The Wall's the Thing:
Lessons from the Rise and Fall of Elizabethan Theater

Court Rejects *Authors Guild v. Google* Settlement

Scott Turow on How Our Laws Reward Online Traffickers in Stolen Books, Music and Movies

*Symposium: The New Digital Landscape*
LETTERS TO THE EDITOR

Take heed indeed with Teddy Wayne’s warning about work-for-hire contracts [Bulletin, Fall 2010/Winter 2011]. Several years ago, I had an informal handshake deal with the Disney company, writing short pieces for its children’s magazine, called Adventure. After six or seven stories, my editor sent me a contract whereby Disney bought all rights, “in perpetuity, throughout the universe.” The phrase actually made me marvel at the attorney who drafted it. So Kafkaesque!

I called my editor and said, “I assume this means my heirs, who someday may live on Mars, have no stake in any ancillary sale of my work.” My fear was that the long shot might come in—one of my pieces could perhaps be the basis of some Spielberg movie that raked in a hundred million dollars, and I’d get nothing. She agreed and invited me to cross out and initial the paragraphs I objected to. Of course, Disney rejected my changes and I never did any work for them again.

Doug Garr
New York, NY

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ALONG PUBLISHERS ROW

BY CAMPBELL GEESLIN

Before she became a Nobel Laureate, Doris Lessing wrote, “And it does no harm to repeat, as often as you can, ‘Without me the literary industry would not exist: the publishers, the agents, the sub-agents, the sub-sub-agents, the accountants, the libel lawyers, the departments of literature, the professors, the theses, the books of criticism, the reviewers, the book pages—all this vast and proliferating edifice is because of this small, patronized, put-down and underpaid person.’”


“Vidia [Naipaul],” Fraser writes, “reveals that he writes fiction and non-fiction quite differently—typewriter v. hand-writing. I love hearing details of writers’ craft, as cannibals eat the brains of clever men to get cleverer.”

CROSSOVER: University presses are now courting the general market. Elaine Marsier, senior executive editor at North Carolina University Press, told Publishers Weekly: “Over the past five years or so, we have seen a steady increase in our sales of titles in religion, to scholars and students and to the general trade. . . . We are now releasing just about every new title as both a paper book and an e-book, and this is an increasingly robust approach, judging by our sales figures.”

SECRET TO SUCCESS: Crain’s business newspaper noted that John Wiley and Sons was “consistently profitable.”

The article said, “Wiley is in a far better place than many of its peers in trade publishing, not least because it stopped publishing fiction before the Civil War. Its niche titles targeting specific communities are easier to market on line—and rely less on brick-and-mortar bookstore displays—than the general interest books that make up the bulk of what Random House or HarperCollins produces.”

CRIME PAYS: A Harris poll found that mysteries, thrillers and crime novels are more popular than romance and chick lit, and that (surprise) more women than men read mysteries, thrillers and crime novels.

ARTIST TOO: According to her biographer, Andrew Wilson, suspense writer Patricia Highsmith was also an exceptionally good artist. Highsmith was the author of The Talented Mr. Ripley and Strangers on a Train. She died in 1995.

She is quoted in Wilson’s 2003 Beautiful Shadow: A Life of Patricia Highsmith: “I was on the fence ‘till I was 23 as to whether I wanted to do drawing or painting or writing. . . . Painting could never have been sufficiently complex, sufficiently complicated or explicit to

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About the Cover Artist

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From the President

BY SCOTT TUROW

Adapted from Mr. Turow’s testimony before the U.S. Senate Judiciary Committee on February 16.

AFTER 300 years as one of history’s greatest public policy successes, copyright is coming undone. As we meet here this morning, our well-intended policy toward copyright online is undermining our virtual and physical markets for creative works. That policy is in desperate need of update. The Digital Millennium Copyright Act’s “safe harbor” for online service providers has turned out to be an exploitable gold mine for unscrupulous online enterprises. That safe harbor allows these rogue enterprises to profit from services that encourage and conceal the trafficking in stolen books, music and movies, while disclaiming responsibility for that illegal traffic. The DMCA safe harbor has turned copyright’s incentives inside out, encouraging massive, global investment in piracy technologies and services.

Our nation’s founders gave Congress the authority to enact copyright laws “to promote the progress of science and useful arts.” Copyright laws do this by establishing legally protected markets for creative work. Those laws, and those markets, have worked beyond any reasonable expectation our founders could have had. Copyright’s markets have for hundreds of years encouraged authors here and abroad to spend countless hours writing books that they hope readers will value and the marketplace will reward.

Copyright’s markets have also drawn massive, irreplaceable investments from publishers and others in our intellectual and cultural life. Those investments have paid off. Our great research libraries, holding the carefully crafted thoughts, composed over billions of hours by many of our nation’s finest minds, are ample proof that copyright has succeeded brilliantly. So is our nation’s economic success, nurtured by the books that have educated and informed our citizens throughout its history.

We have, however, inadvertently instituted a policy that not only tolerates, but encourages investments in technologies and services that undermine our markets for creative work, nurturing an innovative, global, networked industry that directly profits from trafficking in stolen books, music, and movies. In a digital age, where tipping points are always close at hand, this pirate economy can subvert an industry in a heartbeat.

One is tempted to call it a vast underground economy, but there’s nothing underground about it: It operates in plain sight, as I will describe. Money suffuses the system, paying for countless servers, vast amounts of online bandwidth, and specialized services that speed and cloak the transmission of stolen creative work. Excluded from this flow of cash are the authors, musicians, songwriters and the publishers who invest in them. The only benefit to the individual author is a parody of a benefit: that the work of the author will be better known. Authors and artists have always been free to give their work away to build an audience if they chose to, but the choice was theirs, made with the prospect of making a bit of money in the end, and the expectation that there would be a functioning market to take advantage of. That prospect is disappearing before our very eyes.

Piracy has all but dismantled our recorded music industry. Any business plan in the music industry must now take into account that piracy is the rule, not the exception. In this environment, about the only value a legitimate provider can add is convenience and safety—the comfort in knowing that the downloaded music is genuine and contains no malicious code. Finding comparisons for the state of the recorded music industry is a near impossibility, because the situation has no precedent. It’s as if shopkeepers in some strange land were compelled to operate with wide-open side doors so that would-be customers can sneak out of with impunity, arms laden with goods. In that bizarre place, an ever-growing array of businesses that profit only if the side exit is used eagerly assist the would-be customers, leaving the shopkeeper with only one thing to offer paying customers: the dignity of exiting through the front door.

To get a sense of the scope of the problem we face, I’ll describe a couple of businesses operating in the pirate economy.

We have inadvertently created the ideal environment for an innovative, global, networked industry that directly profits from trafficking in stolen books, music and movies.

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Case Study #1: BTGuard.com

BitTorrent, a landmark technological development for trading stolen digital works online, is wildly popular. It’s estimated to account for 18 percent of global Internet traffic. According to its website:

BitTorrent is the global standard for delivering high-quality files over the Internet. With an installed base of over 160 million clients worldwide, BitTorrent technology has turned conventional distribution economics on its head. The more popular a large video, audio or software file, the faster and cheaper it can be transferred with BitTorrent. The result is a better digital entertainment experience for everyone.

Though its defenders and promoters proudly point to a handful of legitimate uses for BitTorrent technology, a recent study* of BitTorrent traffic lends statistical credence to what many have suspected: BitTorrent is to stealing movies, TV shows, music, videogames and now books what bolt-cutters are to stealing bicycles. That study showed that of the 10,000 most popular files “torrented,” 63.7 percent were “non-pornographic content that was copyrighted and shared illegitimately.” Thirty-five point eight percent of the content was pornographic (the authors of the study did not try to determine how much of the pornographic material was pirated). Of the remaining 0.50 percent of the 10,000 frequently torrented files, 0.48 percent could not be identified. That leaves 0.02 percent—precisely two files out of the 10,000 studied—that were known to be neither pornographic nor infringing.

Although BitTorrent is terrific for sharing stolen works, the downside is that you might get caught: If a user’s IP numbers can be discovered, the traffickers in stolen creative works are at clear risk. BTGuard.com (tagline: “Anonymous BitTorrent Services”), an operation that cloaks torrenters, and other companies have stepped into the breach.

BTGuard goes to great lengths to reassure users that their systems will protect anonymity; that users won’t get caught. At the bottom of its home page, along with “unlimited download speeds,” BTGuard promises “no records of usage stored.” At the bottom of every page at BTGuard’s website is a link to its privacy policy, which provides, in bold letters: “Net-crawled LLC [the apparent owner of BTGuard] DOES NOT collect your Internet Protocol (IP) addresses or customer usage.”

BTGuard wants its customers to know that not only is its service private, it’s also first-rate. It boasts that its servers are hosted “at Canada’s premiere carrier hotel in Toronto & at the world’s largest Internet exchange in Frankfurt, Germany.” It lists its “backbone providers” as including such industry leaders as


BitTorrent is to stealing movies, TV shows, music, videogames and now books what bolt-cutters are to stealing bicycles.


So here, in a nutshell, is BTGuard’s service offering: It will arrange, for users in the U.S. and elsewhere, virtual, clandestine “meetings” in Canada for the exchange of large computer files via BitTorrent, and it will do so using state-of-that-art facilities. It charges $6.95 per month for this service and accepts all major credit cards. As with much of the support system for trafficking in stolen creative work, BTGuard is hiding in plain sight. The contact information shows it has an address at 151 Front Street West, Toronto.

Case Study #2: ifile.it

Next, I’d like to discuss ifile.it, an online file-sharing service that seems to be a one-person operation. Although the proprietor—I’ll assume he’s male and call him Mr. I for convenience—appears to work alone, he has know-how and moxie. In a few years, Mr. I’s been able to bootstrap his little start-up to an operation using at least two data centers in North America, with year-over-year growth that would make Facebook swoon.

Mr. I has done us the favor of blogging about his efforts, giving us an insider’s view into the business of facilitating online piracy. Mr. I gleefully takes shots at one of the file-sharing industry leaders, Rapidshare. Mr. I celebrates his operation’s successes as it hits milestones, posts YouTube videos to show people how a new download feature works, and jumps on the Twitter bandwagon. Mr. I even opens up a Google Project page, an online collaboration tool, with the apparent hope of getting others to develop applications that use his service.

Mr. I launches his blog on January 2, 2008, before his new file-sharing website, ifile.it, is in beta. He’s still
running his prior website, which apparently was also dedicated to online file sharing. A series of March entries in the blog describe many of the details of the file-sharing service, including that it’s available in about a dozen languages. The site uses “a new distributed filesystem . . . specifically aimed at large file hosting.” Mr. I describes ifile.it’s support for two types of URLs for download links: “You can share either types of URL’s with your friends.”

On April 1, Mr. I thanks his users for helping add languages supported by ifile.it to the list. He reports, “Looking thru’ the logs there are some languages such as Japanese, Dutch and Russian which are not on the list but are a sizable percentage of our users.” He asks for help in adding additional languages to the list.

On May 13, 2008, ifile.it hits a milestone, with more than 100,000 members “who registered and activated and use their accounts regularly.” On July 18, it clears a new milestone, 250,000 users.

In August, ifile.it increases its upload limit to 250 MB, but then finds that bandwidth is inadequate during peak hours, so ifile.it doubles its bandwidth at its Chicago network center a few days later.

On February 8, 2009, Mr. I asks users to limit heavy downloading to off-peak hours if possible. “[ifile.it] does not block users from downloading at any time but you might find the downloads being slow during peak hours, this is a result of hundreds of thousands of users a day who are not being blocked (unlike other filehosting sites).”

In the summer of 2009, Mr. I announces a large number of upgrades to the site and a redesign. He posts a YouTube video to describe a new upload system. In August, he reports that a major site overhaul is complete. His file sharing service can now upload 50 files at a time—“(quite a crazy amount).” He also opens a Google Project so ifile.it users can share their code for various tools to use the service. Mr. I keeps innovating. On October 19, “thanks to Yahoo Browser+ Plugin” ifile.it offers an advanced uploader “drag and drop” option. November 29, 2009, is a red letter day. Mr. I’s hard work pays off as he hits a major milestone: “One million registered and verified users.” His site is less than two years old.

Through all of this growth, despite the hardware and bandwidth expenses that Mr. I incurs, ifile.it doesn’t charge for its services. How does it make money? Through ads at its website. One million users apparently pays for 45 servers and all that bandwidth. Mr. I explains in his blog on July 20, 2008, apparently in response to users’ complaints about being forced to view ads before downloading files. “[B]ut unfortunately the server bills don’t pay themselves, this free service exists thanks to our advertisers (who beside our users they are one of the main stakeholders).” (Emphasis added.)

Mr. I’s company, for all of its servers and breathtaking growth, is tiny by piracy industry standards. In a chart prepared by Compete.com, we see that the number of unique visitors at ifile.it, measured at 110,184 last month and growing 117 percent in the last year, barely shows up when compared to the big operators, such as Rapidshare.com and Hotfile, each of which is reported to have had nearly three million unique visitors in January.

We need, urgently, to take the profit out of facilitating piracy.

**Conclusion**

The Internet presents challenges to our markets for creative works that we have never previously encountered. Infringement that would potentially undermine our domestic markets for creative works has historically taken place within our borders (or could be stopped at our borders), and those who profited from those activities could generally be held personally accountable. That’s no longer the case. Facilitators of piracy now operate in every corner of the globe, and their activities directly undermine our markets for books, music, and movies.

Online trafficking in stolen creative work revolves around one core activity: secret, anonymous online file sharing. Facilitators of online piracy host or provide support for that core activity, and they do it while disclaiming responsibility by taking shelter in the safe harbor protections of our Digital Millennium Copyright Act. A key part of the solution to the piracy problem is to hold those who profit from online file-sharing activities legally responsible for those activities.

Facilitating online piracy has become far too widespread, because it’s far too profitable and easy. To protect and reestablish our markets for creative work, we need bold, immediate reform of our copyright law. ♦
Shakespeare's Paywall

BY SCOTT TUROW, PAUL AIKEN AND JAMES SHAPIRO


A
rchaeologists finished a remarkable dig last summer in East London. Among their finds were seven earthenware knobs, physical evidence of a near perfect 16th-century experiment into the link between commerce and culture.

When William Shakespeare was growing up in rural Stratford-upon-Avon, carpenters at that East London site were erecting the walls of what some consider the first theater built in Europe since antiquity. Other playhouses soon rose around the city. Those who paid could enter and see the play; those who didn’t, couldn’t.

By the time Shakespeare turned to writing, these “cultural paywalls” were abundant in London: workers holding moneyboxes (bearing the distinctive knobs found by the archaeologists) stood at the entrances of a growing number of outdoor playhouses, collecting a penny for admission.

At day’s end, actors and theater owners smashed open the earthenware moneyboxes and divided the daily take. From those proceeds dramatists were paid to write new plays. For the first time ever, it was possible to earn a living writing for the public.

Money changed everything. Almost overnight, a wave of brilliant dramatists emerged, including Christopher Marlowe, Thomas Kyd, Ben Jonson and Shakespeare. These talents and many comparable and lesser lights had found the opportunity, the conditions and the money to pursue their craft.

The stark findings of this experiment? As with much else, literary talent often remains undeveloped unless markets reward it.

At the height of the Enlightenment, the cultural paywall went virtual, when British authors gained the right to create legally protected markets for their works. In 1709, expressly to combat book piracy and “for the encouragement of learned men to compose and write useful books,” Britain enacted the world’s first copyright law. Eighty years later, America’s founders expanded on this, giving Congress the authority to enact copyright laws “to promote the progress of science and useful arts.”

Copyright, now powerfully linking authors, the printing press (and later technologies) and the market, would prove to be one of history’s great public policy successes. Books would attract investment of authors’ labor and publishers’ capital on a colossal scale, and our libraries and bookstores would fill with works that educated and entertained a thriving nation. Our poets, playwrights, novelists, historians, biographers and musicians were all underwritten by copyright’s markets.

Yet today, these markets are unraveling. Piracy is a lucrative, innovative, global enterprise. Clusters of overseas servers can undermine much of the commercial basis for creative work around the world, offering users the speedy, secret transmission of stolen goods.

The Senate Judiciary Committee is holding a hearing on Wednesday on “targeting Web sites dedicated to stealing American intellectual property,” and the White House has pledged to propose a new law to address rampant piracy within the year. But writers and other creative workers should still be worried.

The rise of the Internet has led to a view among many users and Web companies that copyright is a relic, suited only to the needs of out-of-step corporate behemoths. Just consider the dedicated “file-sharers”—actually, traffickers in stolen music, movies and, increasingly, books—who transmit and receive copyrighted material without the slightest guilt.

They are abetted by a handful of law professors and other experts who have made careers of fashioning counterintuitive arguments holding that copyright impedes creativity and progress. Their theory is that if we severely weaken copyright protections, innovation will truly flourish. It’s a seductive thought, but it ig-
Off Track

Court Derails $125 Million Google Settlement

BY KAREN HOLT

The Authors Guild’s long legal battle with Google over its book digitization project got longer in March, when a federal court in Manhattan rejected a settlement negotiated by the Authors Guild, the Association of American Publishers, and Google. The settlement would have created a new nonprofit collecting society, the Book Rights Registry, to oversee the licensing of online display rights to millions of out-of-print books through Google and potentially through other companies. Most of the revenues from those uses would have been paid to authors and publishers.

“While the digitization of books and the creation of a universal digital library would benefit many, the Amended Settlement Agreement (ASA) would simply go too far,” U.S. District Court Judge Denny Chin wrote in his 48-page decision. Chin cited copyright and anti-trust concerns, and maintained that the settlement essentially rewarded Google for past bad behavior—“the wholesale copying of copyrighted works without permission”—by giving it a significant advantage over competitors.

The Guild is still weighing its options. They include trying to work out a new agreement with Google, as the settlement was dismissed without prejudice. “The judge did expressly leave the door open for a revised settlement,” executive director Paul Aiken said shortly after the ruling. At a conference at Fordham Law School in April, however, Aiken said that arriving at such a new settlement presented “enormous challenges.”

The court’s decision is the latest development in a negotiation that dates back to 2006 and highlights how the digital age has spawned both serious threats to copyright holders and promising new opportunities. As myriad groups with competing interests draw up sides and occasionally form unlikely alliances, the boundaries of copyright law are stretched and sometimes breached.

Publishers, who participated in shaping the now-

Karen Holt is a freelance writer and editor. She lives in Stamford, Connecticut.
rejected settlement, expressed their commitment to developing a new agreement.

"We plan to work together with Google, the Authors Guild and others to overcome the objections raised by the Court and promote the fundamental principle behind our lawsuit, that copyrighted content cannot be used without the permission of the owner, or outside the law," the Association of American Publishers said in a statement.

Google is also considering its next step. "Regardless of the outcome, we’ll continue to work to make more of the world’s books discoverable online through Google Books and Google eBooks," said the company in a statement.

Under the settlement, copyright holders could “opt-out” of displays of their out-of-print books (in-print books would have been displayed only if rights holders expressly “opted in”). Google was to provide $125 million to fund the start-up of the Book Rights Registry, pay $60 to $300 per book to authors and publishers for Google’s unauthorized scanning prior to the announcement of the settlement, and pay legal fees and costs. Most of the financial benefit to authors and publishers, however, was expected to come from licensing revenues the settlement would generate. (See accompanying box.)

Chin suggested that the settlement’s proponents could eliminate some major objections by switching to an “opt-in” process. Rival companies, including Microsoft and Amazon, argued that the “opt-out” process would give Google unfair access to “orphan works,” whose rights holders are unknown or cannot be found. Chin agreed, even though the settlement required the Book Rights Registry to use "commercially reasonable efforts" to locate rights holders and to put payments for orphaned works into a fund, with unclaimed money eventually going to literary-based charities.

Citing legal precedent, Chin also said, “questions of who should be entrusted with the guardianship of orphan books, under what terms, and with what safeguards are matters more appropriately decided by Congress than through an agreement among private, self-interested parties.”

In a letter published in The New York Times, Guild President Scott Turow pointed out that the settlement was "crafted to bridge the broad divides among the stakeholders in the negotiations—authors, publishers, research libraries and Google . . . Critically, when it came to ‘orphan works,’ it would have collected and escrowed funds for authors.” Turow added that instead of simply demanding that Google withdraw all copyrighted material, the Guild worked out an agreement that would benefit authors, publishers and readers—while ending its legal battle with the company.

That battle was sparked in 2004, when Google reached a deal with several major research libraries to make digital copies of their collections, snippets of which could then be accessed through its search engine. The Guild filed a class action suit in September of 2005 to stop this “massive copyright infringement.”

A month later, publishers filed a similar suit against Google, and the two groups—often at odds on questions of copyright and other issues that affect authors’ livelihoods—became united against a powerful opponent.

In 2008, when the author and publisher organizations reached their historic settlement with Google, Mr. Aiken called it “the biggest book deal in U.S. publishing history.” A year later, in response to objections by critics and the Department of Justice, an amended settlement was filed. Among the changes was a narrowing of the scope of the agreement to include only the U.S., U.K., Australia and Canada.

In his recent letter to the Times, Mr. Turow concluded that “the dream of a virtual library of out-of-print books is dead, for now. Perhaps a legislative route may be found instead; we hope that the settlement shows how it can be done.”

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**Out-of-Print Revenues Lost? $164 Million Annually, says Report**

Last April, Michael Cairns, a former president of R.R. Bowker, estimated the institutional subscription revenue that the Google settlement would generate by the third year of its implementation. He projected those revenues at $260 million per year, assuming a market penetration of 65 percent for academic institutions, which he believed would be responsible for half of the institutional revenue. The share for authors and publishers of this revenue would be $164 million. This projection excluded revenues from other display uses of out-of-print books the settlement would have authorized, such as the sale of “online editions” of books. Mr. Cairns, who consults for Information Media Partners, has no connection to the settlement. His report, “A Database of Riches: The Business Model Behind the Google Book Settlement,” is available at personanondata.blogspot.com.
Children’s Book Authors, Publishers Size Up Digital Media’s Possibilities

BY KAREN HOLT


Like their counterparts who write for grown-ups, authors of books for children and young adults are struggling to figure out what the rise of digital media means for them—something that was vividly evident during the most recent Authors Guild panel on trends in children’s publishing.

An annual event for the Guild’s Children’s Book Group, the wide-ranging discussion touched briefly on three perennial 21st century subjects: vampires, sex and reluctant readers. But the conversation always quickly returned to the perils and opportunities presented by digital media. The panel members offered no blueprint for thriving in the digital age; there are still too many unknowns. But they repeatedly expressed optimism about emerging creative and business possibilities.

Panelist Rosemary Stimola, president and founder of Stimola Literary Studio, observed that some “see a dying industry and the end of the book as we know it. Others see an industry with new beginnings, adapting in the face of new technologies, and meeting the demands of a new generation of readers, taking advantage of what really are so many opportunities to connect authors and readers in ways never before possible.” Stimola—who put herself in the latter, rosier, group—pointed out that publishers are not, after all, in the printing business. “What is changing here in these last few years is not really what publishers do. What do they do? They develop, they design, they deliver content in ways that readers want.

“As much as I love the tactile pleasure of a printed book, the smell of the ink, the page turns, I’m intrigued by the possibility of e-books, enhanced books and multimedia adaptations of books,” Stimola said.

Panelist Neal Porter, editor and founder of an eponymous imprint at Roaring Brook Press—a self-described “curmudgeon and crank” who professed little interest in trends—said he was nonetheless excited to see how picture books evolve with new technology.

Like others, he sees the iPad, with its impressive graphic and multimedia capabilities, as a game changer. And he reminded the group that the 32-page picture book became standard solely because it was economically efficient to manufacture. In electronic form, the length of a picture book would be limited only by the size of a child’s attention span.

But even as technology expands what’s possible, said Stimola, in response to a question from the audience about what kind of new media properties she was interested in acquiring, storytelling trumps all. “As an agent, I’m still looking for a good story,” she said. “How ultimately it is iterated is a secondary question. Obviously, right now there is a book. Perhaps there are audio rights, perhaps there are dramatic rights that might be exercised. But for me, when I’m looking at submissions, I’m simply looking for a good story.”

“What is changing here in these last few years is not what publishers do. What do they do? They develop, they design, they deliver content in ways that readers want.”

—Rosemary Stimola

Another panelist, Lisa Holton, brought encouraging news from the front lines of digital media. Holton, who held high-level executive positions at Scholastic and Disney Global Children’s Books before becoming founder and CEO of the new media company Ford Story Media, has spent the last few years working with technology whizzes adept at building websites and cool apps. Smart as they are, she said, they’re not about to replace authors.

“They need great storytellers, and they specifically need great children’s writers,” Holton said. She encouraged authors and artists not to worry about becoming technology experts, but to focus on their craft.

During the discussion, audience members expressed concerns not just about what the digital era would mean for them creatively, but whether they would be paid fairly for their work. Stimola urged authors to be vigilant and flexible, and to avoid getting locked into long-term deals while the financial realities of e-books remain murky. “I don’t think any of us has a very clear crystal ball right now,” she said. “So, hedge your bets.”
The Authors Guild has been leading the fight for equitable royalties on e-books, often strongly criticizing the policies of publishers and online booksellers. But during the panel discussion, there was little sign of the acrimony that often surrounds discussion of e-rights and e-royalties. Holton described negotiations at her start-up as a collaborative process, where each deal is approached individually.

"I'm a teeny little shop over here doing crazy things, so obviously it's different for large publishers who are doing more sensible things," she said. "But for my model, I'm basically saying: 'We're in this together, let's be a partnership and make it fair.' And we sit down and together with the agent we figure out what makes sense."

Panel moderator Rachel Vail, who chairs the Children's Book Group, also emphasized a spirit of collegiality. Even as she praised the Guild's work to "make sure that we don't end up with the short end of the stick," she portrayed the children's book industry as a community—not a collection of adversaries. "I think that there is, generally, an idea of working together and trying to make great books and connect them with readers that benefits everybody," Vail said.

As the economics of the e-book market continue to slowly take shape, digital platforms are already transforming how authors connect with readers. Nowhere is that more true than in the YA market, where techsavvy tweens expect a direct connection with their favorite authors.

"Kids will shoot me an e-mail," said Vail. "'Hey, we all had to choose a book for homework. Well I chose yours. Can you please tell me: one, plot; two, theme; three, any instances of symbolism. Thanks'—with lots of s's—'Katie.' And it's like, 'Hey Katie. No. But Good Luck! Let me know how it goes.' But they do want access, and they want it now. 'Don't you have your BlackBerry with you? Because this is due tomorrow.'"

Best-selling author Meg Cabot, also a member of the panel, did not report being asked to do her fans' homework, but she stressed the importance of communicating with them through platforms such as Twitter, YouTube and her blog. Facebook is a particularly crucial—albeit time-consuming—tool for authors hoping to connect with YA readers. "That's where they all hang out, and they just want to talk constantly," she said. "Unfortunately you have to talk back. And then it just goes on and on. But it's a really great way to quickly make connections and promote your book."

Videos are even more effective, says Cabot, but only if they're done well. She and other panelists warned against videos that are either boring—think long shots of a book's cover and a ponderous voiceover—or use an obvious hard sell. Instead, said Cabot, go for short, catchy and surprising. "Actually, the less they have to do with your book the better, in a weird way."

Roaring Brook's Porter told of inadvertently discovering the marketing power of a well-crafted video while publishing a pop-up book titled ABC3D. He had no copies of the book, which originated in France, to show the sales reps, so a couple of young staffers put together a video about the book, intended for internal use only. On a whim, they posted it on YouTube. "A million hits later, the rest is history," said Porter. The video was posted in March. By the book's September pub date, Amazon had a big backlog of orders, Porter said.

The group also discussed the continuing influence of bloggers. While they may never fully displace professional reviewers, they are undeniably shaping literary tastes. Panelists advised those looking to promote a children's book to court the "Mommy bloggers."

"They're really intense," Holton said. "They're really influential. People follow them."

One of the few subjects not specifically related to digital publishing that held the group's attention was a newspaper article describing a decline in the picture book market. The story maintained that the format was suffering as achievement-focused parents pushed their children into text-only books at a younger age. Porter had barely introduced himself when he launched into a lengthy rebuttal of the article.

"For those of you who have read, dissected, debated and blogged about the recent New York Times article on the demise of the picture book, I am here to tell you that it is not dead, or even dying, merely evolving, as it has for well over a hundred years. About my life span.
“Yes, sales have been eclipsed—thank you, Stephanie Meyer—by other genres; yes, the space allotment at Barnes & Noble continues to shrink; yes, school and library budgets continue to contract, and have been hard hit by the economy, and yes, there may be a few zealous parents out there force-feeding their preschoolers Middlemarch. But even as we move into digital realms I firmly believe that picture books remain a sustainable art form, as well as a necessary component of any four-, five- or six-year-old’s literary diet.”

The Times story came up again later, when an audience member referenced the piece and worried aloud that the industry was heading for a crash. “We have people here on the panel from agent, publisher, writer . . . and it’s nice to answer things piecemeal, but a whole bunch of us have to get together and work this out because it’s not good now and it’s not going to be good anywhere in the new future.”

That led Stimola to remark, “That New York Times article just irritated the hell out of me because it suggested that parents are so insecure about their children passing standardized tests and getting into Harvard that they are willing to sacrifice the very things that will allow them the imagination and creativity that will bring them there.”

Vail added, “There’s also a saying that the news that gets put in those sections of the paper are the things that are going on with the editors’ friends in Greenpoint.”

Though, like others on the panel, Stimola questioned just how widespread this purported flight from picture books really is, she said it’s crucial that educators and booksellers reinforce to parents the value of putting good stories into children’s hands. Articulating what seemed to be the unofficial theme of the gathering, Stimola said, “It’s a collaboration all around.”

Shakespeare’s Paywall

Continued from page 8

blaze) and was quickly rebuilt. Its final end came in the mid-17th century, at the outset of a bloody civil war, when authorities ordered the walls pulled down. The regime wasn’t motivated by ideals of open access or illusions of speeding progress. They simply wanted to silence the dramatists, who expressed a wide range of unsettling thoughts to paying audiences within.

The experiment was over. Dramatists’ ties to commerce were severed, and the greatest explosion of playwriting talent the modern world has ever seen ended. Just like that. ♦

Maria Pallante, former Authors Guild assistant director, is new copyright chief. On June 1, Librarian of Congress James Billington appointed Maria Pallante Register of Copyrights and Director of the U.S. Copyright Office. Ms. Pallante, who was assistant director of the Guild from 1991 to 1993, has extensive experience in copyright licensing and policy. She worked as director of licensing for the worldwide Guggenheim Museums for eight years and held senior Copyright Office posts for more than five years, including serving as Acting Register since the retirement of Marybeth Peters on December 31.
A Writer’s Day

BY DAVID RAKOFF

It isn’t that I don’t sympathize with the lassitude. I understand it all too well. Creativity demands an ability to be with oneself at one’s least attractive, that sometimes it’s just easier not to do anything. Writing—I can really only speak to writing here—always, always only starts out as shit; an infant of monstrous aspect; bawling, ugly, terrible, and it stays terrible for a long, long time (sometimes forever). Unlike cooking, for example, where largely edible, if raw, ingredients are assembled, cut, heated, and otherwise manipulated into something both digestible and palatable, writing is closer to having to reverse-engineer a meal out of rotten food. So truly, if you’re already getting laid and have managed to fall in with an attractive and like-minded group without the added indignity of diving first-face into a cesspool every single time you sit down to work, no one understands better than I do why one might not bother.

The rude precariousness of this constant beginner-hood would be enough disincentive without the added mind fuck of how diametrically counter the creative trajectory runs to all other tasks. Among the multitude of reasons that it is better to be a grown-up than a child, just one is the mastery of the physical world. As a child, the distance between desire and execution was a maddeningly unbridgeable chasm. What the mind’s eye pictured and what the body could achieve were altogether different: those stubby safety scissors could only ever cut an edge that was ragged and inelegant; glitter was invariably swallowed up into the pile of carpets as if by malicious intent, like Charlie Brown’s grinning, kite-eating tree; the dried macaroni we were forced to incorporate into designs didn’t have the decency to stay on the page, despite the glue get-

I don’t for a moment forget that this is not a life of mining coal, waiting tables, or answering someone’s phone for a living.

David Rakoff is the author, most recently, of Half Empty, from which this is excerpted. He is a regular contributor to Public Radio International’s This American Life and has been a Guild member since 1998.
dime bags into the shrubbery by the stoop and line up for the metal detectors. The computer is turned on, opening up to the file left off the day before. Today will be good, you think. Not like the previous day's lack of industry, a shameful waste of phone calls, e-mail, snacking, and onanism.

Yes, it is all about today. But first, the crossword. And what does Paul Krugman have to say? Oh, that Gail Collins. Love her. E-mail, has it been checked in the last forty seconds? And now a snack. Friend Patty calls. She can't settle either. Midday already? The toddlers, now screaming, are picked up from next door. Sit down and write a sentence for God's sake. One fucking sentence, it won't kill you. It almost kills you. Funny thing about words. Regarded individually or encountered in newspapers or books (written by other people), they are as lovely and blameless as talcum-sweet babies. String them together into a sentence of

How many times must it be demonstrated to you that the interval of genius is as thin and fragile as the skin of an onion, if not downright illusory?

your own, however, and these cooing infants become a savage gang straight out of Lord of the Flies. A sullen coven with neither conscience nor allegiance. It will take the civilizing influence of repeated revision to whip them into shape, an exhausting prospect. Time for the late-afternoon power nap (“Ten minutes is all I need, and then I'm good for the rest of the day!” you brag to anyone who cares to listen.) You rise, refreshed, your sense of creative optimism restored—or it would be if it wasn't for the maniac on the street cracking that cellophane wrapper. Who the hell does he think he is? Stand at the window and scan the sidewalk like a crazy person. Uh-oh, here comes that woman with her schnauzers again, animals that exist in a constant state of high barking dudgeon. Log on to that dog-breed website (again) to see how long the average life span is for such a creature. How much Xanax crushed up and mixed into some ground beef would it take to... never mind. Sit back down. And nothing. Whither flown the clarity of those morning insights? How many times must it be demonstrated to you that the interval of genius is as thin and fragile as the skin of an onion, if not downright illusory? And yet you never rush to the desk to get the pearls down on paper because in the moment of thought, they seem incapable of dissipation. So immortal, so solid in their reasoning, like those musings just before dropping off to sleep.

Why disturb this almost-slumber by writing? The Brooklyn Bridge doesn't crumble simply because one shifts one's gaze from it. Of course I'll remember something this obviously brilliant in the morning, only to wake the next day without the remotest idea. Might as well finish eating that dried mango.

Oh, Google, how does one make soap?

The teenagers leave school, a good forty minutes of profanity (as comic genius Jackie Hoffman has observed, "It's all 'What the shit the fuck you are!' And the boys are even worse.") The street goes quiet again. You can see the custodial staff cleaning the classrooms. The streetlights come on. They'd look so pretty against the sapphire of the early-evening sky if they didn't signify the hours you've wasted. If you were any kind of writer, you'd stay in and do battle, wrest the time back and make the day mean something more than the nothing it is turning out to be. But you are not any kind of writer. Today has proven as much. As did yesterday and odds are tomorrow will attest to the same. Pregnant with Potential has turned to Freighted with Failure. And so another day fails to meet its promise and has spun out into procrasturbatory entropy. You power down the computer. Just before the screen goes dark, the sentence you wrote chuckles and says, “Until tomorrow, maestro.” Its tone is contemptuous, vaguely threatening, and deeply reminiscent of somebody's voice you can't quite place (three guesses whose). You will see friends and they will ask after your day and you will complain, charmingly (although not nearly as charmingly as you think), about what you haven't accomplished. Sometimes, it's just easier to go to dinner. Although, when you wake briefly at 4:00 AM in an anxious fury with yourself, you will know it is also exponentially so much more difficult to have gone to dinner.

The truest depiction of the writing life remains Nicolas Cage in the movie Adaptation, crippled by fear of inadequacy into near-complete inaction, opting to masturbate for the umpteenth time that day. His legs are the only thing visible on-screen, shaking, defeated, his off-body camera working its way to a sad and dribbling (anti)climax, the only thing he will produce the whole day.

And I understand, I really do. Who wants to hear a song about that? ✯
When Algorithms Collide

A $24 Million Out-of-Print Book, About Flies

BY MICHAEL EISEN

A few weeks ago a postdoc in my lab logged on to Amazon to buy the lab an extra copy of Peter Lawrence’s The Making of a Fly—a classic work in developmental biology that we—and most other Drosophila developmental biologists—consult regularly. The book, published in 1992, is out of print. But Amazon listed 17 copies for sale: 15 used from $35.54, and two new from $1,730,045.91 (+$3.99 shipping).

I sent a screen capture to the author—who was appropriately amused and intrigued. But I doubt even he would argue the book is worth that much. 

At first I thought it was a joke—a graduate student with too much time on his hands. But there were two new copies for sale, each being offered for well over a million dollars. And the two sellers seemed not only legit, but fairly big time (over 8,000 and 125,000 ratings in the last year respectively). The prices looked random—suggesting they were set by a computer. But how did they get so out of whack?

Amazingly, when I reloaded the page the next day, both prices had gone UP! Each was now nearly $2.8 million. And whereas previously the prices were $400,000 apart, they were now within $5,000 of each other. Now I was intrigued, and I started to follow the page incessantly. By the end of the day the higher priced copy had gone up again, this time to $3,536,675.57. And now a pattern was emerging.

On the day we discovered the million-dollar prices, the copy offered by bordeebook was 1.270589 times the price of the copy offered by profnath. And now the bordeebook copy was 1.270589 times profnath again. So clearly at least one of the sellers was setting their price algorithmically in response to changes in the other’s price. I continued to watch carefully and the full pattern emerged.

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Once a day profnath set their price to be 0.9983 times bordeebook’s price. The prices would remain close for several hours, until bordeebook “noticed” profnath’s change and elevated their price to 1.270589 times profnath’s higher price. The pattern continued perfectly for the next week.

But two questions remained. Why were they doing this, and how long would it go on before they noticed? As I amusedly watched the price rise every day, I learned that Amazon retailers are increasingly using algorithmic pricing (something Amazon itself does on a large scale), with a number of companies offering pricing algorithms/services to retailers. Both profnath and bordeebook were clearly using automatic pricing—employing algorithms that didn’t have a built-in sanity check on the prices they produced. But the two retailers were clearly employing different strategies.

The behavior of profnath is easy to deconstruct. They presumably have a new copy of the book, and want to make sure theirs is the lowest priced—but only by a tiny bit ($9.98 compared to $10.00). Why though would bordeebook want to make sure theirs is always more expensive? Since the prices of all the sellers are posted, this would seem to guarantee they would get no sales. But maybe this isn’t right—they have a huge volume of positive feedback—far more than most others. And some buyers might choose to pay a few extra dollars for the level of confidence in the transaction this might impart. Nonetheless this seems like a fairly risky thing to rely on—most people probably don’t behave that way—and meanwhile you’ve got a book sitting on the shelf collecting dust. Unless, of course, you don’t actually have the book... 

My preferred explanation for bordeebook’s pricing is that they do not actually possess the book. Rather, they noticed that someone else listed a copy for sale, and so they put it up as well—relying on their better feedback record to attract buyers. But, of course, if someone actually orders the book, they have to get it—so they have to set their price significantly higher—say

The biology text is out of print. 
A used copy will set you back $35; or you can have a new one for $1,730,045.91 (+$3.99 shipping).

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The Zip Is Zapped

*Jessica Pineda v. Williams Sonoma Stores Inc.*
*Supreme Court of California*

In June 2008, a cashier at one of Williams Sonoma Inc.’s California stores asked customer Jessica Pineda for her zip code while she was paying for a purchase with her credit card. Thinking this was necessary to complete the transaction, Pineda promptly gave her zip code to the cashier, who then entered it into the store’s register and completed the transaction. Unknown to Pineda, Williams Sonoma had also recorded her credit card number, name and zip code in its own database. The store then used its customized computer software to perform a reverse search of another database to match Pineda’s name and zip code with her previously undisclosed address, giving it Pineda’s complete address, which it now maintains in its own database. Williams Sonoma uses its database of names and addresses to market products to customers and allegedly may sell the information it has compiled to other businesses. Upon realizing this, Pineda brought a class action lawsuit alleging that Williams Sonoma had violated Section 1747.08 of the Song Beverly Credit Card Act of 1971. She also brought claims for unfair competition and invasion of privacy. The trial court dismissed her claims and the court of appeals affirmed the trial court’s rulings. The Supreme Court of California then accepted the case but allowed Pineda to proceed on her credit card claim only.

At the outset, the Supreme Court noted that Section 1747.08 (a) of the Song Beverly Credit Card Act of 1971 provides that “No person, firm, partnership, association or corporation that accepts credit cards for the transaction of business shall . . . 2) Request, or require as a condition to accepting the credit card as payment in full or in part for goods or services, the cardholder to provide personal identification information, which the person, firm, partnership, association or corporation accepting the credit card writes, causes to be written or otherwise records upon the credit card transaction form or otherwise.” Section 1747.08 (b) of the act defines personal identification as “information concerning the cardholder . . . including, but not limited to, the cardholder’s address and telephone number.” Thus to evaluate Pineda’s credit card claim, the Supreme Court had to determine whether Section 1747.08 of the Song Beverly Credit Card Act of 1971 was violated when the Williams Sonoma cashier requested Pineda’s zip code in the course of a credit card transaction and subsequently entered it in its database.

The Supreme Court noted that the court of appeals held that a zip code is certainly information that pertains to or “concerns” the credit cardholder under Section 1747.08 (b). However, the court of appeals found that the legislature did not intend a zip code absent other information, such as the cardholder’s address and telephone number, to constitute personal identification information in 1747.08 (b). The court of appeals reached this conclusion after focusing on the doctrine of “ejusdem generis,” whereby a general term is understood as being “restricted to those things that are similar to those which are enumerated specifically.” The court of appeals reasoned that a specific address and telephone number are “specific in nature regarding an individual,” whereas a zip code could potentially pertain to a group of individuals who live in that region. Thus the court of appeals held that a zip code standing alone without more information is unlike the other terms specified in 1747.08 (b).

The Supreme Court rejected this reasoning, concluding that a zip code is readily understood to be part of an address. If the Supreme Court accepted the court of appeals’ reasoning, stores would be permitted to not only ask for and record a zip code but could also acquire the street and city name without the house number, which would render the statute’s intended consumer protections meaningless.

The Supreme Court also dismissed the court of appeals’ assertion that a zip code, unlike an address or telephone number, is less specific to an individual than a complete address and/or phone number.
Finally, the Supreme Court pointed out that the court of appeals ignored the interpretation of what the enumerated terms in 1747.08 (b) have in common—that the terms “address” and “telephone number” constitute individual pieces of information that are not critical to complete a credit card transaction, but when compiled with other data can be used for Williams Sonoma’s other business purposes as alleged by Pineda.

The Supreme Court went on to elaborate that it favored the broader interpretation of the statute because it was more consistent with the rule that “courts should liberally construe remedial statutes in favor of their protective purpose,” which in this case includes addressing the “misuse of personal identification information for inter alia marketing purposes.” Moreover, the Supreme Court noted that the court of appeals’ interpretation would permit retailers to obtain the personal information of the credit card holder indirectly, thereby circumventing the very purpose of the statute, which is to protect the credit card holder’s personal information.

Likewise, the Supreme Court’s broader interpretation is consistent with Section 1747.08 (d) of the statute, which prohibits a retailer from recording personal information such as a zip code even when they need to validate the consumer’s identity prior to using a credit card. Finally, the legislative history clearly indicates the act was passed to “protect the personal privacy of consumers who pay for transactions with credit cards” so that retailers could not gather consumers’ personal information and use it for their own commercial advantage. For all these reasons, the Supreme Court held that the cashier’s request for and recording of Pineda’s zip code violated the Credit Card Act and remanded the case to the trial court to proceed on the credit card issue.

A Drop in the Photobucket

U.S. District Court, Southern District of New York

Sheila Wolk is a visual artist whose photos were uploaded to the website Photobucket.com, which hosts over eight billion photos that users have uploaded for storage and sharing. Wolk claimed that copies of her copyright-protected images were uploaded to Photobucket without her permission, by other users of the site. She tried to remove some of her infringed photos by following the guidelines in the Digital Millennium Copyright Act (DMCA) for copyright holders who wish to have their infringed materials removed from a particular website.

However, because Wolk was less than diligent in following the statutory requirements for removing materials, some of her copyright-protected works were not removed by Photobucket. When she realized that Photobucket would not monitor her copyright-protected works independently unless she sent DMCA compliant notices to remove all of her material, now and in the future, she moved for a preliminary injunction that would compel Photobucket to actively monitor its own site and remove all of her remaining photos from its website now and in the future.

In evaluating Wolk’s motion for a preliminary injunction, the U.S. District Court, Southern District of New York noted that Wolk must prove: 1) irreparable harm absent injunctive relief; 2) either a likelihood of success on the merits or a serious question going to the merits to make them a fair ground for trial, with the balance of hardship tipping decidedly in Wolk’s favor; and 3) that the public’s interest weighs in favor of granting an injunction. In its decision, the court focused on the second point, Wolk’s likelihood of success on the merits. In this regard, the court noted that plaintiff was unlikely to succeed on the merits of her claim because 17 USC § 512 (c) of the DMCA provides “safe harbor” for qualifying Internet Service Providers (ISPs) and shields them from monetary and equitable relief when one of the ISP’s users independently uploads copyright-protected works onto their system.

In order for Photobucket to fall within the safe harbor provisions of the DMCA, the court noted that Photobucket would have to meet the following requirements laid out in 17 USC § 512 (i): 1) that Photobucket qualifies as a “service provider” as defined by statute; 2) that Photobucket must have adopted and reasonably implemented a policy for the termination in appropriate circumstances of users who are repeat infringers; and 3) that Photobucket must accommodate and not interfere with standard technical measures used by copyright owners to identify or protect copyrighted works.

In evaluating whether Photobucket qualified for safe harbor protection, the court noted that 17 USC § 512 (k)(1)(B) broadly defines the term “service provider” as a “provider of online services or network access, or the operator of facilities therefor . . . .” The court noted that Photobucket’s role as host to online sharing of photos and video, which are uploaded to the website solely by users, qualified Photobucket as a “service provider” under the DMCA. The court also found that Photobucket had adopted and informed its users of its copyright infringement policy as well as its policy for terminating users who are repeat copyright infringers.
In addition, the court found that Photobucket didn’t interfere with “standard technical measures,” defined as “technical measures used by copyright owners to identify or protect their copyrighted works.” In fact, Wolk didn’t dispute or otherwise challenge the fact that Photobucket accommodated copyright holders and did not interfere with standard technical measures taken by copyright holders to protect their intellectual property. Thus, the court concluded that all of the factors were met to protect Photobucket under the 17 USC § 512 (i) safe harbor provision.

The court also noted that safe harbor under Section 512 (i) was not meant to extend to “material that resides on the system or network operated by or for the service provider through its own acts or decisions not at the discretion of a user.” In this regard, 17 USC § 512 (c)(1)(A) provides that a service provider qualifies for protection if it (A)(i) does not have actual knowledge that the material or an activity using the material on the system or network is infringing; (A)(ii) in the absence of actual knowledge, the ISP must not be aware of facts or circumstances from within which the infringing activity is apparent; and (A)(iii) if the ISP obtains such knowledge or awareness, it must act expeditiously to remove or disable access to the material. Moreover, § 512 (c)(1)(B) prohibits the ISP from receiving a financial benefit directly attributable to the infringing activity, in a case in which the service provider has the right and ability to control such activity. Likewise, § 512 (c)(1)(C) requires the ISP to respond expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity and § 512 (c)(2) requires the ISP to designate an agent to receive notification of infringement.

In this case, the court found that Wolk’s nonspecific notices of infringement were insufficient to give Photobucket actual or apparent knowledge of copyright infringement under 17 USC § 512 (c)(1)(A). The court rejected Wolk’s assertion that her notice of past infringement shifted the duty to police future infringement to Photobucket. The court also noted that this would be way beyond the scope of the DMCA, as § 512 (c)(3)(A) requires a DMCA compliant notice to identify and reasonably locate the infringing activity in each instance. The court found that not having received notices identifying and locating each instance of infringement, Photobucket did not have actual knowledge of Wolk’s infringements. The court further concluded that Wolk failed to point to other factors that Photobucket knew or should have known regarding specific infringing activity and that Photobucket had promptly taken down the allegedly infringing materials when Wolk’s notices were DMCA compliant, satisfying both § 512 (c)(1)(A) and § 512 (c)(1)(C), which requires designating an agent.

In regard to § 512 (c)(1)(B), the court found that Photobucket does not have the “right and ability to control the infringing activity and does not receive direct financial benefit from alleged infringing activity.” On the contrary, the court found that Photobucket allows users to upload and share photos and has neither the right nor the ability to control what is posted. Moreover, the court found that Photobucket is much too large a website to patrol content and advise users on individual content uploads. The court also noted that Photobucket doesn’t receive financial benefit from the infringing activity Wolk sought to enjoin. Moreover, while Wolk contended that Photobucket received financial gain through its relationship with Kodak, under which it received a share of sales from Photobucket users who purchased copies of uploaded Photobucket photos from Kodak, such financial gains are derived from allowing all users access to Kodak’s services, and the funds are not solely or even mainly derived from users paying to print infringing material. Finally, the court noted that Photobucket clearly designated an agent to receive process.

As all of the statutory requirements for safe harbor were satisfied, the court held that Photobucket qualified for safe harbor protection and Wolk could not ob-

Legal Services Scorecard

From February 2 through May 27, 2011, the Authors Guild Legal Service Department handled 492 legal inquiries. Included were:

- 54 book contract reviews
- 13 agency contract reviews
- 31 revision of rights inquiries
- 79 inquiries on copyright law, including infringement, registration, duration and fair use
- 15 inquiries regarding securing permissions and privacy releases
- 49 electronic rights inquiries
- 251 other inquiries (including literary estates, contract disputes, periodical and multimedia contracts, movie and television options, Internet piracy, liability insurance, finding an agent, and attorney referrals)

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Q. Is there a standard definition of “electronic rights”?

A. No, not for “electronic rights” nor for the many different rights encompassed in that term. (Some contracts use “multimedia rights” instead of “electronic rights,” but there is no agreement on what that term means either.)

Most electronic rights definitions used in publishers’ contracts are too vague or too broad or both. As a result, authors and agents must negotiate appropriate definitions for these subsidiary rights on a case-by-case basis.

Authors should define each electronic right they are granting narrowly and specifically. Properly done, this will enable authors to know precisely what rights they are granting to their book publishers and which they are free to license to software companies, electronics and games companies, apps and educational developers, and other non-book companies in order to exploit non-e-book electronic rights to their work.

If, despite negotiations, the contract you sign with your publisher still contains broader definitions than you’d like, be sure to add a provision that any rights not exercised by your publisher or one of its licensees (as to any language, medium, format or territory) within 5 years after initial publication of your manuscript (in any form) shall revert to you upon written notice to your publisher. Such a reversion clause should always be included by authors when agented rights (e.g., translations and movie rights) have been granted to the publisher. But it is particularly important when dealing with broad electronic rights clauses because no one—not the publisher, the author or the agent—can anticipate all the possible uses of rights granted in such broad clauses. As recent history suggests, many have yet to be invented.

Q. Royalties on two textbooks I wrote are being watered down because my 1980s contracts didn’t anticipate sales of e-textbooks or rentals of my textbooks in regular and digital formats. More importantly, the contracts didn’t anticipate that my publisher would own or control the companies that handle its digital and rental copies. As a result, my royalties are calculated based on the revenue my publisher receives from these captive companies rather than the larger amount those companies received from the students who bought the book. How can I avoid this outrageous situation in the future?

A. Presumably you and other authors entitled to royalties from the same publisher have banded together to hire a good lawyer to deal with the existing publisher. Although I’m not a litigator, I believe the courts would frown on shenanigans like that. You should also consider publicizing the situation without omitting the name of the offending publisher(s). Even if a court finds the practice legal, in my opinion it’s clearly unethical. Good reputations are important to textbook publishers, and if they can be embarrassed by accurate recitations of the facts and circumstances, publicity is certainly a weapon to brandish.

As to your future contracts, here are two versions of the type of clause you’ll want to include.

The first is one that authors should already be including in all their contracts and isn’t specific to e-books or electronic rights, viz.,

Except as otherwise specifically provided in this Agreement, any license granted, or copies of any version of the Work sold or rented, by Publisher under this Agreement to an Affiliate shall be granted, sold or rented on financial and other terms which are no less favorable to Publisher than the terms upon which Publisher would have granted such license, or sold or rented such copies, to an unrelated or unaffiliated person or entity.

Even better would be adding “in an arms-length transaction and” after “rented” but many publishers won’t agree to that.

The second, which has the benefit of being more specific and eliminates the question implicit in the
prior one of what terms are “no less favorable,” would be:

For purposes of the provisions in this Agreement providing for payments by Publisher to Author (as royalties or otherwise) computed based on amounts received by Publisher, those amounts shall instead be computed based on amounts received by the relevant Affiliate of Publisher in those situations where Publisher has directly or indirectly provided the relevant version of the Work to an Affiliate (by sale or otherwise) and the amount received by the Affiliate from its customer or the end user is greater than that received by Publisher from such Affiliate.

If using this version, a similar paragraph should be added to cover subsidiary rights licenses, where the author’s share is a specified percentage (never less than 50 percent) of what the publisher—or its affiliate—gets from the ultimate licensee.

In either case, the following definitions should be included in the contract:

As used herein, “Affiliate” means a Person that directly or indirectly, through one or more intermediaries or otherwise, controls, or is controlled by, or is in or under common control with, Publisher. “Person” includes any individual, firm, division, corporation, limited liability company, joint venture, partnership, trust or other unincorporated organization or association or other enterprise.

Before using either of the two suggested clauses, of course, you should check with your own lawyer to make sure it interfaces correctly with the other provisions in the publisher’s proposed contract and does what you intend.

Q. My publisher wants to include this sentence in my new contract: “Sales of e-books, whether by Publisher or by a licensee, shall be considered sales by Publisher for purposes of the royalty provisions of this Agreement.” It’s not in my earlier contract. Is it okay to include?

A. While I am sympathetic to a publisher wanting to include this or similar language in new contracts and would likely recommend to a client that, as a business matter, he or she accept it, I would definitely not recommend that you or anyone else amend any previous contracts to include the provision.

But before you agree to include the requested language in your new contract, be sure the contract requires your publisher, whenever it increases its standard e-book royalty rate, to automatically increase your e-book royalty rate to that higher rate. This is important because the so-called “standard” rate that most of the major publishers are paying now is half of what most author advocates believe it should be.

The reason your publisher wants to include the new language is likely because of a September 2010 California case. In F.B.T. Productions v. Aftermath Records, a federal appeals court ruled that the rap artist Eminem should have received royalties on iTunes downloads of his songs equal to 50 percent of what his music company received from iTunes rather than the far smaller “per recording” royalty payable on sales of his recordings (e.g., as CDs).

The court ruled this way on the grounds that the arrangement between his music company and iTunes was a license of the right to duplicate and distribute

An e-book sale “is essentially accomplished through a license between the publisher and the online seller whereby the online bookseller gets a master copy of the e-book and duplicates it for transmission to its customer . . . [I]t should be treated the way other licenses are treated under your earlier contracts.”

his songs (which it was) and that, accordingly, the subsidiary rights provisions of his contract—which provided for a 50/50 split of all licensing revenue—applied. It said that the “per copy” royalty based on the price of the song applied only when the song was sold by the publisher, not by a licensee.

Although the application of this case to any particular contract (book or music) is uncertain—much depends on the exact language in several different sections of that contract and how those provisions interrelate—the reasoning clearly applies to book publishing contracts and e-books.

Unlike print-on-paper books, e-books are not individually sold by publishers to online booksellers which in turn sell the book to their own customers. The trans-

Continued on page 51
JEFF KLEINMAN: My name is Jeff Kleinman, I’m an agent at Folio Literary Management, and I’m known as the moderator from Hell. We really appreciate you all coming today. Basically we’re here to talk about apps. We have some of the best people developing apps in the country sitting here, and we’re going to hear from them in alphabetical order, so let’s get started. Tobin, you’re on.

TOBIN FISHER: Thanks for having us on the panel. It’s an honor to be here. As Jeff said, we publish apps. Like a lot of other people in the digital media world, Kevin Collins, my partner and cofounder, and I didn’t want to make products we felt were removing people from reality. Reality’s pretty awesome as it is, so we wanted to use the mobile media world to create products that we think could enhance reality. That’s the common theme through all the apps that we publish.

This [holds up an iPad to show a screen image of Sutro Media guides] is a fraction of the guides we’ve published with authors over the last two years. These guides have had a lot of real world use: the dots on the map represent all the places in the world that someone has used one of our guides. That’s over about a three-month period this last fall. One of the things that’s really amazing about this is, you see all of the usage in South America? At the time that we made this map, we didn’t actually have any products for South America. That really underscores what a worldwide market apps are, and how easy it is to publish something that’s a worldwide product.

Our apps to date have gotten very good attention from Apple, and in the last two-plus years of working this market we’ve made a couple of observations that I want to share.

The first is that apps are something new. We’ve seen a lot of other businesses that are trying to make the best book that they can as an app, which we think is great. I was reading one last night so I certainly recognize their value. But we also feel that this is kind of like when television came out and people said, “Okay, this is a new way you can make plays, watch plays at home,” or when the computer came out and they said, “This is like a typewriter with spell check.”

Those people were right, but they also missed a lot of opportunities—like Facebook—that you would never get to if you viewed it as just a new way to reproduce an old art form. We would encourage you as authors to also rethink: What is your role, as an author, in creating an app? And I think it’s going to be different, especially as we go forward.

Second, we’ve worked with a lot of authors, and have had some very good success, but, not surprisingly, what we’ve seen is you have to have a really
good product to be successful. In the app space, you
don’t get any points for just showing up. You’ve got to
make a great product.

Finally, we really encourage authors to think like
an entrepreneur. The space is changing rapidly
enough that even if we all told you exactly what works
today, it might not work tomorrow. So you really have
to get prepared to promote yourself, to market your-
self, and try things and adapt as you learn from the
market.

So what is it we love about apps, and why do we
think they’re so amazing? Here’s just a small list: One
is the multimedia aspect. If you publish 100 photos in

a book, that’d be a lot of photos. Our New York guide
has about 1,800 photos. Our San Francisco guide has
about 3,000 photos. In addition you’ve got movies.
Within the app structure, one can include all sorts of
different kinds of content.

Another thing is spatial awareness. It’s possible
with mobile guides to know where a person is, and
you can do all kinds of crazy things, like see where
you are relative to things within a guide in the app it-
self. That crazy new functionality is not something you
can do with books.

Also links. For anyone who has used the Internet,
this isn’t all that new, but it’s kind of cool to have a
book that actually lets your readers dig in deeper. You
can see the links to other entries and you can also have
links to, say, YouTube videos.

Finally, at least on this list, you get to have a con-
versation with your readers. When you publish a tra-
ditional book, you may not hear much back from
readers. In this case, readers can make comments,
telling you exactly what they think about what you’ve
done. It’s a great way to connect with your readers—
to learn what you can do differently, what you can do
better, etc. You can also learn even more from your

customers with metrics. We can keep track of every in-
teraction that your reader has with your app. We keep
track of the most popular entries in a guide, what are
the most popular tags, what photos people like most.
It’s just another great way to understand who your
readers are, and what they care about.

As far as what you specifically can do with apps,
here are a couple of different ideas. Our bread and but-
ter is guides. We make travel guides and other sorts of
guides—a guide to spices, guides to yarn. We think we
can make a better product with these app guides than
we can with traditional print products. It’s cheaper
and it has more functionality. Another thing we’ve
seen authors have very good success with is making a
companion to an existing work. One example is
Jonathan Eig, the New York Times best-selling author of
Get Capone, who published a guide with all of the
gangland places in Chicago. That got him on NPR, and
got some great press for his book, in addition to mak-
ing him some extra money.

Lastly, one of the cool things about apps is that
they’re pretty close to free to publish—obvi-
ously, from everyone’s creative effort. Which means
that it gives authors the opportunity to do something
that they might not otherwise try, and also a set of new
features that would be impossible in other media
forms. So it’s an exciting way to try things that have
never been done before. The Real Pizza Guide to New
York was actually the sixth most successful travel
guide on all of iTunes for a time period, which you
knew blew us away—it’s a very tiny topic, but it res-
azoned with people. They cared about it.

In the event that you decided you wanted to work
with us, we don’t have any up-front costs or advances.
We work entirely on a shared revenue basis. We come
as close as we can to splitting the revenue with you,
though we can’t do anything about the fraction Apple
takes, unfortunately. Our primary contractual re-
quirement is that we insist that the copy needs to be origi-
nal to mobile and original to what we publish. We
create the same set of software tools that all of our au-
thors use for creating their guide. It’s almost like a
commune in that regard. We try to make the best tools
we can for the most authors. So we don’t do custom
development, but there is a pretty wide range of things
you can create with the tools we’ve made.

KLEINMAN: Thank you very much, Tobin. I know
you all have tons of questions because I have tons of
questions, so don’t worry. Andy?

ANDY HUNTER: I’m Andy Hunter. I’m the editor-in-
chief and publisher of Electric Literature. We began as,
and still are, a literary fiction publisher. We started
publishing in June of 2009. We have published authors
such as Michael Cunningham, who wrote *The Hours*; MacArthur Genius grant winners like Lydia Davis and Colson Whitehead; Rick Moody. And we’ve published an anthology of short fiction and this year we’re going to start publishing novels and short story anthologies. We conceived Electric Literature as a publisher for the digital age that takes advantage of all kinds of new media, and platforms, in order to both distribute and promote literary content.

At the time, one of those platforms was the iPhone. The iPad didn’t exist. In 2009, around June, we released an iPhone app, and it was very popular, it got a lot of attention. It was chosen as a staff pick by Apple, so we sold a lot of copies. And then we put out our second stand-alone app. And we only sold about a quarter as many of that as we did our first app, because we couldn’t find those first readers. Even though we had sold thousands of the first app, when the second stand-alone one came out in October, we had to start from scratch. But that is the way every book publisher works right now. When a book publisher publishes a book, and they find five thousand or fifty thousand readers for that book, when that author’s next book comes out, they have to find those readers all over again. It’s the same challenge.

So what we started doing was building an app that was basically a virtual catalogue of all of our titles, and will continue to update it with every new book that we put out. People can buy any of these books just by touching it. It also contains multimedia content—videos and audio of the authors’ readings, with images and other great functionality that you couldn’t do in a print publication. Once we finished developing it, we realized that there are other publishers and authors who want to take advantage of it. To our surprise, there was no one really offering an affordable way for someone to publish a curated selection of books to the iPad or the iPhone, such as a series, for example. It could be Stephen King’s *The Dark Tower* or *Sweet Valley High*. For Electric Literature, it doesn’t matter what the titles are, but the convenience of being able to put them all in the same place, so that a reader who loves the first book can go “touch, touch, touch” and buy them all, is something any author would want for their catalogue, and any publisher would want for their books. So we decided to start offering this platform to other publishers and authors.

One important thing people bring up about apps is that apps are not e-books. And they’re certainly not books. An app is a computer program and it can do anything you decide to program it to do.”

—Andy Hunter, Electric Media

and add them. Whereas if you have an e-book, it can only do whatever Amazon’s Kindle or Apple’s iPad decides it’s worth it to have books be able to do.

So, it’s a good way to conceive of apps. Our programs are pretty much unfettered and unbound, whereas e-books are inert. An app can send a text message to everybody who owns it—a push message alerting them to an author reading, or another book that the author has out that they might be interested in. And apps can build community. We built an app for Stephen Elliott, who wrote the *Adderall Diaries*, and also the editor of a popular literary website called *The Rumpus*. His book has a discussion section, where anybody reading that book, anywhere in the world, can share their opinions about the book with each other, and Stephen Elliott also chimes in. So you have a discussion about the book. That’s part of the app and part
of the book. It’s like everybody reading that book through the app is reading the same copy of the book. They’re all able to share their opinions and that becomes archived; it actually becomes part of the document.

You can imagine, if this had existed for the past fifty years, the kind of incredible conversations you would find around books that were important in their time—where you have the readers and the writer responding to one another, analyzing the books. That’s just scratching the surface of what you can do with apps, and what we’re trying to do with books published by Electric Publisher.

This [displaying iPad] is an app we just released for Human Rights Watch. They publish about ninety-two reports a year, all spotlighting different human rights issues and abuses all throughout the world. They wanted to get those reports to a wider readership, and they were able to use our bookshelf technology to create a little bookshelf filled with all their reports. Any issue you’re interested in you can just download. The app contains audio, video, and Human Rights Watch’s newsfeed. It can contain alerts and calls to action. There’s a donate button so they can raise money for the organization, and all different kinds of functionalities that they wanted in there. But the primary point of the app is, it’s an excellent reading experience for their reports. It’s just one use of the technology. Everything publishes to the iPad, but it also scales down to the iPhone, and it syncs. So if you have an iPad but you’re stuck at the dentist’s office and you need something to read, and you started something on your iPad earlier, you can open it up on your iPhone and read it.

That’s just some of the stuff that our Electric Publisher platform can do. We’re working with all kinds of different publishers, and it’s I think a really exciting time, for writers and publishers, who want to be able to sell books directly to readers. That’s something that this kind of app platform allows you to do.

KLEINMAN: Thank you, Andy. Our next speaker is Janice Kaplan, who is from Auryn, and she has an amazing presentation, which is floating around here somewhere on my iPad.

JANICE KAPLAN: Thank you. I’m Janice Kaplan and I’ve been a novelist and a TV producer for much of my career. Until recently, I was the editor-in-chief of Parade magazine, which of course is the ultimate mass-market old media. We would print 35 million copies every week and put them into newspapers. And now we all read our newspapers on the iPad, or I do anyway. And there are no inserts.

I’m working with Auryn because they’re a really terrific company that believes in the integrity of a book. What they’re doing is they’re taking really wonderful existing children’s books and they’re making them animated and they’re making them interactive. Auryn was founded by two top animators, who had previously been at Disney and DreamWorks and Sony Animation, and they are taking that brilliant experience and using it to make books come alive on the page. I like that even the name of the company has a literary resonance—Auryn was of course the medallion in the Neverending Story, for those of you who are nerds like me and loved that book.

Before this I was on the writer/editor side of the equation, so I know a lot of these technologies can be really scary. What Auryn is trying to do is to make them not scary—for writers and for agents, and certainly for the people using them. Because the idea is, they’re not replacing a book. They’re adding to the book. And they’re taking a beautiful book, and they’re not imagining that you’re just going to hand your iPad

"What Auryn is trying to do is to make [these new technologies] not scary— for writers and for agents, and certainly for the people using them. They’re not replacing a book. They’re adding to the book."

—Janice Kaplan, Auryn Publishing

to your four-year-old, or your two-year-old, and let them sit there with it. It’s still story time, and it’s still the same wonderful story that you might be reading if you were reading a wonderful book to them in hardcover, but now the child can see the page come to life. Gets to see the still image walking and moving. Gets to see the trees and the leaves blowing a little bit, and gets to play with it.

What’s so wonderful about this for writers, and for illustrators, is that this is how they’ve imagined it, you know? They have the pictures moving in their head. They didn’t just make it as a still picture, and now we all get to see it that way. Auryn has a proprietary 3-D technology. Once the 3-D image exists, they can move
it anywhere. And so the picture that the artist has drawn doesn’t change. Teddy looks like Teddy, whether they’re animating him by having him do somersaults or jumping up and down on the bed.

The agent for a big best-selling author who was about to sign with us asked, “Well doesn’t this can-

nalize the book?” To me the answer is, “Not at all.” The more people are familiar with the book in any for-

mat, the more they want from that author, the more terrific it is for all. I hate to use examples like this, goodness knows, but when I was at Parade, if we planned to run an interview with Brad Pitt on Sunday, we would talk about it the previous Monday, Tuesday, Wednesday, Thursday, Friday. The exposure didn’t make people blasé—it made them more intrigued. I think it’s the same thing with authors. The more you’re out there, the more your brand is out there, the more your wonderful stories and pictures are out there, in apps or any other format, the more people want. That’s it.

KLEINMAN: Next we have Bruce Lubin, from Callaway Digital Arts.

BRUCE LUBIN: Hello, thanks for having me. I am Bruce Lubin, from Callaway Digital Arts. I don’t have a presentation, cause I’m a complete Luddite. But I want you to know that if I can make my way in this digital world, you can too. Because here I am, and I’ve got a blank screen behind me.

Very briefly, I was the publisher at Barnes & Noble for about ten years. I was doing about a thousand books a year. I published a lot of reprints, of existing books in the States, and from overseas. I also had my own publishing company, and sold products and books that I wrote, on the Home Shopping Network. I was dragged into Callaway by a confluence of events. Nicholas Callaway is primarily a book packager. Notably he packaged the Madonna Sex book, which was and still is the best-selling illustrated book of all time. He created the Miss Spider brand, which he’s turned into a television series—twenty-four linear feet of product in Target—and a whole slew of other li-

enced opportunities.

My experience is a little different than everybody else’s on the panel. About a year ago, Nicholas created a small iPhone app from Miss Spider and sent it to Steve Jobs, whom he did not know. And by the way—we were raising money of course—he offered an intro-

duction to his best friend, who runs Kleiner Perkins Caufield & Byers, which is one of the largest venture capitalist groups. And we got funded, which is not a small footnote here, because I think the issue with the iPad and with all of this is: How are you going to make money? And how are you going to market this thing?

I will tell you. I have deals in place with Martha Stewart. We did an app called Cookies, and we have a business going forward with her. We’re working with Sesame Street, and we have The Monster at the End of This Book, which is the number-one-selling book app

“I’m a complete Luddite. But I

want you to know that if I can make it in this digital world, then you can too.”

—Bruce Lubin,

Callaway Digital Arts

for the past month or so, and number five overall, and anytime you’re in the same screen as sort of angry birds . . .

I think what we’re doing here is sort of pioneering. Because I don’t think this is a real market that exists yet. I think we’re all kind of making it up as we go along. And it’s important to understand that at this point, I don’t know if any of us are going to get rich right now doing what we’re doing, but I think the numbers, and the force of this is undeniable. And the fact that PW reported that there were almost eight million iPads sold in the last quarter, and 14 million iPhones, and Verizon thinks they’ll sell nine million iPhones next year. Trust me, as someone who comes out of Barnes & Noble, you can’t fight this tide. Nor do I think that we should.

That said, I think it’s very important, and maybe we can discuss this in the Q&A, to find ways to really market these efficiently, and to monetize this. And the approach that we’re taking is maybe different than some others. I mean we are—this notion that you’re going to earn your money per download—I don’t know that it really works, not for us. I think there has to be other ways to do it. There’s e-commerce, there’s all sorts of things.

The Martha Stewart app is very interesting. You know, if you did a book by Martha on cookies, you would never put ads in it. There’s a church and state thing in publishing. Yet if you do an app about cook-

ies, and there’s a link—“You want these whisks that she has? Click here”—and you go to the Macy’s site, it’s a service. It might be crass marketing, but you know what? It’s what people want. And it’s a whole other revenue stream. I think that what’s going to hap-
pen in this space is we’re going to find that it isn’t per download. The difference is, you go into a bookstore and you don’t expect things to be free. You go to the App Store—which is a flea market, by the way. I don’t know how familiar you are with it, but it is impossible to navigate. But you know, you’ll be damned if you spend more than $1.99. At least that’s how a lot of people feel. So, I think the challenges are great, the opportunities unbelievable.

We have burned the boats at Callaway in terms of publishing. We’re no longer doing printed books, but we are developing authors. We just signed on—not that he needs to be developed—Graydon Carter. He’s going to bring me his first book only for the iPad, or conceived of on the iPad, that he’s writing and illustrating, and Andrew Wylie, who is his agent, will be selling it wherever he sells it as a print version. I think it’s really interesting what is going forward. I’m sorry I don’t have anything that you could look at instead of me, but that’s my story.

KLEINMAN: Last we have Skye Van Raalte-Herzog, who is going to be talking about Expanded Books.

SKYE VAN RAALTE-HERZOG: Thanks for having me here. This presentation is a video showing several of the apps that we’ve built and their features. While I’m talking, the video can just play, and you can get a sense of some of the things that we have done. We started in 2008, which was very early in this digital publishing world. The reason we got into it is because our backgrounds were in video production and book production. It seemed like it was a natural fit for our company. We already were doing business with most of the large publishing houses, and had good relationships with them making videos, and promoting those videos, so it really was a natural progression for us to get into creating apps.

We specialize mainly in multimedia apps, where we’re able to bring in all of the skills that we have in video and multimedia production, including sound design. We’ve created complete audiobooks. We’ve added music and sound effects. They’re not like typical audiobooks, because they’re our own creation with a lot of extra features and are only available as apps. The aim of our apps is to give users a multimedia reading experience. The technology we use to combine the audio and the text is synchronized. So you can listen to the book, then read it, or listen and read it at the same time. And you can also incorporate video, stills, links to the Web, or other forms of media and functionality.

We also have animators and artists who create original artwork and animation for our applications. One of our series, Choose Your Own Adventure, was developed with Simon & Schuster, and very little artwork was available. We were given fewer than twenty images, and we didn’t think that was enough to make a good multimedia reading experience, so we created the rest of the artwork. We were able to pull together all our resources to make a truly multimedia product from the original book content. Our goal is to let the content dictate what the app is going to be. For example, with workbook-type apps that we develop, for anything with interactive features, where the user should be checking a box, or filling in information, we have built in that functionality.

We don’t have any kind of set, standard app that we’re flowing content into. Everything is custom. That doesn’t mean that we’re not doing series; we are. But

“One thing to keep in mind is that an app is never finished. It’s . . . a living, breathing product . . . that we can keep updating, changing . . . listening to user feedback, and working from the feedback.”

—Skye van Raalte-Herzog, Expanded Books

we’re building a custom application for that particular series content. We’ve learned a lot since we began building apps in 2008.

One thing to keep in mind is that an app is never finished. That’s where it is really different from a book. It’s better to think of it as a living, breathing product. What’s nice about that is that we can keep updating it, changing it, listening to user feedback, and working from that feedback. We can adapt it and change it and add onto it to make it into something that’s really compelling for the readers.

After we started developing mobile applications, we also began creating widgets. This is very relevant for authors and agents because widgets can be developed more quickly and at a fraction of the cost and can be used promotionally, rather than developing a full-blown application. The widgets we’ve created will live on any website or Facebook.

KLEINMAN: Thank you all. And thank you everybody for coming. Now, on to the heart of everything, I have six pages of questions, which I’ve asked the pan-
elists to take turns answering one at a time, and if there’s some vastly different opinion, someone is going to chime in and say, “No, I don’t do it that way.” I want to move forward as quickly as we can, because I’m sure some of you in the audience may also have questions at this point.

The first question, and I want to make this very brief, but I want to get all of your opinions on this one: There is this thing out there called “enhanced e-book” and there’s this other thing out there called an “app.” As briefly as possible, I want you to try to tell me what the difference is. I just want to go down the line, that’s the only question I have for everybody.

FISHER: I think, as Andy said, an app is a piece of software. So it can be anything you want it to be. Whereas an e-book is trying to imitate something that already exists—a book. And I think the reality is that an enhanced e-book is always going to be a poor imitation of a book. Whereas if you actually try to make it an art form unto itself, you can do anything software can do, which is a pretty dizzying array of possibilities.

KLEINMAN: Cool. Andy?

HUNTER: An enhanced e-book is basically a textbook which they’re allowing to incorporate video and audio. It can be useful I think, especially with nonfiction, and any kind of work that lends itself to video. But it’s not the same as an app at all. An app is kind of unbound and programmable, and can do what you want it to do, whereas an enhanced e-book ultimately is going to do what the software that is reading it is programmed to do—which in the case of iBooks and Kindle is basically text with video and audio thrown in.

KLEINMAN: Cool. Janice?

KAPLAN: Well, since I know it from the children’s book perspective, obviously e-books don’t work that well for children’s books and for picture books. An app is a completely different animal for that. So I think an app can work for children’s books in a way that, in terms of the color and the images, are unlikely to work as well on an e-book.

LUBIN: I agree with what everyone said. I think an e-book is an e-book; an app is a fully immersive experience. Somebody said you can really get results on who is going to your app and what they’re doing. In the kids’ space, the story is the story and it’s linear and kids will read it. But what the kids will come back to is the painting function. Or the game function. Or connect the dots. So an app allows you to really immerse yourself in a world of a character in a way that an enhanced e-book isn’t designed to do.

KLEINMAN: Skye, I’d like you to address where these things are sold. iTunes versus the iBookstore.

VAN RAALTE-HERZOG: Well, we’re working on enhanced e-books right now. And one of the main problems is that we have to follow the Amazon requirements for the Kindle. We have to develop it to run on all devices and there are a lot of limitations as to what can be done and how many audio elements can be added.

KLEINMAN: What are we talking about here, an app, or an e-book?

VAN RAALTE-HERZOG: Enhanced e-books are sold in the iBookstore and apps are sold on iTunes, in the app store. The difference is that with apps, there are no restrictions on what can be done. We develop both enhanced e-books and apps.

KLEINMAN: Okay, so here were go. That was just the basics. Now we’re going to get to the heart of things. The first big area I want to understand is what do app developers do? This is a fact-finding mission for me. I want to understand. So, walk us through a typical acquisition scenario. I don’t want to talk about money, just the logistics. How you acquire it, how the negotiations take place, just give me a great big broad overview. Tobin, you’re up. For you, who acquires and who makes a decision?

FISHER: Sure. The short answer is Kim Grant. She’s the best decision we ever made as far as who to work with. She’s an acquisitions editor from the travel-writing world, and the first point of contact for all authors who are interested in working with us. Usually we end up discussing amongst the three of us. What we look for in authors is first and foremost someone who is an expert on the . . .

KLEINMAN: Hold on, we’re going to keep going. I just want to know who makes the decisions. So, mov-
KLEINMAN: So, Janice. Content. How do you decide how much content is in the app? We have a lot of questions about criteria—fiction versus nonfiction, all that stuff. But the first question is, “I want to do an app, and I have this book.” How do you figure out the whole percentage thing? How much am I allowed to use?

KAPLAN: As with every other question that is going to be asked here today, the answer is, it depends. As Bruce said, it is the Wild West out there and we’re all kind of making up the rules as we go along, trying to figure things out. I’ve been dealing with children’s books, and animated children’s books. If you’ve maintained the multimedia rights, then it’s okay. Because it’s not just an e-book—it’s visual and it’s becoming animated. It’s different than the enhanced e-book.

KLEINMAN: So I can take all the text?

KAPLAN: Again, it depends. On the book that is being passed around on an iPad, one of the Teddy books—those are very short books with very short text, and we actually took each page, animated the pages, then changed the pages and added the interactivity to it. Another book that I’m negotiating right now has exquisite pictures that we could animate, but the text is very long. The long text isn’t going to work in the format we’re doing, so we’re going to cut it down. And we’re open to suggestions about how to do it. If the author wants to do the cut, he can. If he wants us to cut it down, we will. There are lots of different variables. I think what everybody is saying is, everything is sort of custom at this point.

KLEINMAN: I’m going to throw the discussion open to everyone at this point, and then we’ll ask Skye the last question, which is, Who is responsible for creating the content and how is the content created? The things I’ve delineated are photos, video, some type of enhanced text, and author interview transcripts. Some kind of extra stuff that would appear in the app, but not in the enhanced e-book, and then the software elements. Tobin, GPS stuff? Timers on cookbook apps? Let’s go down the line. Who is responsible, how do you have that generally work? Is it the author, is it you? Give me some idea.

FISHER: In our model, the author is the point person who creates content for the guide, although they both create their own original content and act as a curator of whatever content is available. So the authors will select videos from YouTube, or pictures from Creative Commons, or from customers. Our authors play two roles—as author and also as curator of whatever content is out there in the world.
KLEINMAN: So for you it’s the author. Does anybody else have a different model? Are some of these people doing it themselves?

LUBIN: Yes, we’re creating it ourselves. I think the author is sort of the backbone, and then we’re doing all the animation, and all the digital assets—that’s what we do.

KLEINMAN: But you’re all doing different things. I’m hoping this is sort of getting clear. It’s a whole different world here. So Skye, moving on, for you, what kind of content translates most easily into an app? I have three ideas. First is fiction versus nonfiction, then there’s children’s stuff versus adult stuff, and then my big question is, famous versus non-famous authors. And then hopefully everyone else will chime in.

VAN RAALTE-HERZOG: First of all, I think the reason I love publishing and working with books is because the kind of content that we can deal with is endless. So that still applies. We’re still dealing with content. We’re just dealing with content on a mobile platform. So we let the content dictate to us what the best way to present it is. If the reading experience itself is really what matters—becoming immersed in those words—then we’re looking at ways to deliver those words in the most user-friendly way. We’re always trying to make the apps visually very appealing, even if there’s a lot of text—because there are going to be pages that are just text.

I wouldn’t say that I would choose fiction over nonfiction. Or that one type is easier than another. I think that the content is going to dictate what we will do with it. For example, one of the samples we showed, Boost Your Interview IQ, is an app we developed with McGraw-Hill that is for people who are looking for jobs. They’re able to do sample interview questions and answer them. That’s something that is already interactive, so it was easy to translate. What we did was transform the interactive experience on the page—multiple choice questions, fill in answers—to a truly interactive experience on the mobile device. So, for a multiple choice question, the user taps on the correct answer and is then taken to another screen with an explanation of the answer, rather than having to turn a page.

With children’s books, it depends on what you’re starting with—whether you’re starting with a book that has illustrations, or doesn’t have illustrations. If you want to have a multimedia approach and you have some existing media, that saves time. But it doesn’t necessarily mean that it’s going to be easier. It would just make it a shorter development time.

LUBIN: I think what Skye says is absolutely right: Content is not a small point. I think what happens with this amazing technology is you see some apps that have these whistles and bells but others do not. Certainly what we did with Grover, and what Sesame Street wanted, was a linear experience. This is their crown jewel, their best-selling book of all time. They wanted a ’70s vibe, they want us to animate but for it to feel the same way. We did have to put a hard hat on Grover when he breaks down his brick wall. But I think you’re absolutely right, you have to be led by what the content is, not by what this device can do. Because it’ll blow your brains out: It does everything. And a lot of it does not enhance the story. So you really have to be true to what you start with.

KLEINMAN: I am such a Doubting Thomas on this, and you guys are not helping me at all. I’m the agent here, and I have 200 clients, and they all want to have an app. And I have nowhere to go with what you’re saying. I cannot possibly say, “Okay, we’re going to do 200 apps tomorrow,” so you’ve got to give me some guidelines here. What is working, what isn’t working?

KAPLAN: Well first of all, if you want an app as opposed to an e-book, there has to be a reason you want it to be an app as opposed to an e-book. Because if it’s just text, then it should be an e-book.

KLEINMAN: Give me an example. What’s a reason?

KAPLAN: Once you’re making it a multimedia experience, with animation or interactivity, your horizons are greatly expanded in an app.

KLEINMAN: I want to hear Tobin talk about “chunkability.” Tobin has not said “chunkability” yet.

FISHER: Chunkability. Yes, we look for content that we think we can make much, much better by making an app on the topic. So we don’t try to take a book and “appify” it. We’ve generally seen a pattern of failure with that with our competitors. We look for subject
matter that we think needs to be on a mobile device, is better on a mobile device. Travel guides are a classic example of this.

KLEINMAN: Give me some others.

FISHER: We’ve had big success with iSpice, which is a guide to all the spices you could ever imagine.

KLEINMAN: But I can’t sniff a spice—I’m sorry, do you mind me hectoring my poor panel? I can’t sniff a spice on an iPad, so why . . . ?

FISHER: Think about all the times you might be considering a spice to use. You’re buying a spice, you’re not going to have your spice drawer in your back pocket. You are going to have your phone in your back pocket. So if you have this information readily available when you need it, you can be an expert just by having the information in your pocket.

HUNTER: I disagree with the sentiment that if you have a normal book there’s no reason for it to be an app. Apps allow an author to build a readership and build a platform. An app is a cumulative process; every time somebody downloads your app—if they like you, and they don’t remove your app from their device for any reason—then you have a tether to them. You can let them know what you’re doing next, you can give them samples, you can let them know that you have a story out, you can write stuff just for your app to keep those readers involved. You can enlarge your platform. So instead of selling a book—which ends up on a bookshelf and can never speak to those people again, or let them know that you have a new book out—an app can build a community around you as an author. Or it can build a community around an imprint, or a publisher, or a book series. And it can build community in a way that an e-book can’t. It can allow authors and publishers to sell directly to consumers, without a middleman. That’s becoming increasingly important as bookstores like Borders are having difficulty. So I think there are other reasons for books to be apps instead of e-books.

KLEINMAN: How many agents out here? I think seventy rsvp’d? So all seventy of us are going to be talking to all of you about all of our books. Because it seems like you’re saying, “Dudes, everything will work.”

LUBIN: No I’m saying exactly the opposite. I think what you should ask the authors or the agents is: “How are you going to sell this?” I don’t want to keep harping on that, but I think what’s happening is the apps that we’re building are an expensive proposition. You really have to have a marketing plan, and I don’t know what that marketing plan is. I have ideas. I’ve done some things that have been very, very successful, and some of it has just been dumb luck. I once worked for a guy who said, “Just publish bestsellers,” and I thought, “Okay. I’ll do it. That’s easy, let me write that down.” If you want to have an app just to have an app, don’t do it. Particularly if you’re paying for it.

KLEINMAN: So Bruce, here I have these authors. Give me an idea of something that would have a marketing plan.

LUBIN: I’m not going to say Twitter because I’m not sure of the benefit. You know Martha Stewart has over two million Twitter followers, and we got her to promote our app. She said, “You know what? It doesn’t do anything.” Tweeting has not helped her at all. Facebook is really important. If you’ve got a website that people go to on a regular basis and you can promote it there, that’s interesting. If you can do an old-fashioned PR campaign, and the app is part of the PR campaign, that’s interesting. If you have a relationship with Apple and know that if you do this, you’re going to get it listed in New & Noteworthy, you can find ways to get yourself up the charts, then do it. That’s interesting. But if you’re just going to put it out there, that’s the equivalent of putting it on a shelf in a bookstore. And your heart will be broken. Trust me.

KAPLAN: That raises an interesting question. I think a lot of writers are very fearful of bringing out an app or an e-book at the same time that they’re bringing out a print book. I tend to feel the opposite way, I think they feed off of each other and so if you’re bringing out a beautiful picture book, and you’re bringing out the app at the same time, they cross-promote each other. I suspect that it may be the same thing, whether you’re dealing with Martha Stewart or Sesame Street.

LUBIN: With Theodore Gray’s Elements, which has one of the best-selling apps of all time, the publisher will
tell you, there’s absolutely been a correlation between the success of his book, and I refuse to call them e-books. They’re books. Everything else is ancillary. His book has sold much better than the Elements app has.

KLEINMAN: My next question is for Tobin Fisher. Is there a typical question that a rightsholder—the publisher, or the estate or, more probably, the author—asks that drives you crazy?

FISHER: One that we get a lot more often than you’d expect is from authors surprised that we want to take some cut of the revenue. They say, “Well, the software’s already done, and so you have no costs, you’re just making money.” I think Skye made this point earlier, to recognize that the software is never done. So it is in an author’s best interest to have your publisher take a cut because, at least speaking for ourselves, we use that money . . .

KLEINMAN: By publisher you mean the app developer?

FISHER: Yes, we think of ourselves as the publisher of the app.

KLEINMAN: Okay. Just wanted to make that clear. HarperCollins? You hear that?

FISHER: Every cent that we get of revenue goes back into making the product better for our authors. So you know it’s really a symbiotic relationship, and it’s important that each side is getting something out of it.

KLEINMAN: Let’s move to design, now that we have some idea of the content that’s useful. Everybody has different design elements, and I think everything looks unique. Andy, how much input does a rightsholder have in the design of the app?

HUNTER: I think everybody here besides me thinks of themselves as a publisher of apps. Electric Publisher is much more like a printer. We’ll create an app, but we expect the client to design it—all the videos, everything like that will come from them. We’ll cut up those designs and put them in the app, but we do not do the design for our apps. We allow the client to bring that. For something very basic, we have a standard template, but for anything that is richly designed, we have the client provide the designs. We give them the app, and they’re the publisher of the app, not us, and we don’t do a revenue split either.

KLEINMAN: Does anybody else want to take that on? To talk about how much input we poor slobs have in the creation of a beautiful app?

LUBIN: For me, as much as you want to design something, you do what Martha Stewart wants, and that’s sort of how that plays.

KLEINMAN: But the point is, I don’t have Martha Stewart. That author sitting in the back there is going to be punching me, because they’re going to want to have it in blue and you have it in gold.

LUBIN: I think it’s a negotiation. I think it depends on what the property is. And you go with someone that you think is going to deliver the service. And you sort of play it out. I don’t know if there’re any set rules . . .

VAN RAALTE-HERZOG: We welcome author input. We feel that the rightsholders have the best conception of their property, so the more involvement that they have in terms of how to realize that vision the better. We’re open to working very closely with authors and we’ve done that since 2005, with the trailers we’ve created for them through our video production company, Expanded Books. We’re very used to working in a collaborative way, and we find that we and our clients are happy with the final product when they do have that input.

KLEINMAN: Bruce. So we’ve now gotten gold as opposed to blue, and we’re really thrilled with everything. Now the question is, how do we know if the design is actually working?

LUBIN: You can do some sort of data testing. What you do with something like Sesame Street is you put it in front of a group of kids, and you see what they think. They play with it and you get some results. And then it’s like the design of a book. You have your people who you trust, the rightsholder, the authors, and you sort of tweak it. And I think you simplify it. You don’t make it crazy. But I think what we do is we test with kids, primarily.

KLEINMAN: Here’s a specific question. So the iPad is, like, always really cool. You know, the text is here, and then you turn it this way and the text goes this way. And I can imagine my head would explode if I had to design a book page that has text flowing around image or something. So my question at this point is, how much do you think about that, how important is it, and do you have any kind of insights into the free-flowing text around images?

VAN RAALTE-HERZOG: It’s something that we’re dealing with. There’s an app we’re building right now, where the publisher has asked us if we can make it horizontal as well as vertical. We built it with just one orientation, because it has a lot of images that the text is flowing around. We’re testing now to see how much design work we’re going to have to do to allow for that horizontal orientation because the design has to be done twice in both orientations. And not only twice, you also have to do it for the iPhone, where the navi-
navigation is completely different from the iPad. So there’s a lot of design work that goes into it. But you don’t have to have it both ways. If you want to, you can fix it so it’s only vertical—although Apple prefers both orientations, especially for the iPad.

FISHER: We designed our apps to work in portrait mode, which we thought was best, but we have been berated by our customers, who say that it needs to work in landscape mode, for the iPad, because there are a lot of holders for the iPad that hold it in landscape mode only. Based on that, we feel very strongly that it has to be designed in both modes. And all our guides going forward will have both.

KLEINMAN: Do you see why this is a two-part panel? So, we have our content, we have it designed, and now I want to understand just very briefly: Apple and the distributors, how that works. I’m back to Skye again. Would you briefly discuss how the approval process works with Apple?

VAN RAALTE-HERZOG: We build the app, we submit it to them, and we wait until we hear from them. We have no control, and that’s something that I think is really important to keep in mind for the rightsholder; that even if Apple approves an app, they can take it out of the store at any time. They really do have total control. But we have found that they have been very reasonable to deal with. They have rejected some of our apps, and we’ve had to rework them and resubmit them for various reasons.

I do have a relationship where I can actually speak to someone on the review team, so that’s really been helpful, but I think in general, the approval process is a mystery. What kinds of reasons do they give? Well, they’ve been big and small. An app we did that wasn’t based on a book was called Spook Your Photo. We created a white frame around an image and it looked like a Polaroid. They rejected it because they said that it infringed on Polaroid’s copyright. How? I don’t know. So we changed it, and it was approved.

KLEINMAN: Okay. Deciding on a platform, Apple versus Android. There are all these new things that are happening. It’s not just Apple anymore. Is there any functionality that Apple has that other devices don’t, that we need to be thinking about?

FISHER: A crucial piece of functionality on the iOS, [the operating system for Apple’s mobile devices] is the ability to make money. Our experience has been that people on Android generally make about 10 percent of what they make on the iOS. As an example, Angry Birds, one of the most successful games ever on the iPhone and iPad, is given away for free on the Android. So there are different models on Android and iPad, and far and away the most successful market is with Apple.

KLEINMAN: Moving on, what’s an Android? Tobin?

FISHER: An Android is Google’s operating system, which they license for free to a number of carriers who make phones. It’s been very successful to date as far as rate of adoption, but it’s generally used on lower cost phones, and the general expectation is people get things for free on an Android platform.

KLEINMAN: So it’s like Mac and PC, right?

KAPLAN: That often happens. The iPad is the first tablet, and then at the Consumer Electronics show there are 30 other companies with their tablets. Most of them will disappear, and many of them will use the Android.

KLEINMAN: A big question I have is iBooks versus the App Store. Let’s say we have an author who could do an advanced e-book, or he could do an app. So the book could appear in the iBooks part of the Apple Store for an e-book, or it could appear in the App Store. Andy, do you have any idea which is selling better?

HUNTER: I can say that our app sells a lot better, but we’re known for our apps. I can’t say what’s happening with other publishers we work with, because we don’t see their sales numbers. But I want to talk about the difference between those two, from your perspective. The iBookstore—iBooks—is relatively organized. The Apple Store for book apps, on the other hand, is a disaster. It’s incredibly hard to find anything. People just gravitate to the bestseller lists, and they’ll just keep buying the bestsellers, because there is no other...
way to find something. That’s why, if you’re going to produce an app, you have to have a promotion strategy in place. That’s also why we’re incorporating things like “Share on Facebook.” We’re also going to share on Twitter, which gives people a way outside of the App Store to find the apps.

KLEINMAN: Okay, we have a whole thing about marketing coming up. Bruce, updates? How are they done, why, and what should a rightsholder be thinking about when talking about updating?

LUBIN: They never end. One of the many differences between publishing and apps is: in publishing, you do your best to make the book perfect because that’s it. It’s out. Apps are a living, breathing thing. And the updates are constant. What you do is you fix it as you go along, and I think a rightsholder has every right to expect any sort of glitches to be fixed. Anyone who has an iPad can see updates every single day. This is part of what you do.

KLEINMAN: Just fixing glitches? That’s the whole point? Just screw-ups?

LUBIN: I mean more than that, but yes, I believe that’s what you should be doing. We’re also adding extra content and that sort of thing, but I think primarily it’s fixing glitches.

KLEINMAN: Hold on. Adding extra content, now that sounds interesting to me. So it’s Christmas, and Martha Stewart has Christmas cookies—

LUBIN: Valentine’s Day, she has 25 more cookies coming out.

KLEINMAN: So we really can tie in. That makes more sense than just fixing the glitches. All right, moving on. How to search for and select a developer: What kind of criteria should we use to assess an app and an app developer? Janice, how do you actually find these creatures? These developers?

KAPLAN: Well, as you see here, everyone does very different kinds of apps, and has very different approaches to them, and the agents will forgive me, but when writers ask me, “Can you recommend an agent?” I usually say, “Here’s what you should do: Figure out what kind of book you have, go to the bookstore, find a book that’s closest to yours, and read the acknowledgments, because the second person they’re going to thank is their agent. And then call that person.” So it is sort of the same with the developer. Find an app that you love, and that looks closest to the kind of thing that you’re looking to do, that seems to be the kind of process that you’re trying to put out, and the image you’re trying to create.

KLEINMAN: Okay, so Skye, I’ve done that. How do I know that they’re not fly-by-night scum? Are there red flags? How do I tell if they’re legitimate?

VAN RAALTE-HERZOG: If you have a conversation with them, and you’ve seen the apps that they’ve created, and you know that they work, that is the first criterion. You want to see, and try out the apps of that particular developer. And beyond that, once you get beyond choosing, if you’re evaluating them, you would go through the various functions that you want your app to have, because the next thing that will be created is a scope of work document. From that document, your conversations, and looking at the finished apps, I think you will get a pretty good sense of whether or not this is a legitimate developer. And of course checking with other clients of that developer as well.

KLEINMAN: Cool. So, revenue. All you greedy people here are worrying about the money, so it’s time. What costs are involved? I want to know about making the app, making the content for the app, marketing and promoting it, and then maintaining it. I’m throwing this open to everybody, but you know, one person can answer, so we can keep going quickly. Any thought on the revenue?

FISHER: We pay to develop the app, and we recoup our costs subject to an agreed-upon budget ahead of time. So we know what it’s going to cost, hopefully, we tell you that, you agree to it, we split everything 50/50 down the middle after we recoup. And Apple of course takes their 30 percent before anything happens. That’s essentially it.

VAN RAALTE-HERZOG: We work with that model and are open to other approaches too.

HUNTER: It can be very expensive if you’re making films and the kind of beautiful animations we’ve seen today. Of course those costs are high. If you don’t have content like that, or if you make your own videos, then it can be much less expensive. Depending on what kind of developer you’re working with.

KLEINMAN: Okay, so, I’m calling you up, saying “Skye, I want you to develop my apps.” What’s the approximate cost involved? Do you split it with everybody else or are you different?

VAN RAALTE-HERZOG: We do that revenue split but we also work for fees.

KLEINMAN: Pretend we’re working on that revenue split, and you say, “You know, we’ll design it, we’ll do the video, we’ll take all the porn shots you wanted, it’ll be great.” What are we looking at? What approxi-
mate—give me a number. Will it be twenty-five or fifty thousand dollars?

VAN RAALTE-HERZOG: Well, there’s such a wide range, depending on how complicated the app is, but in our case, I would say anywhere from five thousand dollars on the low side, up to thirty or forty thousand on the high side. We’ve worked within that range on things that we’ve done with publishers and book content.

KLEINMAN: Can you all give any other insights into the numbers?

LUBIN: I think I should be working with you. We’re about thirty to a hundred thousand dollars.

KAPLAN: And we’re at about thirty-fourty because we’re doing strictly animation and animations are expensive.

HUNTER: Our basic app, like the one we did for Stephen Elliott, is six hundred dollars. The most expensive app we’ve done is five thousand dollars. That was for Human Rights Watch.

KLEINMAN: Again, that’s because you’re not creating most of the content, whereas a lot of these other people are creating the content. So that makes a huge difference.

FISHER: We never charge our authors a dime. It’s all on a shared-revenue basis.

KLEINMAN: But again, you’re not creating the content, you’re creating the software, but they’re creating the videos.

FISHER: Correct. So for authors it’s usually between one and four months of work, for the first edition, and then they often do updates from there.

VAN RAALTE-HERZOG: Just to clarify, there are no up-front costs for the authors in the model we’re using.

KLEINMAN: Right, and you have to recoup these costs. So what about marketing and promoting? Does anybody pay for that? Where does that come from? How does that happen? Does, marketing/promoting mean you’ll go to the iBookstore, the App Store, and you’ll find it—

KAPLAN: Well there’s lots of ways to promote. There are all the traditional media, you know, and the traditional reviews. It helped when Kirkus gave us one of their first starred reviews, and when Variety did an article about us. But frankly, with this medium, what makes the biggest difference was when iTunes put us on their home page one day.

KLEINMAN: You had no control over that.

KAPLAN: We know people at iTunes.

KLEINMAN: I want to know who is paying for this marketing.

KAPLAN: The company is paying. We’re not asking authors to pay for marketing, and we certainly have been trying to get publicity out. What authors can do is when they have a hardcover or paperback book is spread the word through Facebook and Twitter. Social networking seems to matter a lot more than the traditional media.

KLEINMAN: Skye, did you want to chime in with something?

VAN RAALTE-HERZOG: We are providing the same services for apps that we provide for books—for apps that we create, and also for apps created by others, in that we create videos for the apps that we distribute through our distribution network on the Web. Publishers have been using that since 2005, and we’ve got more than thirty million streams on our videos. So we have a very established network for promotion of apps with links back to the App Store. We’re also using a platform that we developed for live, interactive author chats, and we use that technology to promote applications. We produce the live shows to stream later on the Web and then we archive them. All of these services are available for apps that we build, and that we’re using for ourselves, our partners, as well as for others.

KLEINMAN: We’ve talked a bit about success and failure with apps, but I have no idea what that means. I want to know how you measure success, and what the ingredients for a successful app are. Tobin and Andy, would you chime in on that one, then Bruce, you can give me an idea of what the best and worst apps are.

FISHER: We work for our authors, so basically our metrics for success are what they want. For them success is usually measured in dollars, but there certainly are other metrics.

KLEINMAN: Can you give me a dollar figure of what a success is? Like, “Yay! We sold seven dollars worth today!”

FISHER: A couple of days ago we had a fabulous spread in a magazine down in Melbourne, and one of our Melbourne guides, the Melbourne Historical Guide, made $1,000 in a day.

KLEINMAN: Okay. Any more thoughts on money? What’s a successful app, or an unsuccessful app?
HUNTER: I think it totally depends on what your market is, and the kind of app. We’re selling literary fiction apps. They’re not as successful as children’s book apps. We’ve sold about 8,000 units of titles within our app, but we also get between 1,500 and 2,000 downloads every month, because it’s free, and it comes with a sample. And then people will buy books throughout the year. We sell as many copies of our first issue with our app as we do with our current issue. Whereas a bookstore could never stock an entire backlist of titles, there’s no restriction for us. And for us, a success is 8,000 copies at five dollars apiece—$40,000.

KLEINMAN: Sweet. Any other thoughts?

KAPLAN: So far, we’ve had close to 50,000 downloads of the Teddy app—that is, Teddy’s Day Out. But how much money did that bring the author? Auryn has been testing. Sometimes the price is $3.99, sometimes it’s $1.99, sometimes it’s free, sometimes it’s $5.99. So much of it is new and they’re trying to figure it out. Part of the marketing is trying to figure out what is the right price point for different books.

KLEINMAN: Bruce, do you want to talk about the best app, or the worst app?

LUBIN: I certainly am not going to talk about the worst app.

KLEINMAN: Okay. I have one last question, and that is functionalities. Because, as I think you all have seen, this is really cool stuff. It kind of breaks your head when you start looking at it. It really hurt my head to watch that. Is there any kind of functionality for new technologies that we should all be thinking about? Like, hey you know, you’re going to be able to do this on our iPhones. If not, fine.

KAPLAN: For me, since it’s animations, when I’m looking at a children’s book, I basically start seeing it in terms of action. The other day I was looking at a book that contained a sled, and I immediately started drawing my finger across the page and going, “Oh, the sled could move.” For a children’s book app, you want the kinds of things a child could interact with, could play with, could make something fun happen with.

KLEINMAN: It’s all emerging.

FISHER: It’s all very, very exciting.

HUNTER: We’re really trying to do things that let our users create a community with our product. To have both the ability to share things with their friends and to upload content in addition to receiving content.

KLEINMAN: It’s now time for questions.

AUDIENCE: It seems to me that you guys are really presenting two different models. Most of you are in one model, and Andy’s the other model. The two models are, on the one hand, an app as an individual work, different than but comparable to a book. Whereas Andy is talking about a curated collection. An app not as an individual work but as a curated collection of apps, or a platform for discovering. It seems to me that an app as an individual work is sort of an early vision, before the iBookstore came along. I wonder if any of you has thoughts about this, whether this is a viable model or whether we’re going to need this kind of intermediate thing between the ocean of the iBookstore and the App Store. Also, how are people going to find the individual works?

KLEINMAN: Andy? Do you think there’s something between the iBookstore and the mess of the App Store?

AUDIENCE: For those who are making individual work apps, how are people going to find those individual works, unless they’re being curated somehow?

LUBIN: I think you’re absolutely right. We are developing “ecosystems.” I hate the word, but that’s what we’re trying to develop. Where they all live in concert. One of the reasons that our Sesame Street app is so successful is they had a home page. People type in Sesame Street and they all pop up. So I think this notion that you’re going to do individual apps and somehow rise to the top is a tough road. I agree with you. To my mind, that’s how it’s going to how it’s going to develop.

KAPLAN: People are looking for subscription models in the same way magazines have been talking about subscriptions. If you get one children’s book and then you get a subscription, and you like it, then you’re go-

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"When I’m looking at a children’s book, I start seeing it in terms of action.

Looking at a book that contained a sled, I immediately started drawing my finger across the page . . .

‘Oh, the sled could move.’"

—Janice Kaplan
ing to get one a month for the next six months or whatever it may be. So there are all sorts of different models.

KLEINMAN: [to audience] When you ask a question, do me a favor and identify yourself as an agent or an author. I think it would help us.

AUDIENCE: I’m an author. I’d like to know, if it’s possible to say, how often is an e-book and its app or apps published simultaneously? Whether by the original print publisher or by the author? And how often does the app postdate or possibly predate the book or the e-book?

FISHER: I think the app almost always comes later.

KLEINMAN: How much later? Any idea, or . . . it's going to depend?

FISHER: It depends, but in general, for the kind of apps that we do, I think it would be better if it came out at the same time, because I think the apps are richer than the e-books. But they often come later, so fans of the author or the title might be less motivated to pick up the app, because they already have the e-book, or the paperback, or the hardcover.

KAPLAN: We also have some authors who are doing original work. So they may be putting out children’s books, then creating something else for the app.

KLEINMAN: Next question. Author? Agent?

AUDIENCE: Author and agent. Can you talk about what you can do to actually cross-promote apps with people buying the physical book?

FISHER: Jonathan Eig and other authors who’ve worked with us have taken advantage of the fact that apps are incredibly hot in the media right now. Eig was able to get media attention through his app, which then led to an appearance on NPR, and that was a fabulous opportunity for him to also discuss his book. And increase his book sales. So that’s one example.

We also have apps that specifically promote the book and include the ability to buy the book, take you straight to the Amazon page.

LUBIN: Personally I think that thinking in those terms isn’t always the best way to think, because people who own iPads want to read on the device. That’s why they got it.

HUNTER: I think that when publishers create apps that are merely promotional, they’re missing the essential element: the book itself. For example, there’s a Jodi Picoult app with photos, a newsfeed, and a buy page for her books. But if you tap “buy,” it closes the app and brings you to Amazon. That doesn’t make sense to me. People with iPads want to read on their iPads. You should be able to tap a book to buy it and immediately begin reading it.

VAN RAALTE-MORAN: I think there are two main types of apps. There are paid apps and promotional apps, which are free, and the point of it is to get people to buy the book. It includes a link inside the app to purchase the book (any format) and other functionalities that make it a companion to the book, like one that we did for Suze Orman’s Women and Money. The app includes money tools that complement the content in the book. It has an excerpt and then a link to buy the book.

KLEINMAN: Okay, so we have a Suze Orman app. Does that mean that Random House is out there every time there’s a book, with a link saying, “Go to the iTunes Store and buy this app”?  

VAN RAALTE-MORAN: It’s part of the overall promotional campaign for the book.

AUDIENCE: I’m an agent. My question is mostly for Janice Kaplan because I do children’s books, but it applies to everyone. One of the big concerns we have is tying up rights with app developers that might preclude, say, film or audiobook deals. Because so many of these apps involve dramatic animation, and they look great, but I would be worried about losing a film deal.

KLEINMAN: Let’s make that a real quick answer, because that is something we’re going to be covering in detail in the next panel. Janice?

KAPLAN: My answer is that when we buy the rights, it’s exclusively for the tablet, it’s exclusively for the iPad, so it has nothing to do with you maintaining the movie rights, and all of the other multimedia rights. It’s very different. An app is not a movie. It’s not a video. So it doesn’t conflict. It shouldn’t.

AUDIENCE: My question comes down to saturation. I used to tell all my clients, “Get a website.” They all got a website. “Get a blog.” They all got a blog. “Get a Facebook page.” They all got Facebook. “Get Twitter.” They all got Twitter. “Get a cat.” They all got a cat. Now it’s “Get an app.”

So here’s my question. For what three or four things can I tell my clients, “This is going to separate you from all the other stuff out there.” You guys are the professionals. What are the three or four things that my clients might be able to do to break through that saturation? Because besides a sex scandal with some big political figure, I’m not sure what is going to separate them.
KAPLAN: You’re asking the same question that a writer would ask about any book. I do the book reviews on Good Morning America, and for my Christmas segment, I had about 45 boxes of books sitting in my apartment. I thought, “How does one book ever get noticed?” And how do I pick just twelve books to feature on GMA? I don’t know. A book that’s very special still gets talked about, when something is special it gets talked about. People naturally gravitate to what’s popular, which is why bestseller lists mean so much. I don’t think telling someone to get a cat or get an app is necessarily going to make them stand out.

LUBIN: There’s a model that seems to make sense. Which is that you do a free version of an app and then there’s ways that you can sort of guarantee that’s going to go up the food chain and that leads to a conversion rate. It’s not exactly like, “Hey kids, that’s great! Why don’t you buy this? I like it too!” It’s much more step-by-step. But it is something that can be done. There are a couple of companies that do that. And it’s been very effective.

VAN RAALTE-HERZOG: I think it does come down to platform. If you have an author that has a platform, and a channel already to promote the app, that’s number one. Number two is, can the app contain something that’s going to make it very useful to the user to keep coming back? For example, we’re working on a diet book app that is going to contain a section where the user keeps track of what they eat on that diet every single day. It has lists, because it’s a very specific diet, of what foods are allowed. So the app is now a companion to the book. If you can identify something useful that you can build that the user is going to want to come back to, that’s one of the reasons to go with an app as opposed to an e-book.

AUDIENCE: I’m an author, but working as a publisher because I’m putting out an e-book that everybody says should be an app. What is your experience with sponsored apps, as in, you have a book that has to do with dogs, you link it with a pet food company, or maybe it’s to do with cosmetics . . .

LUBIN: I’m in the process of doing that. I think it’s great. I think it’s a tremendous way to go, because sponsored means money, and it means promotion and it means some sort of presence. I think it’s a full-on way to do it.

AUDIENCE: I’m an author. I presume most of the interest so far is in newly published, recently published books. Can you address the idea of resurrecting out-of-print books that might have potential as an app?

HUNTER: Most out-of-print books are text-based, so unless you’re talking about out-of-print children’s books, a lot of the interactive elements that you’re talking about wouldn’t really apply. But we’re working with publishers to bring back 19th century novellas in an app, so that if people are interested in Balzac’s short works, they can get a curated collection of great 19th century novellas. If you have out-of-print books, or backlists, those can work great. We’ve been talking to certain publishers about literary magazines that have

“We’re working with publishers to bring back 19th century novellas in an app, so that if people are interested in Balzac’s short works, they can get a curated collection of great 19th century novellas.”
—Andy Hunter

KLEINMAN: Any other thoughts about out-of-print books?

LUBIN: I think backlist has tremendous potential. Out-of-print I don’t know so much about. But certainly children’s classics. Just go to the App Store and look what’s being done with it.

AUDIENCE: Can you do custom publishing with apps, so that if you want to do it with a specific company, only that company can have access to that app?

VAN RAALTE-HERZOG: Yes. We’re doing that. We’ve built a shell for Springer, a medical publisher. Basically, users who go to medical conferences are given a code on a card by a pharmaceutical company, Roche. Then they go to the App Store, they download the app for free, they put in the code, and they have access to that content. Some are for thirty days, and some are continuous. So it can be done.
AUDIENCE: I’m an agent. I noticed as the iPad was circulating, and everybody was looking at the teddy bear story, there’s nothing telling you what you can touch, so everybody is just kind of tapping the screen and hoping that something happens. My question is, how do you get people to do what you want them to do on any app? How do you know that if you click on the clock, something’s going to happen, or nothing’s going to happen?

KLEINMAN: Janice, how do you prompt for some of this stuff?

KAPLAN: Well, it helps to be four years old. But actually, you might not have seen it if you were just looking at the app briefly, because the way that particular one is set up—and different books will be set up differently—you have to listen to the little girl reading the text before anything happens. So if it came to you while she was in the middle of reading the page, you wouldn’t be able to touch on the interactivity.

As soon as she stops reading, something lights up. It’s highlighted. So the teddy bear’s tummy has little lines around it, and you know to touch that. Or the light switch has something around it, it gets a little bit brighter and so you realize if you press that the lights are going to go off.

AUDIENCE: What if it’s not animated like the kid’s stories? You said you’re able to track what people touch on and link to other things. Do you also know when people aren’t touching something, because they maybe don’t know they can touch it? Is that a glitch you forgot to fix?

KLEINMAN: That would be an update. Next question.

AUDIENCE: My name is Art Rosenberg. I’m an author. In the software industry, where I did a lot of consulting, you’ve got regular updates from the company that publishes software, such as things that involve laws, taxes, etc., and you’re talking about updates all the time. If someone purchases an app subject to frequent updates, can they get the updates?

LUBIN: Yep. If you buy apps, virtually every day you’ll see a little number next to your App Store, updates.

AUDIENCE: I’m an agent. You mentioned the links to a book, and you can click and all that. Given the fact that all the apps have to be approved by Apple, do they ever try blocking you from linking directly to Amazon, and say no, you have to link the iBookstore?

VAN RAALTE-HERZOG: Not on the ones that we’ve built. And because the ones that we’ve built are for publishers, we’ve had multiple retailer links—Amazon, Barnes & Noble.

AUDIENCE: How long does it take to develop an app?

LUBIN: I would say for me, three months, on average.

AUDIENCE: Are you working with experts or packagers? I mean, who are these updates being done by? What kind of credits and biography? We’re getting all this material, and we’ve been very careful about the kind of people we represent, but where is the authentication? Where is this all coming from? I see it as a wonderful expansion, but I’m also now thinking of the quality.

VAN RAALTE-HERZOG: In our case, we also work on a revenue-share basis, so we partnered with the leading medical animator, to make the medical apps we’re developing. All the medical content is authenticated by experts in the field, just as a print publisher would authenticate their content. I used to be a packager, so I’m very familiar with the book production process and much of it applies to app development. We follow the same steps any legitimate publisher would to develop content.

KLEINMAN: We’re going to wrap it up here. This was meant as an introduction to the app world. Part two will be more of a step-by-step guide: How to deal with the rights, what the publisher deals with, who the people are that distribute it.

I want to thank our panelists and thank the Authors Guild.
Along Publishers Row
Continued from page 2

please me." Yet, she said, "I think of each story to be written, as a painted picture. I think more clearly in a painter’s terms. There is a choice of words, as there is a choice between gouache and watercolor."

Wilson comments: "Even when she had dedicated herself to writing, she continued to paint and sketch; drawing, she said, opened her heart."

HOT TOPIC: Books, of all things, seem to be a popular subject for children's books. There were three books about books on the bestseller lists in September.

Lane Smith’s picture book, It’s a Book, was described in The New York Times as “It doesn’t tweet or need recharging.” There’s a cartoon video by Smith on his website.

The Book Thief, by Markus Zusak is about a girl who saves books from a Nazi burning. It was No. 1 on the paperback list.

Dog Loves Books by Louise Yates tells of a dog that opens a bookstore. When no customers come at first, the dog devours the books himself.

Goats have been reputed to eat paper, but dogs?

COAUTHORS: Best-selling author Lisa Scottoline and her daughter Francesca Scottoline Serratella coauthors of an essay collection, My Nest Isn’t Empty, It Just Has More Closet Space.

They did a joint interview with PW. Francesca explained how they worked: “We bounce ideas off each other. I’m sure my mother would be a terrific editor because she’s a terrific writer.”

Her mother said, "It’s not an editing relationship, and I think it’s great. She’s always had her own voice, so I stay out of her way and

make sure she has snack food. Truth is, every writer has to be a good editor, and you have to edit yourself. It’s a skill every writer has to acquire."

UNFINISHED: The Pale King is the title of the unfinished novel that David Foster Wallace left when he committed suicide. It will be published in 2011 with a jacket designed by his widow, Karen Green.

The publisher, Little, Brown, said that the book “takes agonizing daily events like standing in lines, traffic jams, and horrific bus rides—things we all hate—and turns them into moments of laughter and understanding.”

PARTY TIME: What happens at a bookstore when it hosts a signing for a book’s 17 writers?

The title of the book is EARTH. The signing was held at a Manhattan Barnes & Noble. Jon Stewart read to the 1,000 fans who showed up, and all 17 writers signed the 650 copies that were sold.

PW reported that “the store stayed up well after bedtime . . . and a good time was had by all.”


DICTATOR: Jennifer Finney Boylan teaches creative writing at Maine’s Colby College. She was the author of She’s Not There: A Life in Two Genders, which the Philadelphia Inquirer called “the first best seller by a transgender American.” Besides teaching, Boylan, 52, has written 11 books. Her latest novel is I’ll Give You Something to Cry About.

She said that, “As a result of all that pounding on the computer keyboard and 35 years of playing piano,” she developed problems with the nerves in her arms. She now uses a dictation system and cranks out 1,000 words a day. She said, “The situation with my arms demands that I do this, but I’ve found that hearing the words aloud also improves my writing.”


A Guild member, Nobisso sent an e-mail about a new kind of promotion some of her books are getting. They turn up on the sets of movies. They have been exposed on the big screen in Motherhood with Uma Thurman, The Switch with Jennifer Aniston and Love and Other Impossible Pursuits with Natalie Portman. Next will be Two Days in New York starring Chris Rock.

Asked if she had noted any increase in sales after such exposure, Nobisso e-mailed, “All promotion is good promotion.”

PROTESTED: The pressure to censor certain books is a continuing problem for libraries. Once a year the American Library Association publishes a Top Ten list of books that have come under attack.

In order, TTYL; TTFN; LBR, G8R (series) by Lauren Myracle; And Tango Makes Three by Peter Pamell and Justin Richardson; The Perks of Being a Wallflower by Stephen Chbosky; To Kill a Mockingbird by Harper Lee; Twilight (the series) by Stephenie Meyer; The Catcher in the Rye by J. D. Salinger; My Sister’s Keeper by Jodi Picoult; The Earth, My Butt, and Other Big Round Things by Carolyn McKler; The Color Purple by Alice Walker and The Chocolate War by Robert Cormier.

NOTHING’S SACRED: Young adult fiction has been colonized by vampires for years. Now classic chil-
children’s books have been invaded. Dick and Jane and the Monsters is the first.

It begins: “When innocent Dick and Jane meet a creepy, cape-wearing vampire, the unexpected happens: he becomes their friend.” A commentator in London’s The Guardian says this new version “is just glorious.”

NOT PERFECT: Jeanette Winterson’s latest novel is The Stone Gods. The following quote is from an essay she wrote for The New York Times Book Review:

“Good novels are novels that provoke us to argue with the writer, not just novels that make us feel magically, mysteriously at home. A novel in which everything is perfect is a waxwork. A novel that is alive is never perfect.”

AT THE START: Dave Zirini is the author of five books. The most recent is Bad Sports. He is also host of Sirius XM’s “Edge of Sports Radio.”

In a “Why I Write” essay for PW, Zirini wrote, “It takes a lot of bad writing to develop your voice.”

When he wrote his first sports column, he recalled that “I knew subconsciously that to write something that would be unequivocally mine was to become that person: a writer. If I was never able to write again, for the time it took to put those 800 words to paper, this would be what I was and it would be part of defining my time in a writer’s skin. But the best part of doing it is that it’s a skin you never have to shed. No one can take it from you. To be a writer is to fiercely define yourself.”

WORD OF MOUTH: Joan Druett, who lives in Wellington, New Zealand, sent an e-mail telling about how she promoted her biography of Tahitian navigator Tupaiia, who sailed with Captain Cook on the Endeavour in 1769. The title is Island of the Lost.

Druett said she managed to spread “word of mouth” by ordering extra sets of bound galleys and loaning them out to book groups.

ADDITION: In the summer Bulletin, Joyce Carol Oates’s list of novels that featured classic authors as protagonists was mentioned.


She was interviewed for an article in Columbia College Today, an alumni magazine. Some of the stories in the collection are revised versions of stories she had written as a student, and she admitted that she was tired of them. “It’s like I just got engaged, and everyone keeps talking about my ex-boyfriend.”

She’s working on a novel with the tentative title: The Empire Has No Clothes.

LIMITS: Best-selling author Jo Goodman set her new romance novel, Marry Me, in 1884. The locale is a small Colorado town.

She told PW: “The historical setting... gives the romance its context and puts certain constraints on the characters in terms of their language and behavior. That makes it more challenging to write.”

AWARD: Mario Vargas Llosa, a Peruvian writer of more than 30 novels, plays and works of nonfiction, won the Nobel Prize in Literature. He was teaching at Princeton and living in Manhattan when the announcement was made in October.

In an appraisal, The New York Times critic Michiko Kakutani came up with a quote from an essay Vargas Llosa has once written for the Times:

“The lies in novels are not gratuitous—they fill in the insufficiencies of life. Thus, when life seems full and absolute, and men, out of an all-consuming faith, are resigned to their destinies, novels perform no service at all. Religious cultures produce poetry and theater, not novels. Fiction is an art of societies in which faith is undergoing some sort of crisis, in which it’s necessary to believe in something, in which the unitarian, trusting and absolute vision has been supplanted by a shattered one and an uncertainty about the world we inhabit and the afterworld.”

JUST WORDS: “Publishers have scaled back the number of [picture books for children] they have released in the last several years, and booksellers across the country say sales have been suffering,” The New York Times reported.

Justin Chanda, publisher of Simon & Schuster Books for Young Readers, said, ‘Parents are saying, ‘My kid doesn’t need books with pictures anymore.’ There’s a real push with parents and schools to have kids start reading big-kid books earlier. We accelerated the graduation rate out of picture books.”

Dara La Porte, manager of the children’s department at Washington’s Politics and Prose bookstore, told the Times, “They’re four years old, and the parents are getting them Stuart Little. I see children pick up picture books, and then the parents say, ‘You can do better than this, you can do more than this.’ It’s a terrible pressure parents are feel-
ing—that somehow, I shouldn’t let my child have this picture book because she won’t get into Harvard.”

But Jen Haller of the Penguin Young Readers Group said, “Picture books have a real comfort element to them.” Children like them. “It’s not like this door closes and they never go back to picture books again.”

GREAT LOSS: The article mentioned in the item just above inspired many letters of dismay from Times readers.

One of them was from Pam Allyn, executive director of Lit.Life, an organization for teacher training in reading and writing instruction. Allyn wrote: “It would be a great loss for humanity and for the dignity of childhood itself if the picture book disappears. The complex themes expressed by authors like Tomie DePaola, Walter Dean Myers, Charlotte Zolotow, Carmen Aga Deedy and others are profound, resonating with issues of friendship and love, fear and courage for all ages in ways not often as immediately conveyed in chapter books.

“In 26 pages, a picture book can introduce a child to a layered character, navigate and discuss complex ideas and introduce him to magnificent new vocabulary with the support of beautiful illustrations.

“The child steeped in the world of picture books will grow up to be a stronger reader (and a complex performer on tests) than the child who is pushed into longer chapter books too early who then becomes a ‘reluctant’ reader.”

LAUGHING IS OKAY: Howard Jacobson won the annual Man Booker Prize with a comic novel, The Finkler Question. In accepting the £50,000 award, Jacobson said, “There is a fear of comedy in the novel today—when did you last see the word ‘funny’ on the jacket of a serious novel?—that no one who loves the form should contemplate with pleasure. We have created a false division between laughter and thought, between comedy and seriousness, between the exhilaration that the great novels offer when they are at their funniest, and whatever else it is we now think we want from literature.”

REMEMBERING: Salman Rushdie is at work on a book about his years spent hiding from Muslims who were ordered to kill him because of something he wrote in his novel The Satanic Verses.

Rushdie told Reuters, “I’m beginning to write this memoir. So far I feel that I’m all right: I’m not getting churning up and upset. I’m just writing it and I’m feeling quite pleased to be writing it.”

His book for children, Luka and the Fire of Life, was published in November.

HOT SERIES: In October, The New York Times published a list of the 10 best-selling books for young readers in 2010. The Short Second Life of Bree Tanner, a Twilight novella by Stephanie Meyer, was No. 1. Rick Riordan had six books, including The Sea of Monsters and The Titan’s Curse, on the list. Jeff Kinney and his Wimpy Kid books were No. 2 and No. 10, and Mockingjay by Susan Collins was No. 6.

AN E-WAY: Borders has launched a service that will allow writers with blogs, websites or any written content to convert it into an e-book that can be sold through Borders or other online booksellers. The $89.99 book package provides an ISBN and automatic distribution.

A $199.99 advanced package provides the author with an e-Pub file, but the author must negotiate distribution and royalties separately.

E-VERSION: Michael Connelly has published 22 novels. In his latest, The Reversal, the fictional L.A. defense attorney, Mickey Haller, is prosecuting a child murderer.

PW said that the e-book version provides video, interactive maps and a reading group guide hosted by the author.

DETACHED: Dinaw Mengestu’s new novel is How to Read the Air. He was born in Ethiopia but came to the U.S. when he was two and grew up in the Midwest. He is now 32 and was interviewed for a major article in The New York Times.

Reporter Larry Rohter wrote that during the two hours they talked, “Mr. Mengestu never raised his voice, never demonstrated much emotion, never lost his composure, no matter how painful the subject. His characters tend to be like that as well.”

Mengestu said, “As a writer, it’s a great narrative tool to have that character who is slightly detached but at the same time observant of his reality because I think that’s pretty much what being a writer is—being there, watching and internalizing.”

TALLY, HO! Ron Chernow’s Washington biography has 904 pages and a $40 price tag. At a signing at a Manhattan Barnes & Noble, PW reported, a customer “bought some 10-plus copies—to hand out to participants in an upcoming pheasant hunt.”

BAN BATTLE: Following a call to ban Speak, a first young adult novel by Laurie Halse Anderson, a rallying cry was sounded by Judy Blume, other authors and readers.

Wesley Scroggins, a professor at Missouri State University, wrote in an op-ed piece in Missouri’s News Leader, that the book “should be classified as soft pornography.” He said, “How can Christian men and
women expose children to such immorality?"

Anderson wrote on her blog, "The fact that he sees rape as sexually exciting (pornographic) is disturbing, if not horrifying. It gets worse, if that's possible, when he goes on to completely mischaracterize the book."

Speak was a finalist for a National Book Award, The Guardian reported on its website.

COMFORT: Jessamyn West believed: "Writing is so difficult that I often feel that writers, having had their hell on earth, will escape all punishment hereafter."

RECORDS: More than 46 million copies of the Millennium trilogy have been sold. The editor, Eva Gedden of Stockholm, was quoted in PW about meeting the late author, Stieg Larsson, in 1994. "He said he wanted to do something new with his writing, something else, something that didn't look like Swedish crime writing."

The Girl with the Dragon Tattoo, the first in the series, is the best-selling e-book of all time.

The existence of a fourth book has been confirmed, but Larsson's brother said he won't publish it even if it surfaces. Eva Gabrielson, longtime partner of Stieg Larsson, said that she and the author "often wrote together" and she wants to secure the rights to that fourth novel. A Gabrielson memoir, published in Sweden, Norway and France, is scheduled for release in the U.S. in June.

In it, Gabrielson writes: "It is not my intention to recount here the plot of the fourth volume. On the other hand, I want to say that Lisbeth (the heroine) little by little frees herself from her ghosts and her enemies."

BIRTH OF A BOOK: Jacqueline Jules lives in Arlington, Va. She is a school librarian and an Authors Guild member. Jules told Book Links how a four-minute skit she wrote for her students to perform on the first Constitution Day (September 17, 2005) became a children's book.

Jules said, "What began for me as a desire to observe a holiday mandated by public law became a passion to fill a hole on children's bookshelves." The book's title: Unite or Die: How Thirteen States Became a Nation.

SOMETHING NEW: Three-time Caldecott Medal winner David Wiesner's new children's book (he did both text and pictures) is titled Art and Max. He told PW, "When I finished Flotsam, it felt like the culmination of the way I had been working for a long time. When that book won the Caldecott, it occurred to me that if that didn't give me license to try something new, I didn't know what would." The first printing was 250,000 copies.


He told The New York Times that he is no longer writing because he has "nothing original left to say."

Instead, he is tending the property and cemetery where his ancestors were slaves. He said, "This is what I do instead of writing. If I didn't have those people back there, I would never have had anything to write about. That's where I got all my stories from. My life is from them."

Once a year in October, about 40 family and friends gather to clean up the fallen branches, rake leaves and pressure-wash the cement vaults. Gaines and his wife intend to be buried there.

CURIOS? What kind of editor was the late Jacqueline Kennedy Onassis?

There are two new books out that offer to tell all: Jackie as Editor: The Literary Life of Jacqueline Kennedy Onassis by Greg Lawrence and Reading Jackie: Her Autobiography in Books by William Kuhn.

The PW reviewer said that "Lawrence's perceptive, impressively researched, book is the better of the two."

LEFT BANK: The Economist referred to Brooklyn as Manhattan's Left Bank. The New York Observer found enough writers and publishing people living there to create a "Brooklyn Literary 100" list.

WESTERN VOICE: Thomas McGuane's 10th novel is entitled Driving on the Rim. He was interviewed for The New York Times at his ranch in McLeod, Mont. He is 70 years old.

He told the Times, "There's a view of Montana writing that seems stage-managed by the Chamber of Commerce—it's all about writers like A. E. Guthrie and Ivan Doig. It used to bother me that nobody had a scene where somebody was delivering a pizza."

McGuane also commented on what appears to him to be the narrow-minded New York critical establishment. He said, "Everybody in flyover country believes they've been screwed by the East. I try not to bellyache about it."

FRIEND: Russell Hoban, an American who lives in London, is the author of Riddley Walker, Angelica Lost and Found, dozens of other novels and many books for children. He wrote in The Guardian: "Whatever talent I have for writing lies in being friends with my head. I know its vagaries, its twists and turns, its hobo journeys in fast freights, riding the blinds to unknown destinations. Sometimes I get thrown off the train in the middle of nowhere; sometimes I get to the Big Rock Candy Mountain."
ROAD LOVER: David Sedaris’s latest collection of humorous essays is *Squirrel Seeks Chipmunk*. To promote it, he went on a 58-city tour. His publisher, Little, Brown, told *PW*, “The man loves being on the road with his readers.”

The two months on the road included lectures in 35 cities and 23 free bookstore events. He also did local media in each city.

MUST MOTIVE: Rick Riordan was interviewed for *The Keystone*, a publication of the Wittliff Collection in San Marcos, Texas. He is the author of the best-selling Olympics series for children and the Tres Navarre mystery series for adults. His books have sold millions of copies. He taught in a private school in San Antonio for years before he began writing.

His first book was *Big Red Tequila*, and he said, “The strange thing is, I had a feeling that *Big Red Tequila* was going to be published. It just felt different from anything else I’d ever written, because the novel had practically forced me to write it. The idea took me by the throat and wouldn’t let me go until the manuscript was done.”

“I tell aspiring writers that you have to find what you MUST write. For me, that meant getting away from home for a while and learning to appreciate what I knew, before I could follow the old axiom, ‘Write about what you know.’”

Riordan says that he writes the same for adults and children. “I think kids want the same thing from a book that adults want—a fast-paced story, characters worth caring about, humor, surprises, and mystery. A good book always keeps you asking questions, and makes you keep turning pages so you can find out the answer.”

GET SOAP: Book titles are pushing the good taste envelope. Justin Halpern called his best-selling collection of Twitter observations *Shit My Dad Says*.

**Tucker Max** begins his promotional puff on the Internet with: “My name is Tucker Max, and I am an asshole.” The title of his best-selling book is *Assholes Finish First*.

These heirs of the late Lenny Bruce belong to the Jon Stewart tribe of comic writers—if it doesn’t have a four-letter word in it, it ain’t funny.

*The New York Times* won’t publish shit or asshole but puts in a blank line. If you put a naughty word in your title will that make it a bestseller?

AND HE DID: F. Scott Fitzgerald said, “An author ought to write for the youth of his own generation, the critics of the next, and the schoolmasters of ever afterwards.”

ON TOUR: Gary Shteyngart’s new novel is *Super Sad True Love Story*. He went to Russia on a book tour and *The New York Times* reported on his trip. Shteyngart began writing as a boy when his grandmother encouraged him by giving him bits of cheese. The story he wrote was called “Lenny and His Magical Goose.” The two characters decide to invade Finland but squabble, and Lenny eats the goose.

The *Times* said “he has blossomed as a writer at a time when the literature of the immigrant experience is more than fashionable.”

Shteyngart, now 38, was brought to New York by his parents when he was seven years old. Asked if he considered himself a Russian or an American writer, he said, “I really don’t care about the label, as long as people read the work. In the ’60s I remember that Philip Roth was very angry at being called a Jewish writer. He said, ‘No, I am an American writer.’ These days, you can call me a Russian writer, American writer, Jewish writer, lefty writer, I don’t care. Anything is good, as long as it’s part of the big soup of literature.”

Shteyngart was also in Russia to gather material for his next book, a memoir.

NEW NOVEL: Gabriel Garcia Marquez, 83, has been working on a new novel. The title will be *We’ll Meet Again in August*, but there is no publication date yet. His newest book is a collection of essays entitled *I Didn’t Come to Give a Speech*. It was published in November. *The New York Times* said it begins “with his high school commencement in 1944.”

AWARD: The year’s Bad Sex Award, presented by the *London Literary Review*, went to Rowan Somerville and his second novel, *The Shape of Her*. The Guardian quoted “one killer sentence” that included “like a lepidopterist mounting a tough-skinned insect with a too blunt pin, he screwed himself into her.”

When Somerville accepted the award, he said, “There is nothing more British than bad sex, so on behalf of the whole nation I would like to thank you.”

The award was established in 1993 by the late Auberon Waugh to call attention to the “crude, tasteless and often perfunctory use of redundant passages of sexual description in contemporary novels and to discourage it.”

FOLLOW-UP: After getting the Bad Sex Award, Rowan Somerville wrote an essay for *The Guardian* about good sex in novels.

He quoted American author Elizabeth Benedict: “A good sex scene is not always about good sex, but it is always an example of good writing.”

Somerville also got in that quote from poet Philip Larkin: “Sexual intercourse began/In nineteen sixty-three (which was rather late for me)/Between the end of the ‘Chat-
terley’ ban/and the Beatles first LP.” Then Somerville wrote, “it doesn’t matter how weird things get as long as it remains original and feels authentic.”

He listed 10 novels with good sex scenes and gave the top honor to Vladimir Nabokov’s Lolita.

A SWIMMER: To promote his new novel, Nemesis, Philip Roth, 77, had lunch with John Heilpern for Vanity Fair.

Roth told him, “The heart of my day is spent at the swimming pool, and everything else fits around it. I swim for two hours every day.”

“Two hours! Don’t you get bored?”

“You think I don’t get bored writing?”

Later, Roth said he leads a simple life. “I do the same things every day. I work, I write. I read every night, which is one of the great pleasures of my life. I like my days of being by myself. I don’t see people, except on weekends. That’s the way I live.”

RESEARCH: Peter James’s crime novels are police procedurals set in his hometown, Brighton, England. His latest is Dead Like You. He told PW that he spends about one day a week with friends in the police force.

He said, “Last summer I was driving with a detective inspector across Sussex. I asked him, ‘What does it feel like to be a detective? Do you view the world differently?’ He replied, ‘You’re looking through the windscreen at a beautiful summer day. I’m looking for a man who is standing in the wrong place.’”

HARDBACKS DOOMED? A blog about publishing on The Guardian’s Web pages asked, “Is the e-book the new hardback?”

It suggests that an initial release of a book as a free e-book to get “the cognoscenti” talking about it ahead of mass-market publication might be much cheaper and more effective than a hardcover first printing.

“But publishers need to watch out: once you have given something away free it can be a shock when you start charging for it. . . . Word of mouth can cut both ways—and it all depends on whether there’s no such thing as bad publicity.”

GOING ON: Jean Auel’s The Land of the Painted Caves came out in March. It is the sixth and final book in her Earth’s Children series.

But the author, 74, told the Associated Press, “To be honest, I don’t feel like I’m through. I still have some material and I’m going to keep on writing. It’s what I do.”

A FAVORITE: The Guardian asked writers and translators to pick their favorite translations.

Anthea Bell, translator of W. G. Sebald, replied: “The King James Bible, 400 years old, is a masterpiece of English literature—and a translation. I have been captivated since childhood by the dramatic narrative and resonant language. As a non-believer, I can’t call it a spiritual companion, but it has been a favorite literary companion all my life.”

HANDBOOK: Daniel Alarcon was one of the writers included in The New Yorker’s “20 Under 40” list. He is editor of a new book, The Secret Miracle: The Novelist’s Handbook. Contributors include Mario Vargas Llosa, Stephen King, Amy Tan and Gary Shteyngart. Their essays answer such questions as, What should a first chapter do? Do you outline? What makes for a successful ending, and How do you know when you’ve finished?

In his own essay in the book, Alarcon wrote: “The novel is an almost infinitely malleable form, and its flexibility is the key to its survival and relevance: still, even today, there are those who attempt to make sense of the world—its terror, humor, and beauty—through the reading and writing of novels. Oftentimes writing can feel overwhelmingly lonely, a fool’s errand, and it’s gratifying to be reminded that at any given moment, there are thousands of others, working in hundreds of languages all over the world, engaged in much the same pursuit. They, like all of us, have good days, bad days, and days where it is more useful to sit quietly and read, let the writing itself wait.”

Alarcon, who was born in Peru, has written a novel, Lost City Radio, which was cited as a best book of the year by the Los Angeles Times, The Washington Post and the San Francisco Chronicle.

HOW-IT’S DONE: “I made the story just as I made a poem,” the late Raymond Carver wrote, “one line and then the next, and the next. Pretty soon I could see a story—and I knew it was my story, the one I had been wanting to write.”

WINNER: Michel Houellebecq’s novel The Map and the Territory was awarded France’s leading literary prize, the Prix Goncourt. The money awarded is only 10 Euros, but the prestige is great.

The Guardian said, “The writer has long polarized critical opinion in his native country.” The novel has a character named Houellebecq who is decapitated.

NEW IMPRINT: David Rosenthal, who was ousted from Simon & Schuster in June, has a new job as president and publisher of an imprint at Penguin Group USA. The New York Times said that Rosenthal was “known for his eclectic tastes and blunt manner.”

Rosenthal told the Times, “I’m going to make lots of trouble. They’re going to let me go after the kind of—I wouldn’t say quirky—but the peculiar stuff that I sometimes like. What they want very much is for me to be able to indulge
my passions, indulge my taste." (If he makes them a lot of money?)

Start-up was in January and the plan was to publish two to three dozen books each year, both nonfiction and fiction. At this writing, the imprint had no name.

GULF TOUR: Steve Berry’s current bestseller is The Emperor’s Tomb. PW reported: “In addition to Berry’s 11 million novels in print in 50 countries, he and four of his thriller-writer compatriots—David Morrell, Douglas Preston, James Rollins, and Andy Harp—embarked on a week-long USO tour to visit U.S. troops stationed in the Persian Gulf.”

Berry ended his tour for his sixth Cotton Malone adventure on January 20 at the Sacramento Bee Book Club.

HOT AGAIN: The New York Post reported that a handwritten chapter of Mark Twain’s A Tramp Abroad sold at auction for $79,300.

Meanwhile, Twain’s 736-page Autobiography was one of the big Christmas books, with more than 350,000 copies in print before the holiday.

HOW IT WORKS: John Farrar once explained: “Great editors do not discover or produce great authors; great authors create and produce great publishers.”

BROOKLYN DRIFT: “When I first started out in this business, you had to be a Manhattan agent,” Howard Morhaim, who has an office in Brooklyn Heights, told The New York Times. “It didn’t matter where. You just had to have a Manhattan office. Agents who were outside of Manhattan were considered second class.”

Now David Black has a nine-person literary agency that has moved from Manhattan to Brooklyn. It represents such writers as Mitch Albom, Jimmy Breslin and Erik Larson.

In Memoriam
Joan Chase Bowden
David Brown
Alison Cadbury
Madeleine Edmondson
Tom Eslick
Sid Fleischman
B.H. Friedman
Neal I. Gantcher
Karen Marie Graves
Bernice Groshkopf
Roland W. Haas
Ruth Holland
Patricia M. Kelly
Steven Kroll
Burgess Leonard
George B. Leonard
Jay MacLarty
Kay Mills
David Nevin
George W. Potter
Vera W. Propp
Hubert Pryor
John M. Rosenberg
Pat Ross
Hazel Rowley
Stuart M. Speiser
Mary B. Sullivan
Robert Tralins

Mitch Albom, Jimmy Breslin and Erik Larson.

Susan Golomb, agent for Jonathan Franzen and William T. Vollman, moved her agency to Brooklyn in August after 20 years in Manhattan. She told the Times, “My clients don’t care where my office is. At this point, if you’re established enough, it’s really about your list and your reputation.”

“There’s an inexorable drift toward Brooklyn,” said Elyse Cheaney, an agent based in SoHo at the moment. “That’s where writers are and where so many publishers live. And the profits of the business may change through the advent of e-books, the profit margins in this industry are becoming narrower, so I would imagine that it makes both financial and artistic sense to move there.”

KILT MAN: Karen Hawkins’s latest Regency romance is One Night in Scotland. The hero is Angus Hay, a fictional Earl of Erroll.

Hawkins got an e-mail from the current earl, which included a photo of himself in a kilt. Hawkins told PW, “Only a handsome, brawny Scot with thighs of iron can pull off a skirt. . . and I mean that both ways.”

STORY GREW: Karen Russell’s first novel is Swamplandia! The Florida setting is the same as that in her story "Ava Wrestles the Alligator." That story is in a published collection, St. Lucy’s Home for Girls Raised by Wolves.

Asked by PW how she moved from short stories to a novel, Russell said, “Even the story that appears in St. Lucy’s is gutted from 70 pages. So the story just spilled out everywhere, and I realized I was writing a novel.”

She added, “It was really nice to put down stakes and live in the place for years. It feels like a weird eviction not to be there anymore.”

Russell was one of the writers chosen by The New Yorker as a “20 Under 40.”

SO THERE: The late Sinclair Lewis said, “It is impossible to discourage the real writers—they don’t give a damn what you say, they’re going to write.”

HOW-TO SELL: David Hagberg has published more than 20 novels of suspense, including The Expediter, a bestseller. His new one, Abyss, is due out in June.

In an article on how to sell your book in PW, Hagberg said that he found the most effective way to increase sales was to tour bookstores. For The Cabal, published last July, he
visited 33 bookstores in 16 cities. He drove and his publisher shared expenses.

He wrote, "At each store, I talked to floor managers and sales clerks." He signed all the books in stock and offered to send signed bookplates if they were needed later. "By the time I got home, I had three e-mails asking for them, one from a store where I had just signed 50 copies of the book."

He learned that because of his tour "my book sales showed . . . a significant increase."

SAD FACT: Poet W. H. Auden said, "It is a sad fact about our culture that a poet can earn much more money writing or talking about his art than he can by practicing it."

DARK INSIDE: The title of Alexandra Horwitz's paperback bestseller is Inside of a Dog. PW explained that the title came from a quote from the late comedian Groucho Marx: "Outside of a book, a dog is a man's best friend; inside of a dog it's too dark to read."

BOOK CLUB: Can a book club flourish on the Web? Jason Johnson and Jason Iliian hope that their mobile application, Social Books, will do the trick.

Johnson told The New York Times, "Short-form content on the Web is very interactive, very dynamic. You can see which of your friends read the same article and what they thought of it. It made us ask, 'Can this be applied to long-form content? Can we take the advent of social media and apply it to the way we read books on tablets?'"

With Social Books, iPad users are able to leave notes on a particular book, chapter or passage, and comment on any notes left by others. They can also share their digital bookshelves with friends on Facebook and Twitter.

FREY'S FIRM: The Guardian picked up on an article that ran in New York magazine. The Guardian began: "James Frey, the bad boy of American letters who was given a very public dressing down by Oprah Winfrey over his first book—in which he passed off fiction as memoir—is back in the headlines over his latest venture, a collective writing project that some have accused of being brutal and Dickensian."

Frey started a book-writing factory and uses teams of writers to produce books to order. Ideas come from Frey or from an author recruited to Full Fathom Five. "Then Frey holds the writer's hand, providing critical feedback." He now has 30 writers in his stable.

The critics have weighed in because Frey's up front payments are $250 for an entire book. If the book is sold, the copyright is held by Frey's company, and he retains total power on what happens with the book. Two of his projects have been sold to Hollywood.

A publishing lawyer told New York magazine that in his 16 years of negotiations, he had never seen a contract like Frey has his writers sign.

ROUTINE: Nora Ephron's latest book of essays is entitled I Remember Nothing. She was the subject of a two-page article in The New York Times Magazine in which she described her routine.

"I wake up sometime between 7 and 8 a.m. We read the papers in bed. [Her husband is the writer Nick Pileggi.] Then I spend several hours failing to make a transition from that to a busy workday. I definitely eat breakfast. Then at some point I actually sit down and try to write."

"I have on my computer something called Freedom. You put in however many minutes of freedom you would want, and for that period of time your computer does not allow you to go on the Internet."

FEMALE DETECTIVES: Ann Holt served as Norway's minister of justice and now writes mystery novels. In an article for The Guardian, she wrote about women as fictional gumshoes: "The dramatic potential is heightened because female detectives, without the physical strength of their male counterparts, have to be more resourceful, intelligent and tactical to solve the case."

Holt then listed her 10 most important women detectives. There was only one American on the list—Nancy Drew. Holt's No. 1 candidate was Barbara Havers, the creation (on duty in London) of an American author, Elizabeth George. Other notables were Agatha Christie's Jane Marple and Lisbeth Salander of Stieg Larsson's series.

How many mystery readers in this country are aware of Modesty Blaise (a comic book heroine), Bertha Cool, Annika Bengtzon, Adela Brady, Anne-Kin Halvorsen and Merrily Watkins (a parish priest, for Pete's sake)?

There was no mention of Janet Evanovich's Stephanie Plum, Sue Grafton's Kinsey Millhone, Patricia Cornwell's Kay Scarpetta or several other regular female detectives who are occupents of the bestseller list in the U.S. Are they not translated into Norwegian?

And how about Alexander McCall Smith's Precious Ramotswe and Lynda LaPlante's Jane Tennison?

COLOR: Publishers have begun to convert illustrated books into titles for e-books. The Kindle is just for type, but the Apple iPad provides color in a horizontal format that allows related picture and type pages to be shown together. Books available in the Nook Store are readable on the Nook Color, an e-reader that
Barnes & Noble began selling in October for $249.


“It finally gives us the opportunity to have our picture books join the e-book revolution. It gives us a great opportunity to monetize our content in a way that we previously haven’t been able to.”

In 2011 it is expected that picture e-books will begin to be released at the same time as the print versions.

AMATEURS? Edward Docx’s third novel, The Devil’s Garden, came out in April. The British writer wrote an essay about genre fiction for The Guardian that was an attack on a couple of famous, mega-selling authors.

“In terms of sales, 2010 has been the year of the Stieg Larsson . . . Along with Dan Brown, he has conquered the world. The success of the Millennium trilogy is a tale of unimaginable public appetite, staggering international sales, big-screen boosts, perplexed publishers and (let’s face it) not-that-original reformulated formula fiction. Not least among the reasons for the bafflement of the industry (and fellow writers) is the amateurishness of the books—something, curiously, that Larsson has in common with Brown. Readers, publishers and writers alike can agree that John Grisham, Robert Harris, Tom Clancy and Danielle Steel build up their massive readerships by knowing precisely what they are doing; they are the master practitioners of their highly skilled craft. Conversely, Brown and Larsson—in their different way—are mesmerizingly bad.”

SURPRISE: Jaimey Gordon’s novel, Lord of Misrule, won the National Book Award for fiction, and Charles McGrath of The New York Times went out to Kalamazoo, Mich., to interview her. Gordon has taught writing at Western Michigan University for almost 30 years.

McGrath described her: “She has a huge corona of springy, tightly curled hair that suggests prolonged exposure to a light socket, and a personality to match . . .

Gordon, 66, said, “I’ve spent my whole professional life swirling on the eddies of the margins.” When he learned that her novel was a finalist for the fiction award, the publisher of her novel (a tiny, one-man company) upped the print run to 8,000 copies from 2,000.

A TIP: According to an article in The Guardian, David Sedaris (who has fathered a string of bestsellers) said that during his last book tour, he put a tip jar on the signing table. At the end of his evening in Dallas he counted $550 in tips, his “best evening.”

He explained, “I told people it was all for me to spend on candy. They were delighted because it’s funny to give money to someone who doesn’t need it.”

The article suggested that this might be “an interesting money-making tip for authors.” The tour netted Sedaris $4,000 in candy tips.

KID FANS: Dale Peck is a novelist and critic and author of children’s books. He was quoted in The New York Times Book Review: “Kids are, hands down, the best readers any writer will ever have. There’s nothing at stake for them. They like something or they don’t, and they tell you in plain language. Although I certainly enjoy it when a critic or a fan praises me, it’s nothing compared with when some anonymous 11- or 14-year-old goes on Amazon and writes, ‘I LOVE this book’ or some such.

Asked how he reacts to negative reviews, Peck replied, “The only thing that really puts me off (aside from run-of-the-mill homophobia) is critics who create a kind of psychological profile for me based on what I’ve written, and attempt to dismiss my work as some kind of PTSD-induced acting out. It means everything—me, themselves, criticism and reading itself. What, me, sensitive? Not at all.”

SECRET: “What is the secret of literature? Is there one?” asked Charles Baxter (novelist and professor at the University of Minnesota) in an essay in The New York Review of Books. He continued, “According to Tom McCarthy, whose novel C hoards one secret after another, ‘the text creates the secret, and the secret underpins the text, making it readable through its own unreadability.’

“What does this mean? Just this: every work of literature should drop clues that will lead the reader to a central mystery that must remain—and this is the tricky part—mysterious. Imagine a detective novel with no crime and no solution but with the symptoms of criminality somehow appearing everywhere.”

McCarthy’s novel C was a finalist for last year’s Man Booker Prize.

LIT-CRIT: John Sutherland has taught literature at British and California universities. His latest book is 50 Literature Ideas You Really Need to Know.

He told The Guardian “The hardest lit-crit is that which asks the simplest questions. What’s the difference between a ‘story’ by Ian McEwan and a ‘story’ on the front page of The Guardian? What, precisely, is ‘lost’ in translation? Literature ‘means’ something. But is that meaning located in the author’s mind, on the page, or in the reader’s mind? Why does literature (unlike, say, the discourses of law or science) cultivate ‘ambiguity’—saying many things at the same time?”

HELP: Diana Colbert is the wife of
novelist Charles Bock. Her leukemia, which had been contained by a bone marrow transplant in 2009, returned and she was scheduled for a second transplant in February. On February 6, an event to help the couple was held in Manhattan's East Village. Some of the 18 writers on hand included Susan Cheever, Jonathan Franzen, Richard Price and Mary Gaitskill. Many of them auctioned off services.

Amy Hempel walked a dog. Rick Moody wrote a song for the highest bidder. Gary Shteyngart had volunteered to "buy you a hot dog and flatter the pants off you."

Bock told The New York Times, "The literary world is filled with good and generous people. But then that's what writing is all about—empathy."


Cokal concluded: "Godwin eloquently demonstrates that the act of writing is an assertion of hope, although the words themselves are often painful. Writing is, among other things, a gesture of faith in the value of the apparently trivial details, and details can be transformed into art. Even if the 'soon or never' trajectory takes a little more time than the writer might hope."

DEATHS

Maury Allen, 78, died October 3 in Cedar Grove, N.J. The sportswriter was author of biographies of Jackie Robinson, Casey Stengel, Roger Maris, Ron Guidry, Reggie Jackson, Billy Martin, and Joe DiMaggio and several books about baseball.


William M. Birenbaum, 87, died October 4 in Brooklyn. He was the author of Overlive: Power, Poverty and the University (1969) and Something for Everybody Is Not Enough: An Educator's Search for His Education (1971).

O. G. Brockett, 87, died October 7 in Austin Texas. The historian was the author of History of the Theatre (1968), many other books about the theater, and coauthor of Making the Scene: A History of Stage Design and Technology in Europe and the United States (2010).

George Cain, 66, died October 23 in Manhattan. He was the author of Blueschild Baby (1970).


Max Crawford, 72, died October 7 in Missoula, Mont. He was the author of The Bad Communist (1979), Lord of the Plains (1985) and Wamba (2002).

Larry Evans, 78, died November 15 in Reno, Nev. The chess champion was the author of more than 20 books including New Ideas in Chess (1958), Modern Chess Brilliances (1970) and The 10 Most Common Chess Mistakes (1998).

Philippa Foot, 90, died on October 3 in Oxford, England. The philosopher was a professor at the University of California, Los Angeles. She was the author of Virtues and Vices and Other Essays in Moral Philosophy (1978), Natural Goodness (2001) and Moral Dilemmas: And Other Topics in Moral Philosophy (2002).


William H. Goetzmann, 80, died September 7 in Austin, Texas. The Pulitzer Prize winner was the author of Exploration and Empire: The Explorer and the Scientist in the Winning of the American West (1966); When the Eagle Screamed: The Romantic Horizon in American Expansionism, 1800–1860 (1966) and Beyond the Revolution: A History of American Thought from Paine to Pragmatism (2009).


Stuart E. Hample, 84, died September 19 in Manhattan. The author, playwright, adman, performer and cartoonist was the author of The Silly Book (1961) and coeditor of the best-selling Children's Letters to God (1966).

Louis Henkin, 92, died October 14 in Manhattan. The Columbia professor was the author of many books, including Arms Control and Inspection in American Law (1958), The Berlin Crisis and the United Nations (1959), Disarmament: The Lawyer's Interests (1964), Foreign Affairs and the Constitution (1972) and The Rights of Man Today (1978).

Barbara Holland, 77, died September 7 in Bluemont, Va. She was the author of Endangered Pleasures: In Defense of Naps, Bacon, Martinis, Profanity and Other Indulgences (1995), Bingo Night at the Fire Hall:
Matthew Lipman, 87, died December 28 in West Orange, N.J. The philosopher and educator was the author of a philosophical novel for children, *Harry Stottlemeyer’s Discovery* (1969) and other books.


Charles McDowell, 84, died November 5 in Washington, D.C. The columnist for the Richmond *Times-Dispatch* and TV panelist was the author of three books, including *Campaign Fever* (1964).


Gordon Murray, 60, died January 15 in Burlingame, Calif. The retired Wall Street executive was coauthor of the self-published *The Investment Answer*, a paperback, which came out in hardcover shortly after he died.


Jack Oliver, 87, died January 5 in Ithaca, N.Y. The former head of the geological sciences department at Cornell was the author of an autobiography, *Shakespeare Got It Wrong: It’s Not ‘to Be,’ It’s ‘to Do’* (1998).


Belva Plain, 95, died October 12 in Short Hills, N.J. She was the author of *Evergreen* (1979), a bestselling hardback for 41 week, and 19 other bestsellers. Almost 30 million copies of her books, with titles like *Blessings* (1989), *Daybreak* (1994), *The Carousel* (1995) and *Promises* (1996), were sold.

Reynolds Price, 77, died January 20 in Durham, N.C. He was the author of *A Long and Happy Life* (1962), more novels, poetry, plays, essays, translations from the Bible and three volumes of memoirs. Kate Vaiden (1986) won the National Book Critics Circle prize.

Constance Reid, 92, died October 14 in San Francisco. She was the author of *From Zero to Infinity: What Makes Numbers Interesting* (1955) and two more books about math and number theory. She also wrote several biographies of mathematicians.


Wilfrid Sheed, 80, died January 19 in Great Barrington, Mass. He was the author of *A Middle Class Education* (1960), *The Hack* (1963), *Office Politics* (1966) and many other novels, books of nonfiction and memoirs.

R. Smith Simpson, 103, died September 5 in Charlottesville, Va. The foreign service officer was the author of *Anatomy of the State Department* (1967).

E. Gene Smith, 74, died December 16 in Manhattan. He was the author of several catalogs of Tibetan literature and the author of *Among

Joseph Sobran, 64, died September 30 in Fairfax, Va. He was the author of Single Issues: Essays on the Crucial Social Questions (1983) and Alias Shakespeare: Solving the Greatest Literary Mystery of All Time (1997).

Theodore Sorensen, 82, died October 31 in Manhattan. The speechwriter for President John Kennedy was author of the best-selling Kennedy (1965) and a memoir, Counselor: A Life at the Edge of History (2008).

Sol Steinmetz, 80, died October 13 in Manhattan. Editor of Random House’s dictionary division, he was also the author of Yiddish and English: A Century of Yiddish in America (1986), Meshuggenary: Celebrating the World of Yiddish (2002) and There’s a Word for It: The Explosion of the American Language Since 1900 (2010).

Ronald Walters, 72, died September 10 in Silver Spring, Md. He was the author of 13 books, including White Nationalism, Black Interests: Conservative Public Policy and the Black Community (2003).

George Williams, 83, died September 8 in South Setauket on Long Island, N.Y. The evolutionary biologist was the author of Adaptation and Natural Selection (1966) and coauthor of Why We Get Sick (1995).


Kathleen C. Winters, 60, died August 19 in St. Paul, Minn. She was an aviation historian and author of Anne Morrow Lindbergh: First Lady of the Air (2006) and Amelia Earhart: The Turbulent Life of an American Icon (2010).

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When Algorithms Collide

Continued from page 15

1.270589 times higher—than the price they’d have to pay to get the book elsewhere.

What’s fascinating about all this is both the seemingly endless possibilities for both chaos and mischief. It seems impossible that we stumbled onto the only example of this kind of upward pricing spiral—all it took were two sellers adjusting their prices in response to each other by factors whose products were greater than 1. And while it might have been more difficult to deconstruct, one can easily see how even more bizarre things could happen when more than two sellers are in the game. And as soon as it was clear what was going on here, I and the people I talked to about this couldn’t help but start thinking about ways to exploit our ability to predict how others would price their books down to the 5th significant digit—especially when they were clearly not paying careful attention to what their algorithms were doing.

But, alas, somebody ultimately noticed. The price peaked on April 18, but on April 19 profnath’s price dropped to $106.23, and bordeebk soon followed suit to the predictable $106.23 x 1.27059 = $134.97. But Peter Lawrence can now comfortably boast that one of the biggest and most respected companies on Earth valued his great book at $23,698,655.93 (plus $3.99 shipping). ✴

Legal Watch

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tain the type of injunctive relief sought. Based on its safe harbor findings, the court noted that Wolk was unlikely to succeed on the merits of her claim. Based on its safe harbor findings, the court noted that Wolk was unlikely to succeed on the merits of her claim and found that the fact that her infringed works were on Photobucket for years before she brought a preliminary injunction detracted from her claim of irreparable harm. Finally, the court found that the balance of hardship did not weigh in Wolk’s favor, since the DMCA placed the burden for policing infringed works on the copyright holder, not the ISP. Ultimately, the court rejected plaintiff’s motion for a preliminary injunction, which would have required Photobucket to police its site for her infringed works indefinitely into the future.

—Michael Gross
Contracts Q&A

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action is essentially accomplished through a license between the publisher and the online seller whereby the online bookseller gets a master copy of the e-book and duplicates it for transmission to its customer. As a license by the book publisher, it should be treated the way other licenses are treated under your earlier contracts (assuming they even have the right to publish and license e-books), which is a division of the proceeds received by the publisher between author and publisher. Except for movies and foreign translations, this split is generally 50/50. Many contracts even have a clause in the subsidiary rights section, “For all other rights: 50 percent to author and 50 percent to publisher.” No wonder your publisher wants to put the clause you mention into its new contracts.

For new contracts, where you and the publisher are agreeing in advance that sales by third parties under e-book licenses will be treated as sales of individual copies by the publisher for royalty purposes, that reflects the current commercial reality in book publishing; most authors wishing to sign with traditional publishers have little leeway here. That said, there is no reason to let the publisher off the hook on prior contracts. For one thing, there may well be a question of whether the publisher has e-book rights at all. For another, the e-book royalty offered by most major publishers today is half what author advocates believe it should be. Third, the publisher drew up the original contract and, under a general rule of contract law, ambiguities in a contract are resolved against the drafter. So don’t agree to any suggestion from your publisher to amend earlier contracts and make sure that it doesn’t sneak a clause to that effect into your new contract, amending the prior ones without you even being aware of it). You’re entitled to a 50 percent royalty on e-book contracts, and if the law will give it to you on existing contracts despite publishers’ obstinacy, you shouldn’t sign that right away.

(Interestingly, the “agency model” for e-book sales being used by Apple with major publishers could undercut this argument on sales made through Apple since that business structure treats the publisher as the seller and Apple merely as its agent. Whether a court would look through that arrangement and say that, in practice, it is nonetheless a license is a separate issue, and not for today or this column.)

E-mail your questions to QAColumn@authorsguild.org. Questions are often edited for readability or to make them more broadly applicable.

The answers in this column are general in nature only and may not include exceptions to a general rule or take into account related facts that may result in a different answer. You should consult a lawyer for information about a particular situation. No question submitted, or answer provided, creates an attorney-client relationship with the column’s author.
Bulletins Board announces upcoming contests and prizes in all genres, in addition to fellowships and residencies. Because of the great number of potential listings, we provide only basic information here, and recommend that readers visit the website of each journal or program to read the detailed entry guidelines. Dates provided are postmark deadlines unless otherwise noted.

**Awards and Fellowships**

The MacDowell Colony provides time, space, and an inspiring environment to artists of exceptional talent. A MacDowell Fellowship, or residency, consists of exclusive use of a studio, accommodations, and three prepared meals a day for up to eight weeks. There are no residency fees. Entry fee: $30. Deadline: Rolling deadlines of January 15, April 15, and September 15, 2011. Visit macdowellcolony.org/apply.html for application guidelines. Contact: Admissions Director, The MacDowell Colony, 100 High Street, Peterborough, NH 03458.

Hedgebrook is a retreat that hosts women writers from around the world for residencies of two to six weeks, at no cost to the writer. Residency season runs from February to November. Three to four awards are given each year. Applications are made available in mid-June for the coming year and selection takes place in the fall. Visit hedgebrook.org for application details. Contact: Hedgebrook, 216 1st Avenue South, Suite 4AS, Seattle, WA 98104, or Hedgebrook, PO Box 1231, Freeland, WA 98249-9911. For questions, e-mail Residency Director Vito Zingarelli at vitoz@hedgebrook.org.

Yaddo, the artists’ community, offers residencies of from two weeks to two months that include room, board and studio. Artists may apply individually or as collaborative teams of two or three persons. There is no fee for residency. Entry Fee: $30 (plus applicable fees for media uploads). Deadline: August 1, 2011 (for residencies starting in late October of the applicant year through May of the following year). Visit yaddo.org/yaddo/ApplicationGuidelines.shtml for application details. Contact: The Corporation of Yaddo, PO Box 395, Union Avenue, Saratoga Springs, NY 12866. (518) 584-0746.

The Millay Colony for the Arts offers one-month residencies during the months of April and November. Residents get private rooms, studios and all meals during their stay. Application fee: $35. Deadline: October 1, 2011. Visit millaycolony.org/apply for application guidelines. Contact: Calliope Nicholas, Residency Director, The Millay Colony for the Arts, 454 East Hill Road, PO Box 3, Austerlitz, NY 12017. apply@millaycolony.org.

The John Simon Guggenheim Memorial Foundation awards Writing Fellowships for six 12-month periods, to provide Fellows with blocks of time in which they can work with as much creative freedom as possible. Fellows may spend their grant funds in any manner they deem necessary to their work. Deadline: September 17, 2011. Visit gfo/applicants/how-to-apply for application instructions. Contact: John Simon Guggenheim Memorial Foundation, Writing Fellowships, 90 Park Avenue, New York, NY 10016.

The Dorothy and Lewis B. Cullman Center for Scholars and Writers offers up to 15 annual fellowships to people whose work will benefit directly from access to the research collections at the Stephen A. Schwarzman Building at the New York Public Library. A Cullman Center Fellow receives a stipend of up to $65,000, an office, a computer, and full access to the library’s physical and electronic resources. Fellows work at the center for the duration of the fellowship term, which runs from September through May. Each fellow gives a talk over lunch on current work-in-progress to the other fellows and to a wide range of invited guests, and may be asked to take part in other programs at the NYPL. Deadline: September 30, 2011. Visit nypl.org for guidelines and to download the application form, which will be posted in mid-June. Contact: The Cullman Center for Scholars and Writers, The New York Public Library, Stephen A. Schwarzman Building, Fifth Avenue and 42nd Street, Room 225, New York, NY 10018. (212) 930-0084; csw@nypl.org.

The American Antiquarian Society, a national research library and learned society of American history and culture, will award fellowships for historical research to writers and journalists whose goals are to produce imaginative, non-formulaic works dealing with pre-20th century American history, including historical fiction, poetry, nonfiction and drama. The stipend is $1,350 for fellows residing on campus (rent-free), and $1,850 for fellows residing off campus. At least three fellowships will be awarded for residencies of four weeks at the Society at any time during the calendar year. Deadline: October 15, 2011. Visit americanantiqarian.org/artistapply.htm for application guidelines. Contact: Creative and Performing Artists and
Writers Fellowship, American Antiquarian Society, 185 Salisbury Street, Worcester, MA 01609.

The trustees of the Amy Lowell estate administer the annual Amy Lowell Poetry Traveling Scholarship, which awards a stipend of about $50,000 to an American-born poet to spend a year abroad. Deadline (for receipt, not postmark): October 15, 2011. Visit amylowell.org/instructions.htm for details and an application form. Applications should be directed to F. Davis Dassori at amylowell@choate.com; for questions, call Laura Reidy, Manager, Trust Administration, (617) 248-5214. Contact: Choate, Hall & Stewart, Two International Place, Boston, MA 02110.

The Thornton Writer Residency provides a 14-week residency at Lynchburg College, including a stipend. It is awarded annually to a fiction writer for the full term and a poet or creative nonfiction writer for the spring term. The residency also includes housing, some meals, and round-trip travel expenses. The writer-in-residence will teach a weekly creative writing workshop, visit classes, and give a public reading. Deadline: October 15, 2011. Visit lynchburg.edu/thornton.xml for application guidelines. With questions, call Allison Wilkins at (434) 544-8820. Contact: Thornton Writer Residency, Lynchburg College, School of Humanities and Social Sciences, 1501 Lakeside Drive, Lynchburg, VA 24501.

Multiple Genres


The Missouri Review’s annual Jeffrey E. Smith Editors’ Prizes for fiction, poetry, and creative nonfiction award $5,000 and publication in the magazine to three winners. Entry fee: $20. Deadline: October 1, 2011. Visit missourireview.org/contest/editors_prize.php for guidelines, to download the entry form, or to submit online. Contact: Missouri Review Editors’ Prize, 357 McReynolds Hall, University of Missouri, Columbia, MO 65211.

Bread Loaf’s Bakeless Literary Publication Prizes honor works of poetry, fiction, short fiction and creative nonfiction. Winners of the Bakeless Prizes will have their book-length manuscripts published by Graywolf Press. In addition to publication, each winner will be awarded a fellowship to attend the Bread Loaf Writers’ Conference. Entry fee: $10. Deadline: submissions will be accepted between September 15 and November 1, 2011. Visit middlebury.edu/blwc/bakeless_prize for eligibility rules and submission guidelines. Contact: Jennifer Bates, Contest Coordinator, The Bakeless Contest, c/o Bread Loaf Writers’ Conference, Middlebury College, Middlebury VT 05753.

The Malahat Review invites entries from Canadian, American, and overseas authors for their annual Open Season Awards. Winners in three categories—poetry, short fiction, and creative nonfiction—receive a $1,000 prize and publication in the Spring 2012 issue. Entry fee: $40. Deadline: November 1, 2011. Visit malahat review.ca/open_season/info.html for submission guidelines. Contact: The Malahat Review, Open Season Awards, University of Victoria, PO Box 1700, STN CSC, Victoria, BC V8W 2Y2, Canada.

The Briar Cliff Review’s annual Fiction, Poetry and Creative Nonfiction Contest offers $1,000 and publication to a winner in each of the three categories. Entry fee: $20. Deadline: November 1, 2011. Visit briercliff.edu/campus/bc_review/bcreview_newcontest.aspx for full guidelines. Contact: Tricia Currans-Sheehan, Editor, The Briar Cliff Review, Fiction, Poetry and Creative Nonfiction Contest, 3303 Rebecca Street, Sioux City, IA 51104.


Tampa Review is accepting submissions for two prizes. The Danahy Fiction Prize for a work of short fiction awards $1,000 and publication in Tampa Review. Entry

Fiction

The Iowa Short Fiction and John Simmons Short Fiction Awards are open to any writer who has not previously published a volume of prose fiction. (Writers are still eligible if they have published a volume of poetry or any work in a language other than English.) Winning manuscripts will be published by the University of Iowa Press under the press’s standard contract. Deadline: September 30, 2011. Visit uiowapress.org/authors/iowa-short-fiction.htm for submission guidelines. Contact: Iowa Short Fiction Award, Iowa Writers’ Workshop, 507 North Clinton Street, 102 Dey House, Iowa City IA 52242.

The biennial Mary C. Mohr Fiction Award from Southern Indiana Review offers a prize of $1,500. Entry fee: $15 ($5 for each additional story). Deadline: October 1, 2011. Visit usi.edu/sir/mohr.aspx for details. Contact: Mary C. Mohr Fiction Award, Southern Indiana Review, University of Southern Indiana, 8600 University Boulevard, Evansville, IN 47712.


Boston Review’s Aura Estrada Short Story Contest awards $1,500 and publication in Boston Review. Entry fee: $20. Deadline: October 1, 2011. Visit bostonreview.net/about/contest for submission guidelines and a link for online entry. Contact: Aura Estrada Short Story Contest, Boston Review, PO Box 425786, Cambridge, MA 02142.

The Calvino Prize is an annual fiction competition sponsored by the University of Louisville’s Creative Writing Program for outstanding pieces of fiction in the fabulist experimentalist style of Italo Calvino. The winner receives $1,500 and publication in the Salt Hill Journal (Syracuse University), as well as an invitation to read the winning entry, all expenses paid (within the continental U.S.), at the Louisville Conference on Literature and Culture Since 1900, held at the University of Louisville every February. Entry fee: $25. Deadline: October 15, 2011. Visit louisville.edu/english/creative-writing/contests/calvino-guidelines.html for submission guidelines. Contact: The Calvino Prize, English Department, Room 315, Bingham Humanities Building, University of Louisville, Louisville, KY 40292.

The Kore Press Short Fiction Award offers a prize of $1,000 plus chapbook publication by Kore Press for a short story by a woman written in English. Entry fee: $15. Deadline: October 31, 2011. Visit korepress.org/korepressshortfictionaward.htm for guidelines and a link to the online submission form. Kore Press accepts online submissions only. For more information, e-mail kore@korepress.org or call (520) 882-7542.

The Grub Street Book Prize for fiction is awarded annually to a writer outside New England publishing his or her second, third, fourth (or beyond) book. First books are not eligible. Writers whose primary residence is Massachusetts, Vermont, Maine, New Hampshire, Connecticut or Rhode Island are not eligible. The winner receives a $1,000 honorarium and a reading and book party at Grub Street’s event space in downtown Boston. The winning writer is also invited to the “Muse and the Marketplace” literary conference as a guest author and will lead a craft class on a topic of his or her choice for a small group of Grub Street members. Grub Street will provide accommodations for 1–2 nights in Boston and cover all travel and meal expenses. Entry fee: $10 (tax-deductible). Deadline: October 15, 2011. Visit grubstreet.org for application requirements. Contact: Grub Street, 160 Boylston Street, Boston, MA 02116. (617) 695-0075; info@grubstreet.org.

Yemassee, the literary journal of the University of South Carolina, presents the William Richey Short Story Contest, awarding $1,000 to an author of a work of short fiction of up to 10,000 words. Entry fee: $10. Deadline: December 15, 2011. Visit yemasseejournalonline.org/fiction_contest.html for details. Contact: Yemassee, William Richey Short Fiction Contest, Department of English, University of South Carolina, Columbia, SC 29208.

Poetry

The Robert Frost Foundation Poetry Award calls for submissions of “poems in the spirit of Robert Frost.” Poets may submit up to three poems of not more than three pages each. A $1,000 prize will be awarded. Entry fee: $10 per poem. Deadline: September 15, 2011. Visit frostfoundation.org/Robert_Frost_Foundation/Award
The winning manuscript of the annual May Swenson Poetry Award receives $1,000 and publication under a standard contract, including royalties. Entry fee: $25. Deadline: September 30, 2011. Visit usu.edu/usupress/poetry_award for submission information. Contact: May Swenson Poetry Award, Utah State University Press, 3078 Old Main Hill, Logan, UT 84322-3078.

The Perugia Press Prize, for a first or second book of poetry by a woman, awards $1,000 and publication. The poet must be a U.S. resident and have published no more than one book of poems. (Chapbooks and books in other genres do not count.) Entry fee: $25. Deadline: November 15, 2011. Visit perugiapress.com /contest.html for submission details. Contact: Perugia Press Prize, PO Box 60364, Florence, MA 01062.


The Beatrice Hawley Award, from the Alice James Poetry Cooperative, is open to poets at any stage of their careers. The winning poet will have his or her book published by the cooperative and receives a cash prize of $2,000. Entry fee: $28. Deadline: December 1, 2011. Visit alicejames.submishmash.com/Submit for entry requirements. Contact: Alice James Books, 238 Main Street, Farmington, ME 04938.

Letters

Continued from page 2

When I saw the [Fall/Winter] Bulletin’s new cover, I couldn’t help thinking, “Well, I told them so three years ago.” What I said didn’t make much difference though—the AG didn’t really see the implications until it was too late, and now we must fight a rearguard action.

The music business’s destruction offered a business plan for doing the same to publishing, and here we are now. The implications for quality control are at least as worrisome as the financial future: droves of unpublished “authors” are already out there converting their “content” to “books.” i cnt wt 2 rd thos, cn u?

Deirdra McAfee
Richmond, VA

I was moved by Paul Brodeur’s article “Donor Beware,” about his unhappy experience giving his papers to the New York Public Library. I had a different experience with the papers of a friend, George S. Goldstein, who was a pioneer in labor health services in the Appalachian coalfields. After he died in 1996, I began, with his widow’s permission, a quest to find a home for his papers. I approached the National Library of Medicine, Yale, Penn State, West Virginia University and the University of Kentucky. The people at Yale told me it would be 20 years before they would have the staff to catalogue the papers. NLM was vague on a commitment.

In the end, I placed them at WVU, whose staff were willing to sign an agreement that the papers would be catalogued within three years. I was flying by the seat of my pants in this negotiation, since I’m not a lawyer and could not have enforced the agreement in any case. WVU acted honorably, though, even sending a truck to Pittsburgh to retrieve Goldstein’s papers from his home. I’m not sure what lesson(s) from this might be helpful—perhaps, in the least, a written agreement; and perhaps finding a home where the papers would be particularly valued.

Suzanne Rhodenbaugh
St. Louis, MO

Barbara Baig: How to Be a Writer: Building Your Creative Skills Through Practice and Play; Deborah Baker: The Convert: A Parable of Islam and America; F. Robert Baker: Warhead, 2nd Edition; Sandra Balzo: Cup of Jo; Running on Empty: A Main Street Mystery; Rye Barcott: It Happened on the Way to War: A Marine’s Path to Peace; Neal Bascomb: The New Cool: A Visionary Teacher, His FIRST! Robotics Team, and the Ultimate Battle of Smarts; Joan Bauer: Close to Famous; Marion Dane Bauer (Emily Arnold McCully, illus.): In Like a Lion Out Like a Lamb; Marion Dane Bauer (Peter Ferguson, illus.): The Golden Ghost; Charles Baxter: Gryphon: New and Selected Stories; Ann Beattie: The New Yorker Stories; Sean Beaudoin: You Killed Wesley Payne; Carol Beggy (and James Swan; Stanley A. Meyer, illus.): 101 Things I Hate About Your House; Kelly Bennett: Your Mommy Was Just Like You; Marianne Berkes (Jill Dubin, illus.): Over in Australia: Amazing Animals Down Under; Alexander Bevin: Sun Tzu at Gettysburg: Ancient Military Wisdom in the Modern World; Bhisham Bherwani: The Second Night of the Spirit; Beryl Singleton Bissell: A View of the Lake; Lawrence Block: A Drop of the Hard Stuff; Penny Blubaugh: Blood and Flowers; Sarah Gardner Borden: Games to Play After Dark; Kathleen Long Bostrom (Guy Francis, illus.): The View at the Zoo; Phila Marie Bowles: Glitz; Sally Ryder Brady: A Box of Darkness: The Story of a Marriage; Marlin Bree: Amazing Gulls; Josie Brown: The Baby Planner; Raymond Buckland: Atomic Sunrise; Churchill’s Secret Spy; Golden Illuminati; The Liberty Squadron; Leslie Bulion (Leslie Evans, illus.): At the Ocean Floor Café: Odd Ocean Critter Poems; Carolyn Burke: No Regrets: The Life of Edith Piatt; Rex Burns: The Frogs of Sawhill Ponds, Vol. 1 and Vol. 2;

Meg Cabot: Abandon; Laurie Calkhoven: Will at the Battle of Gettysburg, 1863: Boys of Wartime #2; Jamie Cat Callan: Bonjour Happiness!: Secrets to Finding Your Joie de Vivre; French Women Don’t Sleep Alone; Pam Calvert (Tuesday Mourning, illus.): Princess Peepers Picks a Pet; Pam Calvert (Wayne Geehan, illus.): The Multiplying Menace Divides: A Math Adventure; Kathy Cano-Murillo: Miss Scarlet’s School of Patternless Sewing; Paula J. Caplan: When Johnny and Jane Come Marching Home: How All of Us Can Help Vets; Ina Caro: Paris to the Past: Traveling Through French History by Train; Leslie Carroll: Royal Pains: A Rogues’ Gallery of Brats, Brutes, and Bad Seeds; Jerome Charyn: Joe DiMaggio: The Long Vigil; Julie Chibbaro (Jean-Marc, illus.): Deadly; Bryan Chick: Secrets and Shadows: The Secret Zoo Book 2; Mark Childress: Georgia Bottoms; Michael Chorost: World Wide Mind: The Coming Integration of Humans and Machines; Norris J. Chumley: Mysteries of The Jesus Prayer: Experiencing the Presence of God and a Pilgrimage to the Heart of an Ancient Spirituality; Mary Higgins Clark: I’ll Walk Alone; Blaise Clement: Cat Sitter Among the Pigeons; Nathan Clement: Job Site; Amy Clifton: Roadside Assistance; Maryann Coca-Leffler: Princess Kim and Too Much Truth; Carolyn Cohagan: The Lost Children; Stephanie Kaplan Cohen: Additions and Subtractions; Allan Cole: The Alex Kilgour Joke Book; Allan Cole (and Nick Perumov): The Hate Parallax; Joanna Cole and Bruce Degen, illus.: The Magic School Bus: Oceans; Michael Connelly: The Fifth Witness; Alan Cook: Forget to Remember; Claire Cook: Best Staged Plans; Seven Year Switch; Sarah Cortez (Ed.): You Don’t Have a Clue: Latino Mystery Stories for Teens; Shawn T. Coyne (and Kevin P. Coyne): Brainsteering: A Better Approach to Breakthrough Ideas; Julie Crabtree: The Crepe Makers’ Bond; Nina Crews: The Neighborhood Sing-Along; Doreen Cronin (Kevin Cornell, illus.): The Trouble with Chickens; Brenda Cullerton: The Craigslist Murders; Edwidge Danticat (Ed.): Haití Noir; Ellen Datlow (Ed. and Terry Windling, Ed.): Teeth: Vampire Tales; Laura Dave: The First Husband; Fisher David (and Vincent “Buddy” Cianci Jr.): Politics and Pasta: How I Proved Mobsters, Rebuilt a Dying City, Advised a President, Dined with Sinatra, Spent Five Years in a Federally-Funded Gated Community, and Lived to Tell the Tale; David Davis (Ben Galbraith, illus.): Fandango Stew; David Davis (and Jan Peck; Carin Berger, illus.): The Green Mother Goose: Saving the World One Rhyme at a Time; Angela Davis-Gardner: Butterfly’s Child; Larry O. Dean: abbrev: About the Author; David DeKok: The Epidemic: A Collision of Power, Privilege, and Public Health; Nicholas Delbanco: Lastingness: The Art of Old Age; Rick DeMarinis: Mama’s Boy; Corianne Demas: Everything I Was; Linda Eye Diamond: E-Z Spelling; E. L. Doctorow: All the Time in the World: New and Selected Stories; Tom Dolby: The Trust; Gerard Donovan: The Priest; Bill Doyle (Scott Altman, illus.): Attack of the Shark-Headed Zombie; Theodore Michael Dracos: Biocidal; Andre Dubus III: Townie: A Memoir; David Duffy: Last to Fold; Susanne Dunlap: In the Shadow of the Lamp; John J. Dunphy: From Christmas to Twelfth Night in Southern Illinois; Patrick Durantou: La Philosophie Grecque de Socrate à Thaophraste; La Philosophie Grecque de Thales à Anaximandre; Michelle Edwards: A Knitter’s Home Companion; Sarah Kate Ellis (and...

Denise Fawcett Facey: Can I Be in Your Class?: Real Education Reform to Motivate Secondary Students; Kate Feiffer and Jules Feiffer, illus.: My Side of the Car; Peggy Moss Felding: The Foxy Hens Meet a Romantic Adventurer; Rusty Fischer: Zombies Don't Cry; Kathleen Fitzgerald: Northern Hospitality: Cooking by the Book in New England; Terry Fitzwater: Six Seconds to Success: Powerful Tools to Unlock Employee Participation; Sue Fliess (Michael Laugehead, illus.): Shoes For Me; Ken Follett: The Pillars of the Earth; Ralph Frammolino (and Jason Felch): Chasing Aphrodite: The Hunt for Looted Antiquities at the World's Richest Museum; Betsy Franco (Michael Wertz, illus.): A Dazzling Display of Dogs; Mary Ann Fraser: Ogg and Bob: Meet Mammoth; Pet Shop Follies; Susan Freinkel: Plastic: A Toxic Love Story; Helen Frost: Hidden; Laura Furman (Ed.): The Pen/O. Henry Prize Stories 2011; Ward Fust: Rodin’s Débutante;


Brian Kahn: Real Common Sense: Using Our Founding Values to Reclaim Our Nation and Stop Palin, Beck, and the Tea Party Leaders from Hijacking America; Howard Kainz: The Existence of God and the Faith-Instinct; Melissa Kantor: The Darlings; Maryann Karinch: The Most Dangerous Business Book You’ll Ever Read; Frances Ruley Kurtunen: Nantucket Places and People 1: Main Street to the North Shore; Nantucket Places and People 2: South of Main Street; Nantucket Places and People 3: Out of Town; Nantucket Places and People 4: Underground; Caitlin Kelly: Malled: My Unintentional Career in Retail; Kostya Kennedy: 56: Joe DiMaggio and the Last Magic Number in Sports; Nancy B. Kennedy: Miracles and Moments of Grace: Inspiring Stories from Military Chaplains; Eric A. Kimmel (Adapt.; Jill Webber, illus.): The Story of Esther: A Purim Tale; Devon Kinch: Pretty Penny Sets Up Shop; Maxine Hong Kingston: I Love a Broad Margin to My Life; Allen Klein: Learning to Laugh When You Feel Like Crying: Embracing Life After Loss; Michelle Knudsen (Andrée Wesson, illus.): Argus; Dorothee Kocks: The Glass Harmonica; Stephen Krensky (Joe Morse, illus.): Play Ball, Jackiel; Stephen Krensky (Josée Bisaillon, illus.): The Great Moon Hoax; Uma Krishnaswami (Abigail Halpin, illus.): The Grand Plan to Fix Everything;
Eric Lamet: A Child al Confine; Lester L. Laminack (Henry Cole, illus.): Three Hens and a Peacock; William Douglas Lansford: The Fighting Leathernecks; The Wind and the Ships; Janice Law: Blood in the Water and Other Secrets; Greg Lawrence: Jackie as Editor: The Literary Life of Jacqueline Kennedy Onassis; Jennifer Lee: The Right-Brain Business Plan: A Creative, Visual Map for Success; Marc Leepson: Lafayette: Lessons in Leadership from the Idealist General; Margaret Ann Lembo: Chakra Awakening: Transform Your Reality Using Crystals, Color, Aromatherapy, and the Power of Positive Thought; Gail Carson Levine: A Tale of Two Castles; Steven Levy: In the Plex: How Google Thinks, Works, and Shapes Our Lives; Katia Lieff: Next Time You See Me; You Are Next; Robert Lipsyte: An Accidental Sportswriter: A Memoir; Sophie Littlefield: A Bad Day for Scandal; Malinda Lo: Huntress; Peter Lourie: The Manatee Scientists: Saving Vulnerable Species; Writing to Explore: Discovering Adventure in the Research Paper; Lois Lowry (Eric Rohman, illus.): Bless This Mouse; Lois Lowry: Like the Willow Tree: The Diary of Lydia Amelia Pierce, Portland, Maine, 1918; Lisa Lutz (and David Hayward): Heads You Lose; Sarah-Kate Lynch: Dolce Di Love; George Ella Lyon (Christopher Cardinale, illus.): Which Side Are You On?; Maryann Macdonald (Jana Christy, illus.): How to Hum; Maryann Macdonald (Judy Stead, illus.): The Pink Party; JoAnn Early Macken (David Walker, illus.): Baby Says “Moo!”, Shirley MacLaine: I’m All Over That and Other Confessions; Lisa Mannetti: Deathwatch; The Gentle Bok: John Mariotti: The Chinese Conspiracy; Scott Martelle: The Fear Within: Spies, Commies, and American Democracy on Trial; Jean Marzollo (Ken Wilson-Max, illus.): The Little Plant Doctor: A Story about George Washington Carver; Robert Masello: The Medusa Amulet; Bobbie Ann Mason: The Girl in the Blue Beret; Margaret H. Mason (Floyd Cooper, illus.): These Hands; Henry S. Maxfield: Another Spring; A Dangerous Man; Justice Justice; Legacy of a Spy; The Morland Syndrome; To the Survivors: The Welschmierz Plan; Mary W. Maxwell: Prosecution for Treason: Epidemics, Mind Control, Weather War, and the Surrender of Sovereignty; Mercer Mayer: Octopus Soup; Carla Killough McClafferty: The Many Faces of George Washington: Remaking a Presidential Icon; Sean McCollum: Anatomy of a Shipwreck; Joseph Stalin; David McCullough: The Greater Journey: Americans in Paris; Maryann McDonald (Jana Christy, illus.): How to Hum; Paula McLain: The Paris Wife; Kate McMan: Bulldog’s Big Day; Robert P. McParland: Charles Dickens’s American Audience; How to Write About Joseph Conrad; Jim McTague: Crapsheet Investing: How Tech Savvy Traders and Clueless Regulators Turned the Stock Market Into a Casino; Jean Henry Mead: Murder on the Interstate; Mystery of Spider Mountain; Brian Meehl: You Don’t Know About Me; Albert J. Menendez: The Religious Factor in the 1960 Presidential Election: An Analysis of the Kennedy Victory Over Anti-Catholic Prejudice; Deena Metzger: Feral; Annette Meyers: Murder; The Musical; Jamie Michalak (Frank Remkiewicz, illus.): Joe and Sparky, Superstars!; Ellen Michaud: Blessed: Living a Grateful Life; Inette Miller: Grandmother’s Whisper: Ancient Voices, Timeless Wisdom, A Modern Love Story; Seth Mookin: The Panic Virus: A True Story of Medicine, Science, and Fear; Joseph Monninger: Wish; Heather Montgomery: Garter Snakes; Rattlesnakes; Elaine A. Moore: The Amphetamine Debate: The Use of Adderall, Ritalin and Related Drugs for Behavior Modification, Neuroenhancement and Anti-Aging Purposes; Lael Morgan: Eskimo Star: From the Tundra to Tinseltown: The Ray Mala Story; Wanton West: Madams, Money, Murder, and the Wild Women of Montana’s Frontier; Linda Morganstein: Harpies’ Feast; Walter Mosley: Twelve Steps Toward Political Revelation; When the Thrill is Gone; Walter Dean Myers: Carmen; Walter Dean Myers (Christopher Myers, illus.): We Are America: A Tribute from the Heart; Walter Dean Myers (and Ross Workman): Kick; R. A. Nelson: Throat; Heather Newton: Under the Mercy Trees; Jim Nichols: Hull Creek: A Novel of the Maine Coast; Elizabeth Noble: When You Were Mine; Alyson Noel: Nightstar: The Immortals, #5; Jerdine Nolen: Eliza’s Freedom Road: An Underground Railroad Diary; Donald A. Norman: Living with Complexity; Michael Northrup: Trapped; Laura Numeroff (and Nate Evans; Lynn Munsinger, illus.): The Jellybeans and the Big Camp Kickoff; Sigrid Nunez: Salvation City, A Novel; Sempre Susan: A Memoir of Susan Sontag; Paul A. Offit: Deadly Choices: How the Anti-Vaccine Movement Threatens Us All; Micol Ostrow: Family; Alison Owings: Indian Voices: Listening to Native America; Katherine Hall Page: The Body in the Gazebo; Steven J. Paley: The Art of Invention: The Creative Process of Discovery and Design; T. Jefferson Parker: The Border Lords; Brooke Parkhurst (and James Briscione): Just Married & Cooking: 200 Recipes for Living, Eating, and Entertaining Together; Elizabeth Partridge: Dogtag Summer; Dorothy Hinshaw Patent (William Muñoz, photo.): Saving Audie; Molly Peacock: The Paper Garden: An Artist Begins Her Life’s Work at 72; Susan Pearson (David Slamn, illus.): How to Teach a Slug to Read; Kathleen T. Pelley (Paige Keiser, illus.): Raj the Bookstore Tiger; Ruth Pennebaker: Women on the Verge of a Nervous Breakthrough; Sally Pfoutz: Tree and Shadow; Arthur Phillips: The Tragedy of Arthur; Tamora Pierce: Tortall and Other Lands: A Collection of Tales; Fredrick Pohl: All the Lives He Led; Nancy Poydar: No Fair Science Fair; Robin Pulver (Lynn Rowe Reed, illus.): Happy Endings: A Story About Suffixes; Mary Jo Putney: Dark Mirror; Mary Quattlebaum (Alexandra Boiger, illus.): Pirate vs. Pirate; Deborah Raney: Almost Forever; Forever After; Diana Reep: Technical Writing: Principles, Strategies and Readings; Bettina Restrepo: Illegal; Luanne Rice: The Silver Boat; Cynthia Riggs: The Bee Balm Murders; Marion Roach:
MEMBERS MAKE NEWS

Winners of the 2010 Agatha Awards were announced at Malice Domestic 23, a mystery convention for writers and readers held in Bethesda, Md. The award ceremony took place on April 30. Nominees are Donna Andrews, Stork Rising Mad, Best Novel and Katherine Hall Page, Have Faith in Your Kitchen, Best Nonfiction.

Dave the Potter: Artist, Poet, Slave, written by Laban Carrick Hill and illustrated by Bryan Collier, and Interrupting Chicken, written and illustrated by David Ezra Stein, were the two Honor Book winners for the 2011 Caldecott Medal, presented annually by the Association for Library Service to Children, a division of the American Library Association.

The Hans Christian Andersen awards are presented biennially to an author and an illustrator whose body of work is judged to have made a significant and lasting contribution to children’s literature. Paul Fleischman is a nominee for the Author’s Award and Chris Raschka is a nominee for the Illustrator’s Award. The awards will be presented at the International Board on Books for Young People Congress in London in August 2012.

The 2010 New Mexico Book Awards were announced at a banquet on November 19 in Albuquerque. The winners included Rudolfo Anaya, The Essays, Anthology; Chris Eboch, The Knight in the Shadows, Juvenile Books; James McGrath Morris, Pulitzer: A Life in Politics, Print, and Power, which received the award for Biography and was named Best of Show; and Hana Samek Norton, The Sixth Surrender, Novel—Historical Fiction. The awards are sponsored by the New Mexico Book Co-Op, an organization of publishers and authors, and are judged by a panel of scholars and librarians.

The 2011 Pulitzer Prizes, honoring excellence in journalism and the arts, were presented at a ceremony on May 23 at Columbia University’s Low Library. The winners included Jennifer Egan, who received the Fiction prize for A Visit from the Goon Squad, and Ron Chernow, who received the Biography or Autobiography prize for Washington: A Life. Maurice Manning was a finalist for the Poetry prize for The Common Man.

The Western Writers of America announced the winners and finalists of their 2011 Spur Awards for distinguished writing about the American West. Lucia St. Clair Robson will receive the Best Western Long Novel award for Last Train from Cuernavaca. Red Shuttleworth will receive the Best Western Poem award for “Roadside Attractions,” first published in The Basement. John Duncklee was a finalist in that category, for “No More Corridos,” first published in Rope and Wire. Dotti Enderle was a finalist in the Best Western Juvenile Fiction category for Crosswire, and Lois V. Harris, with illustrator Charles Russell, was a Storyteller Award finalist for Charlie Russell: Telling Cowboy Artist. The awards were presented at a ceremony in Bismarck, N.D. on June 25.

Elisabeth Tova Bailey received the John Burroughs Medal Award for 2011 for The Sound of a Wild Snail Eating. The Burroughs Medal, first given in 1926, is sponsored by the John Burroughs Association, which recognizes outstanding natural history publications. The award was presented at the Association’s annual meeting at the American Museum of Natural History in New York City, on April 4.

Marlin Bree received third place in the Adventure category of the Boating Writers International (BWI) Writing Awards for his article “Island of Doom Adventure,” originally published in The Ensign and developed from a chapter of Wake of the Green Storm: A Survivor’s Tale. The awards recognize the winners of the BWI’s annual writing contest, now in its 18th year, and are presented at the Miami International Boat Show in February.

Jared Brown, with coauthor and wife Anastatia Miller, received the 2011 International Wine & Spirits Competition Communicator of the Year Award. The award was presented at the International Wine & Spirits Competition’s annual Vinitaly Gala Dinner on April 6 in Verona, Italy. This is the first time in the award’s 42-year history that the award was given to experts in spirits.

The Society of American Baseball Research presented a 2011 Larry Ritter Award to Kate Buford for Native American Son: The Life and Sporting Legend of Jim Thorpe. The award is presented annually to the best book about the Dead Ball Era in baseball.

Wayne Caldwell’s Requiem by Fire received the 2010 Thomas Wolfe Memorial Award for outstanding literary achievement. The award is presented by the Western North Carolina Historical Association.

Jamie Cat Callan received a Massachusetts Cultural Council Arts Grant, Fiction, in 2010.

Linda Dahl received the 2010 Writers in the Sky Award for the Best Creative Writing of the Year, for her...
novel, *Gringa in a Strange Land*. Writers in the Sky Creative Writing Services is an alliance of ghostwriters, editors and proofreaders.

*Murder in Italy: The Shocking Slaying of a British Student, the Accused American Girl, and an International Scandal*, by Candace Dempsey, was named winner of the 2010 Best True Crime Editor’s Choice and Reader’s Choice awards. *Murder in Italy* was also a Library Journal Best Seller in December 2010.

Coach Tommy Thompson and the Boys of Sequoyah, by Patti Dickinson, was a finalist in the 2010 Oklahoma Book Awards, in the nonfiction category. The awards are sponsored by the Oklahoma Department of Libraries’ Oklahoma Center for the Book.

*The Power of Sustainable Thinking: How to Create a Positive Future*, by Bob Doppelt, was named one of the Top 40 Books of 2010 by the Cambridge Programme for Sustainability Leadership at the University of Cambridge (UK).

Patrick Durantou received the Premier Prix from the Académie des Jeux Floraux, based in Toulouse, France. The award was presented on May 3 at the academy’s annual Fête des Fleurs.

*Crosswire*, by Dotti Enderle, received the Texas Institute of Letters Award for Young Adult Fiction. The book was also a finalist for a Spur Award (see the full Spur Award listing above).

Howard Gardner received a 2011 Prince of Asturias Award for Social Sciences, in honor of his research in the area of human cognition. The awards are sponsored by the Prince of Asturias Foundation, founded in 1980 by the Prince of Asturias, heir to the throne of Spain, to encourage and promote scientific, cultural, and humanistic values. Winners receive a diploma, a Joan Miró sculpture, and a cash prize of 50,000 euros.

Beatrice Gormley's *First Ladies: Women Who Called the White House Home* was selected as the book to be read aloud and distributed to schools across Texas in 2011 by the Reading Discovery Distance Learning Program & Videoconference, featuring Barbara Bush’s Story Time.

Susan Carol Hauser received an Artists Initiative Grant of $10,000 from the Minnesota State Arts Board. She will be writing essays based on outings in northern Minnesota’s woods and wetlands, including their botanical and cultural history.

Lisa Mannetti was nominated for two Bram Stoker Awards: the Bram Stoker Award for superior achievement in short fiction, for “1925: A Fall River Halloween,” originally published in *Shroud Magazine*, and the Bram Stoker Award for superior achievement in long fiction, for “Dissolution,” published in *Deathwatch*, a collection of two novellas.

Robert McParland received the Bela Kornitzer Book Award for *Charles Dickens’s American Audience*. The awards recognize outstanding nonfiction books and are sponsored by the Kornitzer Prize Endowment. The award was presented at the 2011 biennial Library Gala at Drew University, in New Jersey, on January 29.

*The Gendarme*, by Mark Mustian, received the Gold Florida Book Award for general fiction. The Florida Book Awards are coordinated by the Florida State University Library and cosponsored by several organizations.

*Days of Little Texas*, by R. A. Nelson, was placed on the Maine State Library 2010 Cream of the Crop List.

Christine A. Padesky received a Book of Merit Award from the Association for Behavioral and Cognitive Therapies for *Mind Over Mood: Change How You Feel by Changing the Way You Think*.

Sara N. Paretsky received the Distinguished Arts Award, part of the Governor’s Arts Awards sponsored by the Kansas Arts Commission.

Iron River, by T. Jefferson Parker, has been nominated for a Hammett Prize. The prize is sponsored by the North American Branch of the International Association of Crime Writers to honor a work of literary excellence in the field of crime writing by a U.S. or Canadian author. The winner will be announced on September 20 in Atlantic City during the New Atlantic Independent Booksellers Association Fall Conference.

Margaret Willey received the 2011 Gwen Frostic Award from the Michigan Reading Association. The award honors outstanding contributions to literacy in the state of Michigan.

The National Women’s History Project, founded in 1980 to broadcast women’s historical achievements, honored Sylvia Hoehn Wright for her memoir, *A Path Worn Smooth*, as part of their 2011 campaign, Our History Is Our Strength. While the organization traditionally highlights national figures, the 2011 campaign encourages individuals to discover stories about the women in their own families and communities.

Once Upon a Decade: Tales of the Fifties, by Clark Zlotchew, was a finalist in the 2011 Next Generation Indie Book Awards. ✧
Writing for Huffpo

By Marvin Kitman

Dear Friends of the Working Man:

You may have heard of the class action suit filed against Arianna Huffington and AOL by its estimated 9,000 bloggers seeking $105 million in damages for their work at Huffingtonpost.com. They are not alone.

As one of the original contributors to the popular site, I have been on strike since 2009 over unethical and unprofessional practices against their workers, without whom none of its success would have been possible. I am now in the 389th day of a hunger strike over compensation. The issue: higher wages.

My starting salary as a media critic at HuffPo—where I wrote one-thousand-word columns, essays, posts, whatever you call them—was zero. The pay scale, based on longevity, and other factors such as space availability, timeliness, hits, gradually rose to zero. Nada. Zilch. It was definitely below poverty level at the time.

And it was not just at HuffPo where writers were similarly being short-changed. Approximately 2,437,000 writers were accepting that pay package elsewhere in the blogosphere.

It was Samuel Johnson who observed in 1756, “Sir, no man but a blockhead ever wrote except for money.”

How did this blockhead—a veteran journalist with 35 years as the media critic at Newsday, author of nine books (the most recent The Man Who Would Not Shut Up: The Rise of Bill O’Reilly) listed in Who’s Who since 1968—achieve this plum position in the world of communications?

In the summer of 2007, Arianna Huffington herself invited me to join the original band of brothers, the 933 distinguished contributors who were making her name as famous as a liberal as it had been as a conservative. I would be number 934.

Flattered, I asked a sub-editor how much they paid: Was it by the piece or the word? She seemed surprised I would ask such a question. HuffPo argued they were doing writers a favor, offering a platform to express their views. We’re lucky we didn’t have to pay them for the honor, I gathered.

“No it anyway,” argued my son and other young alternative journalists. It will make you a “now” person. Get your name out there. Advance your career.

They were right. I was soon inundated with offers to write or speak for nothing.

After 37 pieces, my accountant warned that at this rate I would soon be in a higher tax bracket.

What a business plan, I remember thinking at the time.

For a while I thought I was contributing to an important economic experiment, a system bigger than socialism, communism, and even capitalism. Not paying the workers for their labor and getting away with it could be the start of something truly monumental.

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“Get your name out there. Advance your career,” they said. They were right.

I was soon inundated with offers to write or speak for nothing.

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Now if the garbageman would pick up the garbage, the mailman deliver the mail, the dentist fix your teeth, the corporate executives, banks and Wall Street guys do their things without getting paid—Arianna and other blogmeisters would really have something. They were giving new meaning to the term wage slaves. Work would make us free.

As my hunger strike continued this year, I was glad to see the other unpaid workers finally were rattling their chains. What seemed to upset the apple cart on the free ride Arianna was getting was the news that she was receiving $315 million for merging with AOL in February.

In March, the Newspaper Guild called on HuffPo’s unpaid bloggers to stop blogging in support of a strike launched by Visual Arts Source. Then, the class action suit filed by Jonathan Tasini, a left-wing journalist and trade union organizer, introducing the radical concept that the workers should bear the fruits of the merger.

Marvin Kitman was the media critic at Newsday from 1969 to 2005. His nine books include I Am a VCR. As a historian, he wrote The Making of the President 1789: George Washington’s Expense Account, by Gen. George Washington and Marvin Kitman PFC (Ret.), the best-selling expense account in publishing history. A founding father of Monocle Magazine until its untimely demise, he also was a staff writer at the Saturday Evening Post. His motto as a freelance writer was “Publish—and perish.”
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The suit argued that blogger labors built about one third of the value of Huffington Post, and so even if they agreed to blog for free at the time, they should be entitled to a third share of the sale value.

Given that Arianna has been able to sleep all those many nights since founding the site in 2005 based on exploiting the workers, I’m not so sure the suit is being realistic in expecting monetary compensation.

In my case, I would settle my strike demands more realistically. I would accept compensation by having the boss, as an advocate of unpaid labor, clean my house once a week until the debt is paid off. Or better yet, give me free investment advice.

On the upside, since my strike began I have already lost 52 pounds and am planning to write a new miracle diet book which I hope HuffPo will help publicize at no cost.
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