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Authors Guild warns members about Random House, HarperCollins e-royalty rate renegotiation

Mediabistro's Galleycat makes note of a two-page letter sent by the Authors Guild to its members in reference to letters that Random House and HarperCollins have sent its authors.

It seems that those two publishers are trying to get their writers to lock into 25% royalty rates on e-books. While this might look better than the 15% going rate on hardcovers, the Authors Guild warns that the terms may not be entirely desirable:

Authors and publishers have traditionally split the proceeds from book sales. Most sublicenses, for example, provide for a 50/50 split of proceeds, and the standard trade book royalty of 15% of the hardcover retail price, back in the days that industry standard was established, represented about 50% of the net proceeds of the sale of the book. We're confident that the current practice of paying 25% of net on e-books will not, in the long run, prevail. Savvy agents are well aware of this. The only reason e-book royalty rates are so low right now is that so little attention has been paid to them: sales were simply too low to scrap over. That's beginning to change.

The Guild advises authors try to retain the right to renegotiate terms after a couple of years, stipulate a "royalty floor" in their contract (such that the amount of money they get for each e-book sale is at minimum equivalent to the amount they would get from a print sale), make sure the terms do not adversely affect their reversion of rights clauses, make sure they are not signing away rights they already control—and if all else fails, wait for a better offer to come along as the market develops.

The royalty percentage increase was in part a reaction to the new agency pricing model that Apple and Amazon are going to, to give the writer a bigger chunk of the smaller monetary amount coming in. But it is still too early to tell whether this increase will really be enough.

Related: Authors Guild repudiates Random House e-book rights grab

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‘Piracy’: The terminology debate

What’s in a name?

A lot, really. Take the issue of “piracy”—most commonly used in Internet circles to refer to unauthorized distribution of other peoples’ intellectual property. Its use in that sense actually pre-dates the Internet by a considerable length of time (see video at bottom). For a long time, a debate on whether this is an appropriate use of the term has raged.

Representing those who do not think the term is properly used, the Free Software Foundation has this to say:

Publishers often refer to copying they don’t approve of as “piracy.” In this way, they imply that it is ethically equivalent to attacking ships on the high seas, kidnapping and murdering the people on them. Based on such propaganda, they have procured laws in most of the world to forbid copying in most (or sometimes all) circumstances. (They are still pressuring to make these prohibitions more complete.)

If you don’t believe that copying not approved by the publisher is just like kidnapping and murder, you might prefer not to use the word “piracy” to describe it. Neutral terms such as “unauthorized copying” (or “prohibited copying” for the situation where it is illegal) are available for use instead. Some of us might even prefer to use a positive term such as “sharing information with your neighbor.”

Of course, saying that the Free Software Foundation tends to think intellectual property is a bad idea in general is on the order of calling the Pacific Ocean “slightly damp,” but in a way this illustrates the point: those most inclined to protest the use of the word often tend to be those most inclined to favor the practice, or at least not believe it to be as bad as the content industry thinks. (Similar issues surround the word “theft”.)

For my part, I try to avoid or at least quote “piracy” when discussing it simply because I feel getting into an argument over terminology muddles the real issue—the unauthorized distribution of other peoples’ intellectual property itself. But in a way it is unavoidable: there just isn’t another suitably pithy name that we can use to describe it.

Now it turns out that some in the content industry are starting to agree that “piracy” is an inappropriate term, but for an unexpected reason: they think it makes illicit content sharing “too sexy.”

Agnete Haaland, the president of the International Actors’ Federation, believes consumers need to be made more aware of the damaging economic and social impact of their illegal activity.

"We should change the word piracy," she told reporters at the unveiling of the report on Wednesday.

"To me, piracy is something adventurous, it makes you think about Johnny Depp. We all want to be a bit like Johnny Depp. But we’re talking about a criminal act. We’re talking about making it impossible to make a living from what you do," she said.

Mike Masnick at TechDirt, where I first noticed this report, has some pointed words for that description, including that in most cases of “piracy”, the copyright violation in question is actually a *civil* offense. (Of course, she was likely using “criminal” in the looser, “morally reprehensible” sense rather than the strict justice system sense, but even so.)

However, Ms. Haaland is at least a few decades too late to stop the use of that term. I don’t know its exact history (though I did download *Piracy: The Intellectual Property Wars from Gutenberg to Gates* when the University of Chicago Press offered it free and look forward to reading it), but I know it has been used to refer to unauthorized *commercial* copying of content for decades. And it is unlikely any suitable replacement term can be found.

I guess the piracy wars will continue.

It’s worth remembering that the content industry has taken issue with “piracy” for decades...but back when it was limited to strictly commercial operations, there was a time when they could still laugh about it...

Related: Review: *The Pirate’s Dilemma* by Matt Mason

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Two more potential iPad alternatives: WePad, Moby

Earlier today, Paul mentioned that the HP slate might be a better device than an iPad. Here are another couple of devices that might make promising alternatives.

First, *TechCrunch* reports on German manufacturer Neofonie's 11.6" 1366x768 (720P capable) WePad. (English datasheet PDF [here](#).) Due next month, it has a larger multitouch screen, faster processor, USB, card reader, Flash, and even a webcam. It will run "a Linux derivate (sic) with Android on top," meaning that it can install not only Android apps but also Adobe Air software from Neofonie.

The WePad is being pitched not only as a multimedia tablet, but also as an e-book reader that can read "all open standards" of e-book formats. Exact details about price are currently unavailable, but according to *TechCrunch*, Neofonie's CEO claims it will be significantly cheaper than the iPad.

And speaking of significantly cheaper, *Wired's* "Gadget Lab" blog reports semiconductor manufacturer Marvell has demonstrated a touch-sensitive 10" tablet at the unlikely price point of \$99. The Moby would support Flash, could provide *1080P* high-definition resolution, and could run Android or Windows Phone 7. It is aimed at students looking for an inexpensive way to access textbooks and the Internet.

It is unclear whether Marvell will manufacture the Moby itself or farm the design out to a partner company. Either way, Marvell says the device will be available by the end of the year.

The Moby has put ARMdevices.net in mind of the \$75 touchscreen tablet that One Laptop Per Child announced as its next design goal. I was as skeptical of that plan as anyone—but a \$99 tablet is very nearly there. OLPC or not, this inexpensive device could be quite a boon for education if it works out—as well as to people who don't mind reading e-books from a color tablet screen.

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Amazon will drop smaller publishers if they insist on the agency model

Yesterday we published a couple of [articles](#) on Amazon/Apple and the larger publishers. Now comes some news about the smaller ones.

According to published sources, Amazon has told smaller publishers that it would not negotiate “agency model” terms with anyone other than the initial five Apple partners. If a publisher outside this list insisted on the agency model then Amazon would drop their entire list, both print and digital.

Welcome to the real world of commerce. Publishers have been protected for so long that I bet this comes as a shock. Not to the rest of the sales world, however. This is, actually, a real opportunity for smaller publishers. The initial 5 have locked themselves into a rigid pricing model and they don’t understand the retail space. By staying away from this model, and by cooperating with a retailer who understands pricing better than anyone, the smaller pubs can try all sorts of marketing schemes to beat the big guys. Don’t forget, the “agency model” guys have now taken over price control and have absolutely no experience as to how to use it. It will be fun to see what happens.

Thanks to [Erin Biba](#) for the heads up.

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Price, free content most important factors in US e-book sales

The Bookseller.com reports on a study presented at the Book Marketing Limited conference that suggests price is a key driver for e-book sales in the United States.

Kelly Gallagher, Bowkers's VP for publishing services, noted that free content was also an important factor. A survey of 750 consumers indicated that 44% were reading e-books on a computer, as opposed to 36% using the Kindle. However, they expected the iPad to bring about a shift in these demographics.

Another point that was raised is one I've suspected to be true all along:

Simultaneous print and electronic publication was not an issue for some consumers. When asked whether they were prepared to wait three months from hardback publication for the e-book, 32% said they would wait, 25% would buy the hardback and 30% were not sure.

Almost 1/3 of readers are willing to wait, and almost the same amount undecided? It's hardcovers vs. paperbacks all over again.

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German entrepreneurs launch virtual book store app for the social network by Ansgar Warner

Facebook is not only rapidly growing in numbers, it also keeps evolving from a mere social network to a full-scale marketplace. Only lately PayPal was added as a payment option, making in-app-shopping of physical or virtual goods still more easy. So why not start an E-Book-Store within the network service? Thanks to „[Readboox](#)“, the German speaking Facebook Community will be the first to go shopping for electronic books without having to leave their profile. The e-book store comes as a normal app that can be added to your personal Facebook pages by a few mouse clicks.

Apart from browsing the catalogue and downloading e-books the app offers the usual Facebook features like comments, recommendations, becoming a Fan etc. Especially interesting is one feature commonly not associated with e-books: a give-away-option. After buying an item from the catalogue you will be able to send it to someone else, accompanied by a fancy e-card.

Readboox is already in public beta and says it will start selling e-books in early April. That's what Readboox founders Roman Janse-Winkeln and Karsten Sturm have announced on March 18th at the Leipziger Buchmesse, Germanys second largest book fair. Both entrepreneurs have been into the e-books business for quite a while. Janse-Winkeln has developed „Belbook“, an online-tool for converting print books into electronic formats. Sturm, for his part, is working as a business developer for Blackbetty Mobilmedia, the makers of mobilebooks, an e-book-format for mobile phones. According to the [Readboox press](#) release mobilebooks will be also one of the formats the e-store at Facebook is going to offer.

Right now the only thing the app will do is show a preview of some forty or fifty titles. But that should change shortly – Readboox says it has already made a deal with several large publishing houses such as Random House, Holtzbrinck and Droemer Knaur. For publishers, not only raw numbers like a German Facebook community of nearly six million people sounds promising – they are also hoping to get in touch with customers in a new way: „Nowhere else you'll be so close to readers and hear what they'll want, and also, what they don't want“ a spokeswoman for Carlsen Verlag put it, a publisher specialised in books for children and teenagers, like Harry Potter or the Twilight-Series.

***Editor's Note:** The original version of this article was published on the German blog e-book-news.de on March 18th. Ansgar says: "I'm living & working as a journalist in Berlin, some radio stuff now and then, but mostly for newspapers like "Die Tageszeitung". PB*

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Dr. Peter Watts found guilty of assault in border crossing incident

Canadian science-fiction author Dr. Peter Watts has been found guilty of assault in connection with the incident we mentioned in December, when he was stopped on the US side of the border while crossing back into Canada.

As Watts tells the story, he was attacked and arrested by the border patrol officer; as the officer tells the story, Watts attacked him. Watts faces up to 2 years in prison; sentencing will take place April 26th. (Found via [BoingBoing](#).)

Update: Ted R. points out Peter Watts's blog entry on the verdict. As Paul Durrant also says in comments below, it turns out he was convicted *not* for "choking" a guard, but rather for not immediately obeying the guard's order to get on the ground.

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Why is Spain so slow to launch ebooks?

This is a question asked by Publishing Perspectives. According to the author:

Spanish publishers Maeva and Random House Mondadori are approaching the mobile and e-book markets in Spain. While both are making progress in the mobile market, the e-book segment appears stalled in beta.

The market for Spanish-language e-books has potential to be huge, as it encompasses both Spain and all of Mexico, Central and Latin America. And it was last June already when Spain's "Big Three" publishers — Random House Mondadori, Santillana, and Paneta — announced plans to collaborate on a digital distribution company. The company is now scheduled to launch in May.

In a companion set of articles they take a look at the mobile and ebook market in Spain and publishers' online marketing in Spain.

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Thanks,

Paul

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Things we don't know about digital publishing

In the first of a series of articles Michael Bhaskar discusses the state of digital commentary. It's a really good read and makes a lot of sense. It's about time somebody took on the commentators who are speaking from a platform of ignorance.

... While there is a lot of good commentary, much of it – my own included – too often fails to acknowledge the self-evident truth of digital that, to quote William Goldman, nobody knows anything. Whenever one reads about the impact of digital on publishing, one reads hearsay, rampant speculation and after-the-fact rationalisation. Guessing at the strategy of company X doesn't mean you know what they are doing. Data is shrouded in veils of corporate secrecy or simply doesn't exist. Technologies, trends and tastes evolve and die and at a pace that makes predicting tomorrow impossible. At digital conferences the standard speech will claim that: a) consumers expect new things; b) we are in a new world; c) everything is changing; and d) you need to experiment. The actual substance of this: nobody knows anything.

It seems that for publishers digital is defined as much by what we don't know as by what we do. In the manner of Donald Rumsfeld then, we need to categorize our “known unknowns”, as it will be these that ultimately shape the future of the industry.

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HP Slate tablet to cost about \$550 – better than an iPad?

Even though all my computers are Macs and I have an iPhone, I'm not much interested in the iPad. No multi-tasking, no Flash, etc. The HP Slate, however, looks like a far more promising and versatile machine.

Liliputing is reporting that it will arrive in June, will run Windows 7. It will accept a keyboard, mouse, printer and external display, use an Intel Atom processor, have a memory card reader and a camera.

I'm definitely holding off on an iPad until we learn more about this.
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Michael Mace on the future of publishing – a “must read”

In my TOC reports I mentioned that one of the best presentations I hear was the one given my Michael Mace. You can find [Karen Holt's report](#) on his presentation here.

Now Mace has adapted his presentation and [published it on his website](#) and it's a must read. Here is how he starts out:

I had a front row seat for the last generation of ebooks: In 1999 I was at Softbook (one of the early ebook reader companies), and later I interacted with the folks at Peanut Press (an ebook publisher) after they were bought by Palm. My short summary of the lessons I learned: Although some of the barriers that stopped ebooks in 2000 have been reduced, most of them are still in place. So I think the market isn't likely to grow as quickly as many optimists are predicting. However, the economics of traditional publishing are very vulnerable to a paradigm change. That change is likely to happen later than most people expect, but once it happens it'll probably move very quickly indeed. So stay out of the avalanche zone.

Here are the details on why, and how to avoid the avalanche when it does happen.

Related: [Ex-eReader employee on the past and future of e-books](#)

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PVI shows 6" and 9.7" color E Ink prototypes

This is being done at a trade show in China. The displays are showing animated color clips, but are not fast enough for video. According to the [article in E-Ink-Info](#), PVI has shown these displays to Amazon and Barnes & Noble, but won't say if there are any plans to use them in future ereaders.

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Smashwords Book Marketing Guide Update – 5 sites promote your ebook

I updated the Smashwords Book Marketing Guide this morning. If you're not familiar with it, it's a free ebook that offers over 27 easy-to-implement marketing ideas for authors.

Even if you're naturally introverted, as most of us authors are, you'll benefit from this ebook. Best of all, all of the ideas can be implemented at no cost.

I made various minor updates, and then added a new Tip #27, which I'll excerpt here:

Tip #27: Promote your book to top ebook listing sites

Many popular websites and blogs specialize in providing directory-style links to ebooks, and routinely link to Smashwords ebooks. The sites I list here collectively drive *thousands* of readers to the book pages of Smashwords authors each month. There is no cost to the author, although you must earn inclusion from the operator of the site. Many of the sites specialize in free books, although some will list priced books if you provide them a time-limited Smashwords coupon that will enable their visitors to access your book for free. I'm a big believer in such promotions, because it's a great way for you to gain a lot of readers in a short period of time, and many of these readers could be your first fans and your first reviewers. Before you contact the web sites below, be sure to study the sites, their book categories and their rules. Provide them direct hyperlinks to your Smashwords book page, and pay careful attention to any other information they request, such as book descriptions, price, book cover image, etc. If you carefully follow their instructions and match your book to their needs, you'll maximize odds of a listing. Here they are, in no particular order:

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ABC-CLIO titles join Gale Virtual Reference Library

ABC-CLIO – along with its imprints Greenwood, Libraries Unlimited and Praeger – have submitted 250 titles to the Gale eBook platform. These additions expand Gale’s existing collection of eBooks from Greenwood and Linworth Publishing, an imprint of Libraries Unlimited, and introduce to the platform resources from ABC-CLIO and Praeger.

The partnership will allow users to now find such titles covering history, humanities and general-interest topics across the secondary and higher education curriculum. Gale currently has approximately 5,000 titles in the Gale Virtual Reference Library from more than 80 partners.

More information at [Resource Shelf](#).

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