

THE BRITISH PHOTOGRAPHIC COUNCIL

Press release – for immediate release.

Industry-wide survey shows existing UK copyright law is failing to protect photographers

6th March 2009

Professional photographers are coming under increasing pressure to hand over their rights, and existing UK copyright law is not protecting their livelihoods, according to a survey carried out by the British Photographic Council.

The survey of more than 1,000 photographers, press agencies and picture libraries for the British Photographic Council found that 93% of photographers have come under pressure to hand over greater rights to clients for no increase in the fee, with 76% saying that their income has fallen as a result.

74% of those surveyed said that clients' demands for greater rights had become more common over the last five years, with the editorial and PR markets being the worst offenders.

72% of respondents said that they had discovered that their copyright had been infringed during the last three years - with each respondent discovering an average of 26 different infringements.

However, while 99% of photographers said they were concerned by the infringements, only a quarter of those said that they tried to pursue every case, with 71% saying that this was due to the difficulty of raising a legal action.

At a time when US and EU governments are looking at exemptions to existing copyright laws to legalise the use of 'orphan works' - artistic works where the author cannot be traced - 83% of photographers said they believed they should be entitled to a mandatory credit every time their work is used.

The survey was carried out by the the Association of Photographers (AoP), the British Press Photographers Association (BPPA), the British Association of Picture Libraries and Agencies (BAPLA), Chartered Institute of Journalists (CJoJ), Editorial Photographers UK (EPUK), Pro-Imaging, the National Union of Journalists (NUJ), and the National Association of Press Agencies (NAPA) during February 2009. The results of the survey will be submitted to the Lammy Review of Copyright.

Other key findings include:

- 74% of those photographers who were successful in chasing up infringements said that they did not consider the amount they received was fair compensation for the

infringement, with 88% stating that the amount paid by the infringer would not serve as adequate deterrent to stop similar copyright breaches in the future.

- 47% of photographers expect their level of business to shrink over the coming year, compared to 20% who expect it to grow.
- 76% of photographers say their income has declined due to their resistance to pressure to hand over more rights for little or no more money, with 56% saying that their income had fallen "moderately" or "significantly" as a result.

John Toner, chair of the British Photographic Council said "At a time when the government is again consulting on the future of copyright, these results show existing UK copyright law is not protecting the interests of photographers in the way it was intended.

"We need root and branch changes that would make it unlawful to transfer copyright, and moral rights legislation that would ensure both the right to attribution and to protection of the integrity of images.

"Further, we need access to the legal system to ensure that small claims of infringement can be pursued speedily and at a cost commensurate with the scale of the claim."

- release ends -

For more information contact: John Toner on 07710 314593

Full survey results can be seen either in the accompanying PDF, or at <http://www.british-photographic-council.org/survey/>

About the British Photographic Council: The British Photographic Council is an umbrella organisation representing the interests of photographers, photographic agencies and image makers working in the UK. It is currently made up of representatives from:

- the Association of Photographers (AoP),
- the British Press Photographers Association (BPPA),
- British Association of Picture Libraries and Agencies (BAPLA),
- Chartered Institute of Journalists (CJoJ),
- Editorial Photographers UK (EPUK),
- Pro-Imaging,
- National Union of Journalists (NUJ),
- National Association of Press Agencies (NAPA).