair dealing exceptions, express permission of the copyright holder is required
- Photojournalists should watermark their images for proper acknowledgement
- Avoid reproducing content generated by another person

Key takeaways

- Ensure that there is clear understanding of ownership if you are working for an organisation
- Surf the web routinely to ensure your work is not being copied indiscriminately
- Give credit and acknowledgment where it is due

Question & Answer Session



THANK YOU!

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