



NOTE (2018): photographs that belong to other copyright holders have been pixelated

● When Joyce Harris (below) sold her footage of a family of foxes to the BBC's *Nature Detectives*, she had to agree not to offer the material to any other broadcaster prior to transmission



Many amateur video-makers have sold their footage to TV companies. But have they also sold their souls? Geoff Stafford reports

There have never been so many television companies clamouring to show amateur video footage. But are video-makers being paid a fair rate or are we just providing cheap television? And why do some programmes insist on buying full copyright so they end up owning footage outright? I spoke to some of the TV companies involved and asked *Camcorder User* readers to write and let me know of their experiences – good or bad.

Many video-makers expect to be rewarded financially. Video is an expensive hobby and they feel entitled to recoup a little of what they have paid out.

Back in 1990, *You've Been Framed!* started by paying video-makers a small fee – as low as £25 according to some reports at the time – although Granada now claims that it was never less than £100.

Originally, Granada believed video-makers would want to 'share' their clips for the love of it rather than financial gain. But it was no secret that viewers were being asked to sign away their copyright, and material was then circulated around the world.

Granada claims it buys all rights because it 'doesn't want it shown elsewhere'. However, whether due to criticism over the fee or because it wasn't receiving enough good footage, Granada soon had Jeremy Beadle showing off wads of banknotes on screen. Payment currently stands at £250 per clip transmitted.

FOOTAGE FEES

Tom Carrick is one *CU* reader who considered the pros and cons and submitted his footage of a town crier falling off a platform. Regardless of the copyright situation, '£250 is not to be sniffed at', he says. Many readers who wrote to *CU* on the subject, though, were unsure as to what 'a reasonable fee' actually was.

During a trip on an ocean-going paddle-steamer, Bryn Lloyd of Pontypridd was lucky enough to film a yacht rescue. On the way home he dropped the footage into HTV.

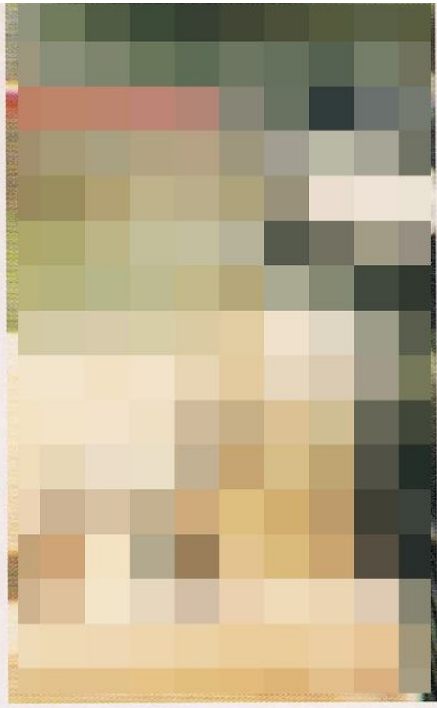
At 11am the following morning, having heard nothing, Lloyd called the TV station and was surprised to hear that his material was just about to go on air. It was transmitted four times – as the lead story on one local bulletin and an exclusive for HTV.

Although Lloyd was 'quite pleased' to receive a payment of £50, as a 'scoop' he feels it should have earned him more.

HTV didn't reply to Lloyd's letters asking how it determined payment, so he wrote to *CU* and also asked about the copyright (see box).

Yorkshire Television's *Calendar News* paid

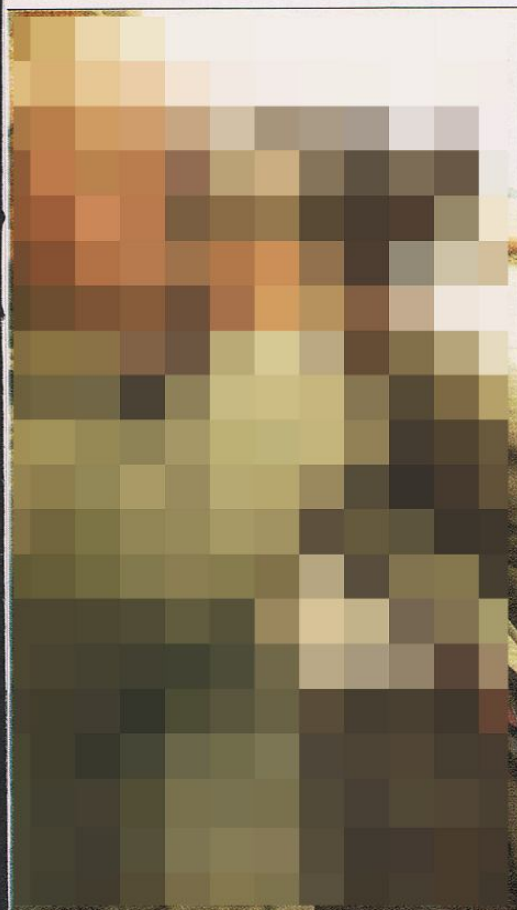
The hard sell



Frank Hewson of Hull £75 for his shots taken at the scene of a dumper-lorry accident. The driver had driven along the motorway with the back of the lorry raised – until he came to a low bridge... Frank has also sent material to programmes in America but, surprisingly, found they only paid around £100.

Stephen Kirkham of Devon was less fortunate. Westcountry Television collected his footage of a fire, which was on a cassette that included other original video material. The company didn't transmit it, nor did it return Stephen's tape. 'We put our hands up and admit we made a mistake,' says Mark Chase, Controller of Public Affairs for Westcountry Television, which now admits to having mislaid Stephen's tape.

Chase makes a plea to those sending footage



● Geoff Wright's shots of garden birds performing intelligence tests was broadcast on *Nature Detectives*

anywhere – not just to Westcountry. 'Always label cassettes with your name, address and a description of its contents.' Currently, this doesn't happen with many of the 30 or so tapes that the station receives each month.

Another reader with footage of a local fire, took time off work to deliver a tape to a local TV station. The small payment he received meant the episode actually cost him money.

A source in one of the BBC's local newsrooms told *CU*: 'We usually pay about £50. In the case of fires, people should realise that many fire brigades have their own video unit and we're used to getting that footage free. Most people overestimate how much money there is in TV. There have been severe cutbacks in budgets.'

'A half-hour factual TV programme may have a budget of £20,000 – which might sound a lot – but most of it goes on time-consuming and costly post-production, with little left over to pay for filming or existing film.'

'Many video-makers expect to be rewarded financially. Video is an expensive hobby and they feel entitled to recoup a little of what they have paid out'

'Here in news, for a payment of £50, we would expect to show a clip several times on our bulletins throughout the same day. If it was shown again, a week or a month later, then yes, we would pay again.'

'A woman let us have some unique footage recently and, again, I think we paid £50. She complained afterwards, saying it was worth more, but it's too late after the event. If she had called several news organisations and negotiated, I reckon she could have got as much as £500, and there's no reason why she couldn't have sold it to the BBC, ITN and Sky News – it doesn't have to be exclusive.' This particular example concerned exceptional, unrepeatable footage.

ITN told *CU* that amateur footage rarely makes it into its programmes. 'To take one terrible example, it would be someone who was at the scene of a bomb explosion and was able to record scenes before the main news crews arrived,' said a spokesperson.

Once the pros have arrived, amateur footage is worthless. In fact, the ITC frowns on companies using amateur footage when equivalent higher-quality professional shots are available.

COPYRIGHT FORM

We didn't hear of any readers who had been asked to sign away copyright on news material. Two readers, Joyce Harris and Geoff Wright, were featured on the BBC's *Nature Detectives* and were asked to sign a form saying that they wouldn't offer their footage elsewhere before transmission – which seems fair enough.

COPYRIGHT CLEAR-UP

Some readers were confused about the copyright situation once a TV company had paid to use their video material.

In fact, everything you shoot is automatically covered by the copyright law, though, of course, if you record a musical performance, photographs or drawings, you don't become the copyright owner of these. On the contrary, you may be infringing the owner's copyright by putting them onto tape!

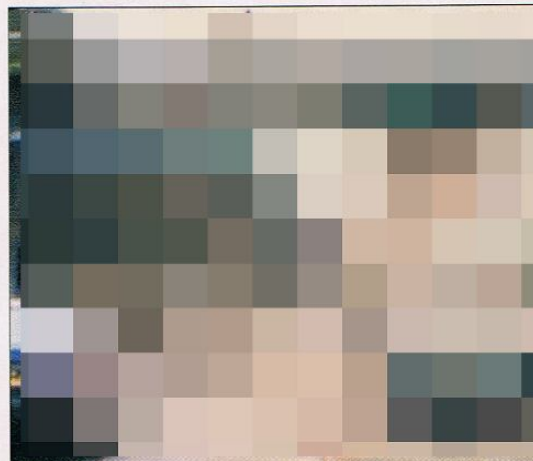
There is no need to register footage in any way. For someone else to become the copyright owner, you must 'sign away' all your rights in writing. Instead of 'all rights' you may prefer to come to a more limited deal.

This can cover how many times the footage is shown (one use, two uses etc), over what timespan (a week, month or year) and over what area (in the UK, Europe or worldwide).

Clearing copyright on visuals, sound and actors' performances is a daily routine for every TV company. But if they can get away with it, programmes like to buy all rights to save time and paperwork when they want to retransmit at a later date.

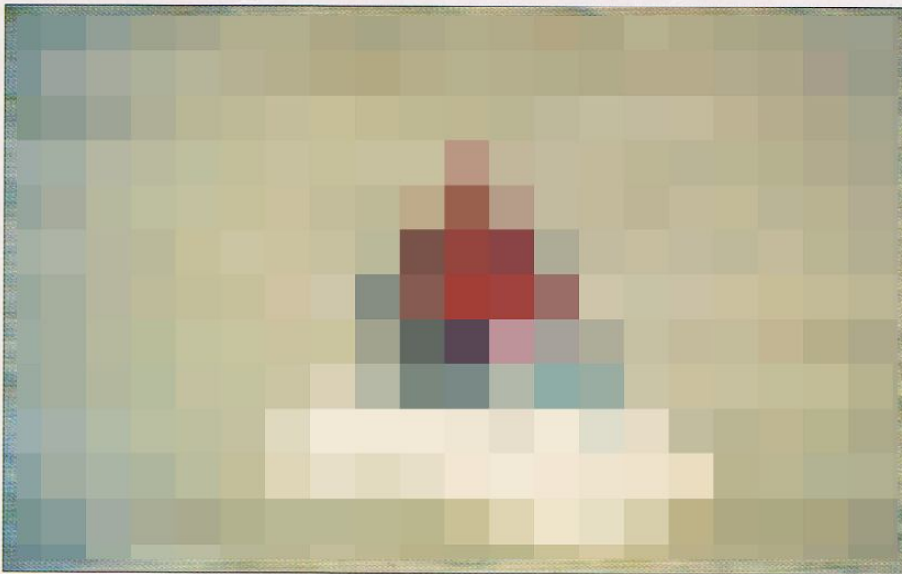
Joyce received £75 for her unique material of a family of foxes in her garden, plus a tape of the programme. Geoff also received a fee for his shots of garden birds performing intelligence tests, and also values what he learned from working with the BBC.

Wanstead and Woodford Cine and Video Club was also interested in benefits other than financial ones, when a local cable TV screened its Second World War documentary, *When The Balloon Went Up*. This was just as well, as Bell Cablemedia paid the club nothing, screened the



video every evening for a week, and asked to retain the right to rebroadcast for up to a year!

'We didn't mind because we felt that the publicity would do us good,' Publicity Secretary Bill Holbrook told *CU*.



● Bryn Lloyd's footage of a yacht rescue was shown four times on HTV (above). Meanwhile, Geoff Wright (far left) poses with the *Nature Detectives* production team (right). Picture: Jean Wright

GETTING A FAIR PRICE

- Don't assume that you will be paid a fair price for your footage and then complain when you receive too little.
- When you are offering footage, ask the TV company how much you will receive if it is used. Don't rely on telephone conversations, always send a covering letter with your tape with details of the agreement you have come to – giving the price and the rights offered. If the company asks to see the footage before discussing a price, make it clear – either in a letter or written on the cassette itself – that the company is not to use it without first agreeing a price.
- If you have the facility, you can superimpose 'Copyright Joe Bloggs – viewing copy only' over the entire length of the footage and ask the TV company to contact you for a clean copy without this in-vision caption, or the master tape, and to discuss payment.
- Send master tapes by recorded or registered post and ask for them to be returned in the same way. Ask for a receipt if they are collected from you or left with a company.
- Don't let companies hold onto your original tape for a long time – it may get mislaid. A company will only need a short time to dub it onto a professional format.
- If a TV company uses your footage without permission, send it an invoice for double what you consider a reasonable payment. If it fails to pay this, take the company to the small claims court. This only costs a few pounds and covers amounts of up to £1000.



Geoff Wright has also had a video shown on Meridian TV's early-morning *Freescreen* programme – details of which he saw in *CU*.

Meridian dealt with the copyright fees on the music used and, after transmission, sent him a copy of the programme and £80. The station didn't seek to buy his copyright which, he says, he wouldn't sell anyway.

Geoff's advice to other readers is to get a copy of Meridian's free information pack so they can tailor footage accordingly. Meridian contributors also receive a critique of their work.

TakeOver TV received some flak in *CU* recently over its contributors' contract. This demands full rights 'in any and all media, throughout the universe, in perpetuity either now known or hereafter devised'.

Robert Baker of World Of Wonder, *TakeOver TV*'s production company, told *CU* that although this sounds over the top, it is actually fairly standard legal jargon.

'Channel 4 asks independent production companies like us to get all rights in material whenever possible,' Baker explained. He went on to say that a production company may be set up for one programme and then disappear, which could make clearing material a headache in future if all rights had not been obtained.

TakeOver TV didn't pay anything for clips that were used in the first series, but now pays £90. Baker points out that budgets on Channel 4 are much smaller than on, say, London Weekend Television and that some of its clips run for as little as 10 seconds. He claims £90 for that

is a fairly good rate by anyone's standards.

Only about two per cent of contributors have queried the contract, 'and we're always happy to talk about the forms and change them slightly where necessary,' he adds.

A BUYER'S MARKET

'I tried to breed brilliance and not bitterness,' says Liz Costalas, producer of *Beadle's Hotshots*, when she is asked about the programme's deal for contributors.

Hotshots pays £750 for the first and second showing of the item, 50 per cent for the third showing and 50 per cent of the original £750 fee for overseas rights. LWT deals with all copyright and video transfers and is keen for video-makers to be involved at every stage. Contributors retain full copyright of their work and are free to sell their material elsewhere.

'It's true that it's a buyer's, not a seller's, market, but these people have put a lot of effort in. I'm hoping that those who have been successful will do it again,' says Costalas.

Many fees are clearly little more than a token 'thank you' gesture, and would be barely adequate for 'one use' let alone 'all rights'. It is for the individual to weigh up how important the money is alongside the thrill of seeing their efforts on TV, perhaps getting involved with a professional TV production team and other considerations, such as publicity.

However, having spoken to many of those people involved, *CU* is still not convinced that contributors should be asked to sign away their copyright ●

Contacts

- Anglia Television. Tel: 01603 615151.
- BBC Television (TV Centre). Tel: 0181-743 8000.
- Border Television. Tel: 01228 25101.
- British Sky Broadcasting. Tel: 0171-705 3000.
- Carlton UK Television. Tel: 0171-240 4000.
- Central Broadcasting. Tel: 0121-643 9898.
- Channel 4 Television. Tel: 0171-396 4444.
- Channel Television. Tel: 01534 68999.
- GMTV. Tel: 0171-827 7000.
- Grampian Television. Tel: 01224 846846.
- Granada Television. Tel: 0161-832 7211.
- HTV (Cymru) Wales. Tel: 01222 590590.
- HTV West. Tel: 0117 977 8366.
- Independent Television News (ITN). Tel: 0171-833 3000.
- LWT (Holdings). Tel: 0171-620 1620.
- Meridian Broadcasting. Tel: 01703 222555.
- Scottish Television. Tel: 0141 300 3000.
- Tyne Tees Television. Tel: 0191-261 0181.
- Ulster Television. Tel: 01232 328122.
- Westcountry Television. Tel: 01752 333333.
- Yorkshire Television. Tel: 0113 243 8283.