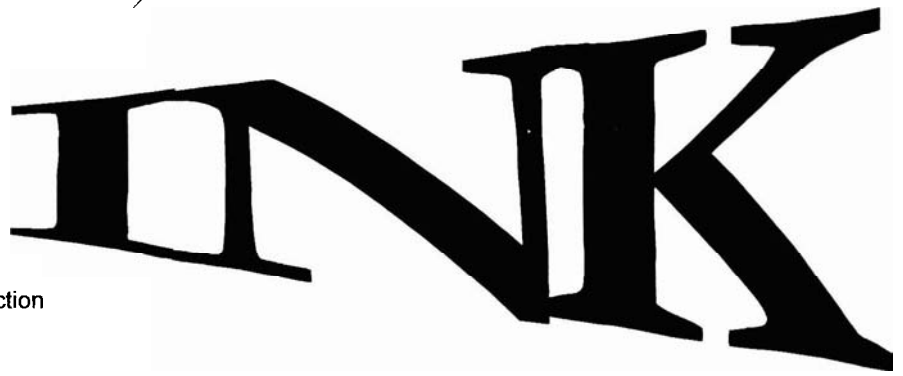


Novelists'



The official newsletter of Novelists, Inc.—
a professional organization for writers of popular fiction

Plagiarism & Copyright Infringement

An Interview with Charles Grimes

By JANICE YOUNG BROOKS

(Originally published in the premier issue of NINK 1990)

Charles Grimes is the founding partner of the law firm of Grimes and Battersby, a firm specializing in intellectual property law (copyright, trademark, and patent matters). He is co-author of The Toy And Game Inventor's Guide (Kent Press; © 1996); and The Law of Merchandising and Character Licensing, with his partner, Greg Battersby, and is the Executive Editor of "Licensing Journal." He is a regular contributor to various trade publications and has lectured extensively to member of the publishing industry.

QUESTION: What are plagiarism and copyright infringement?

ANSWER: Plagiarism is a form of copyright infringement. The term plagiarism is used in respect to literary pieces; i.e., the written text. Copyright infringement covers the unauthorized use of someone else's text, as well as artwork and other "works."

QUESTION: What defines plagiarism?

ANSWER: Unfortunately, there isn't any easy test [that

answers the question]. The test lies in whether or not the accused work is "substantially similar" to the original work. This involves an analysis of both the nature and amount of what's been taken. The best example is, if you wrote a 10,000-word book and someone takes a few lines, that probably would be permissible copying, but if you write a three-line poem and someone takes a few lines, that would probably be copyright infringement or plagiarism.

QUESTION: When you say "substantially similar," does that mean it has to be word for word?

ANSWER: No, you can infringe someone else's work even though you do not copy word for word. You're allowed to read someone else's work and get from it a concept they're expressing and then restate that concept in your own words. But you're not allowed to take their expression of the idea. Since most people are smart enough to change every third or fourth word, you rarely find a situation where there is a direct copy. The copying is normally less blatant. Such cases are given to a judge or jury to make a

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Important Information on Recent Court Rulings Regarding Domain Names

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By CISSY HARTLEY

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A number of authors have recently found themselves the victims of "cybersquatters." (A squatter is a company or individual who buys up domain names in order to resell them later at an inflated price). As a result, they are unable to establish a website using their own domain unless they're willing to pay an exorbitant price to the person who holds the name. However, a couple of

recent court rulings have come down squarely in favor of those an individual having a *right* to their own domain name. Julia Roberts has just won the dispute over her domain name, and last week British author Jeanette Winterson prevailed in a case against Mark Hogarth of writerdomains.com and won back her name.

The Winterson/Hogarth case is of particular interest to authors. Hogarth currently owns the domains of over 100 high-profile writers,

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.....THE PRESIDENT'S VOICE

I don't know about anyone else (well, I do, but I'm not telling!), but I don't always time a book just right. Here I am, ten days before we leave on a family trip to the Netherlands, and I'm deep into revisions on a manuscript...I had a brainstorm on Thursday, and now, I don't know if I can finish before we have to head to JFK. This is why I like spontaneous travel, but I couldn't put together a family trip at the last minute. As it was, it was like planning the Normandy invasion. There's the kid in college, the kid in seventh grade, the husband with the bishop calling and Mother.

"Time the biscuits, not the books," I think Nora Roberts once said. (Call me if that wasn't you, Nora!) My options are limited but clear. I could forget the brainstorm—but I can't do that because it's the breakthrough I've been waiting for these many long months of writing. This is one of those books that's come together in layers, fits and starts caused, I suspect, by the weeks-long interruption and stress of my daughter's surgery, then the chronic sinus infection from hell. Plus visits to the school to straighten out the seventh-grader and his teachers. (Don't get me started.) And a @!#\$%^ computer virus that ate my early chapters and their backups (fortunately, I had hard copy, but it was a lot of re-typing.) So, giving up the brainstorm isn't a good option. The story comes first.

The best option is to finish before we leave. It could happen, but it won't be easy. I can write my butt off this week and see where I am the day before we leave. Then, call my editor if I'm not finished and ask if she wants me to send what I have. I'm already late (see above). I hate being late. But, again, the story comes first—in a way, panicking got me into this mess in the first place. If I'd just taken time off when I was sick, I might have had this brainstorm sooner! In my infected haze, all I could think about was...finish the book. Now that I'm well, yes, I feel an urgency to get it finished, but most of all to make it good. If we were leaving in 17 days instead of 10 days, I'd have plenty of time. But we're not.

So, here comes the Big Question. If I don't finish, do I write on our trip? Let me tell you about Holland. My father was born in Rotterdam and emigrated to the US after World War II. He was a merchant marine and was caught outside his country when the Germans invaded and bombed his home city. Before the war, he and his brother, both just teenagers, smuggled Jews out of Germany. During the war, he served under Allied command and was one of two survivors off a torpedoed ship. I grew up with tales of pre-war Holland, immediate post-war Holland, of family still there—my father's many brothers and sisters, nieces and nephews. We'll be seeing my cousin Christine for the first time. She's my only cousin who's my age—the rest are all much older, closer to my mother's age. We were penpals when we were ten years old.

We'll be gone only eight days. To write on this trip strikes me now, when I still have hope of finishing before we leave, as wrong, even counter-productive. My father's been dead for ten years. One by one, I heard of the deaths of his brothers and sisters back in Holland. My aunts and uncles, never met. They're all gone now. I couldn't get there—I was having babies, meeting deadlines, attending conferences, doing booksignings, unable to leave my little ones behind and fly on my own, broke, moving or otherwise unable to get my act together. All the traveling I've done for my writing, all the money I've spent and somehow I let the years slip away and haven't been

to Holland. This isn't just a vacation. It's a trip of my soul.

Add to this dilemma my editor's own personal schedule. She's leaving July first to have her first baby. If I'm back on the 22nd, and have work yet to do and don't get the manuscript in until July first...well, you see the situation. There's only one choice. Finish before I leave for Holland!

You know what this means, don't you? Yeah, yeah, long hours at the computer—the least of my worries. It means no time to buy clothes for my trip. :-)

As they say, **anxiety focuses the mind**. I'll let you know how this turns out. And I know I'm not alone. Even as I write this, I have a writer friend holed up in a hotel in Bali, writing for the last week of her six-week trip to Australia

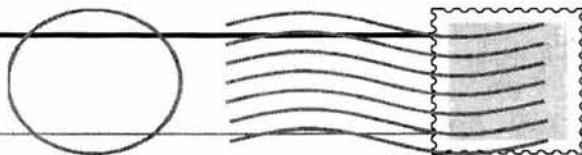
(how she ended up in Bali is her story to tell!). She wanted the book done before she left, but it didn't happen. Now, she's doing what she has to do.

I suppose, if it comes to it, I will, too. But maybe this is why I don't own a laptop. If I don't finish, I'll have to pack my daughter's laptop—it's got rugby stickers on it. Yes, rugby. How do you think she ended up having jaw surgery?

P.S. Don't forget to take a look at the website (www.ninc.com), which is changing all the time and has great stuff. Back to you after my trip...

— **Carla Neggers**

LETTERS TO THE EDITOR



Letters to the Editor is the most important column in our newsletter, since it is the monthly forum in which we can all share our views and express our opinions. Anonymous letters will never be published in NINK. Upon the author's request, signed letters may be published as "Name Withheld." In the interest of fairness and in the belief that more can be accomplished by writers and publishers talking with one another rather than about each other, when a letter addresses the policies of a particular publisher, the house in question may be invited to respond in the same issue. Letters may be edited for length or NINK style. Letters may be sent to the NINK editor via mail, fax or e-mail. See masthead for addresses.

THANKS, BARBARA!

As one whose lip involuntarily curls into a sneer whenever my peers wave the pom-poms of goal-setting and perseverance (as if that's all it takes to succeed in publishing) I loved Barbara Keiler's "Golden Egg" article. She reminded me that even though luck does play a role in success, we can make, or at least magnify, our own luck—by recognizing the opportunity, setting goals and persevering. Somehow, the way Barbara told it, I cheered rather than sneered. Thanks for sharing your story.

— **Liz Hill**

CURMUDGEON STRIKES CHORD

I had to laugh when I read the Comely Curmudgeon column in the June issue.

Laura Resnick once again hits the nail on the head, when she states that we should be worried about electronic piracy. We should be scared spitless.

What I found particularly funny was Ms. Resnick's statement that it would take pirates three months to start copying an author's valuable backlist. Three months?? Try three minutes. I can say this with some assurance because I worked in anti-piracy for a software company for a number of years and we used to have a betting pool on how quickly pirated copies would appear after our new software hit the streets. And a second pool would see how well they

overcame the "encrypted" safeguards written into that software to prevent it from being copied. The more popular (read: valuable) the software was, the sooner it would appear. To put this in perspective, Windows 95 was available in counterfeit versions before it went on sale, despite electronic safeguards and built-in security.

Our protected copyrights and trademarks (both federally and through trade agreements such as the Berne Treaty) mean nothing to these thieves and sadly they mean little to the general public. One third of all software being used right now is counterfeit—meaning it was copied and sold or just copied and given away without payment to copyright holder. Imagine if one third of all your books sold last year were counterfeit? Why do you think the music industry is on full military alert over Napster—the software program specifically designed to help people steal music over the Internet? And steal is the optimum word here. In my former line of work I regularly met people who became indignant (including a number of writers) when I asked them if they also shoplifted when they defended their software piracy as being nothing more than making a copy.

The problem with this look-the-other-way mentality is that the courts and the law enforcement agencies often share it. Currently, Federal law stands that if someone is making illegal digital copies of your work and distributing them, but not doing it for financial gain, it is regarded as "no harm, no foul." Bobby Hacker can give away millions of copies of your valuable backlist and possible million-dollar bestseller, and you are powerless to stop it because he made no financial gain. Doesn't matter that you just lost the farm. Until these bad laws are overturned and we have electronically savvy judges on the bench, our copyrights have about as much protective power as a "no contact order" has at stopping bullets.

And another item I learned while working in ▶ ▶ ▶



BREAKING NEWS

COMPILED BY PAMELA BROWNING

HARLEQUIN HARDCOVERS

Harlequin will launch a monthly hardcover program in August 2000, and they're scheduling one title per month. Number of titles each month will depend on inventory and opportunities in the marketplace.

Hardcover publishing is not a new venture for Harlequin. They've published a number of books in hardcover under the MIRA imprint in the past five years. The difference is that this is an ongoing monthly program.

Dianne Moggy, editorial director, says, "The launch was inspired by a desire to be able to take the authors we've been building in paperback to hardcover and to offer an opportunity to attract new authors to the imprint. It is not another line of women's fiction. It is the extension of the Mira imprint.

We've achieved a great deal of success in building a paperback program and saw the hardcover/trade paperback format as the natural extension of that success."

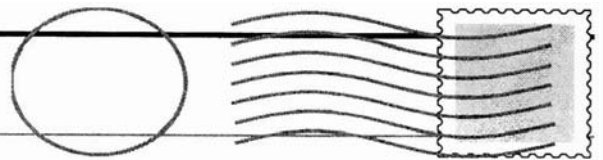
Although Harlequin has not bought original material for trade paperbacks, they're interested in acquiring novels written by both women and men. "It's a small program, which means we're very selective, and we're only looking at agented material," says Moggy.

The first two novels in the program are thrillers—*A Perfect Evil* by Alex Kava and *The Innocents Club* by Taylor Smith—but they will also publish romances, relationship novels, romantic suspense, etc. Editorial parameters are similar to the paperback program.

NO BUY, NOBODY, NO WAY

In response to rumors, Steven Zacharius, president of Kensington, says, "Penguin Putnam is not purchasing Kensington. There have never been any talks with them nor are we in discussion with anybody

LETTERS



▶ ▶ ▶ ▶ Continued from page 3

anti-piracy: everything that has a retail market is valuable to counterfeiters, be it digital or tangible. Toothpaste, motor oil, Pokéman, clothing and cereal all have counterfeits floating around in the legitimate market. You'd wonder as to why someone would counterfeit your Cheerios, but they do because it has a retail value.

And so does your backlist. You may humbly assert that your backlist is not valuable now, but one day it may be. Protect it, guard it and don't let it onto the Net. Bill Gates used to tear his hair out over this problem—and if his worldwide army of lawyers and private investigators and software technicians can't stop the tide, how will you?

— Elizabeth Boyle

The following "cease and desist" letter was designed by Kay Murray of the Author's Guild. It is printed by permission for the use of NINC Members.

Mr. [Name]
[Address]

Re: [Title of infringed work]

Dear Mr. [name]:

I am writing to inform you that you are using my copyrighted work on your website without authorization. This reproduction of my work violates federal copyright law.

Be advised that federal copyright law provides substantial protection for authors against the unauthorized use of their work. Registration of a copyright is unnecessary; the Copyright Act provides such protection from the moment an author's ideas are reduced to tangible form. Only I have the right to reproduce, adapt, distribute and publicly display my work. Anyone who infringes upon an author's exclusive rights by copying and/or unlawfully appropriating the work can be judicially restrained from making such improper uses of the work, subject to the impounding of unauthorized copies of the work and held accountable for monetary damages incurred and/or profits earned as a result of these unlawful acts.

I hereby demand that you immediately cease and desist from making any further use of any of my work on your website or elsewhere. If you want to make any use of my work, you must secure my permission to do so before proceeding. Please immediately contact me regarding appropriate compensation for your past unauthorized use of my article. [Give your contact information]

cc: The Authors Guild, Inc. [if desired]

PLAGIARISM, INFRINGEMENT Q&A

▶ ▶ ▶ ▶ Continued from page 1

comparison and determination as to whether the copying that occurred [constitutes plagiarism or infringement].

QUESTION: Most writers have a deep-seated horror of accidentally remembering some-thing they've read years ago, whether it be a turn of phrase or a plot concept, and being guilty of infringing because they use it. Is this a justifiable fear?

ANSWER: It's perfectly permissible to draw upon your memory in such a fashion if you're remembering the idea. There are only so many stories in life, and there's no exclusivity to ideas. But when you use a phrase you love, even though you don't know where it came from, you have some cause for concern.

QUESTION: What role does the concept of "public domain" have in this area?

ANSWER: There are certain things that cannot be copyrighted—for example: ideas, titles (it's the only way to refer to your book, so you can't prevent people from using it), statistical information, or that material that can only be expressed in one way. These things, by their nature, cannot be copyrighted because you can't deprive others of the right to use them. They are public domain. The outline of the United States cannot be copyrighted, because there's no other way to show it. But if you do some unique color renderings to show graphic relief in a special way, that's copyrightable.

Other works that might have been protected are in the public domain 1) because they were never protected by the author; 2) protection for them was lost because proper copyright notice wasn't on them (this is no longer a requirement) or 3) the copyright on them has expired. They are also public domain.

QUESTION: If Shakespeare had written *Romeo and Juliet* recently and it was copyrighted,

would *West Side Story* be plagiarism?

ANSWER: That's a classic example used by legal scholars to point to a situation that probably would be considered copyright infringement.

QUESTION: How may an author best protect herself from unjust accusations of plagiarism?

ANSWER: Number one, don't accept or read other people's manuscripts, because when you do, there's the likelihood that at some point in the future, you will do something similar. If what you do dies on the vine, you'll never hear from the other person again. But if what you do is successful, whether you're Alex Haley or someone else, you can rest assured that you will be sued.

QUESTION: What about working from diaries or areas of research where one person is a primary source of information about a specific event?

ANSWER: Then you have a problem. Whoever the original author was has copyright in that particular expression. It's like the Ford memoirs. The question is to what extent can you quote from those things because they have news value and it's therefore fair use—and to what extent is it impermissible taking? That raises the issue of the "fair use defense."

The First Amendment permits certain use of copyrighted materials because of the nature of the taking: in other words, where the use is limited to a particular purpose (preferably non-commercial) or, if it's commercial, where it does not detract from the underlying value of the work being copied. It's a hard question. Each case has to be examined [with regard] to whether what you're taking is necessary to what you're conveying to the readers, and that you're only taking as much as is absolutely necessary. This pertains mainly to nonfiction. Many big ▶ ▶ ▶



BREAKING NEWS

else about buying Kensington."

NAPSTER FLAP, PART I

The Association of American Publishers cheered a district court's recent rejection of a motion to dismiss a suit filed by the Recording Industry Association of America against Napster, a company and software application that allows users to share music files in the MP3 audio format. The suit charges Napster with contributory and vicarious copyright infringement and seeks damages of \$100,000 per infringement.

The court rejected Napster's claim that it is merely a neutral carrier like the phone company and that it could not be held liable for allowing the exchange of unsanctioned copies of digital music files on its service.

If found guilty, Napster could be liable for hundreds of millions of dollars in damages.

NAPSTER FLAP, PART II

So there's this band Metallica, see, and they got steamed over Napster's giving away their music to anyone and everyone. They monitored the site for a brief period, like maybe 48 hours, and, during that time, they logged 300,000 illegal downloads of their music. Yes! That's right! CNN reported it.

A Metallica musician explained that this isn't about money, it's about choice. He argued that it should be each and every artist's choice whether to be accessible on sites like this, since the recordings are their legal and artistic property. Napster's disregard of Metallica's right to choose is what constitutes piracy and why Metallica is taking legal action.

The Metallica guy said that the band allows, even encourages, fans to bring videocams to their concerts, tape the concerts, and even trade the videos all across the country with other fans. That is, again, Metallica's choice.

NAPSTER FLAP, PART III

Then there's this band ▶ ▶ ▶



BREAKING NEWS

▶ ▶ ▶ called Nectar, unknown and never had a recording contract. Nectar said it's a benefit in their case for their sound to be made available by Napster without permission or recompense because it gets their music and their name out there. Metallica commented that it has no argument with musicians like Nectar who want their music accessible via Napster and other such sites. That's their *choice*, and they're entitled to it.

Metallica said that during the time they were monitoring Napster and logged 300,000 instances of piracy of their own work, they found only one (1) instance of someone's downloading the demo of an unknown/unrecorded band.

What did Metallica say about that? Something like: so, hey, when it comes to the work of unknown/unrecorded musicians on the Net—frankly, who cares?

SELF-PLAGIARISM

How much can you plagiarize your own work? Is it legal? Is it ethical? "Legally Speaking: Self-plagiarism or Fair Use?" by Pamela Samuelson discusses this issue. It's a scholarly article, and you'll plow through a lot of irrelevant guff, but it does touch on the famous Dashiell Hammett self-plagiarism case and may offer insight for those of you who have been secretly wondering if you can recycle those love scenes you wrote ten years ago. Read the article at www.ilt.columbia.edu/text_version/projects/copyright/papers/samuelson.html.

ALLEGED PLAGIARISM

Linda Grant's *When I Lived in Modern Times* recently won the Orange Prize for Fiction in the U.K., upsetting Zadie Smith's heavily favored *White Teeth*.

Within 24 hours, claims of plagiarism started to circulate in the British press. A Vermont-based academic, Dr. A.J. ▶ ▶ ▶

PLAGIARISM, INFRINGEMENT Q&A

▶ ▶ ▶ ▶ Continued from page 5

companies have attorneys read their manuscripts before they go to press to determine if the amount being taken is likely to be construed as impermissible.

QUESTION: Do you lessen the chance of sources raising objections if you cite the sources and give credit?

ANSWER: I don't think it helps or hurts. What's more determinative is, "Did you make a lot of money or not?" If you made a lot of money and gave credit, they're going to say, "You yourself have admitted that you took [something from my work]." If you don't give them credit, they'll say, "It's particularly objectionable that you didn't even give me credit." One solution is: Don't make money.

QUESTION: That's all too easy for a lot of us. What can an author do if she finds that someone else has plagiarized her work?

ANSWER: Obviously, consult with an attorney first. You have to be able to show that the other person had access to your work, and you have to be able to show where the similarities are.

QUESTION: By showing that they had access, do you mean by proving that the book is in print in a library in that person's town? Something like that?

ANSWER: That or often there are instances where a manuscript was sent to agent X who showed it to person Y who was a brother-in-law of person Z. If two authors on opposite coasts created identical books but really did it independently, there would be no copyright infringement, and both would be free to sell their books. There has to be copying, and you have to be able to show copying went on. If you can show the accused had your book or manuscript in front of him, the amount of actual copying required for it to be a violation of your rights is less. If you cannot show

it was in front of him, but can show a great deal of similarity that goes beyond coincidence, you may be able to show copyright infringement. These are counterbalancing tests. The more access you can establish [to your work], the less you have to do to show infringement; if you cannot show access, you'd better have very good proof of copying.

QUESTION: Should an author have to reimburse her publisher for expenses involved in defending a lawsuit claiming the author's book was an infringement?

ANSWER: Your publisher can try and oftentimes does get you to sign an agreement that you put up your house and everything else to defend against such lawsuits. To me that's unconscionable. At most, you should warrant that you're not aware that you have copied anyone else's work, and you should be responsible only up to the amount of monies that you are paid. So if the publisher has to pay someone else, you have to give back your royalties. You shouldn't have to pay more than you earned. The only time there should be severe assessment against you is when you knowingly withhold information that you made a direct copy.

I try to recommend that artists band together and not sign contracts with such onerous terms. It doesn't make sense anyway. If the author isn't a [commercially] proven author, she probably has very little in the way of financial resources anyway, so it doesn't make that much difference to the company if the author's entire financial well-being is behind the contract. And if the author makes big bucks, she's in a powerful bargaining position, and can say, "I won't sign that kind of agreement."

QUESTION: If someone plagiarizes your work, is your publisher likely to go after him or her?

ANSWER: No, not if there's not much to gain. Creators have to recognize that, by and large, they must

continue to create on a regular basis to make money. When they feel that way, they'll agree that it doesn't make much sense to go after some woman in Sheboygan who put out 14 copies of your work through a vanity press. If there's money to be made and your sales are being lost, the publisher is going to want to go after the person. They have the same economic interests the author does. I can't recall a situation where an author came to me and wanted to go after someone when the publisher didn't want to.

QUESTION: What about the legal costs of bringing suit?

ANSWER: What authors should do, and most don't, is to register their manuscripts with the Copyright Office as soon as they're finished. It's very simple. Ten bucks [Ed's note: according to the 1999 updated fees list, which can be obtained by writing to Library of Congress, Copyright Office, 101 Independence Avenue, S.E., Washington, D.C. 20559-6000 or found online at <http://www.loc.gov/copyright/circs/sl4.html>, most of the fees are now about \$30] a simple form [Ed's note: obtainable at the same address or downloaded by following the directions at <http://lcweb.loc.gov/copyright/>] and you're done. What that gets you is this: In the event of a lawsuit, you can recover statutory damages, so you don't have to prove actual damages. The damages are set by statute. More important, in such suits the determining factor in whether to pursue them is often the legal costs involved. If you've registered the work before the infringement and are successful, you recover attorneys' fees by statute.

QUESTION: Are you saying the author should do this at the time of submission, rather than wait for the publisher to acquire the copyright?

ANSWER: Yes, I'd rather see authors file for their own copyright registration. A lot of authors will send things to themselves by certified mail and not open the envelope and all that sort of thing—

QUESTION: And that's not good enough?

ANSWER: No, that doesn't do it. Copyright registration is the cheapest thing going with the U.S. government. You can rely on the publisher to copyright it once the revisions are done, but you should register the original version. If the manuscript is rejected and that publisher (or someone else who sees the work as it's going around) later comes out with something you think is a rip-off, you have very strong rights if you've registered the manuscript. We will only prepare one copyright application for our clients, because it's so simplistic. You only change about three pieces of information for the next one and send it in [for another fee].

QUESTION: How common is plagiarism in today's market?

ANSWER: I think a lot of people out there are probably taking ideas from others. Accusations of plagiarism are common. The fact is if you're successful, you're going to be sued. But I don't know that there's a lot of basis for the lawsuits. Unfortunately, it usually makes sense to simply settle, because the expense involved in fighting the accusation can be more than it's worth. There are times when the publisher will pay a nuisance value. But many big publishing houses, like the one I was with, have a policy of not settling, because they don't want to get the reputation of being an easy mark for this sort of suit. There are too many lawyers who will take a case with the idea of following it for a few months, then settling, so some publishing houses make a policy of fighting every one of them.

QUESTION: What if I write a bestseller, someone accuses me of plagiarism, my publisher wants to settle, and I've never heard of the book I'm supposed to have plagiarized—can I pursue the matter without my publisher?

ANSWER: Your contract with your publisher determines whether they can settle such claims with or without your consent. The more you're able to limit the ▶ ▶ ▶



BREAKING NEWS

▶ ▶ ▶ Sherman, asserts that Grant "mined" a work of his academic study, *Mandate Days: British Lives in Palestine 1918-1948*, to provide descriptive color and chunks of dialogue.

Grant admitted that her book mixes fact and fiction but says she was advised by her publisher not to include extensive acknowledgements in her hardcover as it was not necessary. However, the paperback version includes a credit to Dr. Sherman and his publisher as well as to several other factual sources. Grant's agent may sue for defamation of character on Grant's behalf.

SCAREY FOR HARRY

It's not gonna be easy. Candy Quackenbush will have to battle enemies in 24 different lands in the magical world of Abarat, one for each hour on the clock. She's designed to be Harry Potter's rival for readers and \$\$\$\$. Clive Barker, a British writer, has been recruited by Disney in an \$8.6 million deal to create a teenage girl who can look good on the screen (!) while thwarting magic forces. Get your wallets out, parents—four Candy Quackenbush books and films will be unleashed between 2002 and 2009. Disney also plans a television series, theme park ride and comics.

FICTION RULES!

From Reuters:

Readers older than 50 and those under 30 sent U.S. sales of books for adults up 3.3 percent in 1999 to 1.07 billion books. More than half the sales of trade books for adults were in the popular fiction category with 53% of the market, up more than 2% from 1998. Web sales comprised more than 5% of the 1999 adult market, up from 2% in 1998.

Large chains held a 25% share (down 0.7%); small chains and indies, 15% share (down 1.4 points); book clubs sold 18% of books (down 0.3 points). After popular fiction, the next most popular categories of adult books were cooking and crafts at 10% of the market; religion — 9%; general nonfiction — 8%; psychology and recovery — 5%; tech, science and education — 6%; art, literature ▶ ▶ ▶



BREAKING News

▶▶▶ and poetry — 3%;
reference — 2%; travel and regional
— 1%; others — 2%.

I-NEWS

Time Warner Trade Publishing recently announced two new online publishing sites, iPublish.com and iWrite. iPublish will provide shorter fiction and nonfiction from established authors, electronic versions of printed books in a condensed form, and maybe even serial books, all to be available next fall. iWrite will accept manuscripts from any author. No editing fees charged, and employees will be hired to read the material.

Claire Zion will be the editorial director of iPublish. According to her, "In the past, publishers have been dictators of taste. For the first time, we'll be publishing things not that we think people will like but that we know is popular." She is looking for short, medium and long original material and is interested in work that is offbeat or something that mainstream publishers may have rejected as too different.

E-NEWS

The *Minneapolis Star Tribune* reports that two other major publishers besides Time Warner have announced e-book ventures. Random House is making Michael Crichton's *Timeline* available free online to people with Microsoft operating systems (sorry, Mac users, you're out again). Simon & Schuster, who published the Stephen King e-thing, has released 15 *Star Trek* titles, apparently feeling the technology will appeal to trekkies.

The article speculated that recent e-book activity is because publishers are "horrified" by what's been happening in the music business (see Napster I, II, and III above) and want to get into e-books early so that consumers don't "get accustomed to illegal online acquisition, as happened with music." ▶▶▶

PLAGIARISM Q&A

▶▶▶▶ amount of your obligation in the case of such a claim, the more right they are going to want to have to control the decision to settle or not. If you're financially responsible for the judgment in such a claim, you should be able to control the settlement of it. If you don't have to pay, they won't want to let you control the settlement.

QUESTION: If the publisher settled on my behalf, without my agreement, isn't that still a black mark against my reputation?

ANSWER: Yes, you could construe it as such. But in today's society, people recognize that there are times when you settle groundless lawsuits just because of the nuisance value. You have to have thick skin and say, "It was a groundless suit, but it didn't make sense to fight it. If you think there was a basis for the suit, ask yourself why they only got X dollars on a bestselling work."

QUESTION: Is an accusation of plagiarism the professional "kiss of death" it once was?

ANSWER: Not anymore. Quite frankly, everybody successful is accused. It's gotten to the point where people are beginning to sympathize with the accused. We have so many more lawyers running around, and we have a much more litigious society. Rule 11 of the Federal Rules of Civil Procedure, which requires a good faith basis for a lawsuit to be brought, should help limit some of these actions, at least at the federal level. It makes attorneys responsible if there was no real basis for the lawsuit. There are also many suits these days because a great many people in the industry are really pushing the limits of the fair use defense with parodies, the reprinting of excerpts of memoirs to get to the jump on others, etc.

QUESTION: Any final words of wisdom?

ANSWER: Just this—though it's no longer legally required, use the notice, the "c" in a circle or the word "copyright," the year of first publication, and the name of the copyright claimant on the title page of your manuscript. I assume your members know that the U.S. adheres to the Berne Convention, so that protection extends worldwide. Adherence makes life a little more difficult for authors because you used to be able to confidently pick up something and assume because it was old (and therefore in the public domain) or had no copyright notice on it that you could copy it. Now, because of the change in the law that eliminates copyright notice as a requirement for protection, you have to assume that everything is copyrighted. You must be much more vigilant not to copy anything from anything.

Janice Young Brooks writes as Jill Churchill. Among other things she is the author of two successful mystery series, the Jane Jeffries series, and the new Depression-era Grace and Favor series.

INTRODUCING.....

The following authors have applied for membership in NINC and are now presented by the Membership Committee to the members. If no legitimate objections are lodged with the Membership Committee within 30 days of this NINC issue, these authors shall be accepted as members of NINC:

New Applicants

Betty Winkelman (*Lauren Haney*), Santa Fe NM
Cindi Myers (*Cynthia Sterling*), Pine CO
Carolyn Woolston (*Lynna Banning*), Felton CA
Diane Noble (*Amanda MacLean*),
Idyllwild CA
Liz Curtis Higgs, Louisville KY

New Members

Theresa Scott, Olympia WA
Margaret Benson (*Maggie Shayne*),
Plymouth WA
Kathy Garner (*Catherine Spencer*), Blaine WA
Rhys Bowen, San Rafael CA
Colleen Collins (*Cassandra Collins*),
Denver CO
Linda Anderson, Ft. Lauderdale FL



BREAKING NEWS

Uh, maybe that's what the Napster flap means to us. You think?

WHILE YOU'RE MULLING THAT.....

The word is that free file-sharing software such as Gnutella and Freenet allow Internet users to swap e-books and other electronic documents even more freely than Napster users trade MP3 files. The question is, how will e-book publishers adapt to a world of potentially limitless piracy?

MIGHTY INTERESTING

Barnesandnoble.com announced recently that it is taking a \$20 million, 25% stake in FatBrain's e-publishing Web site, Mightywords.com. This gives BN.com the right to distribute the more than 10,000 texts that MightyWords.com offers for sale as downloadable e-books.

FatBrain.com created Mighty Words.com in March to distribute content from its e-matter digital publishing program. FatBrain will set up MightyWords.com as an independent company, according to Chris MacAskill, founder. He said the distribution arrangement will enable BN.com to sell MightyWords e-content directly off the BN.com site.

ANOTHER KING THING

Should Stephen King post an epistolary novel, *The Plant*, on his website in 5,000-word episodes that readers would be able to download? He's polling his fans at www.stephenking.com. The episodes would be sold on the honor system at a dollar a download.

The Plant is "the story of a sinister plant—sort of a vampire-vine—that takes over the offices of a paperback publishing company, offering financial success in trade for human sacrifices." Sounds like one of my former editors.

SPY STORIES



Domain Name Info



Continued from page 1

including Susan Elizabeth Phillips. If your domain name has been taken, particularly if Hogarth has taken it, now is the perfect time to try to get it back. Simply citing the two recent rulings might be enough to persuade some squatters to come to terms. How do you find out if your domain is gone?

1) You can use the "WhoIs" search function at Network Solutions to find the status of your domain name. Just go to <http://www.networksolutions.com/cgi-bin/whois/whois> and type in yourdomain.com in the search box. You'll find out immediately if your name is available or if it has been taken.

2) If your domain has been taken, the above WhoIs search will give you detailed information on who owns your domain name and how to contact them. You'll see listings for the registrant, the technical contact and the administrative contact for each domain. The "registrant" is the actual owner of your domain. You'll find snail mail, phone, and e-mail contact information listed under the registrant's name.

3) If your domain name has not yet been taken, *reserve it immediately*. It currently costs \$35 per year to reserve your domain name. All domain names must "reside" somewhere, so if you don't plan to use the domain right away, you'll need to park it at an ISP. Many sites (including Writerspace) will park the domain free of charge until you're ready to use it. You might first check with your ISP to see if they offer free domain parking; many do. If not, feel free to use Writerspace's domain reservation service at <http://www.writerspace.com/reserve.html> to park your domain.

An important follow-up point: Just as you can look up detailed contact information for any domain owner, so is your own domain ownership a matter of public record. Unless you want your home address and phone number to be searchable by anyone with access to the web, you should never use your personal information when registering a domain. It's much better to use a more generic address and phone, such as your webmaster or your agent. If you have already registered your domain using personal contact information and would like to change it, you can do so at <http://www.networksolutions.com/makechanges/>

Cissy Hartley, Writerspace, cissy@writerspace.com



BREAKING NEWS

M15, Britain's domestic spy agency, has installed a new \$40-million cyber-surveillance center in its headquarters, the better to spy on you, my dear.

A bill that would give the government the ability to monitor all online activities, some without a warrant, is wending its way through Parliament.

If it passes, M15 would be permitted to demand computer passwords and peruse e-mail. Noncompliant Internet users could face two years in prison.

The Labor government says such powers are necessary to combat high-tech criminals using cyberspace to engage in terrorism, drug trafficking, and pedophilia.

BEACH READS

USA Today reports the hot summertime trends: Romance: Sales steady all year but sizzling in August. Mysteries: Sales tend to rise in July and August. James Lee Burke and Faye Kellerman are both big. Horror: May through August are peak months. Fantasy/science fiction: Sales go into orbit in June, July and August.

LINE FORMS ON THE RIGHT

Romance writers researching their next books, take note: Sign up for love lessons at the School for Seduction in Paris so that you too can experience picturesque kisses in front of the Seine. Veronique Jullien, head and founder, says, "We teach men to dare."

Presumably if men dare, women don't have to. And that's Seine a lot.

Thanks to faithful contributors who tossed me tidbits this month. You know who you are.

Pamela Browning is the author of books for Harlequin, Silhouette, Mills & Boon and Berkley as well as articles and short stories for all age groups.



Luncheon Speaker: Neal Coonerty, President of the ABA

I'm happy to tell you that Neal Coonerty, the new president of the American Booksellers Association, has accepted the invitation to be our luncheon speaker.

Neal is also the owner of Bookshop Santa Cruz, an independent bookstore he has owned for 25 years. Before that, his bookselling experiences came from New England, where he worked as a clerk at Reading International in Harvard Square, and as assistant manager of Lauriat's in downtown Boston.

An activist in his own right, Neal organized an alternate slate for election to the ABA's board of directors. Five of six write-in candidates on the alternate slate were elected. That was in 1985. Two years later, he himself was elected to the ABA's board of directors.

On July 1, 1989, the Loma Prieta earthquake struck Santa Cruz and the San Francisco Bay area. The epicenter was located five miles from downtown Santa Cruz. The old, brick building which housed Bookshop Santa Cruz collapsed. Two people were killed.

In his newsletter, *Readers*, Neal wrote:

While the Bookshop's fate hung in the balance, the staff decided that the annual Bookshop birthday party should go on as scheduled on the first Saturday in November. With no Bookshop to house the party, we decided to hold an outdoor block party on the street next to Neal and Candy's house.

We printed flyers and distributed them all over town. It asked everyone to bring five good used books to donate to the Bookshop so that we would have inventory to start over again. Bruce Bratton organized entertainers to play music from the back of a flatbed truck. Neal's mom baked a Bookshop birthday cake. Tables were set up to lay out the donated books to sell.

The people of Santa Cruz came by the thousands to celebrate Bookshop Santa Cruz and donate books to help it survive. Some people brought many more than five books. Others brought their favorite five books, donated them and then bought them right back.

Using a 5,000-square-foot tent, Neal and his wife Candy, managed to maintain pre-earthquake sales for three long years. Finally, in 1992, Neal and Candy moved into a 19,000-square-foot site. Sales nearly doubled. During those years, Neal had been elected to the Santa Cruz City Council, then to the office of mayor.

The people of Santa Cruz rebuilt their town, business by business, home by home. In 1995, a Super Crown bookstore opened directly across the street from Neal and Candy's store. Crown's vice president reportedly vowed to "crush Bookshop Santa Cruz" within one year. A year later, Bookshop celebrated its 30th anniversary while Neal and Candy celebrated their 25th wedding anniversary.

In 1998, Neal was elected vice president of the ABA. He served on the executive, finance, bylaws, governance, strategic planning and legal committees. Meanwhile, the Super Crown store closed.

The celebrating that followed was short-lived, for in July 1999, Candy suffered a major stroke and died suddenly.

Less than a year later, Neal was elected president of the ABA

and Borders opened a superstore a block away from Bookshop. The future? The safe answer would be only time will tell. But my money is on Neal Coonerty.

An excerpt from Readers, on the occasion of the store's 25th anniversary:

I am sometimes asked how Candy and I ended up here 25 years ago. As best as I can sort through the evidence, we came...because of the Irish poet William Butler Yeats.

The summer after my junior year at Cal, I spent two months hitchhiking around Britain, Scotland and Ireland, visiting Irish relatives in Donegal and Limerick. Midway through the trip, I passed through the west Irish town of Sligo and noticed a poster advertising the International Yeats Summer School due to begin there in a week.

I was an English lit major and had a weakness for Yeats, a romantic poet who wrote poems that immortalized the Irish people and their revolution. I found the school office where a matronly woman sat at a desk opening mail. When I told her I wanted to enroll, she shook her head and told me that the summer session had long ago filled. As she spoke, she opened an envelope that contained a cancellation. I immediately signed up.

After the first day of lectures, the school held a social gathering for its international students. A Belgian student, whom I had just met that morning, pulled me into a room and introduced me to a student from Montreal whom he had just met—Candy.

She was 18 and I was 21. Although we both loved Yeats, we first began to talk about her cousin, Leonard Cohen. I had recently written a college paper on his novels and admired his song writing, poems and novels. Candy objected to a scene in his first novel, *The Favorite Game*, in which the protagonist throws a chicken at his mother. "A Jewish boy should never ever throw a chicken at his mother," she insisted. I laughed, was charmed and spent the evening pleading Leonard's case.

The next day we spotted each other at the morning lecture and she invited me out, suggesting we bicycle around the Knocknaree peninsula. She promised to pack a lunch and I promised to pack a collection of Yeats's poems. We met on the Sligo post office steps, rented bikes in a little shop across the street and set off.

We rode for an hour with the Irish coast on one side and Knocknaree Mountain on the other side. We stopped to pet the noses of shaggy Irish donkeys. We talked about this and that. We finally found a spot overlooking the Irish strand, ate lunch, and read our favorite Yeats poems to each other. The ride back to Sligo was a long magical downhill glide. With Irish farms and farmhouses rushing by, we fell in love.

As you might expect, Neal Coonerty has opinions on bookselling in today's world. He also sees the common ground for both authors and booksellers in many areas, such as navigating the frontier of electronic publishing. Don't miss the opportunity to have access to the new president of the ABA. Come to Vancouver.

— **Zita Christian**

Vancouver Conference Chair

(Excerpts from the newsletter Readers used with Neal Coonerty's permission.)

Online.....

What do *Ulysses*, *Canterbury Tales*, and *Little Red Riding Hood* have in common? At one time or another, in some place or another, each of these books were banned. Banned Books On-Line at digital.library.upenn.edu/books/banned-books.html is an informative site, and I highly suggest you at least take a gander. You might be surprised to discover some of your favorite stories are forbidden reading.

CRIME WRITERS

The Bailiwick of Crime at localonly.wilmington.net/~jbailey/#william is hosted by Jim Bailey who teaches criminal justice at Cape Fear Community College, and is often an adjunct lecturer at the University of North Carolina at Wilmington. His site provides links and information on serial killers, poisonous plants, and murder in general. A very informative and interesting site.

SCREEN WRITERS

Creator's Clearinghouse at www.creatorsclearinghouse.com/ allows you to upload your script so it can be reviewed by agents and producers.

Word Player at www.wordplayer.com/ states that if you browse the site you'll have taken a complete course in script writing. I don't know if that's entirely accurate but the site does have over 60 articles on script writing and promises to reveal the secrets and tips of script writing and selling of scripts.

PAGE — *The Professional Authors Group Enterprise* at www.pagebbs.com/public/default.htm hosts a bulletin board geared toward screen writers. It includes forums on writing, as well as general information topics.

RESEARCH

The Biographical Dictionary at www.s9.com/biography/ can assist you in locating biographical information. "This dictionary covers more than 28,000 notable men and women who have shaped our world from ancient times to the present day." You can search by birth or death year, position held, literary or artistic works, achievements, and other keywords. For fun, I did a search on Sam Bass, Tom Cruise, and Sam Houston. For each, I received a brief history, then a list of books on the subject. Clicking the book title jumped me to Barnes and Noble where I could purchase the recommended book.

Pain Alleviation and Anesthesia 19th Century and Earlier at www.library.ucla.edu/libraries/biomed/his/PainExhibit/panel1.htm is a wonderful site that explores the history of pain alleviation including over the counter remedies, opium, the invention of the syringe, and aspirin.

If you need to go farther back in time, say to 500 B.C., for a history of drug usage and abuse, you can visit *The His-*

tory of Drugs at www.cass.net/~w-dogs/lhist.htm.

The history of the needle can be found at www.wellcome.ac.uk/en/old/MISexhHOMnee.html in an interesting exhibit referred to as You Won't Feel A Thing. Photos and sketches reveal the history of the needle beginning with small pox inoculation in 1796.

For a free color railroad map of Massachusetts taken from an 1895 Rand McNally Atlas, go to www.mapstoremn.com/free_state_maps/statema.htm.

At a Glance: Other Research Sites

American West Frontier History	www.academicinfo.net/westfront.html
American Women's History	www.mtsu.edu/~kmiddlet/history/women.html
America's West: Development and History	www.americanwest.com/
Black Cowboys and Pioneers	danenet.wicup.org/lms/themse/cowboys.html
Denver Public library	dp120.denver.lib.co.us/libaccess.html
Denver Public Library Photo Collection	gowest.coalition.org/
History of Bluestocking	www.amherst.edu/~bluesox/history.html
Kentucky Place Names	www.uky.edu/KentuckyPlaceNames/
Local Analgesic Drugs	gasbone.herston.uq.oz.au/teach/su602/docs/e24_21oc.html
Normandy 1944	normandy.eb.com
The Wild Wild West	www.gunslinger.com/west.html
Writer's Digest 101 Best Sites for Writers	www.writersdigest.com/101sites_2000/

PROMOTION

If you have a webpage, you may want to take time to visit the sites listed overleaf which will link to your webpage. Some ask for reciprocal links, most do not. The nice thing about Internet promotion is that often once you've invested the initial time, you don't have to do anything else once your site is linked. I have over 40 links so will provide a few each month rather than overwhelm you at one go. Because most of my sites are geared toward romance, if you know of non-romance sites, I hope you'll drop me an e-mail so I can share them with the membership.

RELAXATION

Sandy Huseby enjoyed "that lovely bubble site" and shares how she relaxes at the Labyrinth Walk at www.labyrinthwalks.com. The site provides virtual labyrinths created specifically to encourage relaxation. As Sandy recommends, "Enjoy!"

Novelists, Inc. Listserve

If you want to know more about the NinCLink, you can go to www.egroups.com/group/NINCLINK. At the site, you can subscribe and set your preferences (digest, individual posts, etc.).

You can also subscribe by sending a blank e-mail to: NINCLINK-subscribe@egroups.com

To unsubscribe, send a blank e-mail to: NINCLINK-unsubscribe@egroups.com

more ▶ ▶ ▶ ▶

Online.....

▶ ▶ ▶ ▶ To go no-mail, send a blank e-mail to:
NINCLINK-nomail@egroups.com
If you have questions, you can e-mail one of the three

moderators—Brenda Hiatt-Barber (BrendaHB@aol.com); Patricia de la Fuente (Patricia@hiline.net) or Julie Kistler (julie@juliekistler.com).

If you have site to share that you think would be of interest to Novelists, Inc. members, please e-mail me.

— **Lorraine Heath** (LorraineHe@aol.com)

At a Glance: Sites that Will Link to Your Homepage

Site Name	URL	Genre
Novelists Inc.	www.ninc.com/authors.asp	All (membership required)
Authors' Connection	222.geocities.com/SoHo/Lofts/5504/author.html	All
Bookbug	www.geocities.com/Athens/Forum/8078/recommended.html	Romance
Painted Rock	www.paintedrock.com/authors/romathrs.htm	All
Poets & Writers Directory Search	www.pw.org/directry.htm	Poets and Fiction Writers (Note: The site doesn't indicate it, but at one time there was a \$5 fee.)
Romance Central	romance-central.com/Links/author.shtml	Romance
SFF Net	www.sff.net/sff/aut_page.htm	All
Ultimate Internet Romance Book Site	www.icgnet.com/romancebooks/authors.htm	Romance
Useful Links for Romance Writers and Readers	www.inficad.com/~jacreding/links/index.html	Romance
Virtual Texan	www.virtualtexan.com/readingroom/books/romance/index.htm	Romance-TX Authors

MEMBER NEWS.....

Remembering Dame Barbara

So far it's been a banner publicity summer for **Shirley Hailstock** and **Stephanie Mittman**, who were interviewed for a CNN segment in connection with author Barbara Cartland's death. The segment was telecast the week of Memorial Day.

"No one in my family managed to see it, but lots of other people did," Mittman said. "There was a wonderful article about me in *Newsday* a few days before the CNN thing, and I've been enjoying my 15 minutes of fame to the hilt. For me that means that when I went to the dentist everyone oohed and ahhed and I got the latest issue of *People*!"

Asked if she has a connection to Barbara Cartland, Hailstock replied, "Only that I read her books and enjoyed them. I never met her and I was never at any event where she was in attendance. I admired her a lot for her ability to write compelling stories. She took me to places I never expected to see in real life and she made hundreds of young girls read and enjoy it."

Like Mittman, Hailstock got "widespread reactions, all positive, from friends and family. I got messages at my day job from pharmaceutical sales reps who saw

it. My sisters called and sent e-mails to let me know that not only was it on CNN but it was on local FOX, CBS and ABC news too. My kids were a little excited. They would have been more excited if they were interviewed too."

Hailstock received further recognition in June—her romantic suspense, *Mirror Image*, tied for third place in the first Barclay Gold Contest, which is sponsored by the Lake County Romance Writers near Rochester, NY. This was an especially meaningful award for Shirley because the contest was named for her close friend, author Carol Barclay, who died of cancer last year.

Depression Gold

Janice Young Brooks (writing as Jill Churchill) also scored a publicity coup when a cover shot and summary of *In The Still Of The Night*, the second book in her new mystery series set in the Great Depression, appeared in *USA Today*.

The Grace and Favor series is set in the Hudson River Valley in the early 1930s. The first book was *Anything Goes*, and the second, *In The Still Of The Night*, was a May release. Brooks is now writing the third, *Someone To Watch Over Me*.

Brooks thinks she "hit on a good vein with this setting. So many people e-mailed me about their own Depression experiences, or their parents', or grandparents'. It's so deeply ingrained in so many of us 70 years later."

Also the author of the contemporary Jane Jeffry series, Brooks is "thrilled to say I've had more fan mail on the two books in this series than the whole 10 books of the Jane (Jeffry) series, but many fans say, "Please don't give up Jane."

In The Still Of The Night broke both the 4-digit and 3-digit barrier at Amazon.com and got as high as 70th bestseller and was number #3 bestseller for a week in the Mystery/Thriller category.

Cool In May

Tess Gerritsen's name recently appeared in Internet Movie Database's "Cool Today" column in May, which is circulated daily via e-mail to the organization's newsgroup.

Gerritsen was cool in May because Michael Ovitz has announced plans to independently produce four movies, including "Gravity," which is based on Gerritsen's novel of the same name. According to the item, Ovitz's Artists Production Group is taking "Gravity," which is billed as a thriller/romance out of development and pushing it into

Continued on page 15 ▶ ▶ ▶ ▶



THE COMELY CURMUDGEON

“Ghetto to Ghetto”

I was raised by a science fiction/fantasy writer, and—as is often the case with sf/f offspring—I spent at least as much time among sf/f folks, while growing up, as I did among my own relatives. So I was already aware, when I started writing romance as an adult, that genre fiction is a series of ghettos, as distinct and diverse as the immigrant neighborhoods of early 20th century New York. Like anyone raised in one ghetto, I knew very little about life in the others (or, as my agent once said, “It’s like having relatives in Russia; you know they’re there, but that’s all you know.”). My career, therefore, has been an intensive education for me. And like someone who marries outside of her culture or who emigrates to a foreign land, I’ve had to learn to live in both worlds.

It’s a perpetual waltz, which has its amusing surprises, unexpected tempo changes and occasional missteps.

I still remember the time a fellow romance author who, upon learning I would be attending Worldcon (the World Science Fiction Convention) in her native city, offered to meet me for a drink in the hotel lobby. After a half-hour of watching her stare open-mouthed at every passer-by, so astonished that she was totally unable to focus on our conversation, I finally suggested we quit trying to talk and I’d just show her around the con (convention).

It has always seemed commonplace to me to see Vulcans, wookies, armed space crusaders, medieval knights, half-naked Gor slaves, Klingons, talking apes-of-the-planet and other such persons wandering around casually. To my friend, however, an hour spent at Worldcon was more jaw-dropping than the Jerry Springer show. (While I’m on the subject: Yes, Springer is from Cincinnati. No, we do not accept responsibility for him.)

Anyhow, my own genre-induced culture shock came a few years earlier when, upon arriving at my first romance conference in jeans, I turned out to be so underdressed for the occasion that I felt extremely self-conscious the whole time I was there. I had never before seen so many writers disguising themselves as respectable middle class people, and it gave me vertigo. It was my first clue that I wasn’t in Kansas anymore.

By contrast, the sf/f community was up in arms for a while over the “weapons ban” which cons started invoking in the ’80s. “Weapons” refers to the phasers, ray guns, death blasters, swords and daggers which some sf/f fans like to carry around as part of their hall costumes (the aforementioned wookie and medieval knight outfits). The mundanes (people who aren’t sf/f types) staying at sf/f con hotels would often be alarmed—go figure—by the sight of armed-to-the-teeth star-troopers or warlords getting on

elevators with them or approaching them in corridors. This, in turn, created problems with hotel security. Consequently, cons (convention committees) had to develop rules to regulate sf/f’s interaction with the real world in this respect. I’ve never dressed up at cons, so I haven’t paid much attention to the rules, but I know they generally stipulate no carrying weapons in any area where hapless mundanes are likely to be frightened: public rooms, hallways, stairwells, elevators, restaurants, lobbies, etc.

Meanwhile, at the time when some sf/f folks were condemning these policies as fascist imperialism, some romance genre folks were criticizing people who came to conferences dressed as casually as, oh, *me*. It was, I gathered, a good thing my editor had bought a bunch of books from me before ever meeting me, because some members of the romance community seemed convinced I’d have made an irretrievably bad first impression in person, given my dress code.

Is it any wonder that I felt confused? In sf/f, I rubbed elbows with people dressed like warriors, apes, and aliens, as well as those who appeared not to have changed clothes since 1968. Yet in the romance world, evidently nothing in my wardrobe was respectable enough for a public appearance. I had never worn a suit (my god, a *suit*?) in my entire life, and someone at my first and only *Romantic Times* convention even felt compelled to tell me how unflattering my best dress was. (No, I didn’t get her name.)

I eventually recovered from my *crise de mode*, but the subject still occasionally returns to haunt me. Only recently, an RWA member asked me to discuss (in a workshop) professional dress for writers; she said she was amazed that some people thought jeans were appropriate for conferences. I declined to comment; after all, I grew up in a world where some people didn’t even feel *clothes* were always needed at a con (but that was the ’70s, and things were different then).

However, modes of costume and dress at cons are only a superficial difference, and the contrasts go so much deeper.

Sf/f writers are a volatile and hard-nosed lot—or so I realized after I started spending time among romance writers. I have never seen a president or former president of RWA publicly describe the books of some members as something which “a brain-dead chimpanzee” could write, as did a former SFWA president; go read back issues of the *SFWA Forum* if you don’t believe me.

I have never seen RWA sic the Scientologists on anyone, as SFWA recently did (SFWA had good reason, though); if this means nothing to you, let’s just say that the Scientologists are a lot scarier than lawyers or auditors





THE COMELY CURMUDGEON



(or the serial killer who used to live downstairs). I have never seen an officer of RWA stand on a chair shouting during a business meeting, whereas this doesn't shock anyone during a SFWA meeting. I have never seen two romance writers hit each other (though I did once hear about a near miss), never mind engage in a fistfight which disrupts a workshop or a banquet. And I've never seen audience members throw anything at speakers during a romance workshop. So if I occasionally find the romance community bewilderingly conservative, I've also learned to appreciate how mannerly it usually is. (I've also noticed that each community likes to think it is more professional than the other. And I'm not touching that topic with a ten-foot pole.)

I started actually writing sf/f about three years after I broke into romance. I began with sf/f short stories; after 2-3 years, I had written so many that sf/f people started asking when I was going to write a book. Most of them thought I was lying when I said I *did* write books; then they giggled when I explained my books were under another name and in another genre. (I'm convinced that some of them don't even know there *are* other genres. However, I once met a romance bookseller who—I'm not making this up—didn't know there were other genres besides romance.) Once I did start writing sf/f books, I got so bogged down in massive epic fantasy novels that I have been unable (so far) to write more romance novels; and I've been amazed, ever since, at how many people in romance think I've died or quit writing. Meanwhile, almost no one in sf/f seemed to believe me whenever I said, "No, I'm *not* a first-time novelist; I sold lots of novels before ever venturing into this neighborhood."

Except for a few cross-genre readers, I seldom meet anyone in romance who has heard of our bestselling authors in sf/f, never mind our award-winning ones. On the flip side, I'm constantly amazed at how many sf/f folks have never heard of any of romance's mega-stars, yet assume that I'm wrong when I say Danielle Steel isn't a romance writer (and that I'm lying when I say my own books aren't like Barbara Cartland's).

Another obvious difference between the two communities is the polyglot composition of the sf/f community as opposed to the more homogenous make-up of the romance world. The romance community consists almost exclusively of editors, agents, professional writers and aspiring writers. Here and there, you meet the occasional reviewer, webmistress or bookseller, but they stand out precisely because of their rarity in the community.

By contrast, the sf/f community is the ultimate tossed salad. Naturally, there are pros (writers—also known as "filthy pros" and "dirty old pros"), editors, agents and aspiring writers. There are reviewers, columnists and magazine publishers. In addition, there are fanzine writers

and editors, and these hobbyists are so valued by the community that they have their own Hugo Award categories. Artists—professionals and amateurs, painters and sculptors, illustrative and original—make up a large portion of the sf/f community, and an sf/f con of any size always has an art show, an art auction and art programming. Dealers (booksellers) are another major part of the community, and virtually every sf/f con has a dealers' room; there are dealers whose full-time living is made driving from con-to-con throughout the year to sell books. However, booksellers aren't the only members of the sf/f dealers community, as a visit to any dealers room reveals; there are also jewelry makers, craftsmen, weapons dealers (swords and ray guns), sellers of medieval costumes and belly-dance bangles, etc.

Then there's the Georgette Heyer crowd (you may think it's incongruous for the World Science Fiction Convention to host a Regency dance every year, but it makes perfect sense to sf/f people), the Edgar Rice Burroughs collectors (still known as "dum-dums" by some, because of the *dum-dum* sound that jungle drums make), First Fandom (people who joined sf/f fandom before the glaciers retreated from North America), Second Fandom (people who joined fandom slightly thereafter), gamers (Magic, Dungeons & Dragons, etc.), costumers (large sf/f conventions usually have a masquerade show), filkers (sf/f folk singers), media fans (let's not even go there), creative anachronists and SMOFs (more about them in a moment).

The most significant way, I think, in which sf/f differs from the romance community is that the biggest portion of the sf/f community are *fen* (fans). I was really astonished, upon becoming a romance writer, to discover that—apart from attending the annual *Romantic Times* convention—there's very little a romance *fan* can do to participate in the romance community. Once you get past pros, almost every active participant of the romance community whom I've ever met is an aspiring writer. Now, it's no secret that some of them aspire a lot more seriously than others, but there's little or no established place in the romance community for people who just want to *celebrate* the genre, as opposed to work in it.

By contrast, there is a decades-old rich and complex fannish tradition in sf/f, a vast international community of people who come together, put on conventions, form clubs, have their own extensive fannish lexicon and culture and travel the world, all in celebration of sf/f, all in honor of their consuming passion and hobby. There are written and oral fannish histories; books published about fandom, and books published *by* fandom; fanzines and fan art; international fan funds such as TAFF (the Trans-Atlantic Fan Fund) and DUFF (the Down Under Fan Fund) to send deserving fans as goodwill ambassadors to fannish communities on other continents; fannish awards and honors. Among other things, no sf/f convention would dream of *not* having a Fan GoH among its GoHs (Guests of Honor—think "keynote speakers"), and whole program tracks at sf/f conventions are devoted to fannish interests and personalities.

So at my first romance con, I must have seemed rude—or at least very strange—when I kept saying to people I met, “You’re an aspiring writer, *too*? Oh, come on, where are the fans? You can’t *all* be aspiring writers!”

As for SMOFs, the Secret Masters of Fandom, I was raised to view them the way Sicilians view the Mafia—we didn’t even say the word “SMOF” aloud in our house when I was a kid. Although sf/f fandom is a democratic society, the real power lies with the SMOFs. The location of Worldcon each year, the rules of the Hugo Awards, coveted Guest of Honorships, introductions to reviewers and booksellers and head waiters, the success or failure of a fanzine (or even a prozine), the success or failure of a con, the outcome of a fan feud, the weather in Boston.... All of these things depend upon the will of the SMOFs. (I personally suspect they were involved in the fall of Communism in Eastern Europe.)

So you can imagine my confusion when Victoria Thompson asked me to chair the 1997 NINC conference. Excuse me? I am a pro, not a SMOF. I know my place in the world and do not tamper in matters that don’t concern me. What have I, a mere novelist, to do with something as important as running a con? (She talked me into it, however, and I must say that the experience—from which I have yet to recover—has made me revere the SMOFs more than ever.)

Of course, all this communality in sf/f has its downside for pros. Example: The president of Second Fandom (elected for life because he didn’t decline the nomination fast enough) lives near me. He and his wife (who don’t actually read sf/f, they just love fandom) won DUFF a few years ago—i.e. sent by the Down Under Fan Fund to spread goodwill among Australian sf/f fans. So the Cincinnati Fantasy Group (which has never once called a meeting to order during its decades of active existence) is very chummy with fandom in Australia. In fact, some members of the CFG were on the 1999 Australian

Worldcon committee; and at least one guy in Australia is an active member of the CFG and, yes, even attends an occasional meeting here.

So... it eventually became a breach of goodwill that I, a local filthy pro, wasn’t going to attend Australia’s Worldcon. One Cincinnati even ratted on me to the Worldcon chairman (a SMOF, and you know by now how I fear SMOFs), who then badgered me, too. My refusal to budge on this issue (do you have any idea what airfare to Australia costs?) caused a fanzine editor to remark that this is yet another example of why pros shouldn’t even be *allowed* at cons. (I wasn’t offended. Reviling filthy pros is a long and honored tradition in sf/f.)

Anyhow, I have occasionally tried to introduce a custom from sf/f into romance (*not*, obviously, the tradition of reviling pros) and vice versa. It has almost always been a mistake. Oil and water don’t mix, and no one appreciates being told, “Hey, in the other neighborhood, they have a better way than this.” Sf/f and romance are what they are, and each is strange and wonderful (and, okay, a trifle exasperating) in its own way. So here’s my advice, based on long experience and the occasional misstep: If you want to work in two genres and be accepted in two communities, then you must respect their separate cultures and customs—or else just get the hell out of Dodge (or catch the last plane to Melbourne, as the case may be).

— **Laura Resnick**

For anyone who’s interested: The 58th World Science Fiction Convention will be held in Chicago this year (hence its name: Chicon 2000—all sf/f cons have names), August 31-September 4. For more information, Chicon’s website is: <http://www.chicon.org>.

MEMBER NEWS.....

▶ ▶ ▶ **Continued from page 12**

production.”

Resnick Goes Legit!

Last year, **Laura Resnick** wrote a “literary smut” short story for *Nerve*, an on-line magazine. This year, Maryland librarian Carol Bartlett has asked permission to start using the story as a regular teaching tool in the Romance Reader’s Advisory training sessions, which she runs for the newly employed statewide Library Associates.

Bartlett got the idea from Mary Jo Putney, who asked Resnick for permission to invite attendees at one of these seminars to participate in a reading of the story, which illustrates the differences between romance

and pornography. After some consultation, Putney asked Resnick’s permission to clean up the language a bit so as not to shock the librarians into catatonic embarrassment. (The original version is so racy Resnick wouldn’t even tell her mother which website published it.) Carol Bartlett’s seminars will continue to use what has been dubbed “the PG-13 version” of the story.

Yesterday, online smut. Tomorrow, educating librarians. And we thought Resnick was just a Comely Curmudgeon.

Count ’em—30!

Loree Lough’s 30th book was out in July. *Suddenly Reunited*, the fourth in her “Suddenly” series (Silhouette Love

Inspired) has earned high praises from reviewers. Lough expects *Suddenly Home*, the last in the series, to hit the shelves in November.

National Communication Contest Winner

NINK’s own **Pamela Browning’s** *RSVP...Baby* (Harlequin American Romance #786) recently won first prize in the Books/Fiction/Romance category of the National Federation of Press Women’s 1999 national communications contest. The book was part of American Romance’s “The Wedding Party” subseries.

Send items for this column to Kathy Chwedyk at 1215 Fairmont Court, Algonquin, IL 60102-1946, or KChwed@aol.com.

.....THE FAST TRACK...

Compiled by MARILYN PAPPANO

NINC Members on the USA Today List

The Fast Track is a monthly report on Novelists, Inc. members on the *USA Today* top 150 bestseller list. (A letter "n" after the position indicates that the title is new on the list that week.) Members should send Marilyn Pappano a postcard alerting her to upcoming books, especially those in multi-author anthologies, which are often listed by last names only. Marilyn's phone number is 918-227-1608, fax 918-227-1601 or online: pappano@ionet.net. Internet surfers can find the list at: <http://www.usatoday.com>.

Members who write under pseudonyms should notify Marilyn at any of the above "addresses" to assure their listing in "Fast Track."

NINC Member	Book Title/Publisher	May 4	May 11	May 18	May 25
Patti Berg	<i>Bride for a Night</i> , Avon		172	119	125
Jo Beverley	<i>Devilish</i> , Signet	105			
Sandra Brown	<i>Standoff</i> , Warner		22n	27	43
Shirlee Busbee	<i>For Love Alone</i> , Warner		257	96	107
Stella Cameron	<i>Key West</i> , Zebra	68n	53	81	90
Jill Churchill	<i>In the Still of the Night</i> , Avon			166	140
Catherine Coulter	<i>False Pretenses</i> , Signet	94			
Catherine Coulter	<i>Devil's Embrace</i> , Signet			97n	63
Suzanne Forster	<i>The Morning After</i> , Jove	112			
Patricia Gaffney	<i>The Saving Graces</i> , HarperForch	186	34	17	10
Dorothy Garlock	<i>After the Parade</i> , Warner	82			
Eileen Goudge	<i>One Last Dance</i> , Signet		144n	73	65
Leigh Greenwood	<i>The Cowbods: Drew</i> , Leisure			288	124
Kristin Hannah	<i>On Mystic Lake</i> , Ballantine	39	73	106	97
Iris Johansen	<i>The Killing Game</i> , Bantam		5n	6	4
Susan Johnson	<i>Legendary Lover</i> , Bantam	231	43	65	78
Debbie Macomber	<i>Family Men</i> , Harlequin	137n	31	61	58
Debbie Macomber	<i>Dakota Born</i> , Mira	72			
Kat Martin	<i>The Dream</i> , Zebra	140			
Connie Mason	<i>A Taste of Sin</i> , Avon		101n	130	149
Connie Mason	<i>The Outlaws: Rafe</i> , Leisure	70	148		
Anne McCaffrey	<i>The Tower and the Hire</i> , Acc	148n	82	117	118
Dinah McCall	<i>The Return</i> , Mira	62n	77	149	148
Linda Lael Miller	<i>Bridge</i> , Sonnet		72n	105	101
Carla Neggers	<i>The Waterfall</i> , Mira	74n	93		
Mary Jo Putney	<i>The Burning Point</i> , Berkley	141n	60	55	
J.D. Robb	<i>Witness in Death</i> , Berkley	139			
Nora Roberts	<i>Carnal Innocence</i> , Bantam	13	28	39	37
Nora Roberts	<i>Carolina Moon</i> , Putnam	84			
Nora Roberts	<i>River's End</i> , Jove	182	3	4	3

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Novelists, Inc.

An organization for writers of popular fiction

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