

HOW TO RECOGNIZE SELF-PUBLISHING SCAMS

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This column does not contain legal advice, but rather merely legal information. Always consult with a lawyer to discuss your situation and to review a contract for you.

Along with copyright and financial pressures on the literary community, traditional publishers have reduced their budgets for manuscript acquisitions, or worse, closed their doors. Consequently, we writers who create those manuscripts must consider alternative markets for publishing our literary works. Increasingly, we're turning to self-publishing as an avenue to ensure our books reach an audience.

Technology and entrepreneurship have come to the rescue of writers. Many publishing platforms have popped up, offering tools to publish and promote our works, but some publishers are scams.

HOW TO RECOGNIZE THE SCAMMERS?

As with any major investment of your time or money, you start with research. I recommend a search engine enquiry into the publisher you're considering, not just with the ubiquitous Google, but also with other search engines, giving you a better chance to see unbiased results. Your search will generate user reviews, which you should analyze. As with any purchase, consider the source of each review. Evaluate its logic. And be aware of affiliations between the provider of the advice, and the publishing platform they advocate.

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Featured here are red flags alerting you to potential problems with a self-publishing business.

- The publisher's sample contract raises questions and suspicions.
 - The contract has spelling and grammatical mistakes; a reputable publishing platform prides itself on attentiveness in this area. And as writers, we're well-equipped to spot the errors.
 - The contract sets forth vague or over-reaching territorial rights.
 - The contract requires you to assign your copyright to the publisher, instead of granting them a limited right to publish.
 - The contract compels you to send all your literary works to them before you're permitted to send your writing to other publishers.
 - The contract demands control over all rights associated with your work, such as film rights or translation rights, or contain other "rights grabs."
 - The contract omits mention of reversionary rights, that is the automatic return or "reversion" to you of rights you have granted them should they fail to publish, or disappear, or otherwise breach their promises. Silence on reversion, or murky reversionary rights provisions, can be fatal to the future publication



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of your work with a reputable publisher. A traditional publisher will not wish to wade into the muddy waters of ambiguity on reversionary rights.

- The contract discloses scant details on what services they will offer in exchange for your manuscript rights and money.
- The contract describes the editing, proofreading and publication steps in imprecise terms, if at all.
- The contract conceals or befuddles their fee structure or charges you a fee for terminating the agreement that is disproportionate to the production cost of delivering hard copies of books.

- The contract includes a provision enabling them to assign the rights you grant them to others.
- The publisher creates a false sense of urgency, stating it must hear from you by a specific date or it won't sign you. Variations on this theme include high-pressure phone calls and excessive emails. The attention may at first seem flattering ("they want my work!") but upon sober second thought, those exhortations of time pressure will reveal themselves to be self-serving plays on your eagerness to find a publisher.
- The publisher's contact with you is unsolicited. Since many writers are active on social media, predators can obtain our contact points easily. Be suspicious if the first overture comes from them.
- The word "free" appears in their promotional material, such as "free editing" or "free copies of your book" or "free cover art." If it sounds too good to be true, it probably is. As our parents taught us: "You get what you pay for."

Worse than "you get what you pay for" is paying thousands for receiving nothing or following up with a fly-by-night scammer and realizing your communications have, abysmally, fallen into the abyss.

In summary, do your due diligence before you sign (or DocuSign) a contract with any publishing platform. Conduct your internet research on several search engines. Consult writing organizations and your colleagues. As in any industry, you will find honest and dishonest traders. The trap laid by the dishonest, whose contract fails to give you reversionary rights, is that you may forever be precluded from dealing with a traditional publisher about a particular literary work. You may be able to sign with another self-publishing platform—this time, better informed by life experience. ■

Jeananne Kirwin, Q.C., a lawyer in Edmonton, practices in the areas of intellectual property and corporate/commercial law with an emphasis on trademark and copyright registration and enforcement (kirwinllp.com).

WHERE CAN I FIND REVIEWS OF PUBLISHERS?

A few reliable sources and sites to visit for publisher reviews include:

1. The Alliance of Independent Authors: selfpublishingadvice.org
2. Science Fiction & Fantasy Writers of America: sfwa.org/other-resources/for-authors/writer-beware (this site features an overview of the history of self-publishing platforms).

Although the above sources are American, the publishers they discuss have tentacles into Canada, so the advice is relevant to writers in Alberta. As well, the Writers' Union of Canada offers helpful publications and will often answer queries about specific publishers: writersunion.ca/finding-a-publisher

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