Consultation on a Voluntary Code of Practice for Creating and Retaining Metadata in Images - Response form

The Copyright Licensing Steering Group (CLSG) is seeking views on a draft Code of Practice for creating and retaining metadata in digital images. This is one of a number of activities being undertaken across the creative industries to make the process of copyright licensing easier and more streamlined.

Please use this form to provide your responses to the questions outlined in this document. You do not have to respond to all questions in the document if some of these questions are not applicable to your situation.

It is anticipated that responses to this consultation will be published at www.clsg.info. If you do not want part or the whole of your response or name to be made public, please state this clearly in your response, explaining why you regard the information you have provided as confidential.

Please return your completed Response Form to:

Ros Lynch
Copyright Licensing Coordination Office
c/o PRS for Music
4th Floor Copyright House
29-33 Berners Street
London
W1T 3AB

Or by email to: clsh@clsg.info

This consultation will close on **28th August 2013**

1. General Principles

Metadata matters: encourage its use and preservation

Question 1

What issues can you foresee in you or your organisation adopting this general principle

> BAPLA members rely on the income from licensing content. They are aware of the importance of metadata, ensuring that as part of their standard workflow, images are accurately identified for internal processes and external use. Considerable time and expertise is invested in effectively describing an image to maximise its discoverability and efficient mechanisms to ensure that licensing income goes to the authors whose work was used.
>
> It is important the users of the code understand the current limitations of what can be held in the image data file as it passes from capture to distribution and use. Restricting the volume of text data in an image file is not an issue of storage, but an issue of functionality.
> Professional photographers or agencies with significant archives of content rely on linked databases to hold the vast majority of supporting data. For example data describing an image – keywords - will be held in a separate database as this facilitates that image being found in a search. At this stage it would be useful to manage the expectations of all parties about what information is practical to answer – who owns this image?

2. Principles applicable to digital image creators

Attach meaningful metadata to your work so that others can find you or your agency

Question 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.

Each picture agency will have its own internal systems and procedures for the management of their library. Each is capable of ascribing what they would consider 'meaningful data' to the content that they own or manage.
If the move in industry is towards automation, where automation is possible, then additional work would be required to standardise even basic 'who owns this image data' and in particular (as covered by the LCC papers) into the permanence of metadata used for this vital first task.

Support technology that makes it easy for you to include metadata

Question 3

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

It would be easy for each agency to adopt a principle that ensures that each photograph leaving their databases has information that identifies the source. It might be less easy convincing clients of the need to respect image id's and make changes to their working practices accordingly. In this economic climate it would be difficult to only supply clients who respected the principle. It would be useful if high profile organisations, especially those arguing for use of OW's and OW reform, could be applauded for upholding this principle.

Question 4

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

The technology is not at fault here, the users and manufacturers are. Despite numerous industry initiatives in the area of metadata standards and dialogue with software / technology companies, there has been little progress in understanding the need to uphold the principle. (For example the work of PACA Technology Group (2002-5), Metadata Manifesto (2006,2008), Pic for Press BAPLA / PPA metadata panel (2010), Embedded Metadata manifesto issued by IPTC in 2011 signed by 24 organisations, including BAPLA, http://www.embeddedmetadata.org/about-us-contact-us.phpo to name but a few to name but a few have not resulted in a change of behaviour in those areas which are responsible for metadata scrubbing.

3. Principles applicable to digital image users

Check before use: always look for metadata

Question 5

What would you consider to be "reasonable steps" in this context? Please give as much detail as possible.

> It should be incumbent on all rights organisations working with content to ensure that they are IP compliant. Collecting societies, who regularly police for illegal use of their members work, should actively encourage their member's compliance. This may be a requirement of the Secretary of State if a CMO wishes to work with ECL licenses.

Do not ignore licensing metadata included with an image

Question 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?

> Yes. By 'licensing information' – we understand this to mean information to know who to approach – which image (unique image id number) is being referred to.

Do not break the chain: maintain the connection to the rights holder

Question 7

Should the Code of Practice specify the "reasonable steps" that should be taken to ensure consistent behaviour?

> Yes.
>
> It would be useful to communicate in the code that an image without metadata should not be assumed to be outside of copyright protection, and that registration is not a compulsory requirement of copyright.

General Questions

Question 8

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

> There should be in place processes and policies to ensure standardisation of data, and for managing conflicting data from different sources for the same image.

Question 9

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

> As the draft stands, it is possible for it to be accepted in many jurisdictions. Without doubt, the code will need to be updated, to keep at pace with changes in technology and user behaviour. Some form of regular steering group – or existing groups should be tasked and supported to ensure that the code is effective.

Question 10

Are there elements missing from the draft Code of Conduct? 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?

We are hopeful that the existence of the voluntary code will have some impact on changing practices where other initiatives failed. If the code fails to achieve its desired result we would ask that other initiatives to strengthen metadata protection, whilst maintaining privacy data, should be considered. A timescale and a means to measure how effective the code has been should be considered.

Question 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. We would find especially useful a benefits framework; setting out what can be easily achieved by clients and the savings on their time, to help encourage this change of behaviour.

Question 12

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

Yes

Question 13

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

Our members strongly believe that authors should be paid when their work is used. Protection of rights information protects the income for photographers to continue with their trade and enables their agents to continue supporting that process.

Question 14

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

> The BAPLA metadata panel uses an exiff file that enables metadata to automatically be ascribed to a photo. This code is easy to replicate and easy to introduce into the workflow.

Why and how metadata is used and why and how it is removed?

Question 15

Do you think that the facility to include copyright and contact metadata should be provided with future versions of smartphones to simplify the process for inexperienced users? Please give a reason for your answer.

> Yes. This is an opportunity to say that adding metadata is a positive and sometimes very useful and valuable thing. This function should be easily turned on / off.
>
> The debate about scrubbing metadata from photos has largely focussed on privacy reasons. We should be aware of this and mindful why not all photographers want their names associated with an image. Reasons can range from privacy, personal safety, in the case of photojournalists, to not wanting to be contacted directly, in the case of photographers working with an agent.

Removal of metadata

Question 16

What would be the benefits and costs (both financial and otherwise) of developing an industry standard on the way metadata is stored and transmitted?

High benefit
Low cost
With the diversity and ease of storing and retaining metadata using current software systems, it has never been easier to uphold the practice of retaining metadata. There is very little reason to remove such vital information for the sake of an organisation's administrative data system (whether licensed user or aggregator), but rather incorporate or retain metadata, specifically details of the rights-holder. This information holds enormous value to the photographic industry, which depend on it to generate income and claim ownership and particularly now that the EU Orphan Works Directive has been introduced.

Question 17

Should there be a campaign to raise awareness of the importance of metadata both for creators and users of images? If so, who should take responsibility for and lead this campaign?

Yes. In the context of the lengthy debate on OW, we feel that the IPO are best placed to take the lead and support a trade / client focussed campaign on this.

Benefits and costs of creating and retaining licensing metadata

Question 18

Are there other potential benefits and costs associated with creating and maintaining metadata that have not been captured in this document?

As above

A Code of Practice in the context of other work

Question 19

Is this the right approach? Would you prefer a more prescriptive approach?

BAPLA was supportive of the legal approach as formulated by ACAP (now managed by IPTC). We are hopeful that this initiative (protecting data between machines, not just people) will be effective in its objective.

The role of Government

Question 20

Are there other ways in which the Government could, within the context of the existing copyright law, support the industry to address the issue of metadata stripping?

As stated above all other initiatives have failed. It would be useful to know why, perhaps because there was insufficient awareness and they lacked funds to promote their work, or perhaps because the benefits framework was not prepared in order for users to be incentivised to positively support the principles.