

**Creators' Rights Alliance response
to the Consultation on a Voluntary
Code of Practice for Creating and
Retaining Metadata in Images by the
Copyright Licensing Steering Group**



As you very likely know, the Creators' Rights Alliance is an affiliation of organisations¹ representing the interests of over 100,000 original creators in a wide range of fields – including music, illustration, journalism, photography and writing. Most of the 100,000 creators we represent make their living by licensing copyright and performers' rights in their work.

In general, we strongly welcome this initiative.

We do feel that more emphasis should be given in the final version to the need for metadata to identify the actual creator: identifying the “rightsholder” from whom a licence may be obtained is not the *only* function of rights-management metadata in promoting the free flow of legitimate licences, as we note below.

We propose that the text explicitly mention illustrators, lest users misunderstand the present general references to “other” non-photographic works.

On the specific questions:

[1] All concerned with image creation, distribution and use should ensure that the software and technology platforms they use are not configured so that by default they remove licensing metadata (unless that information is maintained elsewhere). Digital image creators, users, and others should use software services and technology platforms for image creation, distribution and use that do not have that result.

(1) What issues can you foresee in you or your organisation adopting this general principle?

For those who host images, the issues are (relatively) minor and technical, as outlined in our response to Question 3 below.

We would prefer that the code of practice not imply that it is acceptable to maintain metadata “elsewhere” in the case of new works, unless this is a reference to the possibility of the rights management information containing a persistent “pointer” to the location of full information, on the model of the Document Object Identifier². If this is what the Code of Practice means, it should spell it out.

¹ Appendix 1 below lists these.

² See <http://www.doi.org>

We accept that allowance may be made in the case of already-published works and existing archives. See our answer to Question 5 below in this connection.

(2) Do you believe you have enough information or support to enable you or your organisation to comply with this principle? If not, please explain why?

We believe we do, and are doing what we can, within our member organisation's means, to ensure that individual illustrators and photographers have these means.

We believe that the Code would be clarified by explicit reference to identifying initiatives such as a relaunched Visual Creators' Index³. The Code of Practice, together with the proposed Hub, should give a significant boost to take-up of a descendant project.

(3) How easy/difficult would it be for you or your organisation to adopt this principle?

The difficulties we see arise mainly in the area of web software. The biggest single step required is that functions for resizing images (and carrying out other necessary operations) while maintaining metadata be incorporated into the core of the PHP programming language.

Another useful step would be an addition to the CoP to urge the preservation of file-names for image files. These can serve as a minimal stash of nearly-attached metadata. Many image hosting services routinely change them.

Our member organisations' investigations so far have produced a number of add-ins to the PHP environment. We don't know how well these work and it would not be that productive to find out: persuading web hosting companies to install and, crucially, update such add-ins is not easy and imposes a unnecessary burden on website creators.

A relatively very small bung to the maintainers of the open-source PHP code should produce this ideal of metadata preservation in its core. It is worth investigating the potential for assistance in creating a programming toolkit to bolt into proprietary alternatives to PHP.

(4) What more could be done to ensure technology does not automatically remove or detach metadata from images?

See above on the needs of website maintainers.

Further, means should be investigated of encouraging manufacturers of consumer cameras to provide for automatic insertion of rights management metadata into images, for the reasons noted in the consultation document.

This should extend to consumer video capture devices, including phones – see question 6 below.

³ <http://www.londonfreelance.org/fl/0111vci.html>

(5) What would you consider to be “reasonable steps” in this context? Please give as much detail as possible.

A: Those using images should be expected to:

- 1) **View** metadata – the near-monopoly achieved by Adobe makes this trivially easy;
- 2) **Verify** the rights management metadata they find; and
- 3) **Validate** it, filling in missing data before publishing, making available or licensing the image.

In an ideal world – such as that modelled by the Linked Content Coalition proposals – there would be an audit trail of changes made under the above. In the world we inhabit, noting in the text of a metadata field that it has been updated will have to suffice.

(6) Do you/your organisation have all the information you need to enable you to find relevant licensing metadata or other equivalent information in an image? If not, what information would you need?

See above on the near-monopoly achieved by Adobe in *professional* contexts.

Someone needs to (verbally) slap Microsoft around until they include metadata-viewing capability in their Paint, Fax and Picture Viewer and myriad other default applications. We haven't had time to check on the metadata functionality of Apple's Preview application.

More thought is needed about the insertion of metadata into stills taken from video. As the resolution of digital video improves, we can expect to see publication and making-available of more of these.

(7) Should the Code of Practice specify the “reasonable steps” that should be taken to ensure consistent behaviour?

Yes: though we would prefer that the CoP simply say that “it is advisable to remedy” incomplete or wrong information.

(8) Do you foresee any particular difficulties in operating according to this principle? If so, what are these difficulties?

We are unclear what constitutes an occasion when it is not possible for a User to ensure that licensing data is not removed – unless the intention is to refer to an interim position while software is upgraded (see comments on PHP, above). If this is what is meant, the CoP should say so.

(9) Should the Code of Practice take the form of general principles as in the proposed draft or should it be more detailed?

It should consist of declarative prescriptions of what is to be done: it is after all aimed at geeks, or individual creators operating in geek mode.

(10) Are there elements missing from the draft Code of Practice? Please state what these are and provide an explanation. Are there elements in the proposed draft that you do not consider necessary? What are they?

Yes, there are elements missing.

A) There should be reference in the introduction and in the Code to the *separate* requirements to:

- i) gain permission from a rightholder, whoever or whatever that may be, and
- ii) to credit the creator, whoever that may be. We suggest the form of words:

It is good practice to identify – visibly as well as in metadata – the illustrator, photographer or other creator as well as the person or body that issued a licence, if different. For many kinds of use, the law says that users must do this.

B) The Code should make clear that pseudonymous identification, freely chosen by the creator, should be respected and preserved at least as strongly as identification of civil persons. This is frequently necessary for journalists to protect their sources and for the personal safety of those who record illustrations and photographs in conflict zones.

(11) Would you or your organisation be prepared to agree to or support the Code of Practice? If so, why? If not, why not?

Yes (provided our concerns are addressed).

Why? As is spelled out in the Creators' Rights Manifesto⁴, rights management information is crucial to it being possible to build a career as a dedicated, independent, professional creator of any kind.

(12) Are the terms of the proposed voluntary Code of Practice appropriate and, if not, what terms would be more appropriate?

They are appropriate [modulo our concerns].

(13) What benefits would a Code of Practice bring to you, your organisation and the images industry?

It would offer those benefits set out in the consultation document, particularly those that closely reflect the arguments for robust protection of metadata presented by the CRA in its Manifesto, in Parliament and elsewhere.

(14) What costs (direct and indirect) might be associated with the implementation of such a Code of Practice?

We expect the costs would be minimal – in the context of the BBC, Getty or Facebook. Non-profit organisations that provide “showcase” or gallery services to members –

4 www.creatorsrights.org.uk/?section=Manifesto+for+creators

including CRA member organisations – will face costs that are significant in relation to their budgets in installing the updated software referred to above.

The most widely-used software is open-source. As noted above, a small grant should get some geeks' heads in gear. The remaining costs are those of actually implementing existing good business practice, which can be assumed to be offset (at least) by the reduction in liability, both legal and reputational, incurred by poor business practice.

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CRA member organisations include:

- [ABSW](#) (Association of British Science Writers)
- [AOI](#) (Association of Illustrators)
- [BAPLA](#) (British Association of Picture Libraries and Agencies)
- [BASCA](#) (British Academy of Songwriters, Composers & Authors)
- [CIOJ](#) (Chartered Institute of Journalists)
- [GMG](#) (Garden Media Guild)
- [ISM](#) (Incorporated Society of Musicians)
- [MU](#) (Musicians Union)
- [NUJ](#) (National Union of Journalists)
- [PCAM](#) (Producers and Composers of Applied Music)
- [PCO](#) (Professional Cartoonists' Organisation)
- [OWPG](#) (Outdoor Writers and Photographers Guild)
- [SOA](#) (Society of Authors)
- [WGGB](#) (Writers Guild of Great Britain)

Observers include:

- [ALCS](#) (Authors' Licensing and Collecting Society)