19 March 2026

For The Attention Of: Secretary of State for Culture, Media and Sport, Lisa Nandy

Copied To: The Lord Chancellor and Secretary of State for Justice

Proof of Work

The Editorial Supply Chain and the Funding Crisis in Journalism

- *Submitted for consideration in connection with the Public Interest Intervention Notice issued under section 42 of the Enterprise Act 2002 in relation to the proposed acquisition of Telegraph Media Group by Axel Springer SE.*

- *Submitted to the Lord Chancellor and Secretary of State for Justice for consideration of the evidence contained herein regarding the operation of the small claims track under the Civil Procedure Rules as a case study for urgent reform.*

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ABOUT THIS SUBMISSION

- A dispute over £180 with a six-figure legal bill and growing shows why Ministers must act.
- The UK has a working system – it needs to be recognised and protected.
- Human editorial work must be recognised if journalism is to remain credible.
- AI is not the enemy, but replacing humans with it undermines its credibility.
- The Telegraph acquisition is the moment for the government to do just that.
- Recognition turns content into value without draining editorial budgets.
- The UK is perfectly placed to be the heart of a global media network.

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Why Recognition Is Key To Monetisation For A Healthy Media Landscape

A £180 legal spat over three pictures and a video is already at six figures in costs and in its fourth year, with no trial in sight and neither side prepared to back down. Whichever way it goes, the court decision, when it comes, is likely to reshape British newsrooms. The Axel Springer takeover of the Telegraph gives the government a rare chance to act before that happens: to recognise the wider consequences now, and to choose a future that supports journalism before the media economy becomes too broken to fix.

This document was not written to influence the outcome of current legal proceedings requesting payment for editorial work against two UK national newspapers.

It was written because of what those proceedings stand for.

This story started with a routine request like thousands of others before it — correct a photo credit, pay a standard agency fee. That refusal has now become a legal dispute lasting years that has cost not only time and tens of thousands of pounds on both sides, but more importantly, accelerated the quiet erosion of a principle that once held the UK media economy together.

The principle is that when an accredited news creator provides clearly identifiable editorial work — identifies a story, verifies the facts, prepares the material, and delivers it to a publisher who benefits from it, then that contribution needs to be recognised. Recognition can take many forms. It may be a monetary payment. It may be an attribution, a credit, a named source on a list of roles in the news production chain that can be traced, verified, and built upon by the provider. What it cannot be is nothing. Because when it is nothing, the system that produces verified editorial begins to fail. Not suddenly, but gradually, one unpaid invoice and one stripped credit at a time.

Because one of the Fleet Street titles in the legal battle is the Telegraph, and with the title's sale imminent, this submission is addressed to the Secretary of State for Culture, Media and Sport in connection with the Public Interest Intervention Notice issued under section 42 of the Enterprise Act 2002 in relation to the proposed acquisition of Telegraph Media Group by Axel Springer SE. It has also been copied to the Lord Chancellor and Secretary of State for Justice regarding the urgent need for reform of the small claims track under the Civil Procedure Rules, a system that has allowed procedural escalation to bury the substantive issues in a case involving payment for editorial work worth £180.

This document is also being shared with regulators, policymakers, and members of Parliament with an interest in the future of journalism and the health of the UK media ecosystem. But it is not primarily about journalism in the traditional sense. The principle it describes applies wherever original content is created, verified, and distributed through professional channels — by staff reporters, freelance journalists, press agencies, broadcasters, podcasters, independent publishers, and digital creators whose work informs public understanding. The

defining feature is not the job title or the institutional label. It is the work itself: the investment of time, skill and professional judgement that transforms raw information into something a publisher or platform can use.

The evidence in this document is drawn from litigation over the refusal to pay for a very small number of editorial items: three pictures and one video. The dispute began with a routine agency invoice of just £40 for a single image that had been used. From that modest starting point, the matter has expanded into three separate small claims court cases — two against Associated Newspapers and one against the Telegraph. All three claims remain active, yet the substantive question at the heart of them has still not been examined.

Since the first of the images was used in September 2022, these two publishers are estimated to have incurred almost £100,000 in external legal costs, while resisting claims worth a combined total of just £180. [1]

But why?

The reason is that much more is at stake than the value of the images. It has nothing to do with the law and everything to do with choice. Most Fleet Street titles continue to pay for editorial work as a matter of course. Two have chosen not to, and the documents in this submission explain why that choice was made, and what it has cost.

The clearest illustration of what that choice looks like from the other side came on the evening of 19 June 2025, when a senior picture editor at News UK — a publisher that has continued to recognise and pay for agency editorial work — was presented with exactly the same evidence about exactly the same image that The Telegraph had spent tens of thousands of pounds in legal costs refusing to pay £25 for. He read it, accepted it, and agreed to correct the credit. No lawyers. No litigation. No costs. The exchange took less than an evening. His response was not remarkable. It was normal. It was how the system has worked for decades.

The difference between that outcome and the one produced by litigation is not a difference in law or in facts. It is a difference in choice. This document is about the structural conditions that make that choice possible and about what regulators and policymakers might do to ensure that once granted, recognition can also serve as the foundation for sustainable monetisation. It does not necessarily require new legislation or new legal rules. It needs acceptance of the values that have always underscored the UK news economy and promoted editorial excellence.

Because that is the real argument. Recognition is not the end of the transaction. It is the beginning. When a creator is credited, that credit can be traced. When it can be traced, it can be licensed, syndicated, monetised through advertising, revenue share, incorporated into AI training frameworks, or built into the kind of transparent supply chain that makes a media economy generate value rather than lose it. The monetisation this submission describes is not a claim on existing income streams. It is the creation of new ones — built on recognition of work that is currently going unacknowledged, generating value that is currently being lost,

[1] The £180 comprises three separate claims: £40 for a single image connected to the death of Mahsa Amini in Iran, supplied by Newsflash and published by MailOnline (Claim 1); £40 for an image of a pilot who crashed a plane into a warehouse after being fired, and £75 for video footage of a tourist boat fire, both supplied by Newsflash and published by MailOnline (Claim 2); and £25 for a single image of Joseph Bynens, a tourist who died in a shark attack in Mexico, supplied by CEN and published by The Telegraph (Claim 3). The combined editorial value of all items in dispute is £180 plus VAT. The claim amounts as filed include additional recovery costs and court fees.

and doing so without touching the editorial budgets or revenue streams that media organisations depend on today.

The argument used to be: pay for journalism, or it will disappear. That argument is true, but it is not sufficient. The new argument is this: recognise the work first, and the monetisation will follow. Attribution is not a courtesy. It is an essential part of the system.

This document sets out why a modest £180 in claims is a microcosm of a much bigger problem. It provides evidence that, in choosing to fight the claim, two major Fleet Street publishers have signalled an intention to change the rules, with consequences that include job losses and a weakening of editorial credibility. But it also shows that the UK already has a functioning framework for a sustainable news economy, one that does not require government funding or changes in the law. It just needs to be supported and used.

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1. Executive Summary

For more than a century, the payment relationship between news suppliers and publishers has rested on a straightforward principle: when editorial work is supplied, it is paid for. No formal contract is required for each transaction. The obligation arises from use. This is not a new argument. It was established in the House of Lords in 1900, [2] and has governed the creator-publisher relationship ever since.

The present dispute is not about whether that principle exists. It is about why two major publishers have chosen to act as though it does not.

Both MailOnline and The Telegraph have, like the overwhelming majority of UK media organisations, historically paid for editorial work supplied by recognised agencies and accredited journalists. The present dispute arose when material originating from a long-established newswire agency, with 30 years in business, was published without the usual recognition and, as a result, without payment. That sequence matters. What is at stake is not the money. It is the recognition. It is only through recognition that compensation can follow, and compensation can take many forms — but it cannot be nothing. When it is nothing, the work can no longer be traced, licensed, or monetised. And it is that single fact — the severing of recognition from editorial labour, and how it came about — that this submission will show has done more than any other to hollow out the economics of both the UK and the global media landscape.

At a point when both publishers believed their London law firm had secured them a legal ruling that confirmed a claim for recognition of editorial work was “totally without merit”, changes in payment practices were implemented. The Telegraph formally introduced a reduced rate of £10 for images categorised as "widely available social media collects and screen/video grabs" — a category that captures precisely the kind of legitimate editorial work that does not depend on copyright ownership that is at the heart of these proceedings. The new rate represented a significant reduction from fees that had already not increased in over forty years. The Chair of the National Association of Press Agencies (NAPA) wrote directly to The Telegraph rejecting the reduction as unsustainable, and was subsequently told the £10 rate would not apply to his agency — suggesting the policy was being applied selectively rather than uniformly. Parallel to that, the other party in this litigation, the MailOnline, which until recently was lined up to acquire the Telegraph, began rejecting claims for editorial work on the grounds that their position had been confirmed by the court, citing the strike-out explicitly in correspondence refusing payment for entirely separate, unrelated editorial claims. [3]

In short, the belief that editorial work without copyright did not have to be recognised appeared to influence how both publishers approached agency claims more broadly, with the proceedings subsequently cited when rejecting payment requests that had historically been resolved through existing and ordinary commercial practice. These developments confirmed that the dispute has implications well beyond the parties directly involved and explains why the objective of the claimant in this litigation was never simply to obtain payment for a single image. The purpose was to obtain judicial confirmation of an existing industry practice that has become harder and harder to enforce: that when a publisher benefits from identifiable

[2] *Walter v Lane* (1900), the House of Lords.– available on request

[3] Email from Paul Hutchinson, Global Head of Compliance, MailOnline, to Violeta Leidig, Newsflash, 25 February 2025, subject: "RE: Uncredited picture" (Appendix A-081). Telegraph picture payments correspondence with Cavendish Press (Manchester) Ltd, February 2025 (Appendix T-075). .– available on request

editorial work supplied through an officially recognised news agency or other accredited content provider, whose name and reputation stand behind that work, then recognition of the contribution is due.

The clearest possible illustration of that principle — and of the choice made by the publishers who contested it — is contained in an exchange [4] when a senior picture editor at The Sun was presented with evidence that an image published on its website had been wrongly credited to another agency, when it had in fact originated with the agency Central European News (CEN). The image was of Joseph Bynens, a 76-year-old man who died following a shark attack in Mexico. The picture editor at The Sun examined the provenance evidence, accepted that it clearly showed CEN had originally verified and supplied the image, and agreed to correct the credit. The correction was made the following morning. No lawyers were involved. No litigation was threatened. The exchange took less than an evening. The same image, of the same man, from the same editorial chain, supplied on the same basis, is the subject of the proceedings brought by CEN against The Telegraph. Those proceedings have so far resulted in The Telegraph incurring legal costs of approximately £30,000 while resisting the payment claim of £25. The Telegraph has argued throughout those proceedings that CEN has no legal basis for claiming payment or credit for the image. The substantive facts of the case have still not been addressed, as the Telegraph's legal team continues to argue for it to be dismissed. Yet the Sun's picture editor reached the opposite conclusion on the same evidence in a single email. The difference was not the law. The difference was not the facts. The difference was a choice.

The position adopted by Associated Newspapers in these proceedings sits in direct tension with the publisher's own public stance on the value of editorial work. During the period covered by this dispute, Associated Newspapers was itself pursuing legal action against Google, [5] arguing that the platform profited from editorial content without fair compensation to those who produced it. The principle invoked in that action — that those who benefit commercially from journalism should pay for it — is precisely the principle the same publisher was simultaneously contesting in the present proceedings. That contradiction illustrates the structural inconsistency at the heart of the modern media economy: publishers that vigorously defend their own right to be paid for editorial work have, in certain circumstances, resisted applying that same principle to the agencies and freelancers whose work they rely on.

The central factual issue of whether MailOnline and the Telegraph benefited from editorial work performed by the claimant has been repeatedly overshadowed by technical arguments about copyright, supply chains, and procedural matters. The litigation illustrates the procedural imbalance that can arise when small editorial businesses engage in disputes with large media organisations supported by major law firms. When procedural complexity can prevent examination of the underlying issue — whether a publisher benefited from work provided by another party — the small claims system risks failing the very businesses it was designed to protect.

The ownership of the Telegraph group has been the subject of active government scrutiny since 2023, with the Secretary of State issuing public interest intervention notices in relation

[4] Email chain (redacted to remove names) between a senior picture editor at The Sun and Michael Leidig, newsX / CEN, 19 June 2025, subject: "Re: Please update credit from (name redacted) to CEN" (Appendix J-018). The same image and supply chain were at the centre of proceedings brought by CEN against The Telegraph, in which the defendant incurred legal costs of approximately £30,000 resisting a claim for £25. .– available on request

[5] Associated Newspapers Limited v Google LLC, High Court, claim reported 2024..– available on request

to successive proposed acquisitions. As already pointed out, the most recent intervention, issued in February 2026, concerns the proposed acquisition by Daily Mail and General Trust, and now a new deal has been struck with German media giant Axel Springer. This moment of regulatory scrutiny provides a rare opportunity to consider whether conditions might encourage continued investment in editorial work by reporters, editors and independent contributors, rather than an increasing reliance on material that recycles information already circulating elsewhere. The precedent exists. [6] When Rupert Murdoch acquired The Times and The Sunday Times in 1981, Margaret Thatcher's government declined to refer the acquisition to the Monopolies and Mergers Commission on condition that the titles be retained as separate, editorially independent entities under the supervision of six independent directors.

Large publishers are increasingly reducing their own newsroom capacity while relying more heavily on material sourced through syndication networks, non-editorial external suppliers, and automated content aggregation. This submission will show that the shift is not accidental. It follows a pattern established when intermediary liability protections allowed social media platforms to claim transmission rather than publishing status — distributing content at scale without assuming the responsibilities of publishers or contributing to the cost of producing it. Traditional publishers now face the same economic pressure and many have responded in kind, substituting editorial investment with cheaper alternatives that carry none of the accountability that independent reporting provides. The result is a structural imbalance: those who invest in the costly work of producing journalism are not always the same actors who profit from distributing it.

A healthy media economy depends on recognising that chain. When editorial work is attributed clearly, that attribution can be traced. When it can be traced, it can be licensed, monetised, incorporated into AI training frameworks, and built into the kind of transparent supply chain that generates value rather than loses it. The principle this document argues for is not a new regulatory burden. It is a restoration of the conditions that once made the UK media economy function at a high level, and that, as a senior picture editor at a national newspaper demonstrated in a single email exchange, still work perfectly well when the choice is made to apply them.

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[6] When Rupert Murdoch acquired The Times and The Sunday Times in 1981, Margaret Thatcher's government declined to refer the acquisition to the Monopolies and Mergers Commission on condition that the titles be retained as separate, editorially independent entities under the supervision of six independent directors. Those legal undertakings remained in force for forty years before being formally lifted by Culture Secretary Nadine Dorries in February 2022. The precedent confirms that governments have both the authority and the established practice of attaching editorial conditions to major media ownership changes when the public interest in a healthy media ecosystem requires it.

2. The Background

2.1 Author's Introduction

This submission is made by Michael Leidig, a British journalist based in Vienna, Austria. He has worked as a foreign correspondent, publisher, author, editor, photographer and broadcaster since 1986, beginning with his student newspaper and then in the UK regional press, first as an indentured reporter training on the Chatham News in Kent and then as news editor at the Western Mail in Cardiff. He subsequently founded Central European News, one of the most widely syndicated independent news agencies in Europe, supplying original reporting, images and video to publishers across the UK, Europe, North America and Asia.

For decades, the agency has been a regular supplier of content to the Daily Telegraph, Sunday Telegraph, The Times, Sunday Times, The Guardian, Daily Mail, The Sun, Daily Mirror, the New York Post, South China Morning Post, and many others. CEN has also produced documentary content for ABC, BBC, CBS, CNN, Channel 4, Channel 5 and Deutsche Welle. In addition to his agency work, Leidig served as English-language editor of the Wiener Zeitung — the world's oldest continuously published newspaper — editor-in-chief of Austria Today, the Vienna Reporter and the Austrian Times, and as a presenter on the Austrian state broadcaster ORF. This breadth of editorial experience across more than three decades is noted here because it is directly relevant to the submission: the agency-publisher model described in this document is not theoretical. It is the operational basis on which thousands of transactions with major publishers have been conducted.

The agency's record includes investigations with significant public consequences. Reporting on allegations against Austrian doctor Heinrich Gross — who had been involved in the euthanasia of children during the Nazi period — led to a two-year investigation for an ABC Nightline documentary and the reopening of the case by Austrian authorities. An earlier exclusive, conducted while working for Wales News, exposed a judge who had freed a convicted teenage rapist on condition that he pay for his victim to go on holiday. The story ran on the front pages of UK national newspapers for seven days, was raised in Parliament, and resulted in the verdict being overturned by the Court of Appeal.

In 2006, work originating from the newsX editorial network — including undercover investigations, source development, and original reporting supplied to the Sunday Telegraph — won the paper a Paul Foot Award, which honours investigative journalism that exposes injustice and holds power to account. The same network was also responsible for bringing the story of Mahsa Amini to international attention — reporting that is directly relevant to this submission, as it is the editorial work for which MailOnline subsequently rejected a claim for payment. Leidig also founded JournalismWithoutBorders.com, a charity featured in the Guardian for its focus on supporting the individuals behind the stories his agencies reported on.

Michael Leidig is vice-chairman of the National Association of Press Agencies, where he established the NAPA legal aid programme to support journalists in disputes over payment and rights, and has led a number of wider initiatives, including the development of Storifyr, an editorial wire software platform now in use across more than twenty news agencies worldwide. He has campaigned against the use of journalism for commercial gain since 2015, when a public clash with online news portal BuzzFeed over fake news allegations brought into sharp relief how editorial credibility was being weaponised for commercial gain, and

credibility was being exploited and undermined by platforms that bore none of the costs or responsibilities of professional reporting. That campaigning has continued, including a formal complaint to IPSO in 2025 concerning the politically biased framing of Louise Haigh's resignation coverage, and a proposal to the Editors' Code Committee to address political activism disguised as journalism as a distinct regulatory concern. He has also campaigned publicly for search engines and digital platforms to credit and compensate the originators of news content, arguing that journalism is a professional service and that when work created by accredited professionals is used, payment at standard rates is due. That principle is the foundation of this submission.

2.2 newsX / Newsflash / CEN

NewsX is a not-for-profit Community Interest Company that provides operational standards to a growing network of independent news agencies, including Newsflash and CEN, which supply verified editorial material to publishers in the UK and internationally. All agencies operating within the newsX network are members of the National Association of Press Agencies (NAPA), the recognised trade body for UK press agencies. The model follows the traditional structure of the news agency ecosystem: reporters identify stories, editorial desks verify the information and imagery, and the finished package is distributed to media organisations that choose whether to publish it.

Newsflash is the operating agency through which material at the centre of the MailOnline dispute was supplied. CEN is the operating agency through which material at the centre of the Telegraph dispute was supplied. Both agencies operate under the newsX umbrella, and follow the same editorial and commercial standards.

The network also operates Storifyr, a cloud-based editorial and syndication platform currently used by 21 agencies operating across five continents. Originally developed in 1995, the platform provides structured editorial workflows including story submission, verification, distribution and usage tracking. Its architecture means that the provenance of material — who originated it, when it was filed, and to whom it was distributed — is recorded and traceable. This infrastructure is directly relevant to the attribution and payment questions at the heart of this submission.

The model rests on two principles that have historically governed the agency-publisher relationship in the United Kingdom. First, editorial material is supplied with clear attribution identifying the originating newsroom or reporter. Second, when a publisher uses that material, the originating newsroom receives a modest agency fee reflecting the editorial work involved in sourcing, verifying, and packaging the story. Neither principle requires a signed contract for each transaction. Both reflect the long-standing commercial practice under which the UK independent news agency sector has operated.

Over more than two decades this model has allowed small editorial organisations to contribute to the reporting capacity of much larger publishers. Thousands of newsX agency stories have been supplied under this arrangement to UK national and international media outlets, including MailOnline and The Telegraph. In practice, the system functions as a distributed newsroom: independent reporters and agencies supply original reporting, which is then incorporated into the output of major publishers.

The agency model described in this document has deep roots in the structure of the British press. Most regional agencies were founded by journalists who chose not to relocate to the

London-based Fleet Street titles, or who returned from the national press with the contacts and experience to cover their local patch — courts, councils, inquests, community stories — this time as independent suppliers to the nationals. Some took on photographers. Some expanded by creating larger editorial teams. Some grew into international operations. What they had in common was a business model built entirely on supplying content to publishers who paid for what they used. There was no advertising revenue, no sponsored content, no alternative income stream. Payment for editorial work supplied was the only basis on which these organisations could continue to operate.

For decades, the mechanism through which that payment was recognised was the self-billing system. Rather than agencies invoicing publishers, publishers prepared the payment record themselves — typically by marking a physical copy of the newspaper to identify which stories had come from external suppliers and paying accordingly. The system worked because the evidence of use was visible and the process of recording it was manual. When publishing moved online, with potentially unlimited daily usage and no physical edition to mark, the system did not adapt. Staff reporters processing agency copy under deadline pressure frequently failed to flag it for payment. In almost all cases, they added their own names to it. By the time an agency identified the discrepancy, the story was months old and the chain of accountability had dissolved. The structural consequence was that payment, which had always followed use as a matter of course, became something agencies had to chase rather than something publishers administered as a routine obligation.

The attribution problem runs in parallel. Independent research spanning more than a decade confirms that agency journalists routinely do not receive credit for the work they supply. The National Association of Press Agencies annual awards — the only industry occasion at which agency journalists are recognised — have been noted repeatedly by Press Gazette correspondents for the fact that the names of prize-winning journalists do not appear on the stories for which they won. In 2010, a Press Gazette columnist observed that none of the award winners had been named on their published work. Six years later, a second Press Gazette journalist made the same observation about the same awards. The reason is structural: publishers preferred their own staff byline, or in some cases an invented one, to an agency credit that might also appear in a rival publication. The Daily Telegraph was found by Private Eye to have used fictitious cricket correspondents — "Nelson Clare" and "Austin Peters" — for years rather than credit the agencies whose copy they were publishing. Attribution, in other words, has never been reliably given. What agencies have always been reliably given, until recently, is payment.

This is the structural distinction between an agency and a freelance journalist that regulators may find it useful to understand. A freelancer can absorb a period of non-payment, take a staff position, or move to a different field. A news agency cannot. It employs staff, maintains infrastructure, operates editorial systems, and exists for the sole purpose of producing and selling journalism. When payment stops, the choices are stark: the agency continues on eroding reserves, pivots to producing public relations content through the same distribution channels, or closes. None of those outcomes serves the public interest in independent reporting.

The importance of this model is not simply economic. Agencies and freelance reporters attach their names and reputations to the material they produce. When errors occur, accountability sits with identifiable individuals or organisations whose credibility depends on maintaining factual accuracy. Independent editorial suppliers therefore function as a quality-control layer within the wider media ecosystem — one that publishers have historically relied upon

precisely because it carries reputational accountability that aggregated or automated content does not. The proof-of-work principle is not an aspiration for organisations like those described in this document. It is the condition of their survival.

2.3 Associated Newspapers Limited / MailOnline

Associated Newspapers Limited (ANL) is the publisher of MailOnline, one of the largest English-language news websites in the world. It is the first defendant in these proceedings and the party against whom two active claims are currently listed for hearing. ANL is represented in the litigation by Wiggin LLP, a specialist media law firm.

The proceedings against ANL originate from a single image — a picture connected to the death of Mahsa Amini in Iran in September 2022 and the protests that followed, one of the most widely covered international news stories of that year. Material originating from the Newsflash editorial network formed part of the early international reporting on those events. The dispute arose when that image appeared in MailOnline coverage with attribution routed through a syndication platform rather than the originating agency, and when a routine request for correction and payment of the standard £40 agency fee was refused. What followed was years of procedural litigation in which the substantive question — whether ANL benefited from identifiable editorial work — was never once examined by a court. When ANL subsequently used the procedural outcome of that first claim as justification for refusing payment on entirely separate and unrelated items, a second claim was brought in respect of those items: a further picture and a video. The instruction of external solicitors to defend claims of this nature and value is itself a material fact in this submission: it signals a deliberate decision to treat routine commercial disputes as litigation rather than resolve them through the normal editorial channel of correcting attribution and making payment.

ANL's own witness evidence filed in the proceedings provides an unusually detailed description of how editorial material supplied by news agencies is handled inside the MailOnline newsroom. According to that evidence, [7] images are uploaded into MailOnline's Picture Management System through automated supplier feeds. When an image is selected for publication, the system automatically generates attribution based on the metadata attached to the file, and payment is triggered to the supplier identified in that metadata. The system does not require a signed contract for each transaction. It is built on the assumption that when agency material is selected and published, payment follows as a matter of course.

That assumption is precisely the industry practice the claimant has sought to have confirmed. ANL's own operational infrastructure, therefore, reflects the principle that payment is due on use — the same principle ANL's legal team has argued does not exist.

A second witness statement filed by ANL's Global Head of Compliance on 8 September 2025 [8] contains a further admission of significance. It confirmed that the version of the Mahsa Amini image published by MailOnline — the version supplied through Shutterstock — already contained the provenance marker on which the claimant relied as proof of editorial origin. The marker was present in the image as it entered the publisher's system. It was present in the published article. ANL's position throughout the proceedings was that the image

[7] Defendant's Skeleton Argument, Associated Newspapers Ltd v newsX Community Interest Company, Claim No. 566MC681, Canterbury County Court, 24 September 2025 (Appendix A-007). – available on request

[8] Second Witness Statement of Paul Hutchinson, Global Head of Compliance, Associated Newspapers Limited, Claim No. 566MC681, 8 September 2025, paragraph 6 (Appendix A-005, pages 182-184). – available on request

had been sourced independently by Shutterstock from social media. That position does not explain why the published version carried a marker placed there by the originating agency. That question was never examined by the court.

The same witness evidence contains a further admission. Where multiple agencies have submitted versions of the same image into the publisher's internal system, the selection of which version is used — and therefore which agency receives payment — was described by ANL's own witness as "pot luck." [9] That description was not offered as a criticism. It was offered as an explanation of how the system works. It confirms that in a modern digital newsroom, the financial recognition of editorial labour can depend not on who performed the reporting work but on which version of a file appears first in an internal search result.

2.4 Telegraph Media Group Limited (TMG)

Telegraph Media Group Limited (TMG) is the publisher of The Daily Telegraph and The Sunday Telegraph. It is the second defendant in these proceedings. Like ANL, TMG has historically relied on a combination of staff reporting, agency material and syndicated content, and has published thousands of stories originating from independent agencies over many years, including many from the CEN network.

The dispute with TMG concerns a single image supplied by CEN — an image of Joseph Bynens, a 76-year-old tourist who died following a shark attack in Mexico. CEN sourced, verified and distributed the image at 15:39 GMT on 20 December 2023, embedding a deliberate visual provenance marker to identify it as originating from the agency — a subtle alteration to a row of streetlights in the image itself. The Mirror and MailOnline published it the same day with CEN's credit. The image subsequently entered wider syndication. By the time it reached The Telegraph and The Sun, it was credited to a different agency and CEN's metadata had been stripped, but the provenance marker had not been stripped. As CEN's correspondence [10] to The Sun set out: "The (name of agency) version you published appeared a day later, with our metadata no longer present either by accident or design, but our light mark still present." The credit was wrong. The marker — placed there by CEN before the image entered the distribution chain — remained visible in the published versions of all four titles, confirming that the version used by each publisher was the one CEN had originated. The claim against TMG is for £25 plus VAT. TMG's legal costs incurred in resisting that claim have been stated in open court to be in the region of £30,000. The Telegraph argued throughout those proceedings that CEN had no legal basis for claiming payment or credit for the image.

The same image, the same provenance evidence, and the same supply chain were presented to a senior picture editor at The Sun last year. As CEN's email to The Sun stated plainly: "This isn't about copyright. It's standard to pay for social media-sourced images and not for ownership. The fee you pay is for the verification and editorial value in locating and preparing the content." The picture editor examined the evidence, accepted that CEN had originated the version published, and agreed to correct the credit. The correction was made the following morning. No lawyers were involved. The difference between that outcome and the one produced by TMG's litigation choices was not the law and not the facts. It was a choice.

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[9] Witness Statement of Paul Hutchinson, Global Head of Compliance, Associated Newspapers Limited, filed in Claim No. 665MC434 (A-041). The "pot luck" characterisation appears in ANL's own witness evidence and is referenced in the claimant's internal case review prepared in connection with these proceedings

[10] MJL27-1 - CEN To SUN (redacted to remove personal info) – available on request

TMG's position in these proceedings is also reflected in its broader commercial conduct during the same period. Following the procedural outcomes in the litigation that appeared to show the County Court supporting the publishers by striking out the first ANL case, TMG formally introduced a reduced rate of £10 for images categorised as widely available social media content — a category that captures precisely the kind of non-copyright editorial work at the heart of these proceedings. The rate was applied across the agency supply chain and was rejected by the Chair of the National Association of Press Agencies as unsustainable.

The selective nature of the policy was confirmed in correspondence forwarded to the claimant by Jon Harris, Managing Director of Cavendish Press and Chair of the National Association of Press Agencies, on 26 February 2025. Having complained directly to The Telegraph that the £10 rate represented a cut he was not prepared to accept — noting that fees had not increased in over forty years and that his agency worked "at great cost" to supply verified editorial material — Harris received a response stating that the reduced rate was "unlikely to apply" to images his agency supplied. His summary of that outcome was direct: Cavendish were to be exempted, but the rate would still be imposed on others. The Telegraph's own description of the £10 payment, given in earlier correspondence to Harris, was that it was "extended as a courtesy to recognise your contribution." That formulation — payment for editorial work described as a courtesy rather than an obligation — captures the shift at The Telegraph that this submission is concerned with in a single phrase.

The ownership of TMG has been the subject of active government scrutiny since 2023, when the Barclay family lost control to Lloyds Banking Group over unpaid debts. A succession of proposed acquirers followed — including RedBird IMI, whose bid collapsed in November 2025, and Daily Mail and General Trust, whose proposed acquisition raised significant press plurality concerns given that DMGT is also the parent company of the first defendant in these proceedings. On 6 March 2026, Axel Springer agreed to acquire TMG for £575 million, displacing the DMGT bid. [11] The acquisition remains subject to regulatory approval. The present submission is therefore made at a moment when the second defendant is mid-acquisition, and when the structural questions raised by this document — about who owns the publishers that rely on independent editorial work, and on what terms — are directly before the Secretary of State.

2.5 The Wider Industry Context

The dispute described in this document does not reflect a universal shift in how the UK media industry operates. Most major publishing groups continue to recognise the traditional agency payment model. Large organisations such as Reach plc and News UK routinely correct attribution errors and pay agency fees when it is demonstrated that material originated from an external newsroom. The exchange [12] between CEN and The Sun's senior picture editor — described earlier in this submission — is an example of that normal practice in action. The

[11] Axel Springer SE announced the acquisition of Telegraph Media Group for £575 million on 6 March 2026, displacing a proposed acquisition by Daily Mail and General Trust whose exclusivity had expired. The transaction involves the purchase of shares previously held by RedBird IMI, whose own takeover attempt had collapsed in November 2025 following political concerns raised by the UK government regarding foreign state ownership of British media. The acquisition remains subject to regulatory approval by the Secretary of State under the Enterprise Act 2002 public interest regime. Axel Springer is a major European media group headquartered in Berlin, with significant holdings including Politico, Business Insider and Bild. Its stated commitment to editorial independence and investment in the Telegraph's future is on the public record. The precedent for attaching editorial conditions to media ownership approval — the undertakings given by Rupert Murdoch in connection with his acquisition of The Times and The Sunday Times in 1981 — is documented in the report of the Monopolies and Mergers Commission and in subsequent parliamentary records.

[12] Appendix J-018 .– available on request

Sun is a News UK title. Its picture editor's response was not exceptional. It was how the system is supposed to work.

That understanding is confirmed independently by four practitioners [13] who filed witness statements in the proceedings described in this document. Paul Hill served as Foreign Desk Manager at The Daily Telegraph for 37 years. He confirmed that correspondents and stringers were always paid for material used by the newspaper, and that in his entire career the question of copyright ownership never arose in those transactions. Payment was for the work, not the rights. Jon Harris, Managing Director of Cavendish Press and Chair of the National Association of Press Agencies, confirmed that payment for supplied editorial work has been the long-standing and shared understanding among UK press agencies — that agencies were never expected to provide content for free, and that payment was the normal and fair basis of the relationship with media partners. Paul Horton, editor and director of Wales News Service, which has operated as a UK press agency since 1990, confirmed the same practice from his own experience supplying all the main UK media outlets. Ryan Nixon, editor of Deadline News, one of Scotland's leading press agencies, confirmed that payment for editorial contributions — including the time and effort involved in gathering, verifying and packaging content — is the accepted standard not only in Scotland but across the country, and that it has been a key principle in journalism for as long as he and his colleagues have worked in the field.

These four statements were filed independently by practitioners with no common institutional interest beyond their shared experience of how the industry works. They describe the same norm from different vantage points across more than six decades of professional practice. None was contradicted by the defendants.

The present dispute, therefore, does not arise from a universal shift in industry practice. It arises from a specific choice made by two publishers to resist, through litigation, a principle that the rest of the industry continues to recognise and apply. That choice, and its consequences for the agency supply chain, is the subject of this submission.

2.6 The Small Claims Court and Procedural Imbalance

The claims described in this document were brought through the County Court small claims track — the procedure specifically designed to allow individuals and small businesses to resolve modest disputes without legal representation or exposure to significant costs. The financial value of the underlying claims placed them well within that track. The procedural experience that followed bore no resemblance to what that system was designed to provide.

The hearing of 30 September 2025 illustrates the problem directly. What should have been a short, plain-English hearing on a £40 image claim had, by the time it reached the courtroom, become a three-hour video hearing dominated by legal argument. The defendant had instructed one of London's leading media law firms. The opposing barrister spoke for uninterrupted stretches of up to twenty minutes at a time, citing case law and procedure. The claimant's evidence — including proof that the image had been supplied and published — was

[13] Witness Statement of Paul Hill, former Foreign Desk Manager, The Daily Telegraph, 19 September 2025; Witness Statement of Jon Harris, Managing Director, Cavendish Press, and Chair, National Association of Press Agencies, 22 September 2025; Witness Statement of Paul Horton, Editor and Director, Wales News Service, 19 September 2025; Witness Statement of Ryan Nixon, Editor, Deadline News, 19 September 2025. All filed as exhibits in Claim No. 566MC681, Canterbury County Court (Appendix A-005, Exhibits MJL6, MJL26, MJL12 and MJL41 respectively). .– available on request

never properly examined. Every attempt to address the factual narrative was deferred to "later." Later never came. The judge acknowledged during the hearing that he had not had time to read the full evidence bundle, that his copy was out of date, and that it carried the wrong page numbers. He ended up navigating it on a mobile phone, directed to specific passages by the defendant's barrister. [14]

The claim was struck out on procedural grounds. A costs order of £5,000 followed — an outcome that court staff had described beforehand as almost unheard of in the small claims track, a system built on the principle that each side bears its own costs. The judge said this was because the defendant's barrister had asserted that the claimant had provided 100 pages of evidence after a deadline — an assertion that was not correct. The fee of £5,000 is 125 times the value of the original claim, and large enough to deter most claimants from ever filing in the first place. That, this submission argues, was its purpose.

The UK small claims track has a structural feature that makes it more vulnerable to this dynamic than equivalent systems in many other jurisdictions. Unlike the German Mahnverfahren, the French procédure d'injonction de payer, the Australian small claims tribunals, or the European Small Claims Procedure available across EU member states, the English and Welsh system permits live oral hearings at which both parties may appear and make submissions. In most continental European equivalents, small claims are resolved on the papers, without oral argument, and with strictly enforced cost caps that prevent the deployment of professional legal teams against unrepresented claimants. The European Small Claims Procedure, introduced by EU Regulation 861/2007, is designed to be primarily written and to limit costs exposure on both sides.

The English small claims track was not always as vulnerable to this dynamic. When the financial limit was lower, the economics of instructing senior counsel against an unrepresented claimant made little commercial sense — the costs of representation would frequently exceed the value of the claim. The raising of the small claims limit to £10,000 in 2012 changed that calculation. It made the track more attractive for larger and more complex disputes, but it did not introduce any corresponding protection for unrepresented parties who now find themselves facing professionally represented opponents in hearings that have become, in practice, indistinguishable from fast-track litigation.

The English system's allowance for live oral hearings, combined with the absence of any mechanism to prevent a defendant from instructing specialist law firms in small claims proceedings, creates a structural asymmetry that the present proceedings illustrate in precise financial terms. A claimant pursuing a £25 or £40 claim faces a courtroom hearing against senior counsel, with costs threats deployed in correspondence before the hearing takes place. The imbalance is not about judicial bias. The hearing of 30 September 2025 was conducted by a courteous and clearly learned judge. It is about a process that now demands professional fluency that few lay claimants can match — one where a hearing designed to protect those without lawyers has become a hearing where only lawyers can keep up.

A formal complaint was subsequently made to the Solicitors Regulation Authority [15] raising concerns about the deployment of disproportionate costs against a self-represented claimant in

[14] Michael Leidig, "Justice for sale? How a £40 claim became a £5,000 bill in Britain's broken Small Claims Court," *The European*, 22 October 2025. https://the-european.eu/story-52393/justice-for-sale-how-a-40-claim-became-a-5000-bill-in-britains-broken-small-claims-court.html

[15] Solicitors Regulation Authority, Decision not to investigate, case reference RGC-000155971, 10 July 2025 (Appendix T-011). Cover letter from SRA to Michael Leidig, 10 July 2025 (Appendix T-012). .– available on request

a small claims dispute. The SRA declined to investigate, confirming that a solicitor acting on client instructions is entitled to adopt a robust stance and that whether a publisher ought to concede a dispute is a matter for the courts rather than the professional regulator. That conclusion is not a criticism of the SRA, which applied its framework correctly. It illustrates that the existing structure contains no mechanism specifically designed to address the use of costs as a structural deterrent in small claims proceedings. The court system and the professional regulatory system each treat the question as falling within the other's jurisdiction. Neither provides effective protection.

The fragmentation of the proceedings illustrates a further dimension of the procedural imbalance. The court had previously indicated that the Telegraph claim should be listed alongside the Associated Newspapers matter on the basis that the applications raised the same legal issues. In practice, however, the claims were not determined together. The court dealt with the first claim, and that decision effectively resolved the proceedings without the underlying question — whether the use of agency editorial material gives rise to an obligation to pay — being examined across the related cases, despite the earlier recognition that they raised common issues.

For a self-represented claimant with limited resources, the procedural steps required to ensure formal consolidation were themselves a barrier that a legally represented party would not have faced.

The Small Claims Court was introduced in 1973 so that people could recover modest debts without risking bankruptcy. Half a century later, it risks becoming the opposite: a system where a £40 dispute can trigger five-figure legal costs and years of procedural filings. For individuals, freelancers, and small agencies, the effect is not resolution but deterrence. A quiet but powerful mechanism for locking ordinary claimants out of the courts altogether. For regulators, the question is not whether the defendants had the legal right to defend the claims. It is whether a system that permits costs of this magnitude to be deployed against disputes of this value is functioning as intended — and whether the absence of the written-procedure and cost-cap protections available in comparable European jurisdictions represents a gap that warrants attention.

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3. The Economics of Original Journalism

The economic case for recognising editorial work depends on understanding what that work actually consists of. Independent agencies and freelance journalists do not simply transmit content that already exists. In most cases, they transform raw, incomplete or chaotic information into publishable reporting through a structured editorial process — one that requires time, skill, professional judgement and accountability. This section describes that process, explains why it, rather than copyright ownership alone, has historically formed the basis of the payment relationship between agencies and publishers, and illustrates both sides of that argument with evidence drawn directly from the proceedings described in this document.

3.1 The Legal and Commercial Foundation

The principle that payment follows editorial work is not new. It was established in 1900 when journalists at The Times took a rival publisher to the House of Lords for copying their work without payment. In *Walter v Lane*, [16] the Lords ruled four to one in favour of the journalists, with even the dissenting judge acknowledging that reporting involved "considerable skill." The court therefore recognised that journalism was not mere transcription — it required judgement about which details mattered, which facts needed verification, and how to shape information into a coherent account. That recognition formed the legal and commercial foundation of the agency-publisher relationship. More than 130 years later, the same challenge is being made again.

The economic value at stake in these transactions lies less in the copyright object itself than in the editorial work required to produce reliable information. A reporter identifies a story, establishes whether the source is credible, confirms the basic facts, verifies any images or video, shapes the material into a publishable form, and distributes it under a traceable name. Each of those stages represents labour that a publisher would otherwise have to perform itself. When an agency performs them and a publisher uses the result, payment has historically followed as a matter of course — not as a reward, not as a gesture, but as the functional cost of producing accountable journalism at scale.

That principle was articulated directly in correspondence filed during the proceedings described in this document. The National Association of Press Agencies defines the test for payment simply: has the published work benefitted from the sight of what the agency provided? If the answer is yes, recognition followed by payment is expected. That formulation does not depend on copyright ownership, formal contract, or whether the publisher's internal system records the agency as the supplier. It depends only on whether the editorial work contributed to what was ultimately published.

[16] *Walter v Lane* [1900] AC 539 (HL). The case concerned journalists employed by The Times who had taken shorthand notes of public speeches and published them. A rival publisher reproduced those reports without payment. The House of Lords held four to one that the journalists' skill and labour in recording and preparing the reports for publication was sufficient to attract legal protection, independently of whether the underlying speeches were themselves capable of being owned. The dissenting judge, Lord Brampton, nevertheless acknowledged that the work involved "considerable skill." The case established that editorial labour — the work of identifying, recording and preparing information for publication — has legal and commercial value independent of the copyright status of the underlying material. It remains the leading authority for the proposition that journalistic effort warrants recognition as a professional service.

That principle has a plain-English formulation used across the agency sector: news agencies are not a tipping service. Material is shared with clients on the basis that if they use it, they will pay for it. The obligation arises from use, not from ownership.

The editorial work this payment recognises has evolved in form but not in substance. For decades, agency journalists sourced images by travelling to the scene of a story, identifying the people involved, persuading them to be interviewed and, when available, hand over their own photographs — known in the trade as "collects." Those images were scanned and passed to publishers. The payment reflected the work of finding, verifying, and delivering material that the publisher could not otherwise access. In the modern digital environment, the same process occurs online: agencies identify stories, locate and verify images and video circulating on social media, confirm their authenticity against primary sources, and distribute the verified package to clients. The fee is the same in principle — payment for editorial labour, not for copyright ownership. What has changed is not the nature of the work, but the assumption that if content lacks an enforceable copyright claim, it can be taken and used without payment.

Agencies are paid for the work they perform, and in return, publishers receive reporting that carries reputational accountability. If the material is inaccurate, the consequences fall directly on the agency or reporter whose name is attached to it. That accountability is precisely what distinguishes verified agency journalism from aggregated, automated or commercially produced content — and it is what publishers have historically relied upon when they chose to use it.

3.2 Two Pictures — Two Illustrations of the Same Principle

The disputes at the centre of this submission concern images of very different editorial weight. That difference is not incidental. It goes to the heart of why the proof-of-work principle matters across the full range of agency journalism — not only when the reporting is of major public significance, but also when it is routine.

The first image — the Mahsa Amini picture — represents original reporting at its most consequential. The Newsflash editorial network identified the story three days before distribution. A correspondent working under a pseudonym, because she and her family faced genuine risk inside Iran, located and verified images of a young woman beaten into a coma by the country's morality police for wearing her hijab incorrectly. The story was rejected on first submission because no images were available. The correspondent was asked to continue working. She located images, obtained verification, and resubmitted. Only when the images and the story could be confirmed together was the package accepted, checked and distributed — each stage recorded immutably in the agency's Storifyr system.

When it was published on Friday 16 September 2022 — the same day the Queen's funeral was filling every newspaper — it caught fire. JK Rowling tweeted about it. Sharon Stone followed. Later, Elon Musk announced Starlink internet access for Iran. The protests that followed swept the country and came at a price. More young women and men died. The correspondent who had put the story on the world's agenda feared for herself and her family throughout.

Over the following months, the Newsflash agency and CEN distributed 175 further updates from its Iranian correspondent reporting on the protests and their aftermath. Each update was filed through the Storifyr platform and timestamped, creating an immutable record of the

agency's sustained editorial contribution to international coverage of the story, and that is what the £40 image fee was for.

The dispute arose when an image associated with that reporting appeared in MailOnline coverage attributed to a syndication platform rather than the originating newsroom. When a routine request for correction and payment was refused, ANL's own witness evidence subsequently confirmed that the published version of the image carried the provenance marker placed there by the originating agency — a marker that would only be present in the version Newsflash had supplied. That question was never examined by the court. ANL had paid Newsflash for use of the same image on four separate occasions before refusing payment on seven further occasions involving the same image from the same agency through the same supply chain. The refusal was not principled. It was selective.

The correspondent who identified the story was an Iranian woman who had joined the agency because she wanted to give a voice to women in her country. She worked against considerable personal risk, navigating both official and unofficial sources inside the Islamic Republic. [17]

The human cost of that refusal is direct and measurable. The correspondent could no longer be paid. She is no longer working as a journalist. The story that reached Hollywood, prompted Elon Musk to offer Starlink internet access to Iran, and was cited in protests across the world was put on the world stage by a single young woman journalist whose career ended, in part, because one publisher refused to pay a £40 image fee. [18]

Had MailOnline paid and corrected the attribution, Shutterstock would have been required to acknowledge that its supplier had misattributed the image, correct the credits across its own distribution chain, and compensate accordingly. That correction would have triggered further payments and restored the agency's credit across the multiple usages that followed. The refusal did not simply withhold one payment. It broke the chain that would have produced many.

The second image — the Joseph Bynens shark attack picture — represents something entirely different: the minimal but honest end of agency journalism. CEN identified that a named individual had died in a shark attack in Mexico, verified the facts, sourced an image from a verified social media account, embedded a digital provenance marker, and distributed the package. The editorial work was modest. The fee was £25. The principle was identical.

By the time the image reached The Telegraph and The Sun, it was credited to another agency. CEN's metadata had been stripped before redistribution.

The timeline of distribution is also significant. CEN had submitted its version of the image to The Telegraph 24 hours before the rival agency submitted theirs. The Telegraph chose not to use CEN's version at that point. It subsequently used the other agency version — a version that carried no metadata identifying CEN, but which had been taken from CEN's already-published and credited material.

[17] Storifyr platform records, Claim No. 566MC681, .– available on request

[18] The £40 fee appears trivial in isolation. It was not. Recognition of that payment would have flowed through the wider usage chain, triggering further fees and credits across the 175 follow-up stories the same correspondent filed on the Iran protests. One unpaid invoice broke a chain that would have produced many further sales..

Under the terms on which agency material is supplied, the obligation to pay arises from having had sight of the content, not solely from which version is ultimately selected for publication. The Telegraph had sight of CEN's material. That fact was not in dispute.

The Telegraph argued throughout the proceedings that CEN had no basis for claiming payment. The Sun's senior picture editor, presented with the same evidence, reached the opposite conclusion in a single email exchange and corrected the credit the following morning.

The industry standard in such cases is clear and has been confirmed in witness evidence filed in these proceedings: only the first agency in the chain should be paid. When an agency has mistakenly received payment for an image it did not originate, the correct procedure is either to transfer the payment to the correct agency, or for the publisher to identify the correct agency and pay them directly. The Telegraph did neither. It paid the wrong agency and refused to accept it.

The rival agency that received the credit operates a business model structurally different from a pure editorial operation. It subsidises its journalism with public relations and marketing content, placing commercially motivated material through the same distribution channels it uses for news. That model provides a significant commercial advantage: PR and marketing revenue reduces dependence on editorial fees, allowing the agency to absorb non-payment that would be unsustainable for an organisation whose income depends entirely on journalism. It also means that not all of its output is independent editorial work. Content produced for a paying commercial client and distributed through news channels without disclosure is not journalism. It is marketing using journalism's infrastructure. When that model displaces verified independent reporting — when the credit and the payment go to the commercially subsidised operator rather than the agency that performed the original editorial work — the system is not simply failing to pay for journalism. It is actively rewarding its replacement.

3.3 What Fills the Space

The proceedings described in this document provide two direct illustrations of what those lower-cost alternatives look like in practice — both involving The Telegraph.

A recent ruling by the Independent Press Standards Organisation against The Telegraph concerned an interview with a wealthy couple complaining about the impact of policy changes affecting private schools. The interview was later found to be entirely fabricated. The IPSO ruling highlighted how editorial systems under pressure can become vulnerable to material that has not undergone genuine reporting verification.

A separate example from the same publisher involves a story published in October 2023 as a personal finance success narrative — distributed by the same PR funded Press agency that had received the credit for the CEN image at the centre of the Telegraph dispute. The article originated with a commercial content distributor operating on behalf of a paying client, with the client retaining sign-off on the material before distribution. No disclosure appeared in the published article. The subject of the story later publicly credited the agency for securing the placement. Readers had no means of knowing the content had been commercially placed rather than independently reported.

These are not isolated editorial failures. They are the predictable consequence of a system in which fees paid to verified news agencies are reduced or disputed, the editorial space does not

shrink, and lower-cost substitutes fill it instead. The separation between editorial and advertising — what journalists have traditionally called the separation of church and state — does not collapse suddenly. It erodes gradually, one unpaid invoice at a time, as the incentives that once sustained independent journalism are quietly redirected elsewhere.

3.4 The Shift to the Copyright Economy

The same structural pressure that allowed commercially placed content to displace independent reporting inside newsrooms was simultaneously reshaping the economics of journalism from the outside. The mechanism was different, but the direction of travel was identical: value moved away from the editorial labour that created it and towards the entities that controlled the rights to the underlying asset. That dynamic did not apply only to one format. It affected the whole editorial package — stories, pictures, video, and the journalism that made them publishable.

Video provides the clearest illustration of how the shift occurred, but the underlying structure was the same across the wider news supply chain. For most of the period in which online video became central to news reporting, YouTube's standard licence provided a working framework for newsrooms. Journalists could locate footage posted on the platform, verify it, and use it to illustrate genuine reporting. Most users uploaded under the general licence by default, which permitted editorial use in a reporting context, with attribution only requested rather than compelled. In a December 2014 exchange with MailOnline, CEN's office manager confirmed that a disputed video had been uploaded under a standard YouTube licence and that, as a media organisation, MailOnline could reuse it when reporting the story. That was the environment in which agencies such as CEN operated: footage could be discovered, checked and incorporated into news reporting as part of ordinary editorial practice.

The video in that environment had limited commercial value precisely because it could not be controlled exclusively. That changed as viral video licensing companies recognised that the open discovery environment created by YouTube was also a map of commercially exploitable content. The model they developed was straightforward. Journalists and agencies would find footage, verify it, report the story behind it, and place it with publishers. The resulting coverage established the clip’s commercial value and its audience reach. A licensing company could then move quickly: once a clip had appeared in the news, it only needed to identify the original uploader and obtain a written agreement — often by email or direct message — handing it exclusive authority to license the material and demand payment. From that point, the company controlled the commercial use of the footage, including the right to demand payment from the newsrooms whose reporting had made it valuable in the first place.

YouTube’s withdrawal of the standard licence as a reliable protection for editorial use, without public announcement or industry consultation, was not a minor contractual change. It was a structural turning point. It removed the last practical barrier to the rapid expansion of a model in which others could appropriate the value created by journalism after the reporting had already been done. The space it opened was filled almost immediately by rights-enforcement and viral video syndication companies whose entire business proposition depended on that new insecurity, and on a click-driven economy in which the journalism that created the value played little part in the return.

A bear cub video of November 2018 illustrates the result with unusual clarity. A drone operator in the Russian Far East filmed a bear cub and its mother on a snowy mountainside.

The drone flew directly at the animals. The noise caused the mother to lunge defensively, dislodging the cub on a near-vertical slope. The cub slid a considerable distance before recovering. ViralHog LLC, based in Bozeman, Montana, acquired the licensing rights and distributed the footage with a caption describing an uplifting story of determination and reunion. Approximately thirty million people watched it in five days.

Mountain Journal, an independent public interest publication also based in Bozeman, investigated the same footage. Their reporter interviewed Jeremy Roberts, a Montana State University wildlife filmmaker, who identified immediately that the drone operator had caused the incident. The drone's aggressive approach had startled the mother into the defensive lunge that sent the cub sliding. “The cub could have been killed in the fall,” Roberts told Mountain Journal. The real story was one of wildlife harassment, drone ethics, and the absence of adequate regulation. Mountain Journal published it. Their webpage with the story carries no advertising. It asks readers to donate.

The thirty million views that ViralHog monetised were generated in part by footage whose emotional content Mountain Journal established had been manufactured through deliberate interference with wild animals. ViralHog had been acquired two years earlier by Jukin Media. Jukin Media was itself acquired in August 2021 by Trusted Media Brands, the publisher of Reader's Digest, for a reported sum in excess of one hundred million dollars. Jukin had raised less than nine million dollars in external funding across its entire existence. The return was built on a library of licensed user-generated content whose commercial value had in most cases been established by the editorial work of journalists and agencies who received no share of the proceeds. Mountain Journal's donate button is not a funding mechanism alone. It is evidence of a market failure.

The same structural shift played out directly against Central European News across a documented period of more than two years. The full record is set out in the Appendix. What follows is a summary of the pattern, which began in June 2016, when ViralHog wrote to CEN demanding revenue for a video it claimed CEN had licensed to The Weather Channel without authorisation. The opening email did not identify the video. It stated that ViralHog's legal team had taken the matter under investigation. The reply was a single line: “What is the video?”

More claims followed within days. On 22 June 2016 Brent Maggio, a ViralHog co-founder, wrote to identify three further ownership conflicts, all relating to CEN-credited videos on the Daily Mail. The editorial work on each had already been done and the stories already placed with publishers before ViralHog had acquired the rights. One of the three clips, titled "Russian Pool in the Apartment," had been signed by ViralHog on 21 June 2016 — the day before the complaint was sent. The claim arrived the morning after the contract, illustrating the speed with which the company could identify published editorial content, acquire the underlying rights, and immediately pursue payment from the newsroom whose journalism had made the footage discoverable in the first place.

In an email to Brent Maggio on the same day, the agency editor proposed a cooperative model: CEN would identify new videos with the potential to go viral and tip off ViralHog so that rights could be secured, while CEN built stories around the footage and supplied them to its UK newspaper clients. The email described CEN's correspondent network — reporters on the ground around the world, working primarily for MailOnline, with language capability across minority regions including Kazakhstan and Albania that ViralHog's Bozeman operation

could not match. As a sign of good faith, CEN offered to hand over in full any MailOnline income from the disputed links simply to smooth the way for a working relationship.

For a short period, it appeared this might work. On 27 June, 2016, Brent Maggio replied that a trial partnership was worth testing, based on a lead exchange, and compared the proposed arrangement to an existing relationship ViralHog had with SWNS. But the terms were revealing. ViralHog would retain exclusive control of video licensing. It would not allow sales to existing clients such as MailOnline or The Weather Channel. All past overlapping uses would need to be settled before any cooperation could begin. In a 4 July 2016 email, the CEN editor pushed back on the imbalance directly: if CEN found a video, passed it to its clients and to ViralHog, and ViralHog then signed up the video owner and returned with a fee, that was not a workable arrangement for the party that had done the editorial work.

Even as that discussion was continuing, the claims were escalating. On 7 July 2016 ViralHog added three further conflicts. That same afternoon it added a fourth, stating that failure to have obtained permission for the videos represented copyright infringement and demanding that CEN cease distribution and hand over all revenue earned. The cooperation talks and the escalating claims were running simultaneously.

On 11 July 2016 the CEN editor wrote formally to ViralHog stating that in the space of just over a week the agency had received seven requests to settle alleged copyright violations, despite this having never been an issue across two decades of operation. The letter said plainly that ViralHog was deliberately targeting the agency, seeking out the agency credits and promising revenue to filmers in exchange for exclusivity. ViralHog denied it. The documentary record does not support the denial.

The internal correspondence from that period carries particular evidential weight because it was written in real time, before any legal strategy had been formed. On 17 July 2016, the CEN editor circulated a list of the disputed videos and asked staff to establish the timeline for each one. The central question was direct: were they acting independently, or were they tracking the agency’s work? Staff were instructed to obtain screenshots showing what the copyright position had looked like when CEN first published the story, and how it appeared later, after ViralHog's name had been added. That same day, the editor issued a comprehensive internal strategy memorandum setting out an urgent rethink of the agency's approach to video. It stated that there was no doubt that the level and intensity at which ViralHog was pursuing CEN's content was extremely worrying, and a direct threat to the business model. A follow-up note from the deputy news and picture editor instructed all staff never to use footage if the licence identified ViralHog, placing the company on the same practical avoidance list as the major international wire agencies.

One of the clearest individual illustrations of the model came in November 2016. ViralHog asserted exclusive rights over a motorcyclist video that had appeared on the Daily Mail with credit to CEN and demanded a full accounting of all revenue earned. The following day CEN's office manager replied internally that the agency had held the video for almost a week before ViralHog added their credit, that a screenshot taken at the time of publication showed a standard YouTube licence with no mention of ViralHog, and that the video had been on the Daily Mail four days before it appeared as a ViralHog offering. The agency had found the clip, cleared the licence as it then stood, and placed the story. ViralHog had arrived afterwards.

ViralHog's strategy was not limited to pressuring the originating agency. It increasingly contacted CEN's clients directly — MailOnline, The Weather Channel, RightThisMinute, The Sun — asserting that CEN's licences were invalid and demanding payment or the disabling of embedded footage. In April 2017 the CEN editor warned MailOnline in writing that ViralHog was looking for content already published on its pages, approaching the people who had posted the underlying footage, acquiring the rights, and then demanding payment from those who had already reported the story. The warning was explicit: if those rights were not challenged, costs across the industry would rise dramatically once a monopoly position was established.

By November 2017, in correspondence with MailOnline's editor, the description had become more precise where they were described as internet trolls, looking at material that appears on MailOnline pages, and then buying up the rights and backdating demands for payment. Those words were written not in retrospect, but in the middle of an operational dispute, as a description of a model that was actively in use.

The legal pressure intensified in parallel. In April 2017, a Vienna lawyer retained by ViralHog sent a formal cease-and-desist letter addressed personally to the CEN editor, not to the company alone. It demanded a signed undertaking never again to use ViralHog material, subject to a contractual penalty of €5,000 for each future breach, together with immediate payment of legal costs of €1,478.52. The lawyer had obtained official Austrian residence register and company register records to support personal service of the demand.

When the cease-and-desist was not signed and the costs were not paid, ViralHog filed a criminal complaint with the Vienna public prosecutor in August 2017, alleging criminal copyright infringement under Austrian law, directed personally against the CEN editor. ViralHog joined the proceedings as a civil damages claimant and requested that any conviction be published at the defendant's expense. The Vienna public prosecutor reviewed the complaint under case reference 56 St 279/17g and dismissed the proceedings eleven days later. No criminal charges were brought. No civil proceedings in Austria followed.

In sworn testimony in US litigation on 7 June 2018, the CEN editor described the pattern in terms that had by then become statistically precise. In the life of the agency, across more than twenty years of operation, there had been approximately ten to fifteen copyright complaints from the entire global media industry. One organisation had made approximately thirty. That organisation was ViralHog. He counted it as a single dispute.

The same model was applied to Asia Wire, a sister agency, in September 2018. ViralHog approached MailOnline over a video licensed through Asia Wire, pointing to an exclusive rights agreement signed on 6 September 2018. The Asia Wire editor confirmed that the agency had received permission from the original videographer directly via Facebook Messenger before publication, with full identifying details supplied. The sequence was the same: the editorial work had been done, the story had been placed, and the exclusive claim arrived afterwards.

The wider significance of this dispute for the purposes of this submission is not the conduct of one company, but the structural position that conduct represents. In each case documented in the archive, the editorial labour came first. Journalists found the footage, verified it, contacted the people involved, built the story, and placed it with publishers. The licensing company then identified the footage from the published coverage, acquired the rights, and extracted revenue

from the value that journalism had already created — including, in many cases, from the journalism itself.

As the CEN editor wrote to his lawyer in October 2018: “I do the work, I find the video, I write the story and interview the people involved, and then two weeks later ViralHog obtains the video using the money they know they are going to get from MailOnline, and I get paid nothing.”

That sentence was written to describe one company's conduct toward one agency. It describes with equal accuracy the position of every news organisation whose published journalism was subsequently used to train large language models without payment or consent. The mechanism is identical. The editorial labour is the prerequisite for the value. The people who performed it are excluded from the return. The scale is the only difference.

The government now has an opportunity that did not exist during the period described above. A recognition framework of the kind proposed in this submission would not merely protect editorial work going forward. It would create the legal infrastructure under which the contribution of editorial labour to commercial value could be traced, documented and, where the evidence supports it, form the basis of a remedy. In the cases documented in the appendix, the sequence is preserved in contemporaneous emails, internal memoranda, screenshots and sworn testimony. The agency published first. The value was established by the journalism. The licensing revenue flowed to the company that arrived afterwards.

Under a framework in which editorial contribution is recognised as a traceable and valued element of the supply chain, that sequence would not be invisible. It would be the foundation of a claim. That is what recognition means in practice: not a courtesy, not a credit line, but infrastructure — the kind that makes the contribution of editorial work visible in the transactions that depend on it, and recoverable when it has been appropriated without acknowledgement.

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4. Where the System Breaks

The disputes described in this document do not arise from a single mistake or misunderstanding about a particular image. They arise from structural changes in how modern media organisations obtain, process and distribute content — changes that have created specific points at which the connection between editorial work, attribution and payment has broken down.

In earlier decades, the supply chain for editorial material was relatively straightforward. A reporter or agency supplied a story directly to a publisher. The publisher used the material, the source of the reporting was visible, and payment followed. Modern digital publishing systems operate very differently. Images and stories frequently move through multiple intermediaries before reaching the publisher that ultimately publishes the material. Syndication platforms, image libraries, aggregation systems and automated content feeds can all sit between the original newsroom and the final publication. These systems allow publishers to process large volumes of material quickly and efficiently. They also create three specific points at which the origin of editorial work can become detached from the mechanisms that once recognised and paid for it.

4.1 The Attribution Gap

Historically, attribution was straightforward. A story supplied by a news agency carried the agency credit, and the publisher using the material understood who had produced the reporting.

Within modern supply chains, attribution increasingly reflects the distributor of the file rather than the newsroom that originally produced the reporting. If material has passed through several intermediaries before reaching a publisher, the visible credit corresponds to the final platform supplying the file rather than the organisation that performed the editorial work. When this occurs, the public attribution no longer accurately reflects the origin of the journalism involved — and payment, which follows attribution, is directed accordingly.

The practical consequences of that gap can be traced through a specific example from the proceedings described in this document. A story originated and distributed by the Newsflash agency was published by MailOnline without attribution. A second national newspaper, taking the story from MailOnline, had no means of knowing an agency held a proof-of-work claim on the material. When the agency raised the issue, the picture editor initially rejected the claim, stating he had no indication the images were anything other than freely available. He subsequently asked his reporter to check the actual source. The reporter confirmed he had taken the images from the uncredited MailOnline version. The picture editor apologised and made payment. The system worked — but only because the agency pursued the claim through multiple stages and the picture editor was willing to investigate once challenged. In a busier newsroom, or with a less conscientious editor, the payment would not have been made. The attribution gap would have closed silently around the agency's work.

4.2 The Transparency Gap

Automated publishing systems allow large publishers to ingest images and content through supplier feeds and distribution platforms with minimal friction. While these systems enable publishers to operate at scale, they can also obscure the provenance of material once it enters

the distribution network. By the time content appears in a publisher's content management system, the path it has taken through the supply chain may not be immediately visible.

The witness evidence filed by The Telegraph in the proceedings described in this document adds a specific and significant dimension to this problem. The Telegraph's internal system automatically purges any image that is not selected for publication after approximately three to four weeks, retaining only those images that were actually published. This means that when a dispute later arises about whether an agency submitted a version of an image, the absence of any record in the publisher's system cannot be treated as evidence that the image was never submitted. It is equally consistent with the image having been submitted, reviewed, rejected in favour of a competitor's version, and automatically deleted. The publisher's system provides no mechanism for distinguishing between those two outcomes. The question of which agency's editorial work contributed to the published result, therefore, cannot be resolved by reference to the publisher's own records alone.

This structural gap has a direct consequence for any agency seeking to establish a proof-of-work claim after the fact. The evidence that would confirm or deny the claim has been automatically destroyed by the publisher's own system before the dispute arises.

4.3 The Payment Detachment

Attribution and payment historically moved together. When a publisher used a story supplied by a particular agency, the agency received payment for the work performed. Within automated supply chains, payment mechanisms instead follow the supplier identified in the metadata attached to the file. If the metadata reflects the distributor rather than the originating newsroom — whether through deliberate stripping or simple overwriting — payment is directed to the intermediary while the originating agency receives nothing.

The correspondence generated by the disputes described in this document illustrates precisely how that detachment operates in practice. When the originating agency contacted the syndication platform that had distributed the Mahsa Amini image under its own credit, the platform's founder denied any knowledge of the agency and stated that the material had been sourced independently from social media. When the agency contacted the distributor's parent company, it was told the images were being treated as fair use on the basis that they had been taken from social media platforms. Neither intermediary acknowledged the editorial chain that had identified, verified and distributed the material in the first place. The publisher, presented with these denials, had no mechanism to look behind them. Payment went to the intermediary. The originating agency received nothing.

The denials were not evidence of independent sourcing. They were positions that happened to benefit both the intermediary and the publisher. In the absence of any provenance verification requirement, they were sufficient. A formal submission has since been made to the relevant competition authority concerning the conduct of these intermediaries in the supply chain. [19]

The payment detachment is compounded by a structural shift in how syndication markets operate. As large content aggregators have grown and consolidated, they have increasingly offered bulk content packages at per-unit prices that have fallen from pounds to pence over

[19] That submission is referenced at Appendices T-076, T-077 and T-078 and has been accepted for publication on the CMA's case page as part of the formal merger review process. – available on request.

the course of a decade. The economic logic is straightforward: a publisher will not pay the full market rate for a single image when a syndication platform offers a package of ten comparable images for half the price. The consequence for independent agencies is that the per-item payment model on which proof-of-work depends is being hollowed out not only by non-payment but by bulk pricing that makes individual editorial fees economically marginal.

The case of Australscope, an Australian editorial journalism cooperative that focused on producing and syndicating original journalistic content, illustrates how that dynamic operates in practice. Another large German publishing group entered the Australian market, acquired local agencies, and offered images at reduced prices while simultaneously poaching contributors from smaller cooperatives by offering higher fees. Regulatory resistance was initially raised but later overturned during the COVID-19 pandemic. The result was the closure of Australscope and other competitors. Once competition had been eliminated, prices for media outlets rose. The sequence — undercut, consolidate, raise prices — is the standard pattern of aggressive market entry in content distribution, and its consequences for independent editorial agencies are direct and measurable. [20]

That consolidation is continuing. In January 2025, Shutterstock and Getty Images announced a merger valued at $3.7 billion, creating a dominant combined entity in the visual content market at a moment when generative AI is simultaneously compressing the perceived value of original photography. The merger is subject to antitrust scrutiny, but its direction of travel is clear: fewer, larger intermediaries controlling an increasing share of the distribution infrastructure through which editorial images reach publishers. For independent agencies whose income depends on per-item editorial fees, that concentration represents a structural threat that is independent of — and additional to — the non-payment disputes described in this document.

The defence most commonly offered by syndication intermediaries when attribution disputes arise — that the image was sourced from social media — is, without further specification, evidentially empty. Social media is not a source. It is a distribution channel. An image described as having been sourced from social media may have originated with the verified account of the person depicted, with a news agency that had already published and credited the image, with a third party that had copied it from a credited publication, or with any number of other intermediaries. Unless the specific account and the date of retrieval are identified, the statement that an image was sourced from social media does not establish independent provenance. It establishes only that the intermediary cannot or will not say where the image actually came from. When the originating agency attempted to discuss editorial compensation directly with the distributors in connection with the disputes described in this document, it found that their communication channels are geared primarily towards copyright or licensing inquiries. Editorial compensation is not a focal point in their business models. In the proceedings described in this document, the intermediaries' claim to have sourced the Mahsa Amini image independently from social media was accepted by the publisher without verification. No specific account was identified. No retrieval date was provided. The provenance marker placed on the image by the originating agency — which remained visible in the published version — was not treated as requiring explanation. A regulatory framework

[20] Case study: Australscope Market Challenges and Implications for Editorial Journalism (Appendix A-028). Getty Images, Shutterstock to Combine in $3.7 Billion Deal, *Wall Street Journal*, 7 January 2025. – available on request

that permits that standard of source verification to defeat a proof-of-work claim is not protecting editorial provenance. It is making its absence easier to assert.

The three gaps described in this section — attribution, transparency and payment — are not independent failures. They form a connected chain. When attribution follows the distributor rather than the originator, payment follows attribution. When the publisher's own records are automatically deleted, there is no mechanism to challenge the distributor's account. And when the distributor denies the originating agency's claim, there is no regulatory requirement to verify that denial. The result is a system in which editorial work can be identified, verified, distributed and published — and the agency that performed that work can be left with nothing, not because the system broke down, but because it worked exactly as designed.

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5. The Regulatory Gap

The disputes described in this document do not arise because there is no legal framework governing the use of editorial material. The United Kingdom has well-established systems covering editorial copyright, licensing, contracts, and press regulation. The difficulty is that the frameworks most relevant to these disputes were built for a different media environment — one in which the relationship between content creator, publisher, and distributor was direct and visible. They do not adequately address the conditions created by thirty years of structural change in the production, distribution, and monetisation of content. Several specific gaps have become visible through the proceedings described in this document.

5.1 The Section 230 Effect

The structural conditions that made the present disputes possible were created largely by a single piece of legislation passed in the United States in 1996. Section 230 of the Communications Decency Act provided immunity for online platforms from liability for content posted by third parties. Its original purpose was to protect small internet startups from being overwhelmed by legal responsibility for user-generated content. That purpose was legitimate. Its creators, US Representatives Christopher Cox and Ron Wyden, believed interactive computer services should be treated as distributors rather than publishers — not liable for the content they distributed — as a means to protect a growing internet. But its consequences were not confined to small startups, and they were not confined to the United States.

The practical effect of Section 230 and its equivalents — including Article 14 of the EU e-Commerce Directive 2000/31/EC, as retained in UK law following Brexit — was to create a two-tier information economy. Platforms could distribute content at an enormous scale without assuming the legal responsibilities of publishers. They could host, aggregate, and monetise journalism without contributing to its production costs. The courts agreed: what was the difference, they reasoned, between sharing a news story around the family table and sharing it in a post? The answer, which became clear only later, was several billion dollars in advertising revenue.

The consequence for the media ecosystem was structural and irreversible. Traditional publishers, whose advertising revenue was captured by platforms operating under intermediary liability protection, began adopting the same model themselves. Newsroom budgets were cut. The editorial staff was reduced. The gap was filled by syndicated content, aggregated material, and agency feeds — precisely the supply chain described in this document. Publishers that had fought for decades to be recognised as the responsible parties for what they published began arguing, in disputes like those described here, that responsibility for attribution and payment lay with the distributor of the file rather than the publisher of the story.

Publishers that had fought for decades to be recognised as legally and editorially responsible for what they published increasingly began to adapt themselves to the logic of platforms and social media. The emphasis shifted towards scale, speed and low-cost content, including greater reliance on material sourced through intermediaries, aggregation models, subscription-based content supply, and commercial arrangements that detached the published story from the editorial labour that produced it. In that environment, responsibility became something publishers were increasingly willing to dilute. In disputes like those described here, that meant

arguing that attribution and payment obligations lay not with the publisher of the story, but with whichever distributor had supplied the file.

Crucially, the significance of a decision in this context does not depend on its formal precedential weight. Even a county court judgment is likely to be relied upon in negotiations and disputes across the sector as an articulation of how responsibility for editorial material is to be understood in practice. In an environment where publishers and intermediaries operate at scale, and where commercial terms are frequently set by reference to existing disputes, a single outcome of this kind can be rapidly normalised. The effect is not confined to the parties to the litigation but extends across the wider supply chain, shaping expectations about whether editorial labour attracts payment at all.

The result is a situation in which, in practice, there is no meaningful distinction visible to the public between a platform operating under intermediary liability immunity and a traditional publisher. Both aggregate. Both distribute. Both monetise. But only the traditional publisher bears the legal responsibilities of a publisher — and even that publisher, as the proceedings described in this document demonstrate, has learned to use the language of intermediary liability to resist payment obligations to the agencies and content creators whose work it relies upon.

This dynamic was illustrated directly in correspondence with Yahoo following the misattribution of Mahsa Amini reporting. When CEN, the originating agency, contacted Yahoo about content published on its platform that had originated with the agency, Yahoo's legal counsel responded that the articles had been syndicated by third-party content providers under licensing agreements requiring those providers to clear all underlying rights, and that Yahoo therefore bore no responsibility. The agency was directed to contact The Telegraph, the New York Post, Edinburgh Live and others individually. Each of those publishers had in turn received the content from an intermediary. None acknowledged the originating agency. The chain of displacement — from original reporting to syndication to aggregation to publication — was complete. At every link in the chain, responsibility was passed to the next party. The originating agency and its Farsi-speaking reporter who had performed the editorial work received nothing. That is Section 230 logic applied to a UK editorial dispute. No statute required it. No court ordered it. It was simply adopted as commercial practice by every party in the chain, because the framework permitted it and no regulatory requirement existed to prevent it.

The refusal to pay for that reporting marked a turning point — and it was in response to that experience that the agency began examining the wider distribution chain more closely, including the role of aggregators and platform partners whose consolidation is addressed in the following section.

The structural parallel between Section 230 and emerging AI copyright exemptions is not theoretical. In February 2025, the House of Lords voted 145 to 126 in favour of amendments to the Data (Use and Access) Bill requiring AI companies operating in the UK to respect existing copyright laws. The debate that preceded that vote drew explicit comparisons to Section 230 — Lord Black of Brentwood warned that expanding text and data mining exemptions could devastate an already struggling media sector in precisely the way Section 230 had shifted advertising revenue from publishers to platforms. [21] The government's earlier proposal to expand text and data mining exceptions was withdrawn in 2023 following

[21] House of Lords, Data (Use and Access) Bill, Report Stage, 12 February 2025.

backlash from the creative industries, but resurfaced in the AI Opportunities Action Plan of 2025. The pattern is identical to Section 230: a legislative exemption proposed in the name of innovation, resisted by content creators, and fought out in Parliament while the underlying extraction of value from editorial work continues. The proof-of-work principle addresses both the Section 230 problem and the AI training problem through the same mechanism — it recognises editorial labour as the basis of payment, independent of copyright ownership, in a way that neither the current copyright framework nor intermediary liability law provides.

In February 2020, the United States Department of Justice held a workshop related to Section 230 as part of an ongoing antitrust probe into major technology companies. Attorney General William Barr said that while Section 230 had been needed to protect the internet's growth when most companies were not stable, times had changed: those companies were no longer underdog upstarts but titans of industry, and he questioned the need for Section 230's broad protections. [22] That observation applies with equal force to the large publishers that have adopted platform behaviour while retaining publisher revenues and publisher reputations.

5.2 The Right To Copyright

The legal framework that publishers have deployed in these proceedings focuses almost entirely on copyright ownership. ANL argued that without an exclusive licence, the image was free for anyone to use. The Telegraph also argued that CEN had no legal basis for claiming payment because it did not own the copyright. Both positions reflect a genuine feature of copyright law — it protects ownership, not labour. But they misrepresent how the UK media industry has actually operated for decades.

As the witness evidence of Paul Hill — Foreign Desk Manager at The Daily Telegraph for 37 years — confirms, the question of copyright ownership never arose in transactions with correspondents and stringers throughout his career. Payment was for the work, not the rights. The shift toward copyright as the primary test for payment is not a legal development. It is a commercial strategy, adopted as budgets tightened and the assumption spread — accelerated by Section 230 and its equivalents — that content without an enforceable copyright claim could be taken and used without payment.

The erosion of the practical framework that once allowed journalism to function predates the present dispute. YouTube's original terms of use contained a non-exclusive licence permitting news media to use uploaded content for the purpose of illustrating news reports — a practical mechanism that reflected the public interest role of journalism and allowed agencies to source user-generated material without tracking down every copyright holder. As the commercial value of viral content became clear, that clause was progressively eroded under pressure from licensing companies and copyright maximalists. The result is the present position: copyright is invoked by publishers to resist paying agencies, and simultaneously invoked by licensing companies to extract retroactive payment from the same agencies for content they sourced and verified. The framework that was supposed to protect creators now functions primarily as a commercial instrument deployed by whichever party finds it advantageous at any given moment.

The proceedings have produced a direct illustration of the inconsistency in the publishers' position. ANL corrected attribution on two other images in the same email thread as the

[22] United States Department of Justice, Workshop on Section 230 of the Communications Decency Act, 17 February 2020. Full text available at justice.gov.

Mahsa Amini dispute — a bull runner story and a Brazilian shooting story — without requesting any proof of copyright. This means that the same publisher that later argued copyright proof was a prerequisite for any attribution correction had already waived that requirement in the same correspondence chain. The copyright argument was not a principle. It was deployed selectively. It was a choice.

The impossibility of ANL's copyright demand was made explicit in July 2024 when, having rejected the proof-of-work claim, the publisher demanded that Newsflash provide a signed licence from the copyright holder — the Iranian source whose images were at the centre of the dispute. The demand was structurally impossible. The correspondent had worked under a pseudonym throughout because she and her family faced a genuine risk of reprisals from the Iranian authorities. The images had been provided by sources inside Iran who could not safely identify themselves to Western media, let alone sign a formal copyright licence with a foreign news agency. The story itself — about a young woman beaten by the morality police for not wearing a hijab correctly — made the nature of that risk self-evident. ANL's demand was not made in ignorance of these facts. It was made in full knowledge of the story's context, by a publisher whose own coverage had described the risks faced by those who spoke out in Iran. The demand for a copyright licence was not a good-faith legal requirement. It was a mechanism for making the claim impossible to satisfy, which is precisely what proof-of-work, rather than copyright, was designed to prevent.

This underlines the second dimension to the copyright gap, operating in the opposite direction. While publishers invoke copyright law to resist payment for editorial work, a parallel industry has emerged that uses the same framework to extract payment after that work has already been done.

Companies specialising in viral video licensing have become a structural feature of the modern media supply chain. Their model does not involve identifying, verifying or placing stories. Instead, it operates by locating content that has already been sourced and retroactively acquiring copyright from the original content owner, and asserting licensing claims over material that has already entered the news cycle. Even where material is subsequently circulated through social media, republished by other outlets, or picked up by influencers and podcasters, the underlying editorial value still originates with the party that first identified, verified and published the story.

The sequence is consistent. A newsroom, agency or publisher identifies a story, secures the material, verifies it, and brings it into publication, generating the coverage and public interest from which others then benefit. A licensing company then approaches the content owner, acquires the copyright, and asserts rights against the party that performed the editorial work and against those who published or used the material. The originating editorial party receives nothing for the work that created the value and may then face a further claim from the licensing company in respect of the same material. The party that performed no editorial work captures the revenue.

This dynamic has had direct editorial consequences for originators across the editorial supply chain. Independent agencies such as Newsflash have increasingly withdrawn from covering certain categories of story — particularly those involving user-generated video — because the risk of retroactive copyright claims renders the work commercially unviable. The same logic can affect any newsroom or publisher that invests in identifying, verifying and bringing such material into publication. Stories of this kind — from incidents abroad to protest footage to community events captured by bystanders — are especially exposed to the risk, precisely

because their value lies not in ownership of the raw material but in the editorial work required to recognise, verify and publish it.

The regulatory framework contains no mechanism to address this asymmetry. Copyright law protects ownership, not editorial labour. An agency that identifies, verifies and places a story has no enforceable right to the value it creates if copyright is subsequently asserted by a third party. The result is a system in which agencies are exposed on both sides of the same structure: publishers resist payment by relying on the absence of copyright, while licensing companies enforce payment by acquiring it after the fact.

The proof-of-work principle addresses this contradiction directly. It recognises editorial labour as the basis of entitlement, independent of copyright ownership, and therefore closes the gap that allows value to be displaced in both directions.

The existing legal framework has no mechanism for recognising editorial labour as a compensable service independent of copyright ownership. Walter v Lane established in 1900 that journalistic effort warrants legal recognition. The NAPA payment test — has the published work benefitted from sight of what the agency provided — has governed thousands of transactions for decades without requiring copyright proof. [23] But neither of those foundations has been codified in a way that provides agencies and freelancers with an enforceable right when a publisher chooses to contest them.

5.3 The Provenance Asymmetry

There is a striking asymmetry in the provenance obligations that currently apply to publishers. When a publisher faces a threatened defamation action, it must be able to demonstrate the source of every factual claim in the challenged article — who said it, on what basis, with what corroboration. Editors and legal teams routinely spend days reconstructing the evidential chain behind a published story. That obligation is taken seriously because the publisher's own liability depends on it.

But when the question is not “can you defend what you published?” but “can you show where the image or story came from, as in the cases discussed in this report, and whether the originating supplier has been recognised and paid?”, the same publishers assert that they have no obligation to look behind the metadata supplied by a distributor. The provenance obligation operates in one direction only: it protects the publisher from liability, but not the originator from non-payment.

This asymmetry operates on the ground in a specific and measurable way. When a publisher threatens legal action over a published story, agencies and freelancers who contributed to that story are routinely contacted and asked to provide sourcing evidence, identify their contacts, and reconstruct the editorial process behind the material. That work is unpaid. It is performed because the publisher needs it and the agency has no practical choice but to provide it. Yet when the agency asks the publisher to perform the equivalent exercise in reverse — to verify who supplied the image that was published and ensure that payment goes to the correct party — the publisher asserts it has no such obligation and that its automated system's record is sufficient. The regulatory framework contains no mechanism to address this asymmetry. Publishers are required to verify provenance when it serves their own protection. They are not

[23] Witness statement of Jon Harris, Managing Director, Cavendish Press, and Chair, National Association of Press Agencies, filed in Claim No. 570MC351.– available on request.

required to verify provenance when it would serve the protection of those whose work they rely upon.

5.4 The Publisher Intent Question

The staff reductions at both defendants during the period covered by this submission are a matter of public record. Associated Newspapers made multiple rounds of redundancies between 2023 and 2025, including cuts to its US editorial team affecting up to 10% of staff in September 2024 and a further UK restructuring in January 2025 affecting a double-digit number of roles as print and online teams were merged. [24] Telegraph Media Group, operating under ownership uncertainty since 2023, was urged by its interim owner in January 2025 to make significant staff cuts and halt planned editorial investments, including expansion of its US newsroom.

Both publishers are simultaneously reducing editorial staff while resisting proof-of-work claims that would require payment for externally sourced content. The scale and tone of those cuts was captured in *Private Eye*, which reported that Lord Rothermere had swung the axe across Mail titles — including MailOnline, the daily and Sunday papers, and the *i* paper — while simultaneously declaring, in words attributed to him directly: “I have an enduring love of newspapers and the journalists who make them.” [25]

That contradiction — cutting journalists while professing love for journalism — is not incidental. It reflects the structural position this submission describes. The inference is not pleaded here as an accusation, but as a structural observation: both organisations appear to be moving toward greater reliance on external content while simultaneously resisting the obligation to pay for it. That inference is supported not only by the staff reduction data, but by the commercial conduct described throughout this document: the introduction of a £10 social media rate for agency-supplied images, the use of strike-out applications to resist payment across unrelated claims, the demand for a permanent waiver, and the instruction of specialist media law firms to defend claims originating from fees of £25 and £40.

A publisher genuinely committed to investing in original editorial work would have a strong interest in the proof-of-work principle being upheld — because it protects their own content as much as anyone else's. When a publisher's reporters produce original work that is scraped, aggregated and republished without payment, proof-of-work is the principle that entitles them to be paid. The publishers fighting this principle are fighting something that would benefit them if applied consistently. That contradiction invites a question regulators may wish to consider: do these publishers intend to remain serious editorial organisations that produce and commission original reporting — in which case proof-of-work serves their interests — or do they intend to become primarily aggregators of content produced by others, in which case

[24] Associated Newspapers made multiple rounds of editorial redundancies during this period. In September 2024, layoffs affected up to 10% of MailOnline's US editorial staff, with a spokesperson confirming "a small number of job cuts in some areas of our US editorial department" (Press Gazette, 16 September 2024). A further restructuring was announced in January 2025, merging the Daily Mail's print and online editorial teams into a single operation, with a double-digit number of UK roles expected to go following a 30-day consultation period. DMG Media chief executive Danny Groom and editor-in-chief Ted Verity described the changes as creating "a dynamic digital-first newsroom" (Press Gazette, 31 January 2025). Telegraph Media Group, operating under ownership uncertainty since 2023, was urged by RedBird IMI partner David Castelblanco in January 2025 to make significant staff cuts including over 100 non-editorial roles and to halt planned editorial investments including US newsroom expansion (Wikipedia, The Daily Telegraph; Tomorrow's Publisher, November 2025).

[25] *Private Eye*, Edition 1663, 28 November – 11 December 2025, "Metro Mayhem.

defeating proof-of-work is a commercial strategy rather than a legal principle? The evidence in this document does not answer that question. But it makes it worth asking.

5.5 The Access to Justice Gap

The regulatory framework also fails at the point of dispute resolution. The small claims system was designed to allow individuals and small businesses to resolve modest disputes without professional legal representation. It has, in the proceedings described in this document, been transformed into something that operates in precisely the opposite way.

The permanent waiver demand sent by TMG's solicitors illustrates the outer boundary of this failure. In exchange for discontinuing the second claim and paying £7,000 toward the defendant's costs, the claimant — and any related company — would agree never to bring any future claim against the publisher in relation to any content submitted prior to the date of settlement. The practical effect if signed would have been to extinguish not merely the current dispute but the entire historical payment relationship between the agency and the publisher. It was not a settlement. It was a demand for a permanent waiver of the right to be paid for years of editorial work. That demand was made against a claimant pursuing a £25 claim in the small claims track.

This concern is illustrated by the response to the complaint made to the Solicitors Regulation Authority, discussed earlier in this submission. The effect was to confirm that neither the professional regulator nor the court system provides an effective safeguard against the deployment of disproportionate costs in disputes of this kind.

Comparable jurisdictions have addressed this gap through structural design. The German Mahnverfahren, the French procédure d'injonction de payer, the Australian small claims tribunals, and the European Small Claims Procedure introduced by EU Regulation 861/2007 all resolve modest disputes primarily on the papers, with strictly enforced cost protections that prevent the deployment of professional legal teams against unrepresented claimants. The English and Welsh system's allowance for live oral hearings, combined with the absence of any mechanism to prevent specialist media law firm instruction in small claims proceedings, creates a structural asymmetry that the present proceedings illustrate in precise financial terms.

The question for regulators is not whether the defendants had the legal right to defend these claims. It is whether a system that permits costs of this magnitude to be deployed against disputes of this value is functioning as intended — and whether the absence of the written-procedure and cost-cap protections available in comparable European jurisdictions represents a gap that warrants attention.

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6. What a Working System Looks Like

The structural failures described in this document are serious. They are also, in significant part, soluble — not through new legislation, not through regulatory burden, and not through the kind of large-scale investment that has repeatedly been proposed, and repeatedly failed, to fix journalism's underlying economics.

The Government's £12m Local News Fund illustrates the policy direction that has come to define the response to the crisis in journalism: financial support directed towards sustaining and adapting existing business models. While presented as innovation funding, the core objective remains the transition of local publishers towards online-focused revenue structures — models that have already demonstrated structural weakness across the industry.

The difficulty is not a lack of investment. It is that the underlying economic model being supported is itself unstable. Public funding directed towards replicating or extending that model risks reinforcing the very conditions that have produced the current collapse, rather than addressing the point at which value is created within the editorial supply chain.

In that sense, such interventions, however well-intentioned, risk becoming circular: capital is introduced into a system that cannot retain it at the point of editorial production. The issue is not the absence of money. It is the absence of a mechanism to ensure that the originators of editorial work are paid.

What is required is the restoration and enforcement of the proof-of-work principle that already exists, that is already understood by the industry, and that was demonstrated to work in a single email exchange between editors at CEN and the Sun picture desk.

The proof-of-work principle does not need to be invented. It needs to be recognised.

6.1 The Industry Commitment Agreement

In March 2025, during the proceedings described in this document, the claimant wrote directly to Associated Newspapers proposing a non-binding Industry Commitment Agreement on the proof-of-work principle. The agreement set out a voluntary framework under which publishers would commit to recognising and compensating verified editorial contributions, correcting misattribution within 24 hours, and working toward industry-wide adoption of transparent attribution standards. The covering letter stated explicitly that if the publisher signed the agreement, the litigation could be concluded — because the primary objective, establishing clear industry standards, would have been achieved. The proposal received no substantive response.

A separate and more specific offer had been made two months earlier. On 29 January 2025, the claimant wrote directly to ANL's Executive Group Managing Editor proposing that if the publisher settled payment for the contested image and corrected the attribution, the proceedings would be withdrawn — without any requirement to reimburse legal fees already incurred. The offer was accompanied by a full witness statement and supporting evidence. The response, received the following day from ANL's legal team, acknowledged receipt and stated that instructions would be taken. No substantive reply followed. The offer lapsed. The litigation continued. By the time the case reached the May 2026 hearing, ANL's legal costs

alone were estimated at approximately £30,000 — costs that would not have been incurred had a payment of £40 been made, or a settlement offer of this kind been accepted.

The commercial pressure applied during the proceedings extended beyond the courtroom. During without prejudice discussions, it was indicated that the publisher might consider designating the agency as toxic — meaning its content could no longer be used because every usage might result in a request for payment. The contradiction in that position is precise: the agency was being told that enforcing the normal commercial consequence of use, namely payment, made it commercially unviable as a supplier. When ANL's Global Head of Compliance subsequently cited the strike-out outcome as justification for resisting unrelated payment claims from the same agency, the downstream effect of the litigation posture became visible. The commercial relationship that had existed for thirty years did not survive the proceedings intact, despite no substantive finding having been made. For small editorial organisations whose viability depends on maintaining relationships with multiple publishers simultaneously, that risk functions as a powerful disincentive to pursue even legitimate claims.

The significance of the ICA for regulators is not the legal detail. It is that a simple, non-binding, good-faith framework was offered and ignored. The resistance was not to the specific claim. It was to the principle. A publisher that was willing to operate under a voluntary framework recognising proof-of-work would have had no reason to refuse. The refusal confirms what the commercial conduct described throughout this document suggests: that the resistance to proof-of-work is strategic rather than principled.

6.2 What Already Works

The agencies at the heart of the newsX network have operated on the proof-of-work principle since 1995. NewsX itself was formally established later, as the network grew and the need for a coordinating structure became clear — but the commercial model, the editorial standards, and the proof-of-work payment relationships with major publishers predate the litigation by decades. Thousands of transactions with major publishers — including both defendants in these proceedings — have been completed on that basis without requiring signed contracts, copyright licences, or litigation. The system worked because both parties understood the principle and because the social and commercial cost of non-payment was real. When that social cost was removed — when publishers concluded that litigation pressure could substitute for the reputational deterrent — the system broke down.

The infrastructure to restore it already exists. Storifyr, the editorial management platform operated by the newsX network, provides timestamped, immutable records of every stage of a story’s production — who identified it, who verified it, when it was distributed, and to whom. The provenance marker embedded in images before distribution provides independent verification of origin that survives metadata stripping and redistribution through multiple intermediaries. The NAPA payment test — whether the published work has benefitted from sight of what the agency provided — offers a clear, simple and industry-accepted standard for determining when payment is due. None of this requires new technology. None of it requires new law or government funding. It requires publishers, distributors and social media platforms to apply principles and systems that already exist.

6.3 Who Qualifies — The Accreditation Question

The proof-of-work principle raises a question that any regulatory framework must address: who qualifies as a professional accredited editorial content creator entitled to its protection? The answer matters because the media landscape now contains not only journalists and agencies, but also activists presenting as journalists and PR operations presenting as news organisations. A framework that cannot distinguish between such actors cannot function.

The press card has historically been the answer to that question. It identifies a journalist as a verified professional, grants access to courts, official events and restricted locations on the basis of that verification, and carries with it an implicit commitment to the standards of the profession. But the press card has not kept pace with the way editorial content is now produced, distributed and relied upon. It was designed for a world of staff reporters and institutional employers. It has no mechanism for verifying the editorial output of a freelancer, an independent agency, or a contributor working across multiple platforms. It cannot time-stamp a piece of work as proof of contribution. It cannot make a journalist's verified output instantly searchable and shareable. And it has no standard for the balance and fairness obligations that distinguish independent journalism from activism presented in a journalistic format.

That last gap is significant and specific. The IPSO Editors' Code — the foundation on which press card accreditation rests — explicitly permits partisanship. It requires journalists to distinguish between comment and fact, but does not require the factual record itself to be balanced. In practice, that allows partial or selective fact patterns to be presented in a form that can be readily received as authoritative. In a media environment where the boundary between journalism and advocacy has become increasingly difficult to identify, that omission has consequences. A press card system that accredits contributors on the basis of a code that does not require balance provides no mechanism for distinguishing journalism from agenda-driven content that uses journalistic form.

Proposals to modernise the press card framework were made through the appropriate channel. As the vice-chairman of the National Association of Press Agencies — one of the bodies that historically acts as a gatekeeper of the UK press card system — the author submitted recommendations to introduce identity verification tied to a verifiable and time-locked record of editorial output, and to extend the code of practice to include an explicit fairness and balance standard and other changes. Those proposals were not adopted. As a result, newsX developed its own framework — not as a commercial proposition, but as a working model of how a modern press card system can operate in practice, and an open invitation to the industry and its regulators to adopt and build on it. [26]

The model also recognises that accreditation must reflect the diversity of the modern media landscape. A single, binary definition of "journalist" is no longer sufficient. The newsX framework, therefore, introduces a structured press card system comprising seven distinct categories of individual contributors, alongside a dedicated publisher card — eight accreditation types in total — designed to reflect different forms of editorial activity while

[26] The newsX editorial code is published as the QC Editorial Standards Code and is available for open use under Creative Commons Attribution-NonCommercial 4.0 (CC BY-NC 4.0). It was developed within the newsX ecosystem but is not restricted to it. The code incorporates the core principles of the IPSO Editors' Code as its foundation and extends them with an explicit fairness and balance requirement — prohibiting distortion through omission, described in the code as "news osmosis, where only the facts supporting a chosen narrative are included" — and a proof-of-work attribution standard requiring that credit flows to the journalist whose contribution made the published report possible.

maintaining a common standard. Each category is tied to a shared code of conduct, ensuring that accreditation reflects a standards-based commitment rather than a simple status marker.

Crucially, accreditation is not limited to individuals. The inclusion of a publisher press card extends the same principles of verification and accountability to the organisations that commission, distribute and monetise editorial work. This creates a unified framework in which both creators and publishers operate under aligned standards.

The practical effect is to enable direct, trusted exchange of content between accredited participants. A journalist or agency can supply work to a verified publisher with a shared understanding of provenance, standards and payment expectations, reducing reliance on opaque intermediaries.

It also establishes an alternative form of discovery within the media ecosystem. At present, visibility is largely determined by platform-driven metrics such as traffic and advertising yield, which do not reflect editorial quality or originality. A press card-based directory of accredited journalists and publishers provides a parallel system — one in which credibility is derived from verified output and adherence to standards, rather than from scale alone.

The newsX editorial code also addresses the IPSO gap directly. It requires that even advocacy-based reporting must rest on a complete and balanced factual record. It prohibits distortion through omission — what the code describes as “news osmosis”, where only the facts supporting a chosen narrative are included. And it codifies proof of work as an editorial standard, requiring that credit flows to the journalist whose contribution made the published report possible. These are not radical additions. They are the standards the press card was always supposed to represent. The question for regulators is whether the existing accreditation framework should be updated to reflect them — and whether proof-of-work protection should be available only to those who can demonstrate that they meet them.

6.4 What Regulators Can Do Without New Legislation

The ICA proposed in March 2025 illustrates what a minimal regulatory intervention might look like in practice. It asked for three things: recognition of editorial contributions, correction of misattribution within 24 hours, and movement towards industry-wide adoption of transparent attribution standards. None of those three things requires a new statute. All three reflect obligations that large publishers already accept in principle — when it suits them.

The following five interventions are available to regulators and policymakers without legislative change. Each addresses a specific, documented gap that the proceedings described in this document have brought into focus.

6.4.1 Media ownership conditions

The Murdoch undertakings of 1981 established that acquisition approval can be made conditional on editorial safeguards and investment standards. The proposed acquisition of Telegraph Media Group by Axel Springer is a current and specific opportunity to attach conditions of this kind — including conditions that support proof-of-work recognition, maintain attribution standards that keep the originating newsroom visible in the distribution chain, and protect investment in original journalism.

6.4.2 Press regulation

The Editors' Code of Practice could be extended to address attribution obligations and the use of editorial content supplied by agencies, freelancers, accredited independent contributors, and other identifiable originators. The Code currently focuses on accuracy and fairness in published content but does not address the attribution and recognition obligations that arise when publishers rely on editorial work produced by others. Closing that gap would not require new legislation. It would require IPSO to recognise that attribution is not merely a courtesy, but a condition of editorial accountability.

6.4.3 Competition oversight

The proposed merger of Shutterstock and Getty Images, valued at $3.7 billion, is currently subject to antitrust scrutiny. That review provides an opportunity to consider whether consolidation among content distributors is creating structural conditions that harm original content producers — and, where appropriate, to attach remedies accordingly.

6.4.4 Small claims reform

The small claims track could be strengthened through written-procedure requirements or cost-cap mechanisms for disputes below a defined threshold, consistent with the European Small Claims Procedure model introduced by EU Regulation 861/2007. This would help restore the track to its original purpose: a system accessible to individuals and small businesses without professional legal representation.

6.4.5. Judicial guidance

The Ministry of Justice could issue procedural guidance reminding district judges of their active case management responsibilities under CPR 27 when a represented defendant deploys senior counsel against an unrepresented claimant in a small claims hearing. This requires no legislative change and no significant new resource. Guidance from the Ministry of Justice to the Judicial College — which trains district judges — incorporating this dynamic as a specific scenario in small claims training would help restore the balance the track was designed to provide, without altering the substantive law.

None of these five interventions requires new primary legislation or significant new resource. Each addresses a specific gap that the proceedings described in this document have made visible, and each could be implemented by the relevant authority acting within its existing powers.

6.5 The Broader Principle

All the evidence set out in this submission underlines the argument made earlier: when a publisher benefits from identifiable editorial work supplied by an accredited professional, and that work is traceable to a verified individual or agency [27] whose name stands behind it, that benefit should be recognised. Recognition may take the form of payment. It may take the form of attribution. It may take the form of a commercial relationship that acknowledges the agency as a valued supplier rather than a free tipping service. What it cannot be is nothing.

[27] Including, where applicable, a unique verified byline linking the work to a specific, accountable journalist or media.

When recognition is given, the system that produces original reporting can function. When it is withheld — when the choice is made, as it was in these proceedings, to spend £30,000 resisting a £25 claim rather than pay the agency that originated the image — the system does not simply fail the agency. It fails the journalism. And when the journalism fails, what fills the space is already visible in the pages of the publications that fought hardest to avoid paying for it.

7. A Note on the Axel Springer Model — A Bild Snapshot

This section was not prepared for this submission. It began as journalism.

In the autumn of 2025, the author noticed what appeared to be a pattern of declining standards in Bild's regional pages — a publication he had read regularly for twenty years as part of his daily German-language press monitoring. The decline was not new. But one specific observation became striking enough to watch more carefully: a regional edition in which not one but all three lead stories had remained unchanged for what appeared day after day.

The author began monitoring the page. When two weeks passed without change, he started taking screenshots. When three weeks passed, he continued. When the page reached a full calendar month without a single story being updated, he had documented it across seven separate days with timestamped screenshots showing the original publication dates of each frozen story. Shortly afterwards, the page was finally updated — but by that point the evidence of what had been absent was on record.

The author pitched the story to a media industry publication in February 2026, describing what he had observed across multiple markets — the displacement of original regional reporting by football content, the algorithmic repetition filling the remaining space, and the frozen pages sitting unchanged for weeks. The pitch described it as a structural issue rather than an anecdotal one, and offered to research and write it up. When the proposed acquisition of Telegraph Media Group by Axel Springer became the subject of active regulatory scrutiny, the author returned to the material. The observations gathered as journalism are presented here as evidence.

This section presents those observations. They are offered not as a verdict on Axel Springer but as questions the regulatory process may wish to examine further. A single day's snapshot of 28 regional sections is not a comprehensive study. The author does not have the resources to conduct such a study. What follows is the kind of initial finding that a well-resourced investigation could build on — or set aside if it finds no wider pattern. Either outcome would be informative.

7.1 What The Author Did

On the evening of 8 December 2025, a complete record was taken of Bild's regional news section — the part of the publication that functions, in theory, as a local newspaper within a national one. Each of the 28 regional sections presents three lead stories from its city or area. That gives 84 story slots in total. Every one was examined and categorised.

7.2 What The Snapshot Showed

The most immediately visible finding is the proportion of football content. Of the 84 regional story slots, more than a third — at least 30 — are football stories. Six cities show all three of their lead local news slots occupied by football: Dresden, Hamburg, Hannover, Nürnberg, Rostock and Leipzig. This would be unremarkable in a sports publication. But Bild has a dedicated, separate sports section. The football content appearing in the regional pages is not overflow from a busy sports desk. It is filling space where local civic journalism should be.

The frozen pages finding is more forensically documented. Daily screenshots taken over the period from 3 to 13 December 2025 show that the same three stories occupied Lübeck's regional lead slots every single day without change. The lead story — cocaine found in banana crates — was originally published on 13 November. By the date of the analysis it had been sitting as Lübeck's lead local story for 25 days. The second story concerned Hamburg's holiday travel chaos, originally published on 14 October — 55 days old. The third concerned a fugitive paedophile believed to be in Dubai, published on 7 October — 62 days old. Two of these three stories are not Lübeck stories in any meaningful sense. Lübeck's regional page was not showing old Lübeck news. It was showing old news from other places, presented as Lübeck's current local coverage. The screenshots are available as original files with unmodified metadata.

Hamburg presents a subtler version of the same problem. Its regional page looked healthy — three substantive stories about a visiting chancellor, a ports funding dispute, and a French investment in the harbour. Exactly the kinds of stories a regional page should carry. But every one of them was published approximately 13 days before the screenshot. The page looked alive. But it was not being maintained.

Eight story slots appeared to contain commercial content presented without editorial disclosure — property listings, tourism promotions, and self-promotion occupying local news slots across multiple cities. In Mainz, Bild ran a self-promotional offer for free public transport in a local news slot, with the offer having already expired eight days before the screenshot date. The author cannot state with certainty that all of these are paid placements — some may be editorially chosen. But their presence in local news slots, without disclosure, raises questions under both German and British press standards rules if they were not editorial content.

Several regional sections used all three of their local news slots for national political stories with no meaningful local connection. Halle devoted all three slots to a national party congress. Kiel's lead story concerned a parliamentary procedure with zero local connection. Frankfurt's lead story was placed in Bild by a state minister on the same day it appeared — seemingly using the local news slot as a political press release service.

The snapshot also showed that two of the 28 regional sections — Nordsee and Potsdam — used all three of their lead slots for genuine, current, locally relevant civic content. Nordsee had a funeral ship that ran aground, a cooperative saving an island bakery, and a man who burned himself drilling into a beach buoy. Potsdam had a mayoral election result, a cultural announcement, and a historical revelation about a DDR singer who spied for the Stasi. These pages demonstrate that Bild is capable of producing good regional journalism. The editorial infrastructure exists. The question raised by the snapshot is why, across 26 of the 28 sections, something else was done instead.

7.3 A Pattern In Crime Reporting That Warrants Scrutiny

The snapshot also revealed a pattern in the treatment of nationality in crime reporting that the author is not in a position to evaluate fully, but which he believes warrants independent scrutiny.

Professor Thomas Hestermann of Macromedia University Hamburg has studied Bild's crime reporting continuously since 2007. His research shows that when nationality is mentioned in German newspaper crime reports, over 90 percent of those named are non-Germans — while

non-Germans account for only 34 percent of suspects in police statistics. Foreign suspects from Muslim-majority countries are four times overrepresented in that labelling. This is not a general media finding. Bild is specifically included in his analysis.

The regional pages on 8 December 2025 show examples consistent with this pattern. In Dortmund, a story about a special forces raid led with a red tag identifying the suspect's dual German-Lebanese nationality. On the same regional page on the same day, Cologne's lead story concerned a drug gang trial — the suspect was a German-Iraqi man. His nationality appeared nowhere in Bild's headline or tag. The author is not in a position to determine whether this contrast reflects deliberate policy or individual editorial choices. He is noting it as consistent with an 18-year research record and flagging it as a question for the regulatory process, not a conclusion from this snapshot.

7.4 What This Section Does And Does Not Argue

This section does not argue that Axel Springer should not acquire the Telegraph. It does not characterise Bild as a failing publication — it remains one of the most widely read news sources in Germany, it breaks original stories, and it has genuine journalists doing genuine work.

What it does is place on the record a set of observations about the editorial culture of the company seeking to acquire one of Britain's most important newspapers — observations gathered in the course of normal journalistic activity, before the acquisition became a regulatory matter, and now presented because they are directly relevant to the questions this submission raises.

The observations in this section are offered as evidence, not as a conclusion. They describe what the author found on a single representative day across 28 regional sections of the publication that defines Axel Springer's editorial identity on the European continent. They are incomplete. They warrant further investigation by those with the resources to conduct it. The screenshot evidence referenced in this section is available as original files with unmodified metadata and is submitted as supporting documentation.

8. Closing Note

Twenty years ago, at a meeting of the National Association of Press Agencies, the assembled agency owners were discussing falling freelance budgets, the closure of local newspaper clients, and the tendency for a single story to be paid for once but published across multiple platforms that all claim to be in the same publisher network. Nobody had any solutions. At the end of the meeting, one colleague raised an unanswered question: if agencies are no longer here to produce content, where will publishers get the news from?

We now know the answer. The pages are filled with recycled material, aggregated content, PR dressed as reporting, and AI-generated narratives that are fluent, convincing, and empty. The stories that required a Farsi-speaking correspondent to risk her safety inside Iran, that required a reporter to sit alone in a courtroom in Llandudno, that required a journalist to knock on a door in Cardiff and persuade a grieving family to share their photographs — those stories are being replaced by content that costs nothing to produce because it contributes nothing to the public record.

The correspondent who broke the Mahsa Amini story told the claimant, when her contract ended, that she had no regrets. She said she paid a small price compared to those who lost their lives fighting for the same thing. That is the standard of commitment that makes independent journalism possible. It is also the standard of commitment that a £40 image fee was supposed to sustain.

The Sun's picture editor resolved the same dispute — the same image, the same evidence, the same supply chain — in a single email exchange. No lawyers. No litigation. No costs. He read the evidence, accepted it, and corrected the credit. His response was not exceptional. It was how the system is supposed to work. How it has always worked, when the choice is made to apply it.

The consequences of that breakdown are already visible at the consumer level. On X — one of the primary sources through which millions of people now encounter news — a pattern has emerged that would have been unthinkable a decade ago. Readers encountering a story respond not by sharing it or acting on it, but by typing a single question to an AI: "Grok, is this true?" That reflex — now visible in comment after comment across the platform — is not a technological curiosity. It is a symptom. When verified journalism disappears from the information chain and is replaced by aggregated, unattributed or commercially motivated content, the public does not stop consuming information. It simply loses the ability to trust it.

So this time we do not simply repeat the question this document has asked throughout: when a publisher benefits from identifiable editorial work, should the creator of that work be recognised? This time we provide the answer. It is confirmed by thirty years of industry practice, by the witness evidence of practitioners across decades of professional practice, by the operational infrastructure of every major UK publisher, and by a senior picture editor at a national newspaper who demonstrated it in a single email exchange.

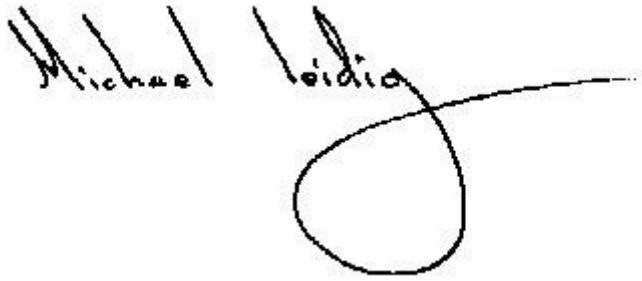
The answer is yes.

That answer does not require new legislation or new technology. It requires only that the choice be made, and government has both the authority and a unique opportunity to make it now.

The proposed acquisition of Telegraph Media Group by Axel Springer is currently before the Secretary of State for regulatory approval. Axel Springer has committed publicly to preserving the Telegraph's editorial independence and investing in its future. The government has established precedent — the undertakings attached to Rupert Murdoch's acquisition of The Times and The Sunday Times in 1981 — to attach conditions to that approval that reflect the public interest in a healthy editorial ecosystem.

Those conditions need not be burdensome. They could require the new owner to honour proof-of-work recognition obligations for professional accredited editorial content creators — those who meet the verified identity, editorial output and balance standards described in Section 6.3 of this document — to maintain attribution standards that keep the originating newsroom visible in the distribution chain, and to commit to editorial investment benchmarks that ensure the Telegraph remains a producer of original journalism rather than a distributor of content produced by others.

That would not be a new regulatory burden. It would be a restoration of the conditions that once made the UK media economy function — and a reminder that this country helped shape the modern press. Fleet Street was not simply a street. It was a standard. The United Kingdom developed a powerful tradition of editorial accountability, source verification and public interest journalism against which much of the world's media is still judged. Outside the European Union, and with its own legal tradition that places meaningful responsibility on publishers for the content they disseminate, the UK is uniquely positioned to establish proof-of-work as an enforceable industry standard without waiting for international consensus. The Axel Springer acquisition is the moment to make that signal. Not as a burden on a new owner, but as an invitation to demonstrate that serious publishers, operating in the country that helped invent serious publishing, still believe that the people who create the news deserve to be paid for it.



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19 March 2026