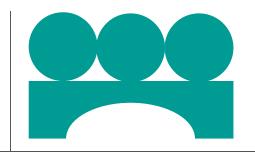
# Authors Guild Annual Report for 2022



# LOBBYING & ADVOCACY



The Authors Guild's principal advocacy initiatives in 2022 focused on antitrust concerns; book piracy; rights for writers as workers, including the launch of our collective bargaining effort; book bans in schools and libraries; and protecting authors from scams and unscrupulous publishers.

We celebrated the defeat of the merger of Penguin Random House and Simon & Schuster following a lawsuit brought by the Department of Justice, which was based on our arguments about the harm to authors from consolidation.

Our ongoing efforts to fight ebook and audiobook piracy resulted in an important victory when the FBI and the Department of Justice seized more than 200 domains of the notorious pirate site Z-Library and arrested two of its principal operators.

Our initiative to win collective action rights for writers and other freelance creators has expanded. We added new members to our Creators Together coalition, cultivated relationships with congressional staff and the labor sector, and drafted a letter and FAQ to send to Congress and creative professionals. We continued lobbying for stronger copyright protections for authors, taking part in the Copyright Office's Section 512 study, and organizing and submitting amicus briefs in a Supreme Court case on the meaning of transformative use and in the publishers' suit against Internet Archive.

We were actively engaged in the fight against book bans nationwide. We submitted an amicus brief in a Virginia Beach lawsuit to ban the books A Court of Mist and Fury and Gender Queer from bookstores and libraries on obscenity grounds, which the court ultimately ruled was "unconstitutional on its face." We also signed dozens of letters to school districts and library boards challenging actions to keep books out of public schools and libraries.

Finally, we helped pass the Freelance Isn't Free Act in New York State with overwhelming legislative support. Although the bill was vetoed by the governor in December due to funding concerns, it has been reintroduced and we are hopeful for its enactment in 2023.

## Federal Initiatives

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#### **Antitrust Enforcement**

Throughout 2022, publishing professionals and antitrust observers alike were riveted to the Department of Justice's antitrust lawsuit against the merger of Penguin Random House and Simon & Schuster. The court's decision to block the merger in November made waves across the publishing and antitrust worlds.

While the Authors Guild celebrated the end of a deal that we had objected to from the time it was announced, there was an even bigger breakthrough: judicial recognition of the harms of concentrated market power to the original suppliers of books—authors—despite the absence of consumer price increases. The court's decision—that the combined publishers' impact on authors' earnings would violate the Sherman

Act—reopened the doors of antitrust enforcement that had been locked since the 1980s. At that time, antitrust authorities first started adopting the "consumer welfare standard," which proscribed antitrust enforcement unless anti-competitive conduct resulted in harm to consumer prices. This principle has allowed corporations, especially internet platforms that earn money largely by amassing data from their users rather than direct charges, to grow enormously in size while continuing to harm wages. It is also the reason why antitrust remedies against Amazon's control over publishing have been forestalled. For decades, the Authors Guild has cautioned policymakers about the harms of concentrated market power in publishing to writers, free speech, and democratic culture and

writers, free speech, and democratic culture and called for a re-examination of antitrust policies.

The court's decision in this case, with its recognition of the importance of considering labor markets in antitrust law, affirms the Guild's views.

#### **Piracy**

Throughout 2022, we had been consulting with the U.S. Attorneys from the Eastern District of New York and the FBI on their investigation into the operations of Z-Library, one of the world's most notorious ebook piracy sites. We were asked to keep our participation strictly confidential in order to avoid alerting the operators or causing changes to the operation that could harm the investigation. We provided the attorneys and investigators with statements showing the harm to authors—ranging from bestsellers to working authors to assist their indictment. On November 16, 2022, the US Attorney's Office unsealed its indictment of Z-Library operators, and announced that law enforcement had arrested two principals, Anton Napolsky and Valeriia Ermakova, in Argentina, on counts of criminal copyright infringement, wire fraud and money laundering. As part of the indictment, the U.S. government also seized 249 web domains used by Z-Library, and drove the network offline.

The indictment of Z-Library principals and seizure of its domains is the first criminal copyright infringement action by the federal government against ebook pirates, and a landmark win for authors. The Authors Guild has been lobbying Congress to allocate more funding to the Department of Justice to pursue criminal copyright infringement cases, particularly for ebook piracy.

#### **Collective Bargaining**

We continued our advocacy and lobbying for collective bargaining rights. We brought in new members to our Creators Together coalition to fight for collective action rights, and we worked with Congressional staffers to develop legislation. We participated in related government studies and rulemaking, calling out the need for collective bargaining rights for freelance creators. In addition, we drafted a joint letter to members of Congress on behalf of creator groups stressing the need for professional creators to be able to work together for mutual benefit without fear of antitrust retaliation. We will launch the letter along with a comprehensive FAQ around the effort in the spring of 2023. We will have in-person meetings in Washington, D.C., throughout the year to mobilize this effort, and we plan to meet with the Federal Trade Commission to try to secure its support.

#### **Worker Protections**

Building on our work to obtain relief for writers during the pandemic and our collective bargaining initiative, we expanded our advocacy for worker protections for authors and freelance creators. In October 2022, we took part in a workshop on paid leave for freelancers convened by the Center for American Progress. In December, we attended a workshop on social protections for independent and other traditionally-excluded workers hosted by the Urban Institute and the Center for Cultural Innovation. We also participated in a roundtable held by the U.S. Department of Labor on the standard for distinguishing employees from independent contractors. Through these engagements we have built relationships with groups that represent freelance workers outside of the creative industries. They have helped us fine-tune policy needs, including brainstorming solutions to freelancers' exclusion from group health plans (outside of the ACA), unemployment, and other benefits accessible to traditional employees.

We are supporting legislative and policy initiatives at the state and federal level, such as the Excluded No More program in New York State, which would create an independent state-funded unemployment program for freelancers.

In December, we submitted comments in response to the U.S. Department of Labor's proposed rule change to clarify the criteria for determining employment status for protection under the Fair Labor Standards Act.

#### **DMCA: Section 512 Reform**

In 2022, our work on reforming the Digital Millennium Copyright Act (DMCA) focused on improving the standard technical measures (STM) requirements legislated in Section 512 of the Copyright Act. When Congress passed Section 512 in 1998, it envisioned that rights holders and internet platforms would agree on certain technical measures that they would use to protect copyrighted works from infringement. Today, these copyright protection technologies exist, but do not meet the statute's requirement for "multi-industry" consensus. Moreover, due to the expansion of Section 512 safe harbors by the courts, internet platforms have no incentive to work with rights holders to agree on standards, and nothing in the statute requires their implementation.

The Authors Guild took part in a study conducted by the Copyright Office in response to a query by North Carolina Senator Thom Tillis to address the shortcomings of Section 512's STM process. We attended roundtables and submitted comments, arguing, among other things, that internet platforms should be required to implement standard technologies, and that these technologies should be accessible to individual creators. While the large copyright owner industry groups are able to work out private arrangements with the major platforms, individual writers and other independent creators cannot and are stuck in a game of notice and takedown whack-a-mole. At the conclusion of the study, the Copyright Office issued a report that discussed our comments extensively but declined to recommend a legislative solution. We will continue pushing for changes to the STM process in 2023, and we also expect a revival of Senator Tillis's proposed update to the DMCA, the Digital Copyright Act.

#### Protections for Journalists, Freelance Writers, and Press Publishers

We continued lobbying for the Journalism Competition and Preservation Act (JCPA) S.673 and H.R.1735, with some qualifications. This bill would create an antitrust exemption for news publishers, allowing them to engage with large internet platforms collectively and negotiate fair terms for the use of news content. The bill, if passed, would likely yield additional revenues for news publishers, but we want to ensure that journalists would benefit from it and not just corporate owners. As such, we have requested an additional provision that would require news publishers that benefit from the JCPA to reinvest any additional revenue generated from the antitrust exemption into journalism and news stories, especially local journalism, which is in crisis.

## State and Local Advocacy

## Campaign Against State Book Bans and Censorship

There has been an increase in efforts nationwide to ban books or prohibit the teaching of certain ideas related to race, racism, antisemitism, gender orientation, sexual identity, and reproductive rights. In 2022, the Authors Guild signed numerous letters urging school boards to reconsider their decisions to remove such books from school library shelves without due process. We also supported a Michigan library that lost its funding because it refused to remove certain LGBTQ+ books, and we submitted a joint amicus brief opposing a petition in Virginia Beach to find the books A Court of Mist and Fury and Gender Queer "obscene for unrestricted viewing by minors" and to criminalize making the books available in stores, libraries, or schools. After briefs were filed, the Virginia Beach court found the petition meritless and the law it was relying on unconstitutional. Nevertheless, there is still every reason to fear that similar efforts will be made against these or other books in other jurisdictions.

We have joined the American Library Association (ALA)-led Unite Against Book Bans initiative as a steering committee member and are working with the ALA, PEN America, the Media Coalition, the National Coalition Against Censorship, and other groups on programs, initiatives, and advocacy to oppose this

growing swell of censorship and to support the teachers, librarians, and authors who are being targeted through such efforts.

#### **Banned Books Club**

The Authors Guild partnered with Fable, a social reading app, to create a new Banned Books Club in 2022. The book club aims to defend free speech, fight censorship, support the authors of banned or challenged books, promote the need for diversity in literature, and illustrate the demand for stories that represent all genders, races, identities, and narratives.

More than 6,000 readers have joined the Banned Books Club since it launched in April 2022. This free virtual book club gives readers around the country the opportunity to discuss a different book that has been banned in one or more U.S. school districts each month. Each discussion is led by the book's author (or, if the author is deceased, someone with a special affinity for the work). A grant from Hachette Book Group made the program possible.

### **Banned Book Club Selections**

Title	Author/Moderator		
Two Boys Kissing	David Levithan		
Speak	Laurie Halse Anderson		
Red at the Bone	Jacqueline Woodson		
Lawn Boy	Jonathan Evison		
All American Boys	Jason Reynolds and Brendan Kiely		
To Kill a Mockingbird	Harper Lee (led by Sungjoo Yoon)		
Crank	Ellen Hopkins		
Caste	Isabel Wilkerson		
The Girl Who Fell From the Sky	Heidi W. Durrow		
Out of Darkness	Ashley Hope Pérez		
The Bluest Eye	Toni Morrison (led by Lydia R. Diamond)		

#### Freelance Isn't Free

We lobbied for Freelance Isn't Free bills in New York State and the City of Los Angeles along with the National Writers Union, Freelancers Union, and other groups representing freelancers across the country. The bill passed in New York with overwhelming legislative support but was later vetoed by Governor Kathy Hochul, who cited concerns about funding the work the state Department of Labor would take on as the reason. The bill was reintroduced in March 2023, and we have resumed lobbying for it. In Los Angeles, we helped pass a city-wide ordinance enacting Freelance Isn't Free protections and will lobby for broader adoption on the county and state level.

## Statements, Letters, and Briefs

A crucial part of the Authors Guild's advocacy work is speaking out on issues that affect authors. We do this by filing public comments and issuing public statements. We also submit *amicus curiae* (friend of the court) briefs in cases that will likely impact authors to let the court know how authors and journalists might be affected by its decision. In 2022, the Authors Guild drafted or signed onto a wide variety of written statements, letters, and amicus briefs, including the following:

#### **Statements**

- Letter to the Senate Subcommittee on Competition Policy, Antitrust, and Consumer Rights
- Statement on AAP's Win in Maryland Ebook Licensing Case
- AG Supports Introduction and Passage of the SMART Copyright Act of 2022
- <u>Authors Guild Applauds Booker Foundation Stance</u> on Translator Rights
- Memorandum in Support of Freelance Isn't Free Act S8369 (Gounardes)/A9368 (Bronson)
- AG Supports Plaintiffs in Lawsuit Brought Against Llano County and Llano County Public Library System for Banning Books
- Statement on SOA's Hybrid Publishing Report
- AG Applauds Passage of New York's Freelance Isn't
   Free Act
- AG Stands with Publishers in Internet Archive Infringement Lawsuit
- Statement of Solidarity with Patmos Library

- Statement on the Stabbing of Author Salman Rushdie
- Authors Guild Welcomes Changes to JCPA Draft Bill
- Joint Statement in Response to Fight for the Future's Letter Falsely Claiming that the Lawsuit Against Internet Archive's Open Library Harms Public Libraries
- Authors Guild Celebrates Court's Decision to Block Penguin Random House-Simon & Schuster Merger in DOJ's Antitrust Suit
- Authors Guild Statement in Support of HarperCollins Union Strike
- Authors Guild Supports New Freelance Worker Bills in NYC
- Authors Guild Statement in Support of New York
   Times Worker Strike
- Authors Guild Calls on Governor Hochul to Sign Bill Protecting Freelance Writers from Wage Theft Refer-a-Friend

#### **Letters**

As part of our involvement in the National Coalition Against Censorship, we signed on to nearly two dozen letters to school boards around the country, urging them to reconsider their decisions to remove books from school library shelves without due process.

- Letter to Wayzata School Board Re: Removal of Lawn Boy
- Letter to Llano County Commissioners Re: Removal of It's Perfectly Normal and In the Night Kitchen

- Letter to McMinn County School District Re: Removal of Maus
- Letter to Nampa School District Re: Amending
  Book Challenge Procedures
- Letter to Fairview School District Re: Removal of Gender Queer
- Letter to Central Bucks School District Re: Amending Library Materials Policy
- Letter to Auburn Enlarged City School District Re: Proposed Policy Updates
- Letter to Keller Independent School District Re: Removal of Challenged Books
- Letter to Conroe Independent School District Re: Challenged Book Policy Changes
- Letter to Collier County Public Schools Re: Addition of Advisory Notices to Library Books
- Letter to Pinellas County Schools Re: Recommended Removal of Books
- Letter to Madison County Schools Re: Restricted
  Access to Ten Books
- Letter to Norman Public Schools Re: Admonishing
  Teacher for Sharing Digital Library Resources
- Letter to Grapevine-Colleyville Independent School District Re: Policy Changes Allowing Removal of Library Books
- Letter to Frisco Independent School District Re: Removal of Library Books
- Letter to Spotsylvania County Public Schools Re: Removal of Four Library Books
- Letter to the School District of Escambia County, Florida Re: Removal of More than 100 Library Books
- Letter to the School District of Pickens County Re: Removal of Stamped: Racism, Anti-Racism, and You
- Letter to Conway Public Schools Re: Removal of Beyond Magenta and Felix Ever After

- Letter to Texarkana Independent School District
  Re: Removal of Books from District Libraries
- <u>Letter to Beaufort County School District Re:</u>
   Removal of Ninety Books from School Libraries
- Letter to Aiken County Public Schools Re: Removal of The Hate U Give
- Letter to Natrona County School District Re: Proposed District Library Policy

#### **Amicus Briefs**

This year, in addition to our amicus brief in defense of A Court of Mist and Fury and Gender Queer (see Campaign Against State Books Bans and Censorship), we drafted and led a group in filing an amicus brief in Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith, a copyright fair use case currently in front of the Supreme Court. This case offers the Supreme Court the opportunity to clarify what constitutes "transformative use" under the fair use doctrine. Our amicus brief advises the Supreme Court of the importance of derivative work markets as incentives for authors to continue to create new works. It describes how an overly broad definition of what is transformative and thus allowed under fair use could severely impair authors' abilities to license the creation of derivative works, harming not only authors but also, ultimately, their readers. It asks the court to limit the transformative use doctrine to ensure that it does not swallow derivative work rights. We also remind the court of the importance of applying all four fair use factors to an analysis instead of automatically finding every transformative use to be fair use.

## Working with Coalitions

The Authors Guild has founded and leads three active coalitions of creator organizations so that we can be more effective in our advocacy and legislative efforts.

The **Creators Together** coalition includes approximately fifteen organizations representing music, dance, and image creators in addition to writers. It advocates for labor and antitrust laws that would clearly allow professional freelance creators to engage in collective negotiations and other concerted economic activities.

The **Section 512 Working Group** includes approximately twenty organizations representing musicians, songwriters, photographers, and graphic designers. It brainstorms, reaches consensus on, and advocates for reforms to Section 512 of the Copyright Act, the statute that provides a safe harbor for internet companies as long as they mostly comply with notice and takedown. We formed this group to center the voices of working creators who often get sidelined by large copyright owners and platforms in policy discussions.

The **AI Forum** was formed in late 2022 to address the challenges posed by generative AI to the market for human-authored creative works. It includes organizations representing a wide range of creative disciplines, and its discussions to date have mostly centered on the use of copyrighted creative works to train generative AI.

We continue to serve on the **Advisory Committee of** the NYC Literary Action Coalition, a group of New York City-based writers organizations founded by PEN America. The committee helps coalition members collectively mobilize to call attention to and address free expression and social justice issues in the five boroughs. In 2022, the committee met with representatives of the Mayor's Office of Media and Entertainment and the New York City Department of Cultural Affairs to propose ways the city government can help authors and the literary industry. Specifically, we proposed hiring a full-time staff member who can serve as a liaison between the literary community and the mayor's office. We also urged the mayor's office to support the literary arts by adding a designated line item to the city's annual budget. The coalition has established a Writers as Activists Fellowship program, which reimagines the role of writers in New York City, offering tools and support to

produce literary work that centers activism on community and social justice issues. The coalition recently held its first Literary Activism Summit on February 25, 2023.

We also continue our support and advocacy for free speech, free expression, and a free press, including fighting censorship in the nation's schools, libraries, jails, and other arenas, through our active participation in the **Unite Against Book Bans** initiative, the **National Coalition Against Censorship**, the **Free Expression Network**, and **Banned Books Week**.

In addition, we are active members of the **Copyright Alliance** (our CEO, Mary Rasenberger, sits on its board, and we are active in the amicus, AI, and other policy-related committees), the **Media Coalition** (which fights state and federal laws that impinge on free speech), and the American Bar Association's **Section of Intellectual Property Law**, which develops policy positions, lobbies, and files amicus briefs on important copyright matters that impact authors. (Mary serves on the copyright policy task force, co-chairs the AI task force, and chairs the copyright AI subcommittee, and General Counsel Cheryl Davis chaired the literary committee.)

## **International Work**

We work with other writer organizations around the world on shared issues, including copyright matters, collective licenses, improving contract terms, and, more recently, artificial intelligence.

Our CEO Mary Rasenberger is on the steering committee of the International Authors Forum (IAF). She attended the IAF meeting in Iceland in March 2022, where she spoke of the lawsuit against the Internet Archive's Open Library and recent legal developments in the U.S. In May, she attended the copyright meetings of the World Intellectual Property Organization (WIPO)—of which the Authors Guild is a registered NGO observer—to

support the IAF and speak about the need for a study on public lending rights. Finally, she attended the International Federation of Reprographic Rights Organizations (IFFRO) meetings in Brussels in October, where she spoke about authors' and artists' concerns about AI being trained on their works.

We also meet regularly via Zoom with our English-speaking counterparts in the United Kingdom, Canada, and Australia to share updates and ideas and to collaborate. We worked closely this year with the Society of Authors in the U.K. on matters relating to Amazon, Audible, and hybrid publishers.

## **DEIA Initiative**

We have continued our Diversity, Equity, Inclusion, and Accessibility (DEIA) efforts by increasing programming partnerships with BIPOC writers' groups, which has had a positive impact on increasing and diversifying our membership. As our baseline demographic survey in 2021 revealed, our membership has tended to skew white and older, so we are focused on reaching younger and more diverse writers for membership. We have also started to work with the Association of American Literary Agents (AALA) to figure out how to connect agents with more diverse authors, a goal we share with the AALA.

In December 2022, the Council approved funding for a new five-year national, anonymous survey of U.S. authors' earnings. Like our 2018 survey, it asks about authors' advances, royalty earnings, and income from other writing and non-writing sources. As in the past, we ask for demographic information so that we can compare revenues based on race, gender, and ethnicity. We are making increased efforts with this survey to encourage participation by diverse writers and hope to obtain better hard data on how factors such as race or ethnicity impact the financial terms of book and freelance earnings. The survey is underway now, with results to be released in the summer of 2023.

Our DEIA Board Committee is also discussing what additional efforts we might take to address the growing problem of state lawmakers and local school boards removing books by BIPOC and LGBTQIA+ authors from school curriculums and school libraries.



# MEMBERSHIP & OUTREACH

In fiscal year 2021–22, we had 12,363 members in good standing, with a renewal rate of 89 percent. We set another record with 2,199 new members joining in the 2022 calendar year. As of March 17, 2023, we have a total of 13,154 members, more than 1,000 more than at this time last year.

The number of members enrolled in auto renewal has also continued to increase, leading to increased retention rates and smoother payment processing. As of March 1, 2023, 9,100 members were signed up for auto renewal.

### Recruitment

We continue to work to build a larger, more diverse membership. This effort includes expanding our outreach to writers of different genres and backgrounds, including younger and more diverse writers, and we are enhancing our services and community-building experiences to better engage our members and make membership more compelling.

#### **Recruiting Academic Writers**

We began an ongoing effort to reach academic writers in 2022. The first step was to take out an ad in the September issue of PMLA, the journal of the Modern Language Association of America. We are looking into placing additional ads in *The Chronicle of Higher Education, The Journal of American History, The American Historian*, and other publications.

We are also reaching out to the American Association of University Professors (AAUP) and other organizations to discuss how we can work together around our common interests, especially academic freedom and freedom of speech, in this era of unprecedented intellectual and financial pressures.

#### **Recruiting MFA Students**

MFA students make up a very small percentage of our membership, but they could greatly benefit from the programs and information the Guild offers as they graduate and move on to a professional writing career.

Last year, we developed an online Business Bootcamps session specifically designed for MFA students. Topics include how to earn a living, get an agent, market work, and negotiate contracts, all of which are not typically covered in an MFA program. We plan to share a recording of this webinar with MFA programs across the country and offer to attend classes online (or in person if they're local).

## Reaching New Members with Our New Website

In the fall, we launched a redesigned website that makes it much easier for visitors to navigate and find all our benefits and resources. It also has better search engine optimization so more people can find us. By making our site appear in more searches and providing direct links to the information sought, more authors should be directed to us through online search and will more readily see what we can offer them. All landing pages feature prominent join buttons.

In addition, the Marketplace was given a complete overhaul to make listings easier to sort and filter. We believe that this will help with both retention and recruitment. The new site is also ADA compliant, which should make disabled writers feel welcome as well as help older members, some of whom have asked us for improved contrast on the site.

#### **Welcoming New Newsletter Subscribers**

In 2022, we started sending a series of welcome emails to people who sign up for our public newsletter on our website or elsewhere. The purpose of these emails is to let people know what the Guild is all about, what kinds of emails they'll receive from us, and how they can learn more about membership. The welcome series

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also includes a discount code, sent one month after signup, that recipients can use to save 20 percent on their first year of membership. Since most people who join the Guild after signing up for the public newsletter do so in the first month after subscribing, this promotion is intended to convert some subscribers to members who would not have otherwise joined the Guild.

#### **Partnering with Other Organizations**

Increasing the Guild's overall diversity continues to be a long-term goal. We continue to partner with writing organizations that support underserved communities to better understand their needs and reach new audiences. For the last few years, we've developed programming in our Business Bootcamps for Writers series in partnership with other organizations, including the Asian American Writers' Workshop, Blue Stoop, the Broadleaf Writers Association, the Carnegie Center for Literacy & Learning, the Diasporic Vietnamese Artists Network, the Institute of American Indian Arts, and Las Musas. These partnerships have had a meaningful impact on membership growth.

We have also begun sponsoring Pete's Reading Series, a monthly reading event hosted at Pete's Candy Store in Brooklyn. In the coming year, we will continue to seek out additional partnerships with local organizations.

## New Benefits and Perks

#### **Members-Only Q&A Series**

We launched a new Ask the Authors Guild Q&A series in November 2022 in an effort to produce more members-only programming. These sessions are informal chats conducted as Zoom meetings, not webinars, so members can raise their hands and provide feedback or ask questions live. The aim of the series is to add additional value for members and to encourage non-members who attend our webinars to join the Guild. Each session focuses on a different topic of interest to our core membership, professional and working authors; so far we've covered book contracts and collective bargaining, with artificial intelligence and more to come.

#### **Pilot Marketing Program**

We are also working to develop a pilot marketing and publicity program for Guild members who have new books coming out. In our May 2022 member survey, marketing advice was the most-requested service. This program will include a series of lectures and workshops with marketing experts designed to walk members through the many steps needed to successfully market a new book. We aim to offer both general information and more targeted advice for various genres, publishing methods, and career stages.

#### **Expanded Discount Program**

In 2022, we began researching ways to expand the discounts we offer to members. We'll soon be rolling out a new discount program including deals on office supplies, computers and tech, email marketing services, shipping, hotel stays, and car rentals.

## Legal Services

Our legal department set another record for member requests in fiscal year 2022, handling 7.5 percent more inquiries than in the year before. We have hired two legal fellows for the current fiscal year and continued our internship program, which has been very successful even with everyone working remotely.

We are expanding our legal services to include reviews of option agreements, podcast agreements, and theatrical rights agreements. We will also offer guidance to writers on copyright registration and on filing infringement claims with the Copyright Claims Board, a new alternative to federal litigation for resolving smaller copyright claims that opened in June 2022.

#### Legal Requests Handled in Fiscal Year 2022:

- 1630 total request
- 379 book contract reviews
- 80 agency contract reviews
- 52 reversion of rights inquiries
- 165 copyright inquiries, including infringement, registration, duration, and fair use
- 35 inquiries on permissions and privacy releases
- 50 First Amendment inquiries
- 601 other inquiries, including electronic rights, literary estates, contract disputes, contract questions, periodical and multimedia contracts, translation contracts, movie and television options, internet piracy, liability insurance, finding an agent, and attorney referrals
- 44 authors obtained their rights back and/or received overdue payments through our litigation with Authors Place LLC and negotiations with Adelaide Books

## Web Services

Sitebuilder is our low-cost, easy-to-use platform where members can quickly build author websites. Websites are essential for book promotion and author branding. The Sitebuilder platform enables members to effort-lessly build and update their sites themselves using a template, without the need to learn HTML or hire a designer. New members can also opt to have Guild staff build their sites for them with our Site Express service. The Authors Guild hosts and maintains these sites for a minimal fee.

In 2022, 2,379 members subscribed to one or more of our website services. We currently host or manage 1,989 websites, 3,155 domain names, and 1,145 email accounts. We activated 74 new author websites last year and built 64 Site Express websites. Authors can choose from 77 different themes and color palettes to customize their website and reflect their unique brand.

Some of the major improvements made to Sitebuilder last year include:

- Website re-launch: Many author website features such as Test Drive, Site Express, and domain name registration were updated to use the design and framework of the new and improved Authors Guild website.
- **Image manager:** At the request of our members, we rolled out a new image manager, so users can manage all the images on their websites in one place instead of across multiple distinct content areas.
- Fullscreen editing: We retired the editing popup
  window and made all editing screens in Sitebuilder
  take up the whole window, providing the extra real
  estate necessary to edit complex sections and easily
  add multiple inline images.

We have a number of exciting new features coming in 2023. Examples include:

- Redesigning many of the most-used themes in Sitebuilder to make them more modern, spacious, and accessible
- Adding customizable splash or intro pages to many themes
- Adding custom background images
- Updating the file manager to match the look and functionality of the new image manager, allowing authors to manage their files in one easy-to-access location
- Redesigning the editing interface with a more modern look and feel
- Advising members about how they can make sure their author websites comply with privacy laws like the General Data Protection Regulation (GDPR)

Stay tuned for these new features as we announce them throughout the year!

## Regional Chapters

We launched our regional chapters in 2018, beginning with chapters in 14 areas around the country. The pandemic necessitated a switch from in-person to virtual meetings in 2020, but in 2022, we began to return to doing some events in-person. These live meetups have helped build community, while continued Zoom meetings have resulted in the opportunity for more people to interact across geographic borders. Some virtual chapter events continue to be open to other chapters and the membership at large.

We currently have active chapters in: Phoenix, AZ; Los Angeles, CA; San Francisco, CA; Washington, D.C.; St. Petersburg/Tampa, FL; Chicago, IL; Boston, MA; Detroit, MI; Raleigh-Durham, NC; Las Vegas, NV; New York, NY; Portland, OR; Philadelphia, PA; and Seattle, WA. Last year, we added new ambassadors in New York City, Philadelphia, and the Bay Area.

If you'd like more information about getting involved, or you'd like to help start a chapter in an area that's not listed, please email staff@authorsguild.org.

2022 Chapter Events
January 20 - General meeting, Washington D.C.
January 29 - Tampa talk with Judy Hottensen/Grove Atlantic, Tampa
February 22- General meeting, Chicago
February 24 - General meeting, Portland
March 9 - General meeting, Los Angeles
March 10 - How to Get Your Book Into Stores, Boston
March 24 - Ghostwriting, Washington D.C.
May 19 - Writing and Disability panel, Bay Area
May 19 - General meeting, Las Vegas
June 14 - General meeting, Portland and Seattle
June 15 - How to Sell Books by the Truckload on Amazon, Los Angeles
June 24 - Planet Word tour, Boston
June 30 - General meeting, Las Vegas
July 26 - Meeting with local agents, Portland and Seattle
August 25 - General meeting, Las Vegas
September 4 - Frida Kahlo exhibit, Phoenix
September 14 - Publishers Expectations panel, Boston
September 28 - Short Fiction panel, New York City
October 18 - Conversation with Suzanne Allain, Washington, D.C.
October 19 - Conversation with Lynn Hightower, Los Angeles
October 20 - General meeting, Las Vegas and Phoenix
November 5 - General meeting, Philadelphia
November 17 - Author Estate Planning panel, Chicago
December 7 - Chat with Valonda Calloway about Presentation Etiquette, Raleigh-Durham

## Member Technology Updates

Besides the launch of our new website last year, we've also made some improvements to reduce staff time and help our members in other ways. Here are some highlights:

- Encouraging members to log in to renew their membership: While we want to make membership renewals as easy as possible, renewing without logging in increases the amount of time it takes our staff to process renewals. When members attempt to renew without logging in, we now show a gentle reminder to please log in to help reduce our overhead.
- Tracking payments: We've made it easier to track
  payments in our admin dashboard. Improvements
  include an easy way to resend receipts to members,
  clearer reporting about certain charges, and greater
  transparency about which staff members make
  certain actions. These changes will help us reduce
  staff time spent manually processing payments.
- Splitting payment forms into multiple pages:
   We split our payment forms into multiple screens,
   which has two benefits: It makes the information
   on each page easier to understand, and it maintains compliance with security best practices
   by isolating payment information on one page.
- Improving the account page for members with multiple Sitebuilder sites: We consolidated the account dashboard for members with multiple websites on our Sitebuilder platform so they no longer have to log in with different usernames and passwords. We also made it easier for these members to find where to edit each of their Sitebuilder websites.

## COMMUNICATIONS •••



#### **Authors Guild Website**

We unveiled an all-new design for our website, authorsguild.org, in October 2022. We've made it easier to use so visitors can find everything the Guild has to offer and members can take advantage of all that their dues pay for. Here are a few highlights:

- **Services and benefits:** It's easier to see the services and benefits available to Guild members, including contract reviews and legal advice, website building and hosting, insurance and discounts, and more.
- Resources: Our new resource library brings together our legal guides, event recordings, and articles to help writers in every stage of their professional writing career. Visitors can now search and filter by resource type, topic, series, and more to find exactly what they're looking for.
- **Events:** The updated events calendar makes it easy to discover upcoming Authors Guild events and webinars as well as events submitted by Guild members. We also made it easier for members to submit their own author events to the calendar.
- ADA compliance: We increased the size and contrast of certain fonts to make text more readable, and updated code behind the scenes to make content more navigable with a screen reader.

#### **Press Releases**

In 2022, we issued press releases on some of our major activities, which resulted in significant media coverage. Banned books, piracy, the attempted merger of Penguin Random House and Simon & Schuster, and ebook returns were the topics that generated the most interest. Below is a list of press releases that we issued in 2022:

- Authors Guild Launches Free Monthly Banned Books Club via Fable App to Help Address Wave of Censorship in U.S.
- Authors Guild Banned Books Club Announces Featured Books and Authors For May-July

- The Authors Guild Foundation to Receive \$28,000 Grant from the National Endowment for the Arts
- Pascal Hall Author Series Kicks Off with Lauren Groff and Ted Widmer
- David Levithan Discusses Two Boys Kissing Live on June 20 with Authors Guild Banned Books Club
- Dan Brown, Susan Choi, Ayad Akhtar, and Henry Louis Gates, Jr. Among the Featured Speakers at the Authors Guild's Inaugural WIT Festival in the Berkshires Sept 22-25
- The Authors Guild Foundation Presents A Play, A Pint, and A Picnic
- Authors Guild Banned Books Club Announces Fall 2022 Selections
- Dan Brown and Pioneer Valley Symphony Orchestra to Perform Wild Symphony at Authors Guild's WIT Festival in Lenox, MA
- Authors Guild Celebrates Success of Inaugural WIT **Festival**
- Federal Law Enforcement Arrests and Indicts Z-Library Operators with AG's Assistance
- Authors Guild Banned Books Club Announces Winter 2022 Selections
- Authors Guild Welcomes Paramount Global's Decision to Not Extend Merger Deal with PRH Following **DOJ Suit**

#### **Top Media Coverage**

Our proactive approach in sharing press releases and position statements continued to reap meaningful rewards in 2022, generating more than 283 news stories—a 77 percent increase over 2021. A significant number of these stories appeared in mainstream and top-tier news outlets such as ABC News, the Associated Press, Bloomberg, CBS News MoneyWatch, CNBC,

Fast Company, the Financial Times, Fortune, the Los Angeles Times, NPR, PBS, The Philadelphia Inquirer, Reuters, the San Francisco Chronicle, The Hill, The New York Times, and the Washington Post.

The topics that generated the most coverage were:

- Publishers' Copyright Infringement Lawsuit Against Internet Archive
- Artificial Intelligence and the Authors Guild v. Google Case
- Z-Library Arrests and Shutdown
- Amazon's Ebook Return Policy
- Anti-Book Banning Efforts
- Authors Guild Banned Books Club
- Failed Penguin Random House–Simon & Schuster Merger

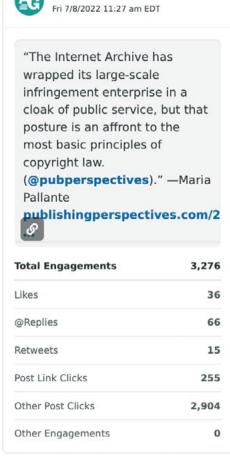
#### **Top Social Media Coverage**

In 2022, our advocacy-related posts, especially the Internet Archive case and Amazon changing its ebook return policy to prevent "read and return" behavior, accounted for 73 percent of our Twitter engagement. We also saw an overall increase in our number of Twitter followers, gaining 6 percent by the end of the year despite losing nearly 700 followers in the immediate wake of Elon Musk taking over the company.

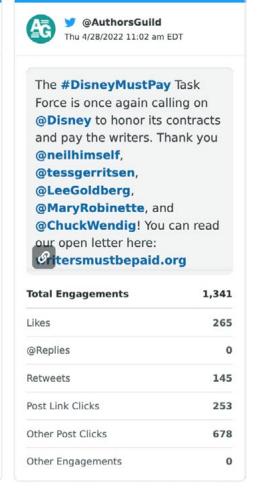
On Instagram, we experienced a robust 30 percent increase in followers and a 21 percent increase in impressions as a result of adopting a more consistent schedule and posting Instagram stories. We have also begun exploring additional social media platforms, including Mastodon. Overall, our social media engagement rose 55 percent in 2022 despite a series of algorithm shifts and challenges.

Our top posts can be found below:





@AuthorsGuild



## Programming

#### **Programming**

The Authors Guild Foundation produces an abundance of free programming that is open to the public, supporting the Foundation's mission to help all U.S. writers. Our events are designed to serve the needs and interests of Guild members while simultaneously reaching non-members who need our support. Writers often join the Guild's ranks after learning about us through such programming. In our last fiscal year, our webinars averaged a live audience of 362 people, with our Business Bootcamps for Writers series averaging more than 500 attendees per event and drawing more than a thousand attendees for popular topics. We also record each event so even more writers can find and watch them after the fact. The recordings are made freely available in the resource library on our website shortly after the events take place.

In addition, our CEO Mary Rasenberger, General Counsel Cheryl Davis, Director of Legal Services Michael Gross, and Director of Policy and Advocacy Umair Kazi spoke at dozens of events on Zoom and around the country on legal issues ranging from artificial intelligence, option agreements, book contracts, collective bargaining, copyright, and defamation.

#### **Educational Webinars**

In the past year, our webinars have most often addressed hot topics in the publishing world, as well as the legal and advocacy work that we do. We put together many of these programs on short notice in order to offer members expert advice on current events and trends in publishing.

- March 21, 2022 Stimulating the Creative Economy: A Conversation with Teresa Leger Fernández
- June 2, 2022 Negotiating Literary Translation Contracts with Umair Kazi, Julia Sanches, Alex Zucker

- June 8, 2022 Amazon Ads for Traditionally Published Authors with Dave Chesson, Jess Johns, Michael La Ronn, Jennie Marts, Yuting Qi, and moderator Jane Friedman
- June 29, 2022 Book Contracts 101 with Michael Gross
- July 12, 2022 Copyright Claims Board: What Authors & Agents Should Know with Terrica Carrington, Whitney Levandusky, Pamela Malpas, and Mary Rasenberger
- August 25, 2022 Copyright Q&A with the Authors Guild, with Umair Kazi and Mary Rasenberger
- September 20, 2022 Fair Use Q&A with the Authors Guild, with Umair Kazi and Mary Rasenberger
- September 27, 2022 Serialized Fiction: Publishing on Substack and Kindle Vella with Mary Bly, Sophia Efthimiatou, Elle Griffin, Virginia Milner, and Erica Ridley
- January 24, 2023 Building Reader Relationships with Direct Sales, with Damon Courtney, Jamie Davis, and Emily Kimelman

#### **Money Matters**

Since 2021, we have partnered with financial advice author Erin Lowry (*Broke Millennial*) to host Money Matters: The Road to Financial Literacy. The series covers personal finance topics as they relate to authors and freelancers, plus discussion panels on increasing and diversifying income.

 June 28, 2022 – Newsletters: Building a Community You Can Own with Kara Cutruzzula, Khe Hy, Kevin Maguire, and moderator Erin Lowry

- September 13, 2022 Substack: Getting Financial Support from Your Readers with Linda Lebrun and Erin Lowry
- February 27, 2023 Q&A: Tax Tips for Authors 2023 with Robert Pesce and moderator Erin Lowry
- March 16, 2023 Estate Planning with Michael La Ronn, Ed McCoyd, and moderator Erin Lowry

#### **Business Bootcamps for Writers**

Our most popular ongoing series covers the path to publication and best practices for authors. After presenting core topics on the business of writing in 2021, we expanded the series in 2022 with a variety of deep-dive lessons. Additionally, the series now includes our From Manuscript to Marketplace events, providing case studies on acquisitions, the editorial process, and promotion. Many events in the Bootcamps series are developed in partnership with other organizations, including the Asian American Writers' Workshop, Blue Stoop, the Broadleaf Writers Association, the Carnegie Center for Literacy & Learning, the Diasporic Vietnamese Artists Network, the Institute of American Indian Arts, and Las Musas. These collaborations allow us to cover even more angles and reach new audiences.

- April 20, 2022 Minding Your Poetry Business with Denice Frohman, Raina León, Trapeta Mayson, Cynthia Dewi Oka, and moderator Yolanda Wisher
- April 27, 2022 Finding Your Writing Community with Claudia Love Mair, Sarah Glenn Marsh, Deborah Taffa, Julian Winters, and moderator Zachary Steele
- October 6, 2022 Building a Successful Relationship with Booksellers with Kim McNamara, Justin Colussy-Estes, and moderator Mayra Cuevas,
- October 28, 2022 From Manuscript to Marketplace: Temple Folk, Aaliyah Bilal in conversation with Yahdon Israel and Eric Simonoff
- November 15, 2022 Financial Stability as a Literary Writer with Nia Hampton, Isle McElroy, Taylor Monique, Damon Young, and moderator Eshani Surya
- December 7, 2022 From Manuscript to Marketplace: Listen, World!: Allison Gilbert in conversation with Emma Berry and Richard Morris

- December 13, 2022 The Publishing Experiences of Vietnamese American Writers with Vi Ki Nao, Abbigail Nguyen Rosewood, Truong Tran, and moderator Quynh Do
- February 7, 2023 Media Training for Authors:
   Producing Videos and Giving Interviews with Paula Rizzo
- February 28, 2023 Media Training for Authors: Public Speaking Tips to Sell More Books with Clay McLeod Chapman, Julia Royston, Amelia Zachry, and moderator Paula Rizzo

#### **Festival and Conference Partnerships**

Sponsoring literary festivals helps us advertise the Guild to potential members around the country while fostering the important work of other literary organizations. Often, we seek to sponsor or co-host educational events about the business side of writing, as part of our mission to educate and support all working writers.

In May 2022, we supported the Santa Fe Literary Festival, which drew marquee authors and large crowds for a celebration of literature and thought-provoking discussions. Mary Rasenberger also hosted a members' reception during the festival to meet and discuss advocacy issues with those in attendance.

In October, we again sponsored the Latinx Kidlit Book Festival, which reaches writers, readers, and educators. This year, we helped produce a panel called Debut Authors: Expectations vs. Reality.

#### **AWP Conference**

The Authors Guild is a literary partner for the Association of Writers & Writing Programs' annual Conference & Bookfair, held last year in Philadelphia, March 23–26, and this year in Seattle, March 8–11. Guild staff engage with numerous attendees at our booth, and we host several events on and off site.

#### AWP 2022 in Philadelphia:

- March 25, 2022 Book Tour Revolution with Erin Lowry, Priyanka Champaneri, Chloe Gong, Tim Herrera, Kwame Mbalia
- March 26, 2022 A Reading & Conversation with Rivka Galchen and Ruth Ozeki, moderated by Zachary Steele

#### AWP 2023 in Seattle:

- March 8, 2023 Authors Guild member reception at Optimum Brewing Company
- March 10, 2023 Featured Event: Stephen Graham Jones and Silvia Moreno-Garcia in conversation with Danielle Trussoni
- March 10, 2023 Before You Sign: What Authors Should Know about Contracts, with Caitlin DiMotta, Michael Gross, Fiona Kenshole, and moderator Cheryl Davis
- March 10, 2023 A Reading with the Institute of American Indian Arts, with Brendan Basham, Sasha LaPointe, T. Kira Madden, and Deborah Taffa

## **Fundraising**

The Authors Guild Foundation is the charitable arm of the Authors Guild. A primary mission of the Foundation is to raise funds to support our work. Our approach to fundraising is to engage donors through various programs (fundraisers such as Guild Nights and the Annual Gala) and campaigns (such as our holiday and spring appeals) throughout the year, as well as planned giving (bequests, literary estates, and the like). We also ask friends of the Guild to support specific programs such as legal fellowships, educational programs, and the WIT: Words, Ideas, and Thinkers Festival. We truly appreciate every gift that comes our way, regardless of size, and love hearing what inspires our members and friends to give.

Because we rely on charitable donations for much of what we do, we track our progress carefully to make sure we are hitting important goals and growing our supporter base. We need to grow our philanthropy program each year to cover new initiatives and staff, as well as annual increases in the cost of doing business, including health insurance and energy costs.

We have good news to report for our last fiscal year, which ended September 30, 2022. We raised \$1,626,209 (\$1,531,209 in hand and \$95,000 in pledges) against a goal of \$1.6 million. Our efforts yielded a 30 percent increase in Giving Society members (from 131 to 167) for the second year in a row. (Giving Society members are those who donate \$1,000 or more each fiscal year.) The total number of donors went up 15 percent this year (from 891 to 1,006).

#### **Authors Guild Foundation Gala**

Our Annual Gala has traditionally been our most important fundraiser, and 2022 was no different. The 30th Annual Authors Guild Foundation Gala on May 9th was a free, online event hosted by Authors Guild Council member Maya Shanbhag Lang. It honored David and Michelle Baldacci for their distinguished service to

the literary community and Amanda Gorman for her inspirational poetry that demonstrates the impact of art as activism. More than 900 people from all over the country registered for the event.

The 31st Annual Gala will be held in person on Tuesday, May 9, 2023, at The Plaza Hotel in New York. Roxane Gay and Debbie Millman will be the hosts, and our honorees include Christopher Finan for a career advancing and protecting free speech and expression, Roxana Robinson for her distinguished service to the literary community, and Angie Thomas for her literary activism.

#### **Guild Nights**

Both fundraising and friend-raising events, Guild Nights are dinner parties held in private homes featuring a prominent author as the guest of honor. We hosted fifteen Guild Nights in Maine, Massachusetts, and New York City in 2022. Thank you to authors Christina Baker Kline, Geraldine Brooks, Letty Cottin Pogrebin, Heather Cox Richardson, Alice Elliott Dark, Joshua Ferris, Jane Green, Meredith Hall, Lily King, Jonathan Lethem, Patricia O'Toole, Francine Prose, Thomas Ricks, Roxana Robinson, and Ted Widmer for their involvement. Thanks also to the gracious people who hosted these dinners: Marthann and Ed Samek, Dan and Becky Okrent, Janet Dewart Bell, Doug Preston, Darron and Karen Collins, Alexandra Enders and Verlyn Klinkenborg, Sally Koslow, Christina Baker Kline, Beth and Robin Clements, Will and Genie Thorndike, Steve Koltai and Ivan Zizek, Roxana Robinson, Timothy Garrity, Hunter Runnette and Mark VandenBosch, and the Lesher family. We have already lined up a new series of Guild Nights for spring and summer 2023. Stay tuned!

#### **WIT Festival**

In September 2022 we launched our inaugural WIT: Words, Ideas, and Thinkers Festival on the campus of Shakespeare & Company in Lenox, Massachusetts. WIT is an ideas festival that explores important issues of the day while celebrating authors as the influential thought leaders they are. Talks are free and open to the public, though there are some paid events such as dinners with the authors after the evening sessions.

The 2022 theme was "Reimagining America." It was a huge critical and popular success. Below is the lineup from the event. Videos of most of the talks are available at authorsguild.org/witfestival.

- Identity and Belonging with Ayad Akhtar, Susan Choi, and moderator Marie Arana
- On Climate Change with Elizabeth Kolbert and Douglas Preston
- Does the Supreme Court Have a Future? with Nikolas Bowie and Linda Greenhouse
- When Religion Meets Science with Dan Brown
- America and China: Comes the Moment with Simon Winchester and Admiral Harry Harris, U.S. Navy (Retired)
- America Through Fiction with Geraldine Brooks and Roxana Robinson
- Reexamining American History with David W.
   Blight and Henry Louis Gates Jr.

We also had three pop-up events: Dan Brown reading his children's book *Wild Symphony* with the Pioneer Valley Symphony Orchestra; Letty Cottin Pogrebin speaking about her book *Shanda: A Memoir of Shame and Secrecy*; and a play, *Community Service*, written by Laura Pedersen and performed by David Rockefeller Jr. and Paula Ewin.

We are working on WIT 2023 now and will return to the Berkshires with a new lineup of speakers and a new theme: "Changing the Narrative." While the event is free and open to the public, space is limited. Donors who join or are already members of the Giving Society will have access to early registration as well as preferential seating. Giving Society members can also attend receptions, book signings, and smaller private ticketed dinner parties on Thursday, Friday, and Saturday evenings. Pending permission, talks will be recorded and videos will be shared with our 13,000 members and the public on the Authors Guild website and social media.

# The Authors Registry

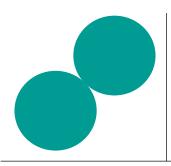


The Authors Registry was created in 1995 to distribute fees and royalties that were collected, mainly in foreign jurisdictions, for photocopies and electronic use in educational, business, and governmental institutions, as well as for library lending payments, on behalf of U.S. authors. Library lending royalties had not previously been paid out to U.S. authors.

These royalties and fees come from a variety of sources, with most coming from the Authors' Licensing and Collecting Society, which collects fees for secondary uses of copyrighted work, such as photocopies, cable retransmissions, digital reproductions, and educa-

tional recordings, throughout the United Kingdom. The Authors Registry also disburses fees collected by the Dutch agency LIRA, which sends the Authors Registry royalties for American authors from libraries under the Netherlands' Public Lending Right.

In 2022, the Authors Registry distributed more than \$1.8 million to more than 6,000 American authors. To date, the total distributed is more than \$42.6 million. Payments range from a few dollars to a few thousand. The Authors Registry pays authors of academic, nonfiction, fiction, children's, and every other category of literature and charges a fee of 10 percent on all distributions.



## THE AUTHORS LEAGUE FUND

The Authors League Fund was founded in 1917 to help authors, journalists, poets, and dramatists during financial emergencies. The Fund provides direct aid for urgent needs, such as rent or mortgage payments, utilities, groceries, and medical bills. In 2022, the Fund gave \$440,000 to 123 writers.

The Authors League Fund is a sister organization to the Authors Guild and it encourages Guild members to apply for support if needed and to spread the word about its assistance to fellow writers. The Authors League Fund helps any writer living in the U.S. and American writers living abroad. Authors Guild membership is not required. Apply online at www.authorsleaguefund.org.

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