

GAP Interior Images Ltd

A specialist image library founded in 2009, which supplies images to many of the leading magazines, books and newspapers throughout the UK on the subject of interior design / home-lifestyle. Representing over 100 photographers whose work is displayed online for licensing by publishers.

The archive currently stands at over 130,000 images and grows by 1,000-2,000 images per month. These images mostly form home-stories/features which are licensed to publishers to showcase readers homes.

What will be the impact of a transition period of six months, both costs and benefits?

Previously with a 5 year planned transition, it was feasible that we may be able to work through our archive of over 130,000 images section by section and with detailed guidance from the government; potentially identify as many objects as possible that are affected by the change in legislation and attempt to obtain clearance for their future publication. The estimates costs for this are in excess of £235.000

£18,000-£24,000 in system development costs, to tag objects within 2D images and associate these tags with clearances where obtained.

£214,500 Cost of image archive review, archive currently stands at 130,000+ images.

Every image would need to be reviewed one-by-one in detail to identify objects and link them to a new in-house database of objects. Estimate ~50 images per day per person identifying. With 2 months after technological developments are complete, this would require 65 full-time individuals. Firstly, where will we find and where we would we accommodate 65 temporary employees, when we are a small business with a small office of 7 employees?

Cost Workings

Based on April 2016 implementation (2 months to complete work after completed software/system updates and legal review and development of internal procedures)

50 images per day per person for identification of objects

3,250 images per day to complete clearance in 2 months

65 people required to complete target number of images

£10 per hour for temp employees

44 working days x 7.5hours per day x 65 people x £10 per hour = £214,500

Cost of identification of objects = £214,500

The above costs do not include:

- Advertising for staff
- Time for interviewing
- Training
- Additional computer rental
- Temporary office space

Other considerations:

All of the above costs and working do not include the time it would take to contact and obtain clearance for the objects once identified. Which could be a similar amount again if not more.

IMPACT

Our company retains less than £30,000 a year after all expenses, with just £20,000-£30,000 in company reserves, we will be forced to close and our entire team would be made redundant.

Our 100+ photographers who rely on their income from GAP either as their sole income or supplementary income will lose this income when we close. That's a loss of £160,000+ each year in sales commission amongst our contributors.

Should the six months run from the starts date of this consultation or from a different date, and if different, why?

The six month transitional start date running from the beginning of consultation or from April 2016 will not have any significant benefit. The time-scale of 6 months is simply too short for us to complete the review of our archive and continue trading.

Should a longer or shorter transition period than six months be adopted, and if so, what are the costs and benefits?

A longer transition period, like the 5 years originally planned would enable us to adopt new procedures, review our archive, share some of this workload amongst our contributors, interior designers and stylists and give us some fighting chance of remaining in business after the end of the transition period.

Prior to this new consultation we as a company had already started work on preparing for the repeal of Section 52 by working on our terms & conditions, briefing our contributors and working new procedures that could be implemented alongside the review of our archive.

Are there any other issues which the guidance should cover which are not listed?

In order for our company to properly develop procedures to ensure that we comply with the change CDPA law, we require guidance as to what would/would not constitute "Quotation exception" and "incidental inclusion". For example when we license 2D images of room which feature multiple 3D works many of which could be protected after the repeal of S.52 - at which point are the objects incidental? When they are a group of many objects by different designers? Or when they are smaller than a certain % of the image coverage? Or when they are not the main point of focus?

If a home-owner has purchased the 3D objects for their private use/pleasure and shown patronage to the designer by doing so - how is it reasonable to prevent the home-owner from sharing their finished home / interior-design with others in a 2D image?

The intention to rely on case law to build this guidance, leaves companies like ours to be at risk of many claims against us for 2D representation of 3D objects; despite the fact we are not making 3D copies and not undertaking any form of business that could be seen as detrimental to the future licensing/sale of the original 3D works.

In fact, the 2D image representations published via companies such as ours could be seen as regular free promotion for the individual designers of these 3D works (which are often included in "buy-the-look" style pages within magazines)

Do you agree that the government is right not to distinguish between two- and three-dimensional copies?

No, it is wrong to not distinguish between 2D and 3D copies. Specifically, when 2D copies of 3D object are made where the object is then not a replica and detrimental to the rights and earnings of the individual designers, but simply a representation of the object in use.

There seem to be a host of knock-on implications to the lack of distinction between 2D and 3D copies that have not been fully considered, for example:

B&B and Hotel owners, not being able to use photographs of their own properties online or in printed brochures - without first obtaining clearance from the designers of each artistic work within their rooms. Which could include furniture, wallpaper, ceramics, glass etc...

Individual wishing to rent out furnished properties - without first obtaining clearance from the designers of each artistic work within their rooms. Which could include furniture, wallpaper, ceramics, glass etc...

Individuals wishing to sell their own home - without first obtaining clearance from the designers of each artistic work within their rooms. Which could include furniture, wallpaper, ceramics, glass etc...

Publishing examples:

In our industry at present, most of our editorial clients buy packages of images and text to print as a home-story over 6-8 pages, in magazines such as Grand Designs, Ideal Home, Homes & Gardens, Period Ideas, House & Garden, Grazia, The Evening Standard etc...

These are typically sold at a package price. This package price is shared between image library and photographer; with the photographer receiving on average £250-450.

This amount is then shared between photographer and stylist/writer. Ultimately the photographer can receive as little as £150 - £350. This package will include multiple rooms with dozens of objects; each of these objects would need to be identified and cleared where required. This would render the whole process non-viable.

This would then have a knock-on detrimental impact on publishers struggling to obtain images and text for magazines/books/newspapers.

In addition to this, the designers whose work regularly features in photo-shoots and publications and are often included in "buy-the-look" style pages within magazines will cease to be featured. This knock-on effect will actually be detrimental to the designers interests if 2D representations of 3D objects are not excluded from the repeal of S.52 or given some special status/treatment.