

Authors Guild Annual Report for FY2019

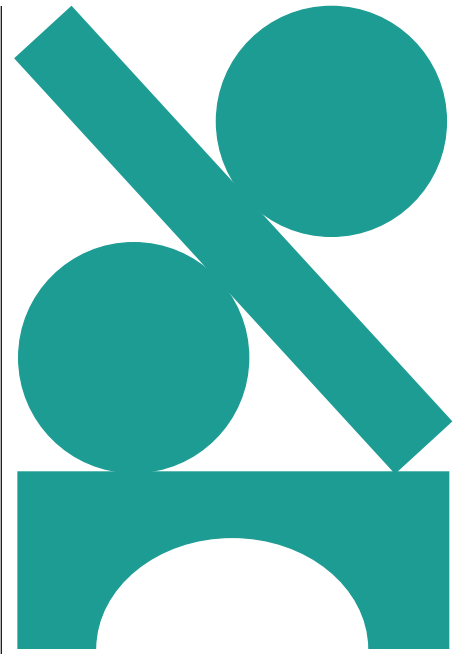
*Presented at
the Members'
Annual Meeting
March 10, 6pm 2020*

Scandinavia House
58 Park Ave,
New York, NY 10016



ADVOCACY

The Authors Guild's mission is to support working writers and protect authors' rights. In 2019, the Authors Guild conducted numerous educational programs for authors and engaged in a variety of important advocacy initiatives to protect and support writers.



Lobbying Activities

CASE Act for a Small Claims Copyright Court

Lobbying for the Copyright Alternative in Small-Claims Enforcement Act ("CASE Act") was in full throttle this year. The CASE Act will create a tribunal for small copyright claims in the Copyright Office, much needed since currently the only way to enforce copyright is to bring federal litigation at a cost of hundreds of thousands of dollars, which is unaffordable for the vast majority of writers. The current regime leaves writers and other individual creators and small businesses with empty rights.

The Guild worked with other creator groups to win huge support for the bill in the House and Senate. We met with elected officials and launched a grassroots campaign. Many Guild members wrote letters to their representatives and some had meetings with members of Congress. Our efforts bore fruit; the bill passed the House in October 2019 with bipartisan support (410-6), and was voted out of the Senate Judiciary committee with resounding support. As of publication, however, it remains stalled in the Senate due to a hold placed by Senator Ron Wyden (D-OR). His office has cited the absurd concerns of the largely Google-funded anti-copyright lobby that grandmothers or teenagers who share memes could be forced into the tribunal and would not know to raise fair use as a defense, and would have to pay up to \$30,000 in damages. There are many errors in that claim. For example, the tribunal is completely voluntary and defendants are served with process

and sent a letter by the Copyright Office explaining how to opt out. Additionally, the sharing of memes is almost always legal, and defendants will be provided with information about fair use and other defenses. Moreover, the Copyright Office may refuse to take claims that are clearly defective on the merits or which are abusive and can take measures against those who bring abusive claims; and damages can never exceed \$15,000 per claim and will be commensurate with the harm.

We have been working with the Copyright Alliance and staffers to convince Wyden to lift his hold by finding compromise language that addresses the red herring cases, without defeating the purposes of the CASE Act. An agreement appears to be close. We hope to be working on garnering support for a Senate vote in the coming months.

DMCA Safe Harbors (Section 512)

In anticipation of a potential legislative initiative in 2020, this past year, we ramped up our lobbying on the need to update the "safe harbor" laws for internet service providers that shield them from liability for the posting or transmittal of infringing material by their users. The safe harbors were created by the 1998 Digital Millennium Copyright Act to incentivize cooperation between copyright owners and internet platforms to keep piracy off of the internet platforms. As has become abundantly clear in recent years, the law has not worked to prevent piracy, but has shielded internet

platforms from any copyright liability even if they are profiting from piracy through increased advertising revenue. This is because over the last two decades, the courts have eroded the statute (Section 512 of the Copyright Act) to eliminate most of the requirements for internet platforms to qualify for the safe harbors—other than responding to takedown notices on a one-off basis and having a repeat infringer policy. Rather than take effective measures to alleviate piracy, internet platforms only need take down specific items identified by the copyright owners in official DMCA takedown notices from specific online locations (URL) provided in the notice. There is no obligation to take down other infringing copies or keep infringing copies down. The result is that infringing content gets reposted immediately, creating a fruitless whack-a-mole situation with rightsholders sending countless DMCA notices, only to see their content appear under a new URL.

To set the stage for this year's efforts to reform the DMCA, the Guild took several best-selling authors to Washington, D.C. to start educating members of Congress about the failures of the DMCA and the need for amendments as well as increased federal enforcement against criminal-level piracy. The members we met with were quite receptive and loved meeting the authors!

After almost five years of hearings, roundtables, and public comments (in all of which the Guild has taken part), the U.S. Copyright Office is expected to issue the results of its 512 Study this spring. Meanwhile, Senator Thom Tillis, Chair of the Intellectual Property Sub-Committee on the Senate Judiciary Committee, has tentatively scheduled hearings throughout the year with the goal of creating a draft DMCA reform bill and other solutions to make the DMCA more effective. The Authors Guild and our sister creator groups will be involved in ensuring that the interests of authors and creators are acknowledged in these discussions. We expect that the result of the report and the Senate hearings will yield robust proposals for targeting piracy and protecting copyright online.

Worker Classification and Freelance Writing

Last year, the State of California passed Assembly Bill 5 ("AB5"), a law intended to correct the mischaracterization of employees as independent contractors. AB5 establishes that freelance workers are presumed to be employees unless the hiring party can prove that the worker meets one of the exceptions, each consisting of several lists of criteria. The principal exception is a three-part test, known as the "ABC test," of which

one of the criteria is that the individual cannot provide services that are an integral part of the hiring entity's business. Journalists writing for publications are not exempt under that test, but are potentially carved out by two other exemptions: 1) a professional services exemption covers freelance writers if they meet certain criteria to show that they're independent from the hiring entity, and limit their annual submissions to any single publisher to 35, and 2) a business to business exception, which applies to sole proprietorships as well as corporate entities, in addition to other criteria.

AB5 took effect on January 1, 2020, amid apprehension about its impact on freelance writers in the state. Since then, California freelance writers have reported losing publishing clients who fear the freelancers will be deemed to be employees under the new law. Some of the California-based newspapers continue to hire California freelancers, and require the freelancers to warrant that they meet the new law's requirements in their freelance agreements. A lack of clarity around the law and the exemptions, as well as an arbitrary limit of 35 submissions per year per client, has caused confusion and harm to California writers who have lost work. We are working with other groups representing freelance writers and creators to change the 35-submission limit to qualify for the professional services exemption, and to also clarify that book authors are not covered by the law.

Other states—including New York and New Jersey—have similar worker classification laws in the works, and we are following those efforts. In New York, we are working with a coalition to ensure that writers and other freelancers retain their independent contractor status unless working in a manner where they clearly should be employees under current law—i.e., working on premises during hours set by the publication and supervised as an employee.

Copyright Office Modernization

We have been working closely with Senator Tillis's (R-NC) office on a draft bill to ensure that the Copyright Office has the resources and authority to upgrade its registration and recordation systems and simplify copyright registration and recordation, as well as the independence it needs from the Library of Congress on crucial policy and budget matters. A modern 21st-Century Copyright Office is critical in meeting the needs of today's creative economy. Guild staff participated in a series of roundtables on the various issues and submitted comments in response to questions posted by Tillis's office, as well as on various versions

of a bill to modernize the Office. The text that Tillis proposes introducing is being finalized, and the bill will be introduced imminently.

Collective Bargaining

Antitrust laws currently prohibit authors from collective bargaining, agreeing to minimum fees, or even sharing information about fees, and even from organizing boycotts against services that ignore authors' rights. The Guild is prevented from advertising its Model Trade Contract terms as suggested terms, or otherwise setting minimum terms. But without the ability to act collectively, authors have very little bargaining power, if any, and are at the mercy of publishers and online platforms and services.

In 2019, the Guild researched and worked on proposed legislation that would shield freelance writers and authors from antitrust violations for engaging in

these activities; and we started forming a coalition of creator groups to support the bill. In 2020, we will start actively lobbying for an antitrust exemption that will allow authors and other creators to collectively negotiate payment and other contract terms with publications. We believe that collective bargaining rights will be a great boost to the writing community and help alleviate income declines. We have a drafted bill, tentatively titled "Freelance Author and Artist Freedom Act," to exempt writers, photographers, and artists from antitrust laws. We will be working with legislative staffers to find a sponsor; however, given the political climate, we don't expect to introduce the bill during the 2020 legislative year.

Free Speech & Freedom of the Press

Collaborative Free Speech Efforts

We continue to work with other organizations to push back on censorship wherever we see it. We have signed onto several statements and letters organized by NCAC taking on censorship of books in schools and libraries, and a statement by the American Association of University Professors criticizing President Trump's pledge to deny federal research funds to colleges and universities that do not "support free speech"—as the government may interpret it.

We supported Banned Books Week again this year as we have in the past. We announce all of our various efforts and post them on our website, as well as in the newsletter and our Bulletin. We also signed onto an amicus brief with Media Coalition in *Prison Legal News v. Jones*, a case in which the Florida prison system banned *Prison Legal News*, in violation of the newsletter's First Amendment right to free speech and a free press. We also signed onto a letter condemning censorship of books featuring LGBTQ characters in libraries and public schools; this letter is due to be released later this spring.

Litigation

Amicus Briefs

The Authors Guild wrote and coordinated amici for two amicus briefs this year—in *Chronicle Books et al. v. Audible* and *Google v. Oracle*, and signed on to a third, *PEN America Center v. Trump*.

In *PEN America Center v. Trump*, the issue relevant to us is PEN America's ability to bring a First Amendment lawsuit on behalf of its membership—what is commonly referred to as "organizational standing." This issue is greatly relevant to the Guild and its ability to bring lawsuits on behalf of its own membership.

In *Chronicle Books et al. v. Audible*, Audible's

projected "Captions" feature was to display text synched with audiobook narration, without the permission of the author or publisher. Our brief described how audio and ebook rights are separate licenses and why the ability to license different rights separately is so important. We also noted that the error-ridden, improperly punctuated text renditions from the audio files corrupted writers' work and tarnished their reputations. At the hearing, on September 25, 2019, it was clear that Judge Caproni had read our brief, as she asked questions about the issues we raised at the hearing. On February 7, 2020, the parties submitted a settlement agreement, followed

by a motion to seal the terms from public disclosure, which the court denied. At the same time, the court asked the parties to resubmit the settlement agreement with redacted terms, stating that it will withhold approval unless “more details” from the agreement are made public.

In *Google v. Oracle*, the fair use doctrine will go squarely before the U.S. Supreme Court for the first time since 1994. Fair use is an important limitation on the exclusive rights of authors and creators, but over the last 25 years its scope has been greatly expanded in lower courts. Our amicus brief urges the Court to clarify when a use is “transformative”—a subfactor of one of the four factors courts weigh in a fair use analysis. The Supreme Court first introduced the concept in a decision in 1994, and since then lower courts have relied on a finding of transformative use as a stand in for the full four-factor test, while stretching the term “transformative” to mean “anything to anyone.”

The brief emphasizes the importance of the courts focusing instead on the fourth fair use factor—“the effect on the market for copyrighted works.” Unlicensed uses that will likely negatively impact existing and potential licensing markets for the copyrighted

work should not be permitted as fair use, contrary to a recent trend in some circuits where infringers have been allowed to usurp new markets before they have a chance to develop. A clear rule from the Supreme Court on fair use could reset the fair use doctrine so that it continues to provide copyright law with some “breathing room,” but not swallow it whole.

TAMER: Trademark in Book Series Titles

The Authors Guild, RWA, and SFWA assisted in the defense of Tom Tessier, a writer facing a trademark infringement claim from Michael Scott Earle for using the word “Tamer” in the title of his books. While single book titles cannot be claimed as trademarks (or copyrighted), series titles can serve as a trademark in certain instances, where it is capable of identifying a specific brand. However, just like the word “cocky,” which was the subject of a similar trademark lawsuit last year, the word “tamer” is a generic term for a particular subgenre and so can not alone serve as a specific brand name. Eleanor Lackman from Mitchell Silberg and Knupp LLP represented Tessier with co-counsel in Texas, where the suit was filed. The parties settled on February 26, 2020.

Piracy

Fighting piracy is one of our top advocacy priorities in 2020. As part of our expanded efforts to fight piracy, we participated in a roundtable at the Copyright Office on April 8, 2019, lobbied Congress, worked with online platforms to prevent more piracy, and submitted [comments to the Department of Commerce](#)¹ explaining how the availability of inexpensive but high-quality counterfeit copies from print-on-demand services, the expansion of ebook piracy, and the lack of internet platform liability is driving down author incomes. We also provided input on a letter to the FTC from Senators Tillis and Hirono and Representative Deutch about internet scams, and how phishing and pirate websites hurt the book industry. In addition to raising the issue to government agencies, we have been working with authors, publishers, and internet platforms to mobilize resources against piracy.

Last year, we helped authors takedown 10–12 groups on Facebook that allowed group members to post and download pirated PDFs/epub files of books. Some of these groups were hosting thousands of pirated books—the books could be downloaded directly from Facebook’s platform, which allows users to post document files to Facebook groups. Facebook’s takedown process is

designed primarily for complaints against individual posts. Facebook removed individual posts in response to a complaint from a rightsholder but failed to target repeat infringer accounts or close the groups despite being notified of the groups’ purpose.

LinkedIn’s SlideShare platform, which allows users to upload slide decks, has become a hotbed for links to unauthorized audiobooks and ebooks. We have had numerous members complain recently about the links for pirated copies of their books available on SlideShare. While some of the links on SlideShare are “phishing links”—i.e., links that promote free books for a malicious purpose, such as information farming or spreading viruses—there are numerous unauthorized, full-length books made available. In a few instances, as many as 70 separate accounts are advertising the links. We have been in discussions with LinkedIn’s copyright enforcement team and have seen an accelerated response. We emphasized the futility of the takedown process and suggested tech-

¹ <https://www.authorsguild.org/industry-advocacy/the-current-state-of-counterfeiting-and-recommendations/>

nical measures that can prevent uploads of pirate or phishing links to their platform, as well as common search terms that are embedded in most pirate ebook links. In response, LinkedIn has agreed to vet for certain search terms, required SlideShare users to authenticate accounts with LinkedIn, and terminated repeat infringer accounts.

eBay is another internet platform that internet pirates are using to sell pirated ebooks and audiobooks. Despite the fact that eBay's terms prohibit users from listing intangible items, countless seller accounts are advertising \$.99 pirated PDFs and ebooks. Once a

purchase is made, the accounts email the purchaser a copy of the pirated book. We started communicating directly with eBay's legal team and will continue to press them on cleaning up their platform.

Google Shopping has also become a hotbed of pirated ebooks and audiobooks, including links to pirated copies on eBay. We have been less successful in obtaining cooperation from Google, who has simply referred us to their takedown notice form, but we will keep working on getting more cooperation from them until we can get the law revised.

Other Copyright-Related Initiatives

Copyright and Artificial Intelligence

In January, we submitted comments to the Copyright Office in response to the rise of artificial intelligence, and its consequences for authors. Our executive director, Mary Rasenberger, spoke at conferences at the U.S. Patent and Trademark Office and the Copyright Office in January 2019 and February 2020, respectively. AI's use of existing books to train itself to write new books and the inability to hold persons or corporations responsible when AI infringes are issues with potentially serious consequences for authors and books. We are advocating for changes to the law that will allow authors to be compensated when AI machines copy their books.

ALI Restatement

The American Law Institute has undertaken the creation of a Restatement of Copyright Law, which thus far has a noted anti-copyright bias. Executive Director Mary Rasenberger has been involved in this project as one of the Advisors, in an effort to protect the interest of our members and other creators. Mary reviewed and provided comments on Chapter 3 of the Restatement last year, and Chapters 5 and 6 are currently under review with a meeting scheduled between the drafters and advisers for the end of March 2020 to discuss issues with the latest draft.

Copyright professionals have expressed concern that a Restatement on copyright law—which is a product of statute and case law—would cause confusion and elevate contested theories to the status of universal legal rules. Many members of Congress also share this concern. In December 2019, Senator Tillis of the Senate Judiciary Committee, joined by House Representatives Deutsch, Rouda, Cline, and Roby, sent a letter

to Richard L. Reversz, Director of the American Law Institute, to seek clarification about the scope of the project and its underlying rationale. The legislators sent a second letter expressing dissatisfaction with the ALI's response in January of 2020.



MEMBERSHIP & OUTREACH

Our work includes outreach to increase the membership of the Guild and provide more opportunities for members to connect to make us stronger. Initiatives include campaigns, partnerships, and expanding our presence through regional chapters.

Our fiscal year 2018-2019 total membership was 11,351

We saw a 28% increase in new members in 2019

<i>Total number of new members in 2019:</i>	<i>2,000</i>
<i>Number of members enrolled in auto-renewal:</i>	<i>3,547</i>
<i>Number of members using web services (Sitebuilder, email, and or domain name registration):</i>	<i>2,468</i>

New Benefits & Perks for Members

Trupo

In partnership with Trupo, we recently began offering supplemental insurance, such as dental and accident insurance. These plans are currently only available in New York, New Jersey, and Texas, but they are hoping to continue expanding. For more information visit <https://www.trupo.com/partners/the-authors-guild>²

Member Badges

Soon Members can now add an Authors Guild Member badge—recently updated with our most current logo—to their website to let others know they're proud members of the Guild!



²
<https://www.trupo.com/partners/the-authors-guild>

Coming Soon

In 2020, we'll be introducing the Marketplace and Premiums:

Home > Member Benefits > Marketplace



MARKETPLACE

Use this page to look for authors, ghostwriters, and agents. Each listing has a corresponding display page.

 Agents	4 Authors 2 New!
 Book Coaches	20 Coaches
 Editors	6 Editors 1 New!
 Ghostwriters	20 Coaches
 Lawyers	11 Lawyers
 Publicists	8 Publicists
 Other	11 Other Professionals

The Marketplace

We will be introducing a marketplace for members to list the services they offer, including editing, marketing/publicity, ghostwriting, and serving as a literary agent. The ability to list services will only be available to members, but the marketplace will be open to the public to inquire about services.

Premiums

We will be offering Authors Guild-branded merchandise for purchase. These items will include t-shirts, tote bags, pencils, and computer decals or refrigerator magnets.

2019 Membership Recruitment & Retention Initiatives



Welcome Kit

We completely overhauled our welcome kit for new members, laying out Guild services more clearly and cohesively in a single document. We hope that this will keep new members more informed and engaged with all the Guild has to offer them.

New Member Orientation

In November, we began running monthly orientation webinars to help get new members acquainted with the Guild, our services, their online accounts, and the resources that can be found on the website. This orientation also grants members an opportunity to ask questions and engage with each other early on in their time with us.

Monthly Payment Plans

In January 2019, we introduced monthly auto-renewal payment plans to spread out the cost of membership over the year.

Refer-a-Friend

Word of mouth has always been one of our most effective ways of recruiting new members. In 2019, nearly half of our new members joined via word of mouth. In the fall, we reintroduced our Refer-a-Friend program, making it an ongoing, rather than a temporary campaign. Each member has a unique referral link, which can be found in their account online. Using this link, members can recommend a writer friend to the Guild allowing both to save \$20 on dues.



“Did You Know?” Campaign

We continued our efforts to educate Guild members about our core benefits and re-ran our “Did You Know?” campaigns last summer, and in particular, saw an increase in Sitebuilder requests.

Coming Soon

In the next year, we’ll be introducing new welcome emails, a simplified application, and a new brochure:

Multi-Part Welcome Email Series

A digital multi-part welcome series designed to keep new members engaged and informed about benefits they may have overlooked.

New Application

In an effort to simplify the application process on both the member and staff ends, we are reimagining the application as a series of questions that will better direct applicants into the right categories of membership and clarify what sort of documentation is needed to proceed upfront.

New Prospective-Member Brochure

We are redesigning our prospective-member brochure to hand out at conferences and other events.

Legal Services

In fiscal year 2019, our legal team responded to 1,398 total queries, representing an 8% increase over the prior fiscal year. Among the assistance provided were:

- 332 book contract reviews
- 81 agency contract reviews
- 60 reversion of rights inquiries
- 142 inquiries on copyright law, including infringement, registration, duration, and fair use
- 36+ inquiries regarding securing permissions and privacy releases
- 23 First Amendment Queries
- 724 other inquiries (including inquiries regarding electronic rights, literary estates, contract disputes, contract questions, periodical and multimedia contracts, movie and television options, internet piracy, liability insurance, finding an agent, and attorney referrals)

Model Trade Book Contract

We recently released an updated, interactive version of our Model Trade Book Contract. We are also launching a campaign on several issues addressed in the new model contract, including 1) the increasing use of deep discounts and need to revise deep discount clauses so the lower rates start at higher discounts and de-escalate, 2) marking remainders, overstock, foreign editions, and review copies so that they cannot legally enter the Amazon third-party marketplace as competing “new” books, and 3) increasing transparency in royalty statements.

Home > Member Benefits > Request Legal Help > Model Trade Book Contract

MODEL TRADE BOOK CONTRACT

Select a Section:

- 1 The Work
- 2 Grant of Rights
- 3 Copyright
- 4 Advance Against Royalties
- 5 Royalties
- 6 Subsidiary Rights
- 7 Delivery
- 8 Termination of Agreement
- 9 Publication
- 10 Reversion of Rights
- 11 Sublicensees
- 12 Promotional Materials/Promotion by Author
- 13 Statements of Account
- 14 Representations and Warranties
- 15 Indemnification
- 16 Insurance

7. Delivery.

a. Delivery of Manuscript.

Author shall deliver to Publisher on or before _____, 20____ (the “Delivery Date”) the complete Work (in [Word] or other standard electronic format editorially acceptable to Publisher), which shall meet the description set forth in Section 1. The Delivery Date may be amended by mutual written agreement (including email) between the Author and Publisher.

Commentary

Be sure to negotiate a realistic due date, as failure to deliver on time can allow the publisher to terminate the contract and gives it the right to recoup any portion of the advance already paid. If completing your manuscript depends on something happening in the future, the availability of information, or similar events that are not under your control, it is prudent to add a clause permitting you to extend the delivery date by written notice if circumstances prevent you from completing the work within the specified time period. If the publisher requires more than one copy of the work and/or a specified format for the digital file, it is also wise to spell that out so there is no confusion later.

b. Failure to Meet Delivery Date.

If Author fails to deliver the complete Work by the Delivery Date, unless otherwise agreed by Publisher or due to circumstances beyond Author’s control, then Publisher shall send Author _____

Regional Chapter Initiative

In June 2018, we established our Regional Chapters initiative in order to bring a sense of community to members throughout the country. We began with 14 chapters in various cities. In 2019, we added two more chapters to our roster, and this year we will launch three more.

As of March 2020, we have chapters in the following cities:

- Phoenix, AZ
- Los Angeles, CA
- San Diego, CA
- San Francisco, CA
- Washington, D.C.
- St. Petersburg/Tampa, FL
- Chicago, IL
- Boston, MA
- Detroit, MI
- Las Vegas, NV
- New York, NY
- Raleigh-Durham, NC
- Cleveland, OH
- Portland, OR
- Philadelphia, PA
- Seattle, WA

Each chapter—led by volunteer members, or Ambassadors—is a way to share ideas specific to writers of that community. Events allow members to enjoy the benefits of meeting other members face to face. In 2019, we held dozens of events in all of our chapter regions across the country.

2019 Regional Chapter Events

January 6: Mastering the Traditional Book Market, Seattle, WA
January 9: Giving Memorable Readings, San Francisco, CA
February 7: A Discussion on the Art of Science Writing, Los Angeles, CA
February 21: A Midwinter's Reading and Open Mic, Chicago, IL
February 28: Copyright and Author Platforms, Tampa, FL
March 24: Successful Self-Publishing, Raleigh-Durham, NC
March 31: Member Potluck, Philadelphia, PA
April 6: Springtime in D.C., Washington, D.C.
April 14: Finding and Working with an Agent, Philadelphia, PA
April 17: Online-Harassment Self-Defense Training, Los Angeles, CA
May 23: Chapter Meet-Up, Las Vegas, NV
May 30: Developing Your Going-Wide Strategy, New York, NY
June 9: Practical Personal Book Marketing, Seattle, WA
July 18: Summertime Stories and Open Mic, Chicago, IL
August 4: Book Submissions 101, Raleigh-Durham, NC
September 4: Literary Legal Issues: A Conversation with Mary Rasenberger, Washington, D.C.
September 25: Member Meetup Potlucks, Bay Area, CA
October 16: Let's Talk Money: Authors and Personal Finance, Los Angeles, CA
October 26: Pitch Perfect, How to Write a Query, Seattle, WA
October 27: Writing and Publishing Tips for Authors, Tampa, FL
November 3: Chapter Inaugural Meet-up, Phoenix, AZ
December 5: The Business of Writing, Detroit, MI
December 5: Chapter Meet and Mingle, Portland, OR
December 9: Chapter Mixer, Boston, MA
December 15: Member Meet-Up Potlucks, Seattle, WA

THE AUTHORS GUILD WEBSITE

The Online Members Forum

The Members Community was launched in 2018 and quickly became a useful forum for discussion among members. Popular topics in the forum have ranged from piracy on LinkedIn to the best strategies for book reviews. In 2019, engagement continued to grow with over 1,100 new threads and over 8,400 discussion comments.

We continue to launch additional communities, including forums for local Guild chapters to give members an opportunity to network with others in their local communities.

The Website

The Authors Guild website provides everything authors might need to make the most of their membership. In 2019 our website had 219,000 unique visitors and over 375,000 page views.

This past year, we continued to improve the resources available on the site including additions to the Resource Library on the business of writing, how to find an agent, marketing a book, and more. Recent industry news and advocacy updates are regularly posted, and older news can be found through the search feature. It is now easier to find our past webinars and audio from many of our past seminars and panels in the

Seminar Archive. The members-only areas include the online Community, member profiles, legal resources and forms, the Model Trade Book Contract, the event calendar, and exclusive access to discounts and webinars.

Improvements for 2020

- A complete website reorganization to make it easier to navigate and read
- A new, reorganized “Education and Resources” section
- Quick access to members-only forms and resources, including the new Model Trade Contract
- Improved search on the website to help find information quickly

Newsletter

The Guild issued an email newsletter every 2–4 weeks to keep members up to date on Authors Guild advocacy efforts and provide information and resources for writers and supporters.

The Roundup

We continued to issue our “roundup” email to members this past year. It is a curated collection of interesting and key news items affecting authors.

TECHNOLOGY UPDATES

Online Legal Help Requests

One of the main benefits of Authors Guild membership is legal help. Legal help is available for all members in good standing who are associate or full-voting members of the Guild. The original process for members to submit legal help took a great deal of manual intervention by Guild staff and led to lag times in response to member requests. We streamlined this process by requiring members to log in to their accounts to submit requests to ensure eligibility for legal services. We also automated the requirement for members to sign a formal engagement letter in case the assistance in any given case became a legal representation.

Monthly Auto-Renew

We released an option for members to pay for membership on a monthly basis.

Backend Improvements

We completed two big accomplishments on the backend: 1) We moved our technology to a new server, which improves both speed and security of our infrastructure; and 2) We completely eliminated an older technology from our stack, which significantly simplifies our architecture going forward.

Reduced the Amount of Manual Work Required of Staff

Some of the features we released this year will have a positive impact on staff efficiency going forward, including:

- Legal Help online submissions
- Better integration of our membership data with online tools that members can see
- A new server and retiring older technologies.

We've also required members to sign up for dues auto-renewal in order to use some of the Guild's more popular services, such as legal help and author websites and domain name registration. Auto-renewal significantly lowers the amount of staff time to process member dues.

Sitebuilder Improvements

SBX: We migrated roughly 1,600 users out of Classic Sitebuilder to SBX, and we retired the older Classic brand.

SSL: We implemented the secure protocol, SSL (Secure Sockets Layer), for Sitebuilder sites. Google and other prominent search engines rank sites lower that are not under the secure protocol.

A new theme: New "themes"—design templates for the member sites—are one of the most requested improvements from members, and last year we added a new theme: the Refresh theme.

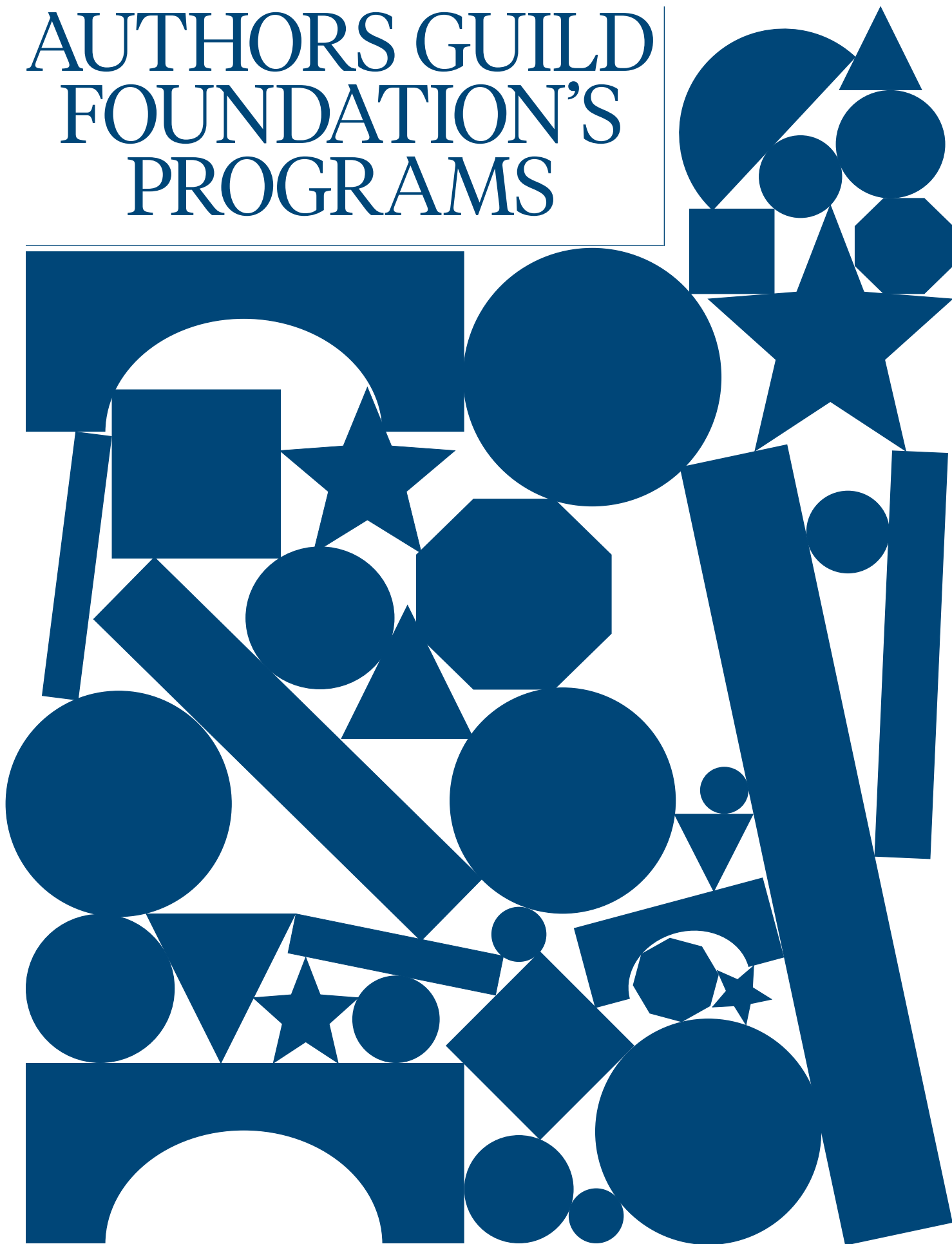
WYSIWYG: We added more website editing tools this past year that allow members to more easily change font style and color of text they add to their websites.

Coming in 2020

On the horizon for this year:

- Another new Sitebuilder theme
- Improvements to image handling
- Other miscellaneous improvements that members have requested

AUTHORS GUILD FOUNDATION'S PROGRAMS



Programs & Events

AWP

The Foundation once again served as a Literary Partner of the Association of Writers & Writing Programs (AWP) conference, the largest literary conference in North America, in March 2019 in Portland, Oregon. We hosted a featured discussion between Authors Guild Council member Tayari Jones and Rebecca Makkai, moderated by Lesley Nneka Arimah. For the first time, we also hosted an intensive session of back-to-back legal panel discussions on contract basics, followed by legal and ethical issues to consider when writing about real people. Guild members mingled with each other and other authors at our reception co-hosted with local Portland organization Literary Arts.

We hope to return as a Literary Partner for AWP 2021 in Kansas City, MO, but are taking a break from AWP 2020 due to programming budget constraints.

BookExpo

We again formed a partnership with BookExpo, the largest annual book trade fair in the U.S., held in New York City from May 29 to 31, 2019, and immediately followed by BookCon, a conference geared toward readers, from June 1 to 2, 2019. We negotiated a 50% off badge discount for Authors Guild members and organized two educational panels—one on combating piracy solely hosted by the Foundation and one on working with independent bookstores, hosted in collaboration with the American Booksellers Association.

The next BookExpo will be held in New York City at the Javits Center from May 27 to 29, 2020, followed by BookCon from May 30 to 31. Unbound, an exhibit floor and show focused on non-book literary lifestyle products, will be held throughout BookExpo and BookCon. The New York Rights Fair, the international adult and children's content and licensing marketplace, should occur in the same location at the same time, but dates and details have yet to be announced.

We hope to once again offer a discount on BookExpo badges to our members and will have more details in early March.



From Manuscript to Marketplace Series, Funded by New York State Council for the Arts (NYSCA)

The Foundation received a small two-year grant from NYSCA to fund an in-person series of panels held in New York State. The discussions featured an author and members of their publishing team, such as their editor, publicist, and/or agent, discussing the process of creating and publishing their most recent book. The second round of events were held in fall 2019 and included Angie Cruz at the Astoria Bookshop in Queens, De'Shawn Charles Winslow with I, Too Arts Collective at the Langston Hughes House in Harlem, and Johary Ravaloson in Rochester, NY. The Foundation also held one webinar with Carlos Labbe and the American Literary Translators (ALTA). The discussions have been followed by active and engaged Q&A sessions and book signings facilitated by partner indie bookstores. The grant was renewed for another two years, and we plan to hold at least three of these discussions in 2020.



Business Bootcamps for Writers Series,

The Authors Guild Foundation completed the first round of our Business Bootcamps for Writers series at the end of May 2019 in Santa Fe, NM. The series received an extremely positive response from attendees and has helped us build strong relationships with local

literary communities. We plan to continue the series next year with another round of six to seven bootcamps. In the initial series, we featured 40 speakers and engaged nearly 300 writer participants, mostly from underserved and/or marginalized backgrounds. The series was funded by generous private donors, the National Endowment for the Arts, and Penguin Random House, and Leuchtturm provided notebooks to our participants.

The series equips writers from diverse backgrounds and writing styles with the tools and resources they need to manage their careers, navigate the publishing marketplace, protect their rights, and build a readership. We worked with local literary groups, including libraries, bookstores, writing rooms, MFAs, writing workshops, etc.—to reach out to local writers to let them know about the program and to develop programming beneficial to each city. The daylong events included instruction on the business side of writing, breakout sessions to network with fellow writers, Q&A periods, and follow-up educational webinars. We also hosted a networking lunch for participants and a social reception at the end of the day with local writers, partners, and literary organizations. Spaces for 40 participants in each city are fully funded and include small stipends to cover ground transportation for attendees in need. Speakers include Penguin Random House corporate and regional publishing professionals, Authors Guild staff, and local agents, publishing professionals, and writers. Topics covered include publicity, marketing, paths to publication, working with an agent, the overall marketplace, contracts and legal rights, engaging in your local literary community, and more.

First Six Bootcamps: Cities, Venues, and Literary Partners

- *November 2, 2018—Philadelphia, PA at the Free Library of Philadelphia*
- *January 18, 2019—Cincinnati, OH at the Public Library of Cincinnati and Hamilton County*
- *January 26, 2019—Atlanta-Metro Area/Decatur, GA at the Georgia Center for the Book with Broadleaf Writers Association*
- *February 2, 2019—New Orleans, LA at Antenna arts collective's gallery space with the New Orleans Writers Workshop*
- *March 24, 2019—Seattle, WA at Hugo House*
- *May 19, 2019—Santa Fe, NM at the Institute of American Indian Arts (IAIA) with the New Mexico Writers Workshop*

The Foundation is working to secure funding to continue the series in the latter half of 2020. We plan to revisit Atlanta, GA and Santa Fe, NM, and to visit Houston, TX; Nashville, TN; Buffalo, NY/Rochester, NY; and Louisville, KY (drawing on Lexington, KY and Cincinnati, OH, which are both about 1.5 hours away).

Webinars

We regularly host webinars on a wide variety of educational topics, such as legal issues for writers, piracy, taxes, navigating self-publishing services, and marketing and publicity. The webinars we hosted in 2019 included:

- *Marketing Strategies for Authors: Long-Term Marketing Strategies That Attract Readers, Sell Books, and Won't Make You Miserable (May 22)*
- *Book Contracts 101 (June 12)*
- *Changing Tides: Novel Approaches to Combating Piracy (July 11)*
- *The CASE Act and Why It Matters to Authors (September 18)*
- *Attract More Readers and Sell More Books: How to Promote Your Own Book (Without Feeling Sleazy) (September 19)*
- *Four Strategies to Gain Early Reviews (and Build Buzz!) (September 24)*
- *Bad Contracts Are Not Forever: A Review of the Statutory Right of Termination in Section 203 of the Copyright Law (October 22)*
- *Estate Planning for Authors (November 6)*
- *Screenplay Adaptation for Fiction Writers (November 18)*

If you missed any of these webinars, you can watch recordings online in our [Seminar Recordings](#)³ archive. We will announce our 2020 webinar schedule soon.

³
<https://www.authorsguild.org/whats-new/seminars-member-events/webinar-recording-archive/>



Age of the Storyteller Online Marketing and Publicity Course

We kicked off 2019 with an online eight-part marketing and publicity course hosted by Lisa Weinert. Topics covered included developing an author brand, choosing a publishing path, building a readership, and engaging with the literary community. Traditional and indie/self-published options were discussed. Writers could watch the entire series (still available on authorsguild.org) or choose the topics of interest to them, and each module had a live Q&A session for our members.

Module 1: The Age of the Storyteller

- *Module 2: Your Book Is a Startup*
- *Module 3: Be a Literary Citizen*
- *Module 4: Design Your Author Brand*
- *Module 5: You're in the Driver's Seat. Now What? How to Choose the Right Publishing Path*
- *Module 6: Nuts and Bolts—Publicity for Every Author*
- *Module 7: Social Media for Writers*
- *Module 8: Beyond the Launch—Reader Engagement in the Long Term*



Fundraising

The Annual Appeals

To help fund the Foundation's educational programs and advocacy work, we conducted two appeals for donations from our constituency. At the end of the calendar year, we asked our donors to help us fight the battle against declining incomes for writers, and more than 250 were able to donate. In the summer, more than 100 people supported our drive to champion all authors. Combined with the optional donations we receive when members pay Guild dues, this funding represents an extremely important portion of our budget for free programming and advocacy initiatives.

The 2019 holiday appeal raised \$96,000 and the summer appeal, with over 100 donors, raised an additional \$19,000. Over the year, 251 donations submitted with dues contributed an additional \$35,886 to the annual fund.

The 2019 Authors Guild Foundation Gala

On May 15, 2019, the Authors Guild Foundation hosted its 27th annual benefit dinner. The 2019 Honorees for Distinguished Service to the Literary Community were Mary Pope Osborne, bestselling children's author and former Guild president; and Anthony W. Marx,

the president of the New York Public Library. We also recognized U.S. Representative Hakeem S. Jeffries as the 2019 Honoree for Exceptional Advocacy for the Literary Community. The 2019 gala raised \$369,000 of funds for the Foundation's charitable work.

Authors Guild Foundation Literary and Cultural Trips

Following up on the success of our trips to Cuba in November 2017, December 2017, and February 2018, the Authors Guild Foundation hosted tours to Jordan in April 2019 and to Iceland in June 2019. These fundraising trips were curated exclusively for the Foundation and featured unique cultural and literary experiences designed with locals.

In Jordan, travelers experienced a cultural immersion while visiting numerous sites of historic and religious importance, including Amman, Mt. Nebo, Petra, and Wadi Rum; met with local booksellers, artists, and artisans; rode camels through the desert; flew in gyrocopters over the Dead Sea; took private tours of galleries and design spaces; observed archeological and architectural wonders; and enjoyed traditional live music performances. Our host Andrea Bronson,

VP of Programs, lives in Jordan for part of the year and organized several private events with locals—a dinner with authors, a traditional home cooked meal at a house in a village, a dinner with journalists working in Jordan and the MENA region, and a cocktail party with artists, designers, and writers at her home.

In Iceland, our group took an in-depth look at Icelandic literature—from ancient sagas to modern fiction—while exploring the stunning landscape. The tour included natural sites such as the Golden Circle, Blue Lagoon, scenic geysers and waterfalls, and cultural sites such as famous writers' homes, the National Museum and Viking Museum, and libraries and cultural centers. Travelers met with a locally based, bestselling novelist; an internationally acclaimed crime novelist; learned about Icelandic folklore and storytelling from local historians; studied the Icelandic language with a specialist; and saw rare ancient manuscripts.

The Writers' Union of Iceland hosted us at their center in Reykjavik for drinks and engaging discussions with local writers.

We are planning to host future cultural and literary trips in 2020 and 2021 but have put plans on hold due to the coronavirus outbreak.

Grants

The Foundation has been working with fundraising experts to identify and apply for new grants. Outreach is in the early stages but progressing positively. The Foundation received grants from the New York State Council for the Arts (NYSCA) and the National Endowment for the Arts (NEA) in 2018. The NYSCA grant was renewed for another two years, and we will hear later this year if we were approved for another NEA grant.

Coming Soon

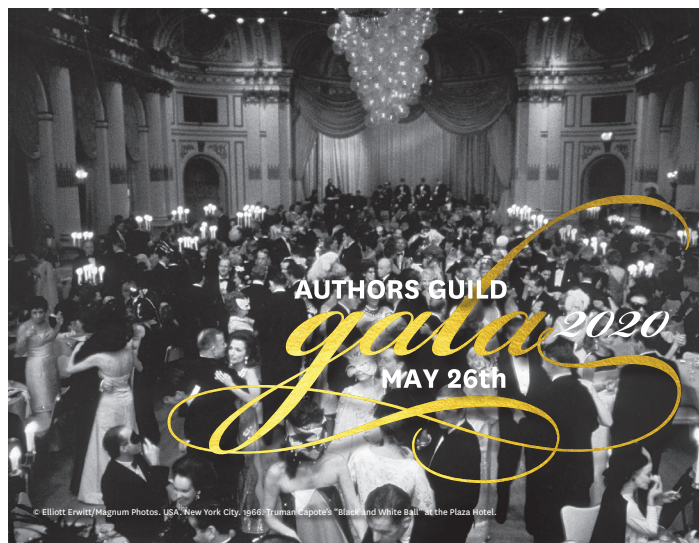
We are hard at work on the Authors Legacy Society and the 2020 gala:

Authors Legacy Society

We will soon be inviting members and donors to join our Authors Legacy Society, which allows anyone to create a legacy of championing authors and the future of literature. We will provide simple forms that make it easy to designate the Authors Guild Foundation as a beneficiary of a planned gift. Donors need not be especially wealthy for a gift to have an impact, and there are many ways to pledge a gift, including through wills and trusts, life insurance policies, investment accounts, and retirement accounts.

The 2020 Authors Guild Foundation Gala

The Foundation's 2020 benefit will be held on May 26. Distinguished honorees will be longtime Council member Judy Blume as well as Margaret Atwood; we will be recognizing their ardent support of the literary community and commitment to defending free expression.



The Authors Registry



The Authors Registry was created in 1995 to distribute fees and royalties that were collected by others on behalf of U.S. authors but not paid out. This money comes from a variety of sources, nearly all of them overseas, such as the Authors' Licensing & Collecting Society (ALCS) in London. In the Netherlands, LIRA collects payments for American authors from libraries under Public Lending Right. All of these payments are considered secondary royalties, since they do not come from book sales. Registry payments are for photocopying and electronic use in educational, business, and governmental institutions, as well as for library lending payments.

In 2019 the Registry distributed \$2.4 million to over 10,000 American authors. To date, the total distributed is over \$38 million. Payments range from a few dollars to a few thousand. The Registry charges a fee of 10% on all distributions to pay the bills. The Registry pays authors of academic, nonfiction, fiction, children's, and every other category of literature.



31 East 32nd Street, 7th Floor
New York, NY 10016
Authorsguild.org
Tel: 212-563-5904
Email: staff@authorsguild.org

