

N I N K

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Editor's note: A question from a NINC member, which arrived too late for the January issue, prompted this column. While one of the listed filing dates has passed, the information is provided as a guidance for U.S. writers.

The 411 on 1099s



WRITING is TAXING

By Diane Kelly

Many self-employed taxpayers fail to properly report their income. While Form 1099s filed by payers help the IRS determine whether a taxpayer has reported all revenues, many payments that should be reported on a 1099 are not. Often, payers are not intentionally shirking their reporting requirements. Many are simply not aware of the requirements or are confused by the rules. Exacerbating the confusion was the recent enactment and subsequent appeal of expanded reporting requirements.

Tax law generally requires a payer to report payments of rent, salaries, wages, premiums, annuities, compensation, interest, royalties, pensions, commissions, fees, profits, or other “fixed or determinable gains and income” if such amounts are related to a trade or business and exceed certain annual thresholds. With such a seemingly wide rule, it’s easiest to start with items that do *not* have to be reported.

Payments NOT Subject to Reporting

You do not have to report payments that are personal, such as payments to an independent contractor who provides landscaping services at your home. Only your business-related payments are subject to 1099 reporting.

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Payments to corporations generally do not have to be reported, though payments to corporations for legal services are subject to reporting.

Payments for merchandise, phone services, freight, storage charges, and similar payments are not subject to reporting. Thus, regardless of cost, there is no need to report purchases of office supplies or equipment, or purchases of your books that you plan to resell.

Payments made to tax-exempt organizations also do not have to be reported.

Now let’s talk about payments that are subject to reporting.

Continued on page 3 ▶

Novelists, Inc.

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If you have questions regarding Novelists, Inc., please contact a member of the Board of Directors.

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<http://www.ninc.com>

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Address changes may be made on the
website.

Members without Internet access may
send changes to the Central Coordinator.

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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 15 days of this Nink issue, these authors shall be accepted as members of NINC. For further information or to recommend eligible writers, contact:

Membership Chair: Tracy Higley
tracy@tracyhigley.com

New Applicants:

Susan King (Susan King, Susan Fraser King, Sarah
Gabriel) Gaithersburg, MD

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Melitta Dee (Kit Dee), Tucson, AZ

Anita Carter, Des Moines, IA

Mary Lee Woods (Sparkle Abbey), Des Moines, IA

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Dee Ernst, Mount Tabor, NJ

Julie Hyzy (N.C. Hyzy, S.F. Hyzy), Tinley Park, IL

Laura Iding (Laura Scott), Wauwatosa, WI

Suzanne Johnson (Susannah Sandlin), Auburn, AL

Dorien Kelly, Pentwater, MI

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Shawntelle Madison, Maryland Heights, MO

Sharry Michels (Christine Michels, Sharice Kendyl),

Redcliff, Alberta, Canada

NINC has room to grow...

Recommend membership to your colleagues.

Prospective members may apply online at
<http://www.ninc.com>. Refer members at ninc.com.
Go to Members Only, "Member Services" and click
"Refer a New Member to NINC." Take NINC
brochures to conferences. Email Pari Taichert with your
mailing address and requested number of booklets:
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NINC Statement of Principle: Novelists, Inc., in acknowledgment of the crucial creative contributions novelists make to society, asserts the right of novelists to be treated with dignity and in good faith; to be recognized as the sole owners of their literary creations; to be fairly compensated for their creations when other entities are profiting from those creations; and to be accorded the respect and support of the society they serve.

Rents

If you paid \$600 or more in rents connected with your writing business, you should report the rents in box 1 of the Form 1099-MISC. This rule applies to both the rental of real estate and rental of items such as business equipment. Note, however, that if you make payments to a real estate agent rather than the owner of the property you do not have to report the payments.

Independent Contractors

If you pay \$600 or more to an independent contractor, such as a website designer, a freelance editor, a publicist, an accountant, or a cover artist, you should report the payment on a 1099-MISC in box 7 as “Nonemployee compensation.” The same rule applies to an independent writer you hire to write cover copy, ad copy, blogs, articles, or other written works as works for hire. Similarly, if you hire a freelance assistant, you would report payments of \$600 or more to the assistant in box 7. Be careful, though. If the IRS determines that a person performing services for you is actually an employee rather than an independent contractor, you could find yourself liable for payroll taxes. A discussion on this topic is beyond the scope of this article, but more details can be found by searching the term “worker classification” on the IRS website, www.IRS.gov.

Royalties

Payments of royalties of \$10 or more should be reported in box 2 of the 1099-MISC form. Although whether a payment constitutes a royalty might seem obvious, such may not necessarily be the case. In situations where writers jointly produce a written work, a payment by one author to another might constitute a royalty or it might constitute nonemployee compensation (discussed in the preceding section). If the payment represents compensation in a work-for-hire situation, the payment is not a royalty. If the payment represents the distribution of earnings from the exploitation of a copyright owned, all or in part, by the recipient of the payment, then the payment would constitute a royalty.

Attorneys

If you paid \$600 or more for legal services for your writing business in a tax year, you should report the amount paid to the attorney in box 7, even if the payment was made to a corporation. As noted above, although payments to corporations are generally exempt from the reporting requirements, payments made to a corporation for legal services are not exempt. Note that box 14 “Gross proceeds paid to an attorney” is intended for payments in the form of settlements, such as payments made to an attorney in settlement of a copyright infringement suit.

Payees Subject to Backup Withholding

Under certain circumstances, the IRS will require a payer to deduct “backup withholding” from payments made to a third party. The IRS will contact a payer and require backup withholding if a party has failed to pay his or her taxes or if a party has provided an incorrect taxpayer identification number. Additionally, if you hire an independent contractor, pay rent directly to an individual landlord, or pay royalties to a third party and that party has refused or neglected to provide you with their tax identification number, you must deduct backup withholding from the payments you make to that person and remit the withholding to the IRS.

The backup withholding rate at the time this article was written was 28%, effective through the end of 2012. The 2013 rate had not yet been announced. If you must deduct backup withholding from payments, contact the IRS to determine the current backup withholding rate. ▶

If you make payments to someone subject to backup withholding, you must file a 1099 to report the payments, regardless of the amount.

How to Obtain a Taxpayer Identification Number

The 1099 form requires tax identification numbers (social security number or employer identification number) for both you and the recipient. To obtain a payee's tax ID number, supply the payee a Form W-9 "Request for Taxpayer Identification Number and Certification." Be sure to request the tax ID before issuing payment because, as noted above, you will be required to deduct backup withholding if the recipient fails to provide the number. The W-9 form and instructions can be found at www.irs.gov.

Due Dates and Transmittal of Forms

The 1099-MISC form must be mailed to the recipient by the end of January, unless it is being used to report a payment to an attorney in box 14, in which case the form must be mailed by mid February. The forms are due to the IRS by the end of February and must be accompanied by a Form 1096 "Annual Summary and Transmittal of U.S. Information Returns." The transmittal form is used to total the amounts reported on all of the 1099s you file for a given tax year. Filing late? The IRS will assess a penalty of \$30 if you file within 30 days of the due date, \$60 if you file more than 30 days after the due date but by August 1, and \$100 if you file after August 1st or fail to file.

IMPORTANT NOTE! The 1099 and 1096 Forms must be ordered from the IRS in order to be in the proper scannable format. Although you can view these forms on the IRS website, do not print them out from the site as they are not in the proper format for filing purposes. You can order forms by calling 1-800-TAX-FORM (1-800-829-3676) or through this link: <http://www.irs.gov/businesses/page/0,,id=23108,00.html>

Don't forget that you might be required to file copy 2 of the 1099 with a state tax authority if both you and the payee live in the same state. Check with your state tax office to see if you have a filing requirement.

Diane Kelly is a retired CPA/tax attorney and the author of the humorous Death and Taxes romantic mystery series from St. Martin's Press.

Business Briefs

Compiled by Sally Hawkes

BookScan Reports Print Book Sales Down, Again

The unit sales of print were down 9% in 2012, which is a similar drop in 2010 and 2011. The overall percentage in three years is 16%. The largest number for print type in 2012 was in adult nonfiction, 13%, and juvenile nonfiction was 5.4%. The mass-market format was down 20.5%, less than the percentage in 2011.

Publishers Weekly

Reading Numbers Down or eReader Sales Up?

Pew Research Center's October 15 – November 10 survey cites American adults doing less book reading. The responses are 3% less than last year. Adult 16 and older were reading 16% more ebooks than last year and 5% less print books. This paralleled a 15% increase in owning reading devices among the same group.

Publishers Weekly



First Word: Exploring New Publishing Partnership Opportunities Q&A Session

BY LAURA PHILLIPS

Panelists: Dan Slater (Amazon), Sue Grimshaw (Random House), Robert Gottlieb (Trident Media Group), Larry Norton (INscribe Digital), Jane Dystal (Dystel & Goderich Literary Management), Jen Talty (Cool Gus Publishing), Paige Wheeler, Rachel Chou (Open Road Integrated Media), Patrick Brown (Goodreads), Pamela Spengler-Jaffee (Avon Books, Harper Voyager, and William Morrow), Lou Aronica (FictionStudio), Thubten Comerford (WePost Media), and NINC authors Barbara Freethy and Julianne MacLean.

Attendees at the first four First Word sessions were asked to hold their questions until the two-hour Q&A session at the end of the day. The larger issues in that question session included the future of bricks and mortar stores, the impact on midlist authors, the value of libraries in the digital age, ebook pricing, and speculation about what we'll be talking about a year from now.

What is the future for bricks and mortar stores and for midlist authors? The NINC member asking this question noted that, as advised, she'd been trying to cultivate good relationships with bookstores but had recently found the experience to be "pretty much a nightmare." She said her books previously were well distributed through Barnes & Noble and now were in just 20-25 percent of the stores, which she's been told is typical for mid-listers now.

Larry Norton said he is very pessimistic about bookstores. "All the retailers that still exist are putting less and less space to books and more to other things. They're not going to disappear tomorrow. I don't think you should abandon any effort there. But I do think it's a sobering concept."

Jane Dystel and Robert Gottlieb agreed on the declining value of the author booksigning. "The notion of sending an author other than a celeb or big bestselling author is an old notion," Gottlieb said. "It's not a good use of money or time given the fundamental changes."

Lou Aronica noted that the decline in physical bookstore numbers doesn't equate to the disappearance of print books, and other panel members noted that sales of traditionally published children's books, cookbooks and certain other illustrated books weren't as affected as fiction by the rise of ebooks.

The panelists seemed optimistic about the future of libraries. Patrick Brown noted libraries and librarians are essentially handselling books, that librarians are very active on Goodreads already. Jennifer Talty said all their books are available through Overdrive. Rachel Chou said school ebook systems are "coming up like wildfire. Our sales have been really great." She also mentioned Overdrive's ads in the New York Public Library, in Boston, and elsewhere.

What are the implications of the potential Penguin-Random House merger? "Fewer players, fewer books published, lower advances. It's going to affect all of you and consumers as well," according to Dystel. Anti-trust concerns also were mentioned briefly but not discussed.

What about those non-compete clauses in contracts?

"Things have to be excluded in the initial negotiation," Gottlieb said. "Otherwise you're going to have a problem by the time the contracts are issued." Dystel and Paige Wheeler, founding partner at Folio Literary Management, LLC., also urged caution. "This goes to partnering with a company that knows how to handle these things. Be very, very careful to carve out your piece."

The impact of the novella? A NINC member noted the tremendous popularity of novellas in Italy and asked if the panel members foresee digital having an impact on the form or structure of the book. The consensus seemed to be that digital provides more options in terms of length, with Indies and traditional publishers experimenting and rethinking previous packages and series, and authors using short reads to build their brand to keep reader appetites whetted between books. ▶

Chou believes analytics on ebooks will lead to changes in writing, that publishers and retailers will be looking at data on what words are looked up more, where people stop reading books they never finish. “We’re looking at it in video now and will absolutely be doing it in books.”

À la carte services? A NINC member asked the agents if they had any plan for an à la carte menu for authors who weren’t willing to give up digital rights. Dystel and Wheeler said their agencies will do that with the understanding that if the author decides to pursue the traditional publishing path, then the author will use them. “Although we are willing to do this, we are not willing to do this for every author,” Dystel added.

Gottlieb expressed less interest. “Our view is you want to be in the best literary agency in the world. We’re not going to take you piecemeal. We’re going to bring to bear all the assets of the agency. These are the things that matter in a very complicated book market

Into the future.

Glimmers on the horizon—what will we be talking about this time next year?

“We’re in a period where it’s going to be more about consolidating these skills,” Brown said. Gottlieb said his major concern is the dominance of a single player—Amazon—in the retail space. Daniel Slater countered that there are “so many more white spaces out there where companies who are innovative and service a need will spring up to keep a really healthy and competitive market.”

Barbara Freethy hoped we’d be talking about author empowerment. “I hope they realize nobody does anything without our books.”

Aronica predicted more discussion of the nuances of English language publishing throughout the world. “It isn’t ok in those different markets to simply put up the same thing across the entire world, and if we’re really going to be taking charge of our publishing efforts, that’s something we do have to do.”

Pamela Spengler-Jaffee said “people outside the genres are going to start looking to you to see how people outside the genres can grow their numbers.” Chou expects interesting developments from Google. “They’re doing more promotions, leveraging what’s going on in the app world.”

What’s the right price? A NINC member noted that \$2.99 had been touted as the sweet spot for ebook pricing at previous conferences, but some have discovered since that it could be higher. Several panelists concurred, with Talty citing \$4.99 as her preferred price point and Aronica noting no decline in sales after increasing prices to the \$6.99 and \$7.99 price points.

“There is strong evidence that \$9.99 is the upper limit,” said Norton, who also cautioned that it is harder to start at a lower price, then offer a promotional price. Dystel emphasized the advantages that indies have in this area. “You can experiment and change your prices very quickly if it’s not working for you. Obviously I think \$2.99 and up is the way to go, but I think you should try many different things,” she said.

In answer to Amazon-specific questions from the audience, Slater confirmed that the practice of clicking on “likes” and “tags” on the site does affect the algorithm, as do various other customer actions. While he said he could not elaborate on the complexities, he said there are sophisticated systems to analyze the customer experience, as well as checks for fraud and abuse running in the background. He also noted the author requests for daily sales reports, which currently are not available to self-publishers on Amazon.

Laura Phillips writes women’s fiction and is still in the process of digitizing her backlist. She is 2013 NINK editor.

Business Briefs

41 New Bookstores Opened Last Year

Amid all the bad news in recent years for brick and mortar bookstores, the American Booksellers Association (ABA) found a happy statistic to reveal this January: 41 independent bookstores in 24 states opened in 2012. Five were new branches of existing stores.

Galley Cat



Creative Power-Coaching Techniques for Personal Development and Professional Success

BY CINDI MYERS

Melissa Rosati, a Certified Professional CoActive Coach and owner of Melissa's Coaching Studio, LLC, specializes in helping creative people to overcome obstacles and achieve their creative goals. In this workshop, she took workshop participants through three exercises they can use at home to help their creativity.

Wheel of Life

The first exercise involved a Wheel of Life. The wheel is a circle divided into eight sections, which represent Career, Family and Friends, Significant Other/Romance, Fun and Recreation, Health, Money, Personal Growth and Physical Environment. You rate each section of the pie on a scale of one to ten as to how satisfied you are with that aspect of your life, with one being the lowest level of satisfaction and ten the highest. This visual helps you see the areas of your life that are out of balance. Your goal is to equalize the areas of your life so that you are more satisfied overall.

Powerful Self

The second exercise involved writing about both a peak experience and then the worst experience of your life. In the exercise, Rosati urged participants to explore what the experience felt like, what about the experience was particularly powerful, and the thoughts and emotions surrounding that experience. This exercise helped participants explore where they'd been and where they wanted to be. As writers, we have the power to recreate feelings and thoughts and call them up to share in our writing and to empower our present. She suggested using the memory of the positive experiences to remind ourselves of goals, and the negative experiences to help us see what we've overcome. The experiences you choose to write about also show you what is important to you.

Rosati recommended that anytime you feel overwhelmed, you can step back and write for three minutes about who you are as a writer. This free-writing can help you focus and see yourself and your goals more clearly.

Creating Mandalas

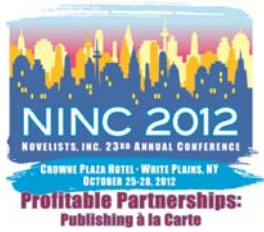
The final exercise involved using other forms of creativity. Rosati recommends that writers, who are so focused on words, switch creative modalities from time to time, using music, drawing, sculpture or some other form of art to stretch creative muscles. In the workshop, participants were given markers and asked to think about one aspect of their lives they rated low in the Wheel of Life exercise and to draw a mandala to illustrate that aspect of life as a ten. A mandala is an illustration within a circle that has spiritual meaning in the Buddhist and Hindu religions.

Sharing the mandala drawings generated a discussion of how our feelings drive our creativity and how fear can hold us back as writers. Fear manifests as writer's block, as an inability to make decisions, and as getting stuck. When you feel overwhelmed, fear may be a component of that.

Creating a mandala gives you ideas for what you really want in life and how to get there. She suggested hanging the mandala in your work space as a visual reminder of your goals.

Rosati closed by reminding participants that your inner goddess is stronger than your inner critic.

Cindi Myers is the author of more than 50 romance and women's fiction novels, including The View From Here. Find out more at www.CindiMyers.com.



Marketing Boot Camp

BY CINDI MYERS

Five authors, two coaches, four months...the marketing boot camp participants shared their experiences learning about marketing their books and putting what they learned into practice. The boot camp participants set out with a goal of using technology and online tools to increase sales.

The authors brought different levels of expertise to the boot camp—from novices whose only online presence was a basic website, to those who “knew all the buzzwords, but didn’t know what to do with them.”

The boot camp focused on four areas of marketing: social media, web design, newsletters, and search engine optimization (SEO).

Social Media Lessons

Sharing and liking increases the likelihood that more people will see your posts because of Facebook algorithms. The authors banded together to like and share each other’s posts.

A Facebook page is better than a Facebook profile. With a page, you can scroll to the header above the timeline and click on the icon that looks like a starburst to access Facebook Insights. This allows you to gauge the reach of your posts—how many people are viewing it and sharing it.

Images are more sharable than posts. Posting pictures and cartoons will generate more interest than mere words.

The authors who were anti-social media prior to the Bootcamp saw an increase in their sales as a result of their activity on Facebook and Twitter and learned social media can be fun.

About Websites

Participating in the boot camp changed the way the participants thought about their websites. The author website is no longer merely an informational site to tell people who have read the author’s books about the author. It becomes a selling tool to direct people who find you via Facebook, Twitter or another online portal to your books and newsletter.

The focus of your website should be about your books first and about you second.

The most important real estate on your site is what the person who visits the site sees “above the fold”—without scrolling—and the space in the top right-hand corner of each page. Put the most important information here, such as a button to sign up for your newsletter.

Use buy buttons throughout the site—at the top and bottom of the book pages and the excerpt pages.

Put social media buttons on your site to link to you on Facebook and Twitter.

The number one goal of your website is to “attach a thread” to a site visitor—by getting them to sign up for your newsletter or follow you on Facebook or Twitter. Doing this establishes a relationship and provides many more opportunities for you to sell them a book.

Use affiliate codes in your buy links to track how many people are buying your books from your links.

Several authors mentioned the ease of using Wordpress for their web sites. Plug-ins on Wordpress make it easier to optimize your web page and gather data.

Your website may be the reader’s introduction to you. Your site should be a reflection of your fictional world.

One author stressed that your site does not have to be perfect and is a work in progress.

SEO

Search engine optimization was the next topic of discussion. One author suggested googling your site and looking at the search engine results. Read the title and description of the pages that come up. The information you most want to convey should be at the beginning of the site.

SEO is completely divorced from how your site looks, so you may need to hire one person to construct a good-looking site and another to optimize the site for web searches.

Newsletters

Some of the authors did not have newsletters before the Bootcamp. Newsletters are a way of connecting with readers and keeping your name in front of them, even when you don't have a book out.

The participants use Mail Chimp or Mad Mimi for newsletter distribution.

A contest is a good way to collect email addresses from readers.

Always include an unsubscribe button with your newsletter mailings.

The newsletter should be pretty, short, and include a call to action.

Include something of benefit to readers—news about a special deal, a chance to win something, recipes, etc.

Instead of talking about your own books all the time, highlight other authors' news.

The Wrap-up

The Bootcamp participants all felt the experience was worthwhile. They suggested if other groups of authors want to do this, they can form a group of four to six people and focus on one area a week. They urged other authors to do what works for you within your comfort zone, but don't be afraid to try new things and stretch a little.

Cindi Myers is the author of more than 50 romance and women's fiction novels, including The View From Here. Find out more at www.CindiMyers.com.

Business Briefs

Piracy Harms Sales

Twenty-five published studies show that piracy harms sales, while three show that it doesn't, said Carnegie Mellon University professor Michael D. Smith in a presentation at the Digital Book World Conference in January. Fight back by making content available to buy digitally, and participate in anti-piracy policies, he said.

Media Bistro

Job Changes

Rachel Burkot is now assistant editor for Harlequin Romantic Suspense.

Carly Silver is editorial assistant for Harlequin Special Edition.

Esi Sogah moves from associate editor at Avon/HarperCollins to senior editor at Kensington.

Sara Sargent has moved up to associate editor at HarperCollins.

Publishers Weekly

MacMillan Not Settling with DOJ

MacMillan CEO John Sargent sent a letter to authors and agents in mid-December stating the publisher's position on the Department of Justice settlement. While others have settled and agreed to the two-year discount, Sargeant stated MacMillan isn't interested in settling with the likelihood of Amazon taking advantage with the result in ebook revenue being nil for competitors. Macmillan has no merger plans and declares ebooks represents 26% of their revenue.

http://www.publishersweekly.com/binary-data/ARTICLE_ATTACHMENT/file/000/001/1130-1.pdf

Publishers Weekly



NincThink Round Table #4: Promotion Planning

BY EDIE CLAIRE

How do you decide what kind of promotion is best for you? How do you develop a marketing/promotion plan tailored for you? How do you evaluate what is working and what isn't?

Panelists:

Maris Kreizman, Barnes and Noble
Larry Norton, InScribe Digital
Thubten Comerford, WePost Media
Rachel Chou, Open Road
Pamela Spengler-Jaffee, Avon
Tina Smith, ePublishing Works

MJ Rose (moderator), author and AuthorBuzz,
Barbara Freethy, author
Julianne MacLean, author
Denise Agnew, author
Jean Brashear, author
Laura Castoro, author

“What elements are essential to have in place before using social platforms for book promotion?” Quick answers from our panel included a website, a newsletter, a great cover, a pricing strategy, clean formatting, and a genuine voice. Ideally, an author should have a complete promotion plan in place before a given book is launched.

One digital media expert suggested that having a plan for pricing required fully understanding and exploring the options. Authors should not be afraid to start at prices above \$3.99, as there appears to be more elasticity in prices than previously thought. Starting out at a higher price gives the author room to lower the cost for special promotions, such as a celebration tied to a milestone (e.g., making a Top 100 list).

Where can indies go for advice on pricing? An industry publicist suggested that traditional publishing gives the benefit of a marketing team that can manage pricing strategies, allowing house authors to coordinate their indie releases with their traditional releases. Publishers are willing to coordinate because their goal is to build a brand. A representative from a digital media company specializing in backlist said she found the “Big 6” publishers very willing to coordinate frontlist with backlist releases. However, an author publishing both ways noted that she had been unsuccessful in getting her traditional publisher to accede to her requests about pricing.

How far in advance do authors need to start working on a plan? According to one social media expert, an author should start a year in advance building an audience “around” a future book. The more time you have to build up the audience, the better. But as several others pointed out, it is never too late to start social media, because no book ever “dies” anymore; each can be promoted forever. One marketer described her digital publisher’s process of determining three to five demographic groups they believe might be interested in the book. (For example, younger men who live in a particular region of the country.) They look at where that demographic is likely to be online, and they target those sites. Every quarter they concentrate on a different demographic, producing a plan for the year. A representative from an ebook retailer said that a couple months’ notice was adequate for one of their promotions, if the author presented a full-fledged plan.

How can indies deal with the uncertainty of the timing of price changes when planning promotions? One author suggested submitting directly to every retailer possible, including, Apple, Kobo, Amazon, and PubIt, to maximize control. However, it was also noted that authors frequently have difficulty in reaching individuals at the retailers with questions or concerns. A representative from a publicity firm noted that larger entities have better access to retail representatives, which is a benefit to their clients.

What is the best use of money spent on promotion? One publicity firm representative suggested that there is no firm guideline in terms of percentage of the advance, but rather, each situation must be looked at on a case-by-case basis. Many social media opportunities are free except for the time required, but an author's time is money, so deciding how much time to invest in social media should be part of an author's plan.

When the panel discussed popular social media platforms, opinions differed on their relative effectiveness. One marketing expert described Pinterest as a major "time suck," claiming that to be effective an author must invest significant time in pinning and repinning items related to a passion such as cooking or crafting—but that simply posting book covers was not effective publicity. Facebook can be effective in communicating with readers, but authors should be aware that Facebook has changed its policies regarding post distribution, and that it may now cost \$25 per week to push posts out to all your fans. If promotional dollars are available, this investment might be worthwhile in order to reach significant numbers of potential readers. Twitter can be phenomenally successful, particularly in reaching people "in the moment" because they can immediately click through to watch video, etc., even if they are "on the go" with a phone.

What's next beyond Facebook and Twitter? Panelists mentioned NetGalley, a service that makes ebooks available to librarians and bloggers for review. Video may be effective, but only if very short, made with high production values, and targeted to a specific audience with a specific plan for how to reach them. The most effective videos are less about the author and the book and more about an associated topic of interest, such as writing tips. One publisher has been experimenting with a live stream of online conversations between authors in a bookstore. The Shindig videochat service allows authors and readers to "gather" onscreen for conversation (Spreecast also offers this service.) Together is a crowdsourcing mechanism that works similar to Kickstarter; it allows groups of fans to request an author appearance if they gather a sufficient crowd. Smalldemons is a website where readers can go for a sophisticated search of subject matter via metadata. Ganxy is an excellent source for free widgets that can turn your Facebook page into a website by including affiliate links.

The panel agreed that interacting with readers is the key to effective promotion. If you Tweet, you must do so in an authentic voice. Those one might hire for assistance with social media can post "with you" or "underneath you" by using your own comments, quotes, etc., but no one should be posting for you; the author must engage followers with their own voice, without typos, and tweet at least once daily. Answering all emails and letters is important; engaged readers will talk to others about their favorite authors.

Lastly, all agreed that building a list of reader email addresses should be a top priority. Indies who cannot do preorders can simulate the effect by setting up email lists to alert readers to the release; the email sent can then contain an affiliate link. By planning ahead to save interesting posts, photos, etc. for release two to three weeks before the book launches, an author can create his or her own "pre buzz!"

Edie Claire was traditionally published with cozy mysteries and contemporary romance in the late '90s and early 2000s. After many years of feeling like a failure, she relaunched her career as an indie in 2010, reviving her mystery series and adding new YA romance and women's fiction releases to the fold. She is now earning way more than she ever did before—and she owes it all to information gleaned at NINC conferences! www.edieclaire.com

Business Briefs

New Condé Nast Writer Contracts Cut Into Film/TV Deals:

The most recent twist in Condé Nast's attempt to profit from programs made about its publications appeared in new terms offered in its writer contracts. The new contracts reportedly give Condé Nast exclusive film and television rights ranging from 30 days to one year and cap the amount of money the writer is paid for an option or production rights at a level one agent called "bottom of the barrel pricing." Previously, Condé Nast contracts did not claim film or television rights.

New York Times



NincThink Round Table: Know When to Hold 'Em, Know When to Fold 'Em (Decision Making in a Tough Market)

BY TRACEY LYONS

Industry Guests: Donald Maas (Donald Maass Literary Agency), Jim McCarthy (Dystel & Goderich Literary Management), Nita Taublib (G. P. Putnam's Sons), Wendy McCurdy (Berkley/Penguin Putnam), Paige Wheeler (Folio Literary Management), Carrie Feron (Avon Books/William Morrow), Lou Aronica (FictionStudio), Bella Andre (NYT Bestselling Author)

NINC Authors: Shirley Hailstock, Ann Roth, and Karen Sandler

Moderator: Alicia Rasley

The session led off with the first question posed to the authors. How happy are you with your current editor/publisher? Have they done what they promised? If not, why not?

A successful indie author discussed how she'd left traditional publishing to go indie, and then made a ground breaking deal to keep e-rights and sell print only rights. She's excited to be with the publisher and told the audience all that matters are the numbers. If you have great numbers, great things will happen. One author felt that her publisher has done what they said they would do. She's happy to continue publishing with her publisher, but thinks we should have fair play everywhere. There needs to be a high moral ground, and everyone should be there. Another author was fired by her publisher and is now with a small publisher. Editorial, publicity, and marketing are great. The money is disappointing, but she has a beautiful product and loves what's being produced. Her eyes are little more open about the industry. The last respondent is working on the fifth book in a five-book series, but plans to work on what she wants to write and is feeling frustrated with her publisher.

Do authors feel they get further by making a big stink, or do they feel they can be gracious and still get what they want? This question was fielded aggressively by the entire panel. From the agents:

- ▶ "Great power lies in great writing. Don't be afraid."
- ▶ One agent explained to authors why they fail—smart ones listen, others blame publishers. It all starts with the books. Great writing equals great success.
- ▶ The squeaky wheel does get the grease, but the author has to be diplomatic, and realize where you are on the totem pole and act accordingly. This agent wants to back a client request up with sales. New author with no sales record? All bets are off.
- ▶ The author should always look wonderful. Let the agent be the bitch.
- ▶ One agent went so far as to say publishers work on assumption that authors can't take the truth and went on to add, be aggressive, and be professional. Know that big authors will get answers first. But being a professional makes it easier for you to be dealt with.

From the editors:

- ▶ What you get depends on how high up on the list you are. How much the house needs you. Powerful authors get heard more, mid-list it pays to be polite. The very top of the list gets heard. Many great books never make it. You see great writers whose books flounder.
- ▶ One editor doesn't feel publishers are out to screw authors, but asks the question do you have an agenda? Don't approach decisions like you have an agenda.
- ▶ The combination of great marketing and great material will generate great sales. It's not about finding the authors. It's about getting authors to the market.
- ▶ Don't be afraid to ask about numbers. You are in charge of your future, you have right to ask about the business side of things.

From the authors:

- ▶ You don't get very far by being hostile or confrontational with publishers. You get more if you're nice, calm, and logical.
- ▶ One author writes everything down she wants to say and stays unemotional when she does speak to editors.
- ▶ Publishing is a business looking to bottom line. Authors need to look at the bottom line, too. Plenty of people who are self-publishing are beating their old contract advances.
- ▶ One author felt there are adversarial difference between publishers and authors, and she sometimes feels we are not respected as business women. We deserve to have things explained in a businesslike manner.

Return on investment (ROI) came into the discussion. Several panel members felt this should be at the top of every negotiation point. Agents and authors should be talking about ROI in career terms. One author wondered if her publisher dropped her because she wasn't worth the ROI? And if so why didn't they just tell her that rather than have her work on more proposals only to be rejected?

Can a pen name can help a lagging career? One author went with pen name and was not successful. One has no pen name, but was asked if she would be willing to take pen name. One uses own name, and one uses a pen name to republish backlist.

Advice from the agents: if you are self publishing, it won't matter. In traditional publishing it might matter if you take a pen name, but a comeback may not be easy. It used to be that an author's track record was an issue because of distribution. Now distribution isn't an issue so much. What's more important than a pseudonym is to reinvent yourself as a writer. Authors should get through their anger, change things they can and let go of what they cannot change.

Should an author say no to royalties on net in print and ebooks? Panel responses ranged from "what's wrong with net?" to "you can't turn down a net royalty because it's the only royalty being offered on ebooks. The problem is earnings can be based on anything." One agent said it should be easy to define what net is during contract negotiations.

In the new online driven world where distribution is less, when do you decide to stop submitting a particular book and do it yourself? One author had a book her agent said couldn't be marketed and is leaning towards self-publishing it. One said if you are not willing to change something, you need to make the decision to put it up on your own if you believe in it. One very successful indie author had a plan for an entire series, knowing she would self-publish it. Writers who do so have to take a leap and hire the right people—editors, cover artist, etc. Do it right to make the best books you've ever done. Ultimate success comes when you have connected series and you control every aspect of it from day one.

According to one of the agents, self-publishing is an exciting world right now. However, he thinks most people don't make big money doing it. One million in sales is the exception. An author still needs to look at the reasons why agents and editors are not pursuing that book. One agent said rejections tell you something. Listen to your feedback. Several agents on the panel have digital programs to bridge the gap and help their authors navigate through the self-publishing waters.

What is the most significant thing traditional publishers can offer authors? According to the editors, the answer is teamwork, collaboration, and more paths to success than ever before. One editor stated that not everyone wants to run a small business and that we have things to learn from each other. One editor pointed out that the successful indie author has a team working for her. Keep in mind that if you are self-publishing you are acting as a publisher. There are so many choices you can make as an author. Be smart, and do your homework. Pick the choice that's best for you.

Tracey Lyons has been writing romances for over 20 years. Published in book length romantic fiction, her most recent releases include Mountain Jewel, a #1 bestseller Samhain Retro Romance historical. Her Women of Surprise historical romance series is soon to reissued in paperback and digital by Avalon Books/Amazon publishing. Tracey also writes contemporary women's fiction romance under the name Tracey Sorel. You can learn more about those books by visiting www.traceysorel.com or www.traceilyons.com.

Stats Are Often Hard to Interpret

BY MIKE SHATZKIN

Stats are often hard to interpret in our business. The reported data comes, of course, after the fact (you can't report things before they happen) and is often aggregated in ways that don't tell us what we really need to know. So I tried an exercise last week of asking a few agents for their impressions of the evolving ebook marketplace. I wanted to get a handle on two things: where we are now in terms of books sold in stores versus books sold other ways and whether the transition from print to digital consumption is slowing down.

The picture I got from nine smart and well-informed agents seems to confirm that:

- ▶ sales of ebooks for fiction more often than not top 50% of the total sales, in both the hardcover life and the paperback;
- ▶ sales of ebooks for immersive non-fiction are at something like half the percentage of fiction;
- ▶ illustrated books do a lot less in their digital editions, which usually struggle to reach 10% of the sale;
- ▶ while the *marketplace* data seems unambiguous, the agents have not formed a consensus that the print-to-ebook switchover is slowing down.

Perhaps we can attribute that to the fact that the data presentation which most shapes the agents' impressions is provided in royalty reports. This past year, and especially this past season, have not yet been delivered in the data they study most intensively. But it was still useful to check with them, if only to confirm that fiction ebook penetration is double nonfiction and that illustrated books lag far behind.

If 50% of fiction is selling now as ebooks, it is likely that only about 35% of it is selling as print in stores (because 25-30 percent of the print sale is online). Considering that number was more like 90% ten years ago and 80% five years ago, that's all the explanation anybody needs to understand the reduction of shelf space we've seen. Every year when stores are interviewed about traffic and sales, they cite the presence (or absence) of "big books" as a key driver. The "big books" are most often big fiction. This year, the *Fifty Shades* family of titles may have provided that lift, which may be why stores (other than B&N) are anecdotally reporting a strong Christmas.

But what the industry should be most interested in, which will be reflected in the next round of royalty statements agents see, is that ebook sales growth appears to have damn near stopped. As Michael Cader pointed out on Lunch, Random House UK indicated a 13% increase this year over last, which mirrors Barnes & Noble's reported rise of 13% in ebook sales in December.

Thirteen percent is a big increase in a stable marketplace.

But if you consider the heavy activity in the device field—the new iPad mini, Kobo devices being sold by independent stores, and B&N turning progressively their stores into NOOK showrooms (and not to mention the always-growing ebook title base, still adding backlist and formerly out-of-print books and small press and self-published books)—the rise in ebook sales seems like no rise at all. So perhaps we really have hit the point of resistance from print readers and a new stability in division of sales across channels.

The consequences of only about a third of fiction being bought in stores—and not all in bookstores—are still to play out. If it is true that independents did better than B&N this past Christmas, could part of the reason (as I speculated in a prior piece) be B&N's prior success selling their customers NOOKs? Is the indie store customer somewhat less likely to have bought a Kindle or NOOK previously and therefore disproportionately in the marketplace for printed books?

It is quite possible that the disappointing B&N results could be a more accurate indication of the world we're now living in than the reported success of the indies.

Under the heading of data being ambiguous, note that the reported big rise in sales by independents in 2012 *appears* to have taken place in the first part of the year so that sales at Christmastime might not have been as much better than B&N's as first impressions on the data could lead us to believe. (Once again, thanks to Cader for doing some in-depth analysis of the raw data to lead us to see that possibility.)

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Photo by Sabrina Ingram

Not Your Usual Writing Advice

By JoAnn Grote

Exploring Cause and Effect

“Often people attempt to live their lives backwards: they try to have more things, or more money, in order to do more of what they want so that they will be happier. The way it actually works is the reverse. You must first be who you really are, then, do what you need to do, in order to have what you want.”

— Margaret Young

In the February 2012 *Nink* column on “Revisiting Feng Shui,” NINC member Jo Beverley observed, “Do you know that there’s a theory of Feng Shui that the places in the home that naturally attract clutter...are problem areas in our lives? Cause or effect, that’s the interesting question.”

Indeed, it is an interesting question. Does the clutter accumulate in an area of the house related to career because we are having problems in our career, or do we have problems in our career because we allow clutter to accumulate in the career areas of home? Jo’s question can be applied to all areas of cause and effect.

Anyone who has been into motivational or business guidance literature for more than five minutes has heard the theory of “cause and effect” preached. Certain actions bring certain effects; it’s considered a given. Like so many in the modern world, I believe strongly in practicing a cause to gain a specific effect. Do you want a certain income, to be published, to be published by a certain house? Set the desired outcome as a goal; that’s a cause. List the actions necessary to reach the goal; that’s a cause. Perform the required actions; another cause. Our lives often appear to follow this tried-and-true course.

I followed that path to publication. I set the goal to write and sell an inspirational romance novel. I figured out what I needed to do: write the novel, study books I admired to see how other authors succeeded, rewrite, attend conferences, rewrite, speak with editors, rewrite, and send out queries and proposals. I followed the plan and met my goal; cause and effect.

Or was it? I didn’t receive the publishing offer in the usual manner. (I wonder how many Ninc members did receive their first offer in the “usual” manner.) I met an author of inspirational romance at a conference I attended to meet and learn from authors of young adult novels. She and I spoke for a few minutes and exchanged business cards, but did not keep in touch after the conference. Six months later, I received a call from an editor I had never heard of, with a publishing company I never contacted. He wanted to see a manuscript that another publisher had planned to purchase for a line that closed. His company was starting a new inspirational romance line, and the woman I met at the conference was writing some of the line’s first books. She’d recommended the editor contact me and gave him my telephone number. I sent him the proposal, and the book was published eight months later.

Was that cause and effect? I’d set aside my goal of publishing inspirational romance and started to concentrate on young adult fiction when the inspirational romance market died. (Yes, it did eventually revive and flourish.) I’d stopped submitting to romance editors. I’d stopped looking for markets for my romance.

I discussed this experience in the June 2010 column, “Take the Next Step You See.” As I said then, I spoke with fellow author Debbie Barr, wondering over the manner in which things happened—receiving the romance contract while pursuing a young adult contract instead. She said, “But you did exactly what you ▶

were supposed to at the time; you kept taking the next step you could see.” True, but was that the cause of the publishing effect? Maybe.

There’s a theory that says we do not necessarily, or even usually, receive back what we give directly, but we always receive it back. Sometimes, according to this theory, the energy of the cause must travel through the universe, possibly in a diverse way and possibly for a long period of time before it returns to us as effect. Because of the time and distance, and because it comes to us directly from a place or person we don’t expect, we tend not to recognize the cause.

Ralph Waldo Emerson speaks to this theory in his essay *Compensation*. “The retribution in the circumstance is seen by the understanding; it’s inseparable from the thing, but it is often spread over a long time and so does not become distinct until after many years.”

This means to me that whether or not the desired effect is in sight, one should keep up what one perceives as the cause. The energy we put into waiting for something to return directly from the person to whom we gave it—whether money we’ve lent, love from a specific person, or a contract for a book or manuscript submitted to a certain editor—can result in energies such as anger and resentment which are destructive to the creative flow. Additionally, we might not recognize the “effect” when it finally arrives. What we give will return to us from someone, someplace, sometime, though perhaps not in a form we immediately identify. Watch for it from whatever apparent source, expect it, and appreciate it when it shows up.

“The nature and soul of things takes on itself the guaranty of the fulfillment of every contract,” Emerson states in *Compensation*, “so that honest service cannot come to loss. If you serve an ungrateful master, serve him the more. Put God in your debt. Every stroke shall be repaid. The longer the payment is withholden, the better for you; for compound interest on compound interest is the rate and usage of this exchequer.”

Ten years ago my sister-in-law, Susie, was fighting cancer. When the struggle reached the final stage, I moved in with Susie and my brother, Dale, for the last months of Susie’s life. Caring for her took all my and Dale’s time. Both of us set aside our paying work. As a writer and a part-time accountant, I had no vacation pay, sick pay or personal leave time. We didn’t know how long Susie had left, and though I had no intention of backing out on my commitment to her, I began to wonder how long I’d be able to meet my mortgage and other bills. I went through more savings than anticipated. Then I received a royalty check. When I opened the envelope, I literally experienced a “my knees buckled” moment. The royalty check was by far the largest I’d received, and almost the same amount as the savings I’d used during the time spent with Susie.

That event changed the way I viewed life, finances, and cause and effect. I began to believe that sometimes we are meant to spend our time doing something the world doesn’t see as “earning money”. God or the Universe may see cause and effect differently than we do. Was the cause of the large royalty check the books I’d written, or was it that I’d chosen to assist someone I loved? Perhaps those events cannot be separated, but are together the cause.

After the above experience, energy began to feel circular, or meandering, and continuous rather than back and forth between two specific entities or events. This meandering form of cause and effect seems to me perfectly natural in a created and/or creative universe: cause that never stops, but continuously gives energy to create effect in many lives.

Which brings us back to Jo’s observance—which is cause and which is effect?

Was the cause of my first romance book offer that I pursued publication in the prescribed manner? Was the cause that I did not give up on my writing, even though I began heading in another direction? Was the cause that in the years in between, I started a writers group for Christian writers to help other beginners learn the basics of writing for publication—even before I was published in book form? Was the cause that I gave up trying to control publication of that book? Was there another cause I do not even suspect?

Or, more along the lines of Jo’s question, were the contract offer and the publication of the book a cause, not an effect? If so, what was the effect? Or did the perceived effect become in itself a cause of a future effect?

Can we ever know for certain what is a cause and what is the effect?

Still, we believe certain actions result in certain effects. We’re told we must write a query or a proposal if we are to sell a book, yet how many of us have sold a book on a conversation with an editor? Perhaps in such a case the cause is a history of successful writing on which the editor relied in making the decision.

I recently read about a woman who had a huge turnaround in her life. For most of her life things went well: a good job, nice house, happy marriage and family life. Then she and her family moved into a new house. They loved it, but things began to go downhill. Their finances crumbled. The children were always restless or angry. The adults weren't sleeping well (and who would with crumbling finances and angry children?). Soon they were angry all the time, too. The wife and mother tried everything she knew of: positive thinking, standard success theories, Feng Shui, and prayer. Finally someone suggested that their home might be located on "bad energy lines." Since nothing else had worked, she decided to have the location's energy lines checked. The house was "dowsed" for bad energy lines, and the woman applied the recommended solutions. She and her husband were amazed at the transformation in their lives. Almost overnight the children became more peaceful, the adults began sleeping better, and finances improved. The couple attributes the changes to the removal or negating of the "bad energy."

Perhaps the solution applied to remove the "bad energy" was the cause of the good effects, as the woman believes. Or perhaps one or all of the other things the couple tried before the dowsing and removal caused the good effects, and its tie couldn't be recognized because of the time that passed and the introduction of the dowsing. Perhaps the move to the wonderful house was in itself a cause of the "bad energy," causing financial stress with higher payments and causing the children to be restless because of the unfamiliarity of a new house and neighborhood, separation from their friends, and perhaps a new school.

Wise Emerson again perhaps stated the dichotomy in cause and effect best in *Compensation*: "Cause and effect, means and ends, seed and fruit, cannot be severed; for the effect already blooms in the cause, and the end preexists in the means, the fruit in the seed."

This sounds much like the chicken and the egg discussion. Which came first? I don't know the answer, but I wouldn't stop feeding the chicken, and I don't intend to stop doing the things I believe cause the desired effect of publication.

JoAnn Grote is the award-winning author of 38 books, including inspirational romances, middle-grade historical novels, and children's nonfiction. Contact her at jaghi@rconnect.com.



Stats Are Often Hard to Interpret

Continued from page 14 ▶

And at the same time that we're seeing an increase in ebook sales of about 13%, PW reports that BookScan US numbers show print unit sales having declined by 9%. What is interesting there, though, is that deeper PW reporting about BookScan says that non-fiction declined by 13% while fiction fell only by 11% in unit sales. Since we think we know that ebook penetration for fiction is much greater than for non-fiction, perhaps the reported decline in non-fiction units reflects lower sales of illustrated books, not because they're being cannibalized by ebooks, but because of the store traffic decline B&N reported. And that's exactly what I'd be worrying about if I were an illustrated book publisher. Their business isn't transitioning to digital as fast as novels, but it is possible their sales were more interdependent on novels and their power to bring traffic into the bookstores that sell the illustrated books than they might ever have thought.

The data reported by PW also says that mass-market paperbacks have suffered by far the biggest decline among the book formats. The ebook sales by independents (self-published) are apparently underreported. Could the very cheapest ebooks, which are largely the indies, be cutting into the sales of the cheapest print books. It would stand to reason, wouldn't it?

This article was first published January 13, 2013 on The Shatzkin Files blog, www.idealogue.com/blog. Reprinted with permission. Mike Shatzkin is the founder and CEO of The Idea Logical Company. In his nearly 50 years in publishing, he has been a bookseller, author, agent, productino director, sales and marketing director, and, for the past 30 years, consultant.

The Mad Scribbler

By Laura Resnick



Your Good Name

“Who steals my purse steals trash...
But he that filches from me my good name
Robs me of that which not enriches him,
And makes me poor indeed.”

— William Shakespeare, *Othello*, Act III, scene 3

On December 20, 2012, Sugar and Spice Press, an erotic romance publisher, issued a public statement on the home page of its website, announcing that it had been notified that it released a novel which plagiarized extensively from a 1999 romance called *Logan’s Way* by Lisa Ann Verge.

Lisa Verge Higgins, a seasoned pro whose career is currently thriving in the women’s fiction market, is a friend of mine, and I assumed there was merit in the assertion of plagiarism even before I read the sample excerpts that Sugar and Spice posted on its site for comparison. Verge is a responsible and sensible person (at least until you ply her with a few margaritas), and she wouldn’t make such an accusation without valid evidence.

Then I realized after reading the samples provided that even the most wary skeptic would recognize the merit of the accusation after perusing these passages. With the exception of the two lead characters’ names and only half a dozen other words, every single line of the Sugar and Spice novel’s excerpt was identical to the excerpt from *Logan’s Way*.

The scant differences between the two excerpts were the sort of thing you often come across when studying two versions of an ancient text, due to scribes making minor mistakes in their copying process over the centuries. For example, the heroine “stumbled out of the truck” in *Logan’s Way*, but she “tumbled out of the truck” in the plagiarist’s excerpt. “Grit and mud” are changed to “mud and grit;” and “as nothing happened” becomes “when nothing happened.” The single biggest difference in the whole passage is where “the geraniums” in *Logan’s Way* become “the plant by the door” in the later novel.

Apart from these alterations (and I have just cited them *all* for you), the two 325-word excerpts are a perfect match.

Surely not even the most credulous person in this hemisphere could believe these virtually identical passages were an accident of synchronicity—which is when different writers independently produce similar works. Synchronicity occurs as a result of common influences on authors, and—predictably—it occurs more frequently among authors who live in the same culture and arises most often among authors who write in the same field. To give a couple of examples which I used in an article I wrote about synchronicity a decade ago for the *Romance Writer’s Report*, s/f/f literary agent Lucienne Diver received three separate proposals in one week for novels about cloning Jesus Christ from the Shroud of Turin, and romance writers Mary Jo Putney and Karen Harbaugh cross-posted emails to each other in which they had each come up with the same story idea at the same moment for their separate contributions to a novella anthology.

The key aspect of synchronicity is that it’s about similarities of ideas and concepts—and you cannot copyright an idea or a concept. Moreover (and much to the disappointment of all the people I meet who offer to give me their great story idea and split the money we’ll make after I do the pesky legwork of writing it), *ideas* are not the meat and marrow of fiction; *execution* is. There are approximately seven billion vampire novels at my local bookstore; but only one of them is *Dracula* (or *Interview With A Vampire* or *The Historian*). There’s only one *Gone With the Wind*, though there are many novels about a spirited Southern belle’s tempestuous Civil War romance with a dashing blockade runner (I liked *The Black Swan* by Day Taylor). *The Da Vinci Code* wasn’t unique in its premises; it was just far more successful than other novels based on similar ideas. *How* you write your ideas is what makes a novel, not your ideas.

So I, for one, don't care if you're currently writing a book about a guy with a sword who reluctantly sets out to free his people from oppression in a world of sorcerers, magic, and prophets. Yes, I already wrote that book. So did a *lot* of other writers. But unless you plagiarize my work, your book about a society-freeing guy with a sword won't be my book about the same subject, because we're different writers.

Plagiarism, on the other hand, is when one person copies another's work and then falsely passes it off as his/her own original work. (Copyright infringement is when you plagiarize work that's under copyright; plagiarism can include copying work that's in the public domain and no longer protected by copyright.)

Do we all understand the distinction between plagiarism and synchronicity (or mere similarity)? Are there any questions before we move on? No? Okay.

Returning now to the Sugar and Spice novel, I assert that any claim that the plagiarist unconsciously processed, stored, and then regurgitated Verge's prose word-for-word in all innocence, without being aware of what she was doing, would probably lead to midnight abduction or a bidding war by intelligence agencies keen to cultivate someone who can reproduce whole passages of text that accurately after one casual reading. Moreover, the sample excerpt on the Sugar and Spice website was not presented as the sole basis of the plagiarism claim, but rather as an example of it; we are, after all, talking about a novel-length work.

A reader calling herself Nihongoluvr titled her Amazon review of this novel "Plagiarism Alert!" on November 10, 2012, the month before the publisher's announcement on its website. Nihongoluvr wrote: "...the core of the story as well as some of the same scenarios and places were the EXACT same. I read the story years ago, and color me surprised when I read the 'new book' and realized I was anticipating the next scenes." Nihongoluvr concluded: "[This book] is a straight rip off of *Logan's Way* by Lisa Verge Higgins."

I believe the scene-by-scene similarity combined with whole passages of virtually identical text leaves no room for realistic doubt about *what* happened, though speculation is certainly wide open on *why* this individual did it, as well as on how she expected to get away with it...though it did take a couple of years for her to get caught, come to think of it. The book is listed as a 2010 release, but it evidently wasn't until 2012 that someone noticed the rotten smell in Denmark (so to speak).

It should be noted that Sugar and Spice Press acted quite appropriately in this matter, which is not something one really expects of publishers—who too often have a repellant and irresponsible tendency to treat copyright infringement as a silly catfight between writers rather than as a violation of federal law and an inexcusable breach of professional ethics. For example, after bestseller Nora Roberts won her copyright infringement lawsuit against novelist Janet Dailey, Roberts wrote in the *Nink* letters column: "...Within a year of the settlement, Harper published [Dailey] again, sent her on tour, generated media for the book by *using* the plagiarism as a hook. For me, it was like being smacked in the face again." (See: *Nink*, March 2000; Vol. 11, No. 3)

Sugar and Spice Press, however, issued a public apology to Lisa Verge and immediately removed all of the plagiarizing author's works from its website. The house also stated its intention to investigate fully, and it vowed that "this matter will be handled with urgency so that we can find a swift resolution." Now *that's* an appropriate publisher reaction to being presented with convincing evidence of plagiarism! In what strikes me as a sadly uncommon stance for a publisher, the company declared, "Sugar and Spice Press abhors plagiarism, and we do not condone this in any way, shape, or form," also adding that "we believe that plagiarism cannot be tolerated."

Whoa! Who *was* that masked man?

However, even an unexpectedly responsible response from a publisher doesn't solve the problem or eliminate the fall-out. Despite Sugar and Spice removing this individual's books from its website, the novel in question is still available elsewhere as of this writing. Moreover, there are two years' worth of copies of the plagiarized novel out there in the hands of readers who are unaware that they're reading stolen material. There is also the feeling of violation which remains, particularly if the plagiarist doesn't admit wrong-doing, apologize, or make amends and reparations (as of this writing, this plagiarist has done none of the above).

Finally, there is the outrageous and unforgivable damage that a plagiarist often does to the good name of the writer from whom he has already stolen. For over a decade, I have been haunted by something Nora Roberts wrote in that same *Nink* letter about the aftermath of her lawsuit against Dailey: "Do you know what it's like for me to be told that there are readers, writers, booksellers who aren't really sure who plagiarized whom? God almighty." And, indeed, in the years since I read those words, on at least two ▶

occasions, friends or acquaintances of mine have vaguely said to me, “Nora Roberts... didn’t she have something to do with plagiarism?”

In stealing your work, *that* is what a plagiarist ultimately tries to take from you—the value of your good name. And what reparation can there possibly be for a violation like that?

Laura Resnick assumes sole responsibility for all views expressed in her Nink column. Her novels about a society-saving guy with a sword are In Legend Born, The White Dragon, and The Destroyer Goddess.

Best Search Tool to Find Copyright-Free Photo Images

BY DAVID WOGAHN

We know a picture is worth 1,000 words, which is why finding the right image to represent your blog post or marketing effort is often so time consuming. This is even truer if you want to be legal—and who of us involved in selling our own digital media doesn’t want to be respectful of other rights holders?

You have two choices: buy images from a stock photo marketplace like iStockphoto, or spend an inordinate amount of time poking around Creative Commons licenses on Flickr.

► Photo Pin is Fun, Free, and Fast

I’ve been using Photo Pin (www.photopin.com) for about a month now and I find it to be the best tool of its kind. Prior to this, I’d tried Google Images, Flickr/Creative Commons, and Compfight. Compfight, designed to help find copyright-free images on Flickr (when you remember to click the filter), was a big disappointment despite its mission. Searches seem to begin with copyright-free results but are soon infiltrated with images that have licensing restrictions.

► Here’s how Photo Pin works:

Image gallery: Instead of a bunch of different-sized images you get a neatly arranged gallery. You don’t need to keep clicking “next page” when you get to the bottom either. Scroll to the bottom, pause, and it loads up another batch of photos. It works just like LinkedIn does when you are looking for new connections.

Preview: mouse over the preview button and an image preview pops-up. On Compfight, you need to click each image to see a larger version.

Image Sizes: Photo Pin shows me eight and nine sizes to choose from. Compfight shows me four. I used to have to grab an image and resize it, yet another step.

Attribution: simply copy and paste the code that comes with each image. (Compfight offers this now, too, which I believe is a new feature.)

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