



Print and Electronic Rights

by Julie H. Ferguson

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Few topics confuse writers as much as “rights” but few topics are as important to us, especially at the outset of our careers. The advent of the internet and electronic publishing has complicated the issue and copyright legislation has lagged far behind the technology. I will discuss the basics only and I emphasize that I am not a lawyer.

When we own copyright (the right to copy), we own all the rights to our work. Rights are the “uses” to which an article or book can be put, such as publication in a print magazine or being made into a movie. Writers can sell (or give) these rights or uses in several ways.

First Serial Rights can be print or electronic and mean you are selling the publication the right to publish your article once for the first time.

In the case of print rights – you may immediately sell the piece to an e-zine before print publication and, after the print magazine containing your article hits the newsstand, you are free to sell it again as a reprint to other print markets.

However, first serial electronic rights are different – e-zines buy first rights for an exclusive time period, usually one year, and, in the same breath, ask for non-exclusive rights after that. While you can immediately sell the same piece to a print market as a “first print right,” you cannot even post the article on your own website until the year is up. Once it is, you are then free to sell the article to other electronic markets as a reprint and post it yourself too. Most Canadian and US freelancers sell North American first serial rights, reserving the right to sell in other world markets for themselves. I always specify what type of rights I am selling on the ms, eg. *First North American Electronic Rights Only*.

Second Serial Rights are reprint rights and apply to print and electronic markets. Do not sell these, retain them at all costs. For, although you earn less money for each reprint, you can sell one piece over and over again

All Rights means exactly what it says and are rarely sold. When they are, the author gives up all future income from the article or book and only retains the copyright. All rights are expensive or should be.

Other rights that authors and freelancers hold are **subsidiary rights**. These include movie rights, dramatic, TV and radio rights, audio and other media rights, etc. These are very important too, especially for books. But don't forget, the Travolta movie, *Urban Cowboy*, came from a magazine article....

Never consider giving up or selling your e-rights to a traditional book publisher without a considerable fee changing hands. Most publishing houses are not experts in the field of e-publishing and do nothing with the e-rights to your book. This prevents you either e-publishing your own book or selling it to a royalty-paying e-publisher until the print version goes out of print. Although they know savvy authors will delete it, print publishers almost always have the e-rights clause in their contracts.

If you find yourself confused, concerned, or faced with electronic rights and/or a questionable contract, contact your national authors' or writers' association for further guidance and perhaps consider getting legal advice. You might also wish to read around the subject on the web. If so, visit the following websites for more information on print and electronic rights:

www.writing-world.com is one of the best sources (US) of assistance for writers – huge number of articles that are current and useful. The ezine is worth subscribing to as well.

www.writing-world.com/links/rights.html -- Rights and copyright from a US perspective.

www.cipo.gc.ca Canadian Intellectual Property Office (register your copyright here too)

www.writersunion.ca/ -- The Writers' Union of Canada

www.nlc-bnc.ca/9/13/index-e.html An e-booklet on e-publishing from the National Library of Canada that is well worth downloading and reading thoroughly.

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