

Claim over material contributed by Guy Barry to SABRE (the Society for All British Road Enthusiasts), 2001-8

Aims of document

I became a member of SABRE in December 2001 and remained so until I was banned by a democratic vote of the membership in May 2008. Over that time I contributed a considerable amount to the Society, including ideas, organization, names, money, material published on the website and material intended for publication in print. It is clearly inappropriate for SABRE to retain much of this material if they do not wish to keep me as a member, and the purpose of this document is to set out my claim over what can and should be returned to me.

Can I make clear from the outset that this is *not* a frivolous claim, and is not intended to be some sort of bargaining chip to allow my eventual return to SABRE. It is a statement of my rights over what I have contributed. My commitment to SABRE over the first few years was an intensely personal one, as I'm sure those who worked with me at the time will acknowledge. I contributed this material willingly as a member, not imagining that one day I might be expelled from the Society. Had I known this I might have been much more cautious about what I allowed SABRE to use.

There is no justification in law for the retention of such material – indeed the law of copyright is quite explicit in such matters, assigning copyright to the author in all circumstances where there is no agreement otherwise. In most cases proof of my authorship of the relevant material is straightforward, since much of it was originally posted to the message boards and appears on the site under my name. The main “grey areas” are over contributions to the book and over names, which I shall be addressing later.

Can I also make clear that, if the ban were lifted at any time, all the claims described in this document would cease and I would happily reinstate all my material. If the ban were to be overturned I would prefer it to be by a democratic vote of the membership, but that is a matter for SABRE to decide since no such provision currently exists in the constitution.

Status of ban

Before detailing my claim I should address the question of the legitimacy of the ban itself. When it became clear on the final day of polling that I would lose the vote, I posted a message requesting that my membership be withdrawn, which was dismissed by the President (apparently on the grounds that it was not explicit enough). Although I accept the result of the vote, I must make it clear that it went ahead against my wishes. I would also make it clear that at no time was I offered “Former Member” status or any similar arrangement, despite the comments of certain people on the boards.

There have been suggestions that I might change my negotiating position if I were offered “Former Member” status. I do not see how it is possible to do this retrospectively. I have been banned by a democratic vote and to overturn this would be disregarding the wishes of the electorate. Unless the question were put to the membership as a whole, there would be no legitimate grounds for such a move. I am therefore working on the assumption that the ban will remain in place.

I would point out that it is unclear from the constitution whether the vote was to ban me from membership of the Discussion Group or from membership of SABRE entirely. For most practical purposes these are the same thing. However, SABRE does hold “real-world” events and it raises the question of whether I would be prevented from attending Awaydays and the like. I would appreciate clarification of this matter.

I will now turn to the specifics of my claim. Most of these have already been outlined in a series of posts to the “Elections and Canvassing” board, although this thread is now hidden. I will be covering those issues in more detail below. Quotes from the original thread are in italics.

Specifics

Financial contributions

My financial contribution to SABRE has been modest but significant. In early 2002, before the formation of the Committee, I spent £20 of my own money registering the domain names uk-roads.co.uk and uk-roads.org.uk. During the year that I was on the Committee my £5 annual subscription was waived on the grounds that I had already contributed this sum. I am therefore owed £15 as a result of this registration.

I hope this is non-controversial. The domains were registered in my own name but were for the exclusive use of SABRE and its associated sites. At the time of the registration the Committee had not been created and there were no communal SABRE funds. I understand that the budget is currently in surplus and so I see no obstacles to the return of this money.

I have also incurred a certain amount of expenditure in regard of the book, most notably a return coach fare from Bath to London in 2003, and more recently the cost of purchasing the Writer's Handbook and of various phone calls to publishers. It was agreed that such expenses would be refunded out of any income from the book. Since no such income is likely to arise for some time I am prepared to overlook these expenses for the time being. The Treasurer did contact me last year to suggest that these expenses might be funded out of the current budget surplus, but I will leave that to the discretion of the committee, particularly since there is no straightforward way of demonstrating this expenditure.

This remains my position. I am not currently seeking any compensation for expenses incurred in regard of the book. However, if at any future date SABRE does receive an income from the book then I would expect to be recompensed appropriately.

Photographs

I have not contributed to the SABRE photo galleries. However, there is a prominent photo of me on the "Society" page, also on the "About Us" page, which was taken at the Bristol Awayday. In the event of a ban I would appreciate it if this photo were removed.

My understanding is that it is illegal to use a person's image without their permission, and I am very unhappy about my image being used to promote the Society and its activities. I would therefore request that this image be taken down **immediately**.

Contributions to the message boards

As has been generally established on the internet, an author retains his copyright over individual message board contributions and I believe I would have the right to have all such contributions deleted from the SABRE archive if I so wished. However, I am content for such contributions to remain as they are for the moment, particularly since some of the threads may be of use in deciding the intellectual property issues currently under discussion. I reserve the right to request all such posts to be deleted at a later date.

This remains my position. I am not greatly concerned about the vast majority of my posts to the message boards which are fairly inconsequential. There are a few that might be considered "original work", such as [this one](#), but the work involved in identifying such posts would probably be too time-consuming.

I am slightly concerned that a future employer might access SABRE and notice the considerable number of posts with "Banned" against my name. I have always used a version of my actual name as my SABRE handle, which makes them stand out somewhat. I would appreciate it if my screen name could be changed to something less obvious, such as "gdb".

Contributions of other website material

I have made a significant contribution to both Roads by 10 and First 99. This is not restricted to the accounts of the roads that are currently credited to me. I contributed around 300 of the original Rx10 listings although most of these have now been superseded. I also wrote a number of "holding accounts" for First 99 in addition to my main contributions. When the new version of Rx10 was created I was responsible for transferring the information from Paul Berry's site and initially for compiling the new listings. In the process I created a significant amount of material tying together the accounts of other contributors (e.g. the A524 page). I am also responsible for the format of the Rx10 home page.

I have addressed the issue of my contributions to Roads by 10 and First 99 in two separate documents. My position is that I do not wish the integrity of the projects to be destroyed and I am happy for my route descriptions to remain **provided that my copyright is explicitly indicated**. My other contributions to Roads by 10 (including the name) are dealt with in the relevant document.

I am also responsible for various material that was brought over from the old MSN site, including certain items on the "Fun" page, and entries from the former Roads List pages that have now been incorporated into the Roader's Digest. The material on the "About Us" page is largely mine.

In view of the circumstances of my removal from SABRE I do not think it is appropriate for any of my contributions to appear on the "Fun" page. These are as follows:

- The yellow panel on Chris Hillcoat's spoof of the "What's (not so) New" page, from "A new society has come to my attention" to "What do you think this is - the Tory party?". This is not credited to me but was in fact lifted without my permission from a post to Sabristi Unleashed entitled "The new SABRE!"
- My item on the "Jokes" page about the "jewel carriageway" (which is pretty dreadful anyway).
- The Autopotamus Song
- My three parodies, "Chris is Great", "Paul is Great Too" and "Richard Green..."
- The Bracknell page (a collaboration with Paul Berry – please ask his permission first)
- "A10402" item

Also I'd appreciate it if Chris Marshall's item on "How to Return from Wolverhampton by Train" could be removed since it's a joke at my expense and isn't really very funny now.

As for my contributions to the MSN Roads List pages, my concern is not over copyright but over what has happened to them. I have looked under the relevant entries in the Roader's Digest and cannot see any of the notes that I contributed for a large number of four-digit A-roads and B-roads. Has this material been preserved anywhere? If so, are there any plans to incorporate it?

Much of the text on the "About Us" page was originally mine but has been edited by so many others that I relinquish any claim over it. (I would still like the photograph removed of course.) The sentence "The whole thing is overseen by a Steering Committee" could be rather better worded, and the sentence about the book in the final paragraph would probably be better removed given the circumstances.

Contributions to the book

This is a grey area. Unlike with the website material, it was generally agreed by the contributors that copyright would be assigned to SABRE and would not remain with the individual authors. Although I originally opposed this approach I accepted it and the details were later elaborated on the "Copyright" thread on the "Book" board.

The relevant thread is in fact [here](#). The copyright release form that I drafted is in the second post down, based on the original by Toby Speight. We did not ask authors to explicitly sign up to this at the time, but since I was acting as both editor and author you can assume my implicit consent (I'd hardly have drafted something I didn't agree to!).

I am still not convinced that I should be bound by any agreement made as a member of SABRE if I am no longer in SABRE. There is a significant amount of material in the book that originates with me, not just the chapters and sections that I originally wrote but the various pieces that I contributed as editor (such as the Introduction). However, since there is no apparent prospect that the book will be published in the near future this is not a matter for immediate concern.

I have identified my own contributions in a separate document.

If SABRE decides to publish the text on the Web, then I reserve the right to withdraw any material I have contributed since the authorial agreement covered print publication only.

This is my main concern at the moment since there is currently a thread on SABRE Admin proposing exactly this. Until I indicate otherwise, SABRE **does not have my permission** to publish any material on the Web that I contributed for the purposes of print publication. There is no prospect of my releasing any book material for Web publication while the ban remains in force. This is non-negotiable.

I would be grateful if the above could be made clear in the “Future of book project” thread. I have already informed Alex Cameron (as *de facto* book coordinator) of this.

Naming rights

I have given names to several parts of SABRE and this, I think, is what causes me the most concern. While I appreciate that naming something does not give one ownership of it there is still the thorny issue of rights in the name itself, which I now intend to address.

As Chris Marshall has correctly pointed out, the law of copyright does not extend to names. I cannot copyright “Roads by 10”, “Sabristi Unleashed!” or any of the other names I have given to parts of SABRE. I am working on the assumption that “Roads by 10” will eventually be phased out anyway (see separate document), and I am not greatly concerned about most of the other names I mentioned previously.

The contentious issue concerns my rights in the name “Society for All British Road Enthusiasts”. I previously wrote:

I have thought very hard about this issue. The name is in the Society's constitution which has been democratically passed. It is now widely known across the road enthusiast fraternity and was recently mentioned by John Sergeant on BBC1. On the other hand, I cannot help reflecting on the irony of a body claiming to be for "all" road enthusiasts and then excluding the very road enthusiast who gave it that name. From previous discussions on the boards it seems that the majority of members do not want a genuine society for all road enthusiasts, merely for internet-based road enthusiasts. In my view the name does not adequately describe the Society - I would support a change to "Society for Active British Road Enthusiasts" or something similar.

As I mentioned before, the story of my creation of the name is documented in [this post](#), which was made when there was no prospect of my being expelled from the Society. My claim is not over the name itself, which cannot be copyrighted, but over the expansion of the existing SABRE acronym (developed by Brad Jackson) into that particular string of words. I contend that this can be classed as an original work in itself, as it required a considerable creative effort.

Thus it is acceptable for the Society to continue calling itself “SABRE” or “The Society for All British Road Enthusiasts” without my permission. What it cannot do without my permission is to call itself “SABRE: The Society for All British Road Enthusiasts”. This may be a fine distinction, but one where I believe I have a legitimate claim.

I thus amend my previous statement as follows:

*The name can presumably not be changed without a constitutional amendment, and I will not be attempting to withdraw it until such time as an amendment can be passed (i.e. next April's AGM). Beyond that time, I hereby announce that, if the ban remains in force, **all rights in the name "SABRE: The Society for All British Road Enthusiasts" will revert to me** and the Society will have no authority to use it without the payment of a royalty fee.*

I have not taken legal advice on the above but it remains my position until I am informed otherwise.

Timescales

It will clearly take a certain length of time for all the above work to be carried out. I would like the two photographs taken down immediately but otherwise am in no great hurry. I would hope that the financial compensation could be settled within a couple of weeks (I will give the Treasurer my home address for this purpose). I would imagine that most of the website material could be taken down or amended within about a month. We have the best part of a year to sort out the naming issue.

The above more or less covers the bulk of my identifiable contributions to SABRE over the past seven years. If I have omitted anything I will let the Committee know.

I am sorry that I have had to take the above course of action but feel it is for the best. I have given a substantial contribution to SABRE over the years and do not wish it to go unacknowledged.

Guy Barry
Bath
11 June 2008