

Authors bristle at 10 percent electronic royalties

Some authors are choosing to negotiate--rather than accept--an Allyn & Bacon boilerplate contract addendum offering a flat 10 percent royalty for electronic rights. Larry Lorenz and John Vivian, co-authors working on a new edition of their journalism textbook for A&B, refused to sign the addendum. "I am most concerned by the fact that they are trying to cover every possible electronic method that might come about," Lorenz said. "It seems to me that they should have at least stuck with the technology that is out now." As it now stands, the addendum would cover any electronic rights "now known or hereafter devised."

Lorenz and Vivian's first print edition carries a 12 percent royalty, which means the addendum would cut their royalties as the textbook industry shifts over to electronic delivery. The impact of a flat 10 percent electronic rate would be even more severe for TAA authors at top royalties, some of 18 to 21-1/2 percent.

Lorenz said A&B should have allowed for some discussion or negotiation. "They should have said it was something they were considering for all authors and let us think it over," he said. Instead, the addendum arrived unannounced with a trivializing cover letter making it look as if it were a routine update.

Vivian said he suspects many authors have or will sign because at the current moment they think they don't have much to lose because their works are print, not online or on CD-ROM, and have no plans to do so in the near future. The fact, however, is that electronic books are here now, said Vivian, noting that Nuvomedia's RocketBook, backed by Bertelsmann and Barnes & Noble, goes on sale in November. Others are due within months.

Publishing lawyer Steve Gillen said authors shouldn't sign hastily. "Don't be short-sighted or arrogant just because the publisher is or may be," he said. "Explore the options with an open mind and negotiate for a fair deal."

TAA's contract guidelines recommend against giving away future electronic rights, said President Peggy Stanfield. Authors should instead, she said, negotiate a royalty percentage rate at the time the publisher wants to use the book electronically: "At that time both author and publisher will be in a better position to know what's fair." See TAA's Guide to Contracts.

Frank Silverman, former TAA president, said he had a similar request from Simon & Schuster and refused to sign. "I requested the same royalty rate as on print copies and they agreed to it," he said. "I certainly recommend that other authors do this, particularly if it is an addendum to an existing contract. If you refuse, what can they do? Stop selling your book? Possible, but not likely."

www.winonanet.com/taa/ARTICLES/98/10oct/1014abaddendum.html

NEWS BRIEFS

Reprography money. The Copyright Clearance Center announced a new model to distribute money collected abroad for the photocopying of U.S. works. This means CCC can again be the major conduit of these foreign collections. This year, CCC said, it is using the new model to split \$2.5 million evenly between publishers and authors. The money will go to 3,300 authors, including 1,000 text and academic authors, and 1,600 publishers. The distribution uses an econometric extrapolation called a proxy model.

Against merger. The National Writers Union asked the U.S. Justice Department to block a proposed acquisition of Simon & Schuster textbook imprints by the British conglomerate Pearson. Jonathan Tasini, Union president, said the merger would reduce diversity. The new company, he said, would control 75 to 90 percent of the textbooks in some academic disciplines. "This merger would be a disservice to authors, to faculty members and to the educational system in general," Tasini said. www.nwu.org/9810merg.htm

Bertelsmann purchase. Global media giant Bertelsmann bought half of Barnes & Noble's U.S.-based online retail book service for \$200 million. Bertelsmann, based in Germany, foresees a merging of barnesandnoble.com and its own BooksOnline retail web site. Both Bertelsmann and Barnes & Noble agreed to put \$100 million into the joint venture.

Used-book law. Now that Congress is revising the copyright law, the used-book issues should be addressed, said the founder of TAA. "The copyright law should be changed to provide for royalties on the repeated use of all intellectual property, especially textbooks," said Mike Keedy. He noted that the law compensates playwrights and composers for repeated use of their work. www.winonanet.com/taa/ARTICLES/98/09sep/0924keedy.html

Persecution wrong. The executive director of TAA praised the Iran government for lifting the Salman Rushdie death threat. Said Ron Pynn: "TAA members, and authors everywhere, welcome Iran's relaxation of its sanction against Salman Rushdie. No author should fear physical harm for the words they write. All authors and responsible citizens worldwide can rejoice in this action by the state of Iran. Let us hope that no nation sees it necessary to politically persecute authors for the words they write."

Textbook archive. The new archives for textbooks by members of TAA will be dedicated on the deck of the University of South Florida library Jan. 9. Campus Dean Bill Heller, who proposed the archive, will be there. So will TAA Council members in town for their twice-yearly meeting. Janet Tucker, who runs TAA's national office, said members are invited to submit their works for the permanent collection. The cataloging will note Texty and McGuffey winners.

Photocopy fees. Parliament amended Portuguese copyright law to provide for

equitable remuneration to people whose work is photocopied. Collections will be through a levy on photocopiers and other reprographic equipment. Ten other countries also use the levy system.

People first. The chief executive of the Britain-based Pearson media conglomerate wrote to employees of every company involved in the acquisition of Simon & Schuster imprints that people are a primary concern. In an in-house newsletter, Marjorie Scardino said: "People have always been crucial, but it's even more so now." She did not mention authors' stakes in the acquisition, which involves U.S. imprints Allyn & Bacon, Addison-Wesley Longman, Prentice Hall, Silver Burdett Ginn and others. www.winonanet.com/taa/ARTICLES/98/10oct/1005scardino.html

Marquette study. A study at Marquette University in Milwaukee, Wisconsin seems to put to rest the concern of some textbook authors that using their own books in class can adversely affect student ratings. Frank Silverman, former TAA president, and grad student Colleen Esterle found little or no adverse effect. One negative, though: Students perceive professors have a bias toward their own books. www.winonanet.com/COLUMNS/silverman/writingteaching.html

Utah convention. A call for research papers and commentaries for academic authors, for presentation at the TAA national convention, was issued by Paul Tippens, program chair. The competition