

FINAL ADJUDICATION

Laura Hitchcock and Dorset Eye

Clause 2: Attribution & Plagiarism

- 2.1. Publishers must take all reasonable steps to identify and credit the originator of any third-party content.**
- 2.2. Publishers must correct any failure to credit the originator of any third-party content with equal prominence at the earliest opportunity.**

Complaint Upheld

Breach of Clauses 2.1 and 2.2

Before Impress Regulatory Committee A

Ato Erzan-Essien, Cordella Bart-Stewart, Debrah Harding, and Richard Ayre (Chair)

24 August 2023

1. Summary of Complaint

- 1.1. A complaint was made by Laura Hitchcock (“the Complainant”), editor of The BV Magazine, about the potential breach of Impress Standards Code clauses 2.1 and 2.2 – Attribution & Plagiarism. The BV Magazine had published an article on 6 July 2023 titled *Child Okeford’s most famous resident celebrates his 75th birthday*, which was also published on its website on 9 July 2023.
- 1.2. The Complainant later found that the article’s content had been reproduced with only minor editorial amendments on 12 July 2023 in a since deleted article in Dorset Eye (“the Publisher”) where it was titled *Dorset’s most famous puppet turns seventy five*. A link to this article was also shared in a post on Dorset Eye’s Facebook page on 12 July 2023 and has since been deleted.
- 1.3. The complaint is assessed against the Impress Standards Code, the relevant clauses are:
 - 2.1. *Publishers must take all reasonable steps to identify and credit the originator of any third-party content.*
 - 2.2. *Publishers must correct any failure to credit the originator of any third-party content with equal prominence at the earliest opportunity.*

2. Background

- 2.1. The original article by The BV Magazine is about the glove puppet Sooty, celebrating 75 years since the character’s creation. The article explains the story behind Sooty’s creation in 1948 by Harry Corbett and the subsequent development of ‘The Sooty Show’, before exploring Corbett’s connection to Child Okeford, a village in North Dorset where he lived for most of his life.

3. The Complaint

- 3.1. The Complainant initially contacted the Publisher on 12 July 2023, requesting removal of the article complained of. The Complainant

subsequently issued a copyright infringement notice letter to the Publisher on 13 July 2023, claiming a breach of The BV Magazine's copyright and requesting payment of a £500 fee. The Publisher promptly responded, apologising for the infringement, and confirming removal of the article. The Complainant acknowledged the swift removal of the article by the Publisher and stated that she would be willing to reduce the copyright infringement fee to £200 to account for this. The Publisher did not agree to pay any fee to the Complainant and advised her to refer the matter to Impress if she had any further issues.

- 3.2. The Complainant subsequently escalated the complaint to Impress on 19 July 2023, citing a potential breach of Clauses 2.1 and 2.2 (Attribution & Plagiarism). The Complainant is seeking payment of the £200 infringement fee and/or public acknowledgement of the infringement through the Impress escalated complaints process.
- 3.3. After seeking clarification of the basis for the complaint, Impress confirmed the substance of the complaint as follows, and the Committee were provided with a copy.
- 3.4. The Complainant argues that the Publisher did not take practical steps to identify and credit the author of the content used in its article. The Complainant alleges that, by reproducing The BV Magazine's content for its article, the Publisher has committed a breach of the editorial process requirements under Clause 2.1. The Complainant notes that the Publisher's article was wrongly attributed to 'Dorset Eye' in the byline at the top of the page, despite the original author's name still appearing at the bottom of the page.
- 3.5. The Complainant suggests the Publisher must have been aware of where the content originated from as, prior to publication of the Publisher's article, The BV Magazine article had been shared by a member of the Dorset Eye public Facebook group on 12 July 2023.
- 3.6. The Complainant adds that, considering the article by the Publisher still contained the original author's name, the Publisher must have known that the member of Dorset Eye's Facebook page who shared the content was not the author. The Complainant states that the Publisher's decision to publish the article and promote it widely without checking the veracity or

provenance of the content raises serious concerns about the quality and legality of its editorial processes.

- 3.7. The Complainant does not believe that the Publisher has effectively discharged its obligations under Clause 2.2 by removing the article and associated social media posts. The Complainant alleges that, at the time of its removal on 13 July 2023, the Publisher's article displayed almost 1,000 views in the byline. The Complainant argues that the article may have generated ad revenue for the Publisher, while causing a risk of Google penalties for Duplicate Content to The BV Magazine website.
- 3.8. The Complainant argues in this case that a proportionate correction for the error would be payment of the issued £200 copyright infringement fee and/or some form of acknowledgment for the error which would highlight the need for greater editorial rigour from the Publisher.

Response of Publication

- 4.1. Impress invited the Publisher to provide additional information in response to the Complainant. The Publisher's response is summarised below, and the Committee were provided with a copy.
- 4.2. Regarding Clause 2.1, the Publisher states that the content from the Complainant's original article was sent in its edited form via Facebook Messenger by a member of the Dorset Eye Facebook group. The Publisher adds that it had noted the inclusion of the original author's name (Rachael Rowe) in the text and never sought to subsequently hide this in the published article. The Publisher says that it did not have any reason to question the authenticity of the content provided or the author's name, and therefore proceeded to publish the article on its website. The Publisher says that it had no knowledge of the original article being shared on its Facebook group, and that the 'main admin' is responsible for monitoring the group.
- 4.3. The Publisher says that members of its Facebook group regularly suggest content which could be used for publication, and this is one of those cases. Nevertheless, the Publisher states that it has completely reviewed its process for accepting content moving forward to ensure this incident will not be repeated.

- 4.4. The Publisher argues that, by promptly removing its article and all associated social media posts upon being notified of the infringement by the Complainant, it has complied with the requirements under Clause 2.2. The Publisher notes that prior to receiving the Complainant's copyright infringement notice email, the Complainant had sent a short email requesting removal of the article. The Publisher argues that it had fully complied with the demands of this first email and communicated this to the Complainant in response to both of her emails.
- 4.5. The Publisher states that the total number of views for its article was 770, arguing that this is significantly below the approximation of 1000 views suggested by the Complainant. The Publisher claims that in relation to its income from advertising, the 770 views equate to approximately £1.50. The Publisher states that it would be willing to forward this amount to the Complainant.

5. Compliance

- 5.1. Dorset Eye fully complied with the requirements of the Impress Regulatory Scheme (Paragraph 3.2) by acknowledging the complaint within the 7 calendar days and issuing a final decision letter within 21 calendar days.

6. Analysis and Findings

- 6.1. The Impress Standards Code states that publishers must take all reasonable steps to identify and credit the originator of any third-party content. The Guidance to the Code states taking 'reasonable steps' may involve contacting the content provider – whether that is an agency, journalist or another source – and attempting to contact the individuals pictured or referenced. This applies *inter alia* to content taken or submitted from social media. The Committee considered that the Publisher failed to contact, seek permission from, or appropriately credit the originator of the content. The Committee noted that the Publisher had acknowledged the need to correct the error and review its editorial process, which the Committee considered as recognition by the Publisher that it did not have a clear and adequate editorial process for checking and approving third-party content for publication. Therefore, the Committee found that the Publisher had breached Clause 2.1 (taking all reasonable steps to identify and credit).

- 6.2. The Committee found that the advertising gain for the Publisher resulting from publication was likely to be negligible and therefore the imposition of a financial sanction would be excessive. Nevertheless, the Committee determined that removal of the article by the publisher was not a sufficient or proportionate correction for the error in relation to Clause 2.1. Therefore, the Committee found that the Publisher had also breached Clause 2.2 (correcting any failure to credit).

7. Publisher's Further Reply

- 7.1. Upon receipt of the proposed adjudication, the Publisher requested to make further representations in response to the Regulatory Committee's findings, specifically in relation to Clause 2.1 and crediting the originator of third-party content.
- 7.2. The Publisher argues that credit had been given to the original author in its article at the bottom of the page, adding that it would never attribute 'Dorset Eye' to an article it has not written. The Publisher states that a third-party contributor's name will always be displayed at the bottom of the page. The Publisher clarifies that all content it uploads on behalf of other contributors, who do not have their own account on the Dorset Eye website, will have 'by Dorset Eye' displayed at the top of the page.
- 7.3. The Publisher further argues that the initial approach from the Complainant via email was unprofessional. The Publisher says it was not provided with adequate time to respond to the Complainant's first email requesting removal of the article before receiving the second concerning copyright infringement.
- 7.4. The Publisher has indicated to Impress that third-party content will not be published going forward unless authorship can be proven and shown to be directly from the individual who submits the content.

8. Sanctions and Remedies

- 8.1. The Committee determined that an appropriate remedy would be for the Publisher to display a statement, including a link to this adjudication, for a

period of 7 calendar days. This statement should be positioned with equal prominence on the Publisher's website, in the column where the deleted article previously appeared. The Publisher is also required to provide details of its revised editorial procedures to Impress.

8.2. The statement should read as follows:

An Impress ruling found that Dorset Eye did not take all reasonable steps to identify and credit the originator of the content used in a now-deleted article published on 12 July 2023, titled 'Dorset's most famous puppet turns seventy five'. It was also found that deletion of the article was not a sufficient correction to this error.