# GUIDANCE ON PUBLISHING CONTRACTS



Members of the SoA are entitled - and encouraged - to receive (without additional charge) detailed advice on specific contracts. Every project is different and contracts vary massively; this guide is intended to serve only as background to the SoA's customised advice.

Every reasonable effort has been made to ensure that the information provided in this Guide is reasonably comprehensive, accurate and clear and up to date as at the date stated in the Guide. However, the information provided is necessarily general and should not be relied on as specific legal or professional advice. If you have any specific queries, contact our advisers or a suitably qualified lawyer or professional. If you think you may have noticed any error or omission, please let us know.

The main things to consider whenever you are offered a publishing deal are: the range of rights, the duration of the licence, and the share of any income being taken by the publisher: are they a fair return for the rights you are giving up and the work you will have to put in? A publisher paying a fat advance and investing in a print run of 25,000 copies from the outset is justified in taking rather more in return than a publisher offering no advance and intending to produce the work only as ebook and print-on-demand/ultra-short-run printing. Always weigh up what added value the publisher is bringing and consider how the proposal compares with self-publishing. Remember: you can self-publish as an ebook or print-on-demand for small outlay, thereby retaining all control and 100% of any income - so you need to be confident that the added value brought to the venture by your publisher justifies how long it is seeking to control the rights in your work and on what terms. And always check for the fire exit: is the contract clear and reasonable about the grounds on which you can terminate?

#### C.R.E.A.T.O.R

We believe that all creator contracts should comply with certain minimum requirements. They are embodied in the C.R.E.A.T.O.R acronym:

C - Clearer contracts, including written contracts which set out the exact scope of the rights granted.

R - fair Remuneration. Equitable and unwaivable remuneration for all forms of exploitation, to include bestseller clauses so if a work does far better than expected the creator shares in its success even if copyright was assigned.

E - an obligation of Exploitation for each mode of exploitation. Also known as the fuse it or lose it." Clause. This is the French model.

A - fair, understandable and proper Accounting terms.

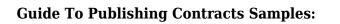
T - Term. Reasonable and limited contract terms and regular reviews to take into account new forms of exploitation.

 Ownership. Authors, including illustrators and translators, should be appropriately credited for all uses of their work and moral rights should be unwaivable.

R - All other clauses be subject to a general test of Reasonableness.

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**Kathleen Armour** 



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#### **Table of Contents Guide To Publishing Contracts Samples**

- 1. Understanding the eBook Guide To Publishing Contracts Samples
  - The Rise of Digital Reading Guide To Publishing Contracts Samples
  - Advantages of eBooks Over Traditional Books
- 2. Identifying Guide To Publishing Contracts Samples
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Guide To Publishing Contracts Samples
  - User-Friendly Interface
- 4. Exploring eBook Recommendations from Guide To Publishing Contracts Samples
  - Personalized Recommendations
  - Guide To Publishing Contracts Samples User Reviews and Ratings
  - Guide To Publishing Contracts Samples and Bestseller Lists
- 5. Accessing Guide To Publishing Contracts Samples Free and Paid eBooks
  - Guide To Publishing Contracts Samples Public Domain eBooks
  - Guide To Publishing Contracts Samples eBook Subscription Services
  - Guide To Publishing Contracts Samples Budget-Friendly Options
- 6. Navigating Guide To Publishing Contracts Samples eBook Formats

- o ePub, PDF, MOBI, and More
- Guide To Publishing Contracts Samples Compatibility with Devices
- Guide To Publishing Contracts Samples Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Guide To Publishing Contracts Samples
  - Highlighting and Note-Taking Guide To Publishing Contracts Samples
  - Interactive Elements Guide To Publishing Contracts Samples
- 8. Staying Engaged with Guide To Publishing Contracts Samples
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Guide To Publishing Contracts Samples
- 9. Balancing eBooks and Physical Books Guide To Publishing Contracts Samples
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Guide To Publishing Contracts Samples
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Guide To Publishing Contracts Samples
  - Setting Reading Goals Guide To Publishing Contracts Samples
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Guide To Publishing Contracts Samples
  - Fact-Checking eBook Content of Guide To Publishing Contracts Samples
  - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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