Appendix to the GCD’s Semiannual Report

January 1 – June 30, 2017

This addendum to the 20167-1 semiannual report contains the data on which the narrative portion of the report is based. Please address any questions or comments to gcdcoordinator@nwu.org.

**Table 1: Contract types and frequency of occurrence**

**(Includes both contract advisements and contract-related grievance**s)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Type** | **2017-1** | **2016-2** | **2016-1** | **2015-2** | **2015-1** |
| Blog, newsletter | 3 | 2 | 2 | 1 |  |
| Book - otherwise unspecified | 8 | 8 | 4 | 10 | 7 |
| Book - academic/text | 3 | 4 | 4 | 4 | 2 |
| Book – children’s |  |  | 1 |  |  |
| Book - contribution, anthology | 1 | 2 |  |  | 2 |
| Book – distributor, packager | 2 | 1 | 1 |  |  |
| Book - electronic | 2 | 1 |  | 1 | 2 |
| Book – poetry or essays | 1 |  |  |  |  |
| Book – self-published or subsidy press | 10 | 3 | 4 | 6 | 6 |
| Collaboration/ghostwriting | 4 | 3 | 4 | 2 | 3 |
| Content farm |  | 1 |  |  | 2 |
| Employee |  | 1 |  |  |  |
| Essay, poem, cartoon |  |  |  | 1 | 1 |
| Literary agency | 1 | 1 | 2 | 2 |  |
| Online/website writing | 2 |  |  | 1 | 2 |
| Periodical - academic or literary |  |  |  |  |  |
| Periodical - journalism | 29 | 1 | 7 | 5 | 5 |
| Services provided to members |  |  | 3 |  | 2 |
| Script/theater/radio/TV/film | 2 |  | 3 | 2 | 3 |
| Syndication/aggregation |  |  |  |  |  |
| Translation | 1 |  | 1 |  | 1 |
| Work-for-hire writing, editing | 3 | 3 | 4 | 2 |  |
| **Total** | **70** | **30** | **40** | **37** | **37** |

**Table 2: Contract concerns and frequency of occurrence**

**(many advisees had multiple concerns)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Concern** | **2017-1** | **2016-2** | **2016-1** | **2015-2** | **2015-1** |
| Agency coupled with an interest | 1 |  |  |  |  |
| Arbitration clause |  | 1 |  |  | 1 |
| Author's copies | 2 | 1 | 3 | 2 | 1 |
| Collaboration terms | 4 | 2 | 3 | 1 | 3 |
| Confidentiality clause | 1 | 2 | 2 | 1 |  |
| Copyright | 7 | 6 | 3 | 4 | 5 |
| Costs or required expenses | 2 | 2 | 1 | 4 | 1 |
| Credit to author | 1 |  |  |  |  |
| Delay of publication |  | 1 |  |  |  |
| E-book issues | 2 | 2 | 4 | 4 | 3 |
| Editorial control | 1 | 4 | 2 | 5 | 2 |
| Exclusivity | 1 | 1 |  | 2 | 4 |
| Financial stability of publisher | 2 |  |  | 1 |  |
| Inappropriate fees charged |  | 2 | 4 | 1 | 1 |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Inappropriate deadlines/requirements | 1 | 3 | 1 | 2 |  |
| Indemnification/liability | 4 | 9 | 10 | 5 | 6 |
| Kill fee |  |  |  |  |  |
| Manuscript acceptance | 1 | 2 | 2 | 1 | 2 |
| Noncompete clause | 1 | 7 | 5 | 2 |  |
| Options clause/right to future work | 1 | 2 | 5 | 3 | 2 |
| Out-of-print clause | 1 | 2 | 1 | 1 | 1 |
| Overly broad terms | 2 | 3 | 4 | 6 | 1 |
| Payment amount/rates/terms | 8 | 10 | 10 | 11 | 8 |
| Permissions/releases | 1 | 1 | 2 | 1 |  |
| Publicity/promotion | 1 | 1 | 2 |  | 1 |

**Table 2: Contract concerns and frequency of occurrence (continued)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Concern** | **2017-1** | **2016-2** | **2016-1** | **2015-2** | **2015-1** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Reserve against returns/repayment of advance |  | 2 | 1 | 1 |  |
| Revision terms |  | 1 | 2 |  |  |
| Rights, assignment of | 5 |  | 1 | 1 | 2 |
| Rights, foreign | 1 | 1 | 3 | 3 |  |
| Rights, online/electronic |  |  | 4 | 1 |  |
| Rights, retrospective |  |  |  | 1 |  |
| Rights, subsidiary | 8 | 8 | 7 | 3 | 7 |
| Rights in general |  |  | 1 |  |  |
| Royalty statements, reports, audit | 2 | 1 | 1 | 2 | 1 |
| Term limit on contract |  | 1 |  |  |  |
| Termination/rights reversion | 2 | 8 | 7 | 6 | 1 |
| Unwarranted work for hire |  | 1 | 1 |  |  |
| Work-for-hire terms | 3 | 2 | 4 | 3 | 1 |

**Table 3: Results of contract advisements**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Result** | **2017-1** | **2016-2** | **2016-1** | **2015-2** | **2015-1** |
| Consulted lawyer or other party | 1 | 1 | 1 | 1 | 1 |
| Improved contract | 5 | 11 | 6 | 9 | 8 |
| No improvement |  | 1 | 1 |  |  |
| Pending |  |  | 1 |  | 3 |
| Publisher/collaborator backed out |  |  | 1 | 1 |  |
| Question answered | 4 |  | 2 | 1 | 1 |
| Refused bad contract | 2 | 1 | 4 | 9 | 2 |
| Signed bad contract against advice |  | 2 |  | 8 |  |
| Unknown/not reported |  | 1 |  |  |  |
| Withdrawn | 3 |  | 2 | 3 |  |
| Writer satisfied with advice | 9 | 5 | 6 | 2 | 6 |
| **Total** | **26** | **22** | **24** | **25** | **21** |

**Need Kearse, Fosse, TillbergTable 4: Grievance issues and frequency of occurrence**

**(some grievants had multiple complaints)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Issue** | **2017-1** | **2016-2** | **2016-1** | **2015-2** | **2015-1** |
| Bankruptcy or insolvency of publisher | 4 |  |  |  | 2 |
| Credit, failure to give | 1 |  |  | 2 |  |
| Delay in publishing |  |  |  |  |  |
| E-books treated like print books |  |  |  |  |  |
| Editorial practice/abuse | 1 | 1 |  | 2 | 4 |
| Infringement - online |  |  | 2 |  | 2 |
| Infringement - other |  |  |  | 1 |  |
| Kill fee |  |  |  |  | 2 |
| Nonpayment/late payment | 32 | 6 | 8 | 8 | 9 |
| Non-return of materials |  |  |  |  |  |
| Plagiarism |  |  |  |  | 1 |
| Publisher refuses to stop selling book | 2 |  |  |  | 1 |
| Publisher/collaborator failed to fulfill contract | 3 | 4 | 4 | 3 | 8 |
| Rights reversion | 1 | 2 |  |  |  |
| Royalty statements | 6 |  | 2 | 2 | 2 |
| Termination by either party | 6 | 3 |  |  | 4 |
| Work-for-hire situation | 1 | 1 |  |  | 1 |

**Table 5: Grievance officer interventions (multiple actions taken in some cases)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Action** |  | **2016-2** | **2016-1\*** | **2015-2** | **2015-1** |
| Advised grievant (general) | 18 | 7 | 14 | 11 | 17 |
| Advised grievant on demand letter |  | 2 | 3 | 4 | 7 |
| Call(s) or visit(s) to publisher |  |  | 3 | 3 | 1 |
| Consulted other grievance officers | 1 |  | 1 | 1 | 1 |
| Group grievance procedures | 26 |  |  | 1 |  |
| Letter(s) or email(s) to publisher | 1 | 2 | 4 | 3 | 2 |
| Publicity |  |  | 1 |  |  |
| Referral |  |  |  | 1 |  |
| Report to credit/govt. agency |  |  | 1 |  |  |
| Research on adversary | 5 |  | 1 |  | 3 |
| Small claims court |  |  |  |  |  |
| Writer alert |  |  | 1 |  |  |

**Table 6: Results of grievances**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Result** | **2017-1** | **2016-2** | **2016-1** | **2015-2** | **2015-1** |
| Won | 7 |  |  |  | 1 |
| Won (fixed or terminated bad contract only) |  |  |  |  | 1 |
| Won (member negotiated successfully after consulting with GCD) | 7 | 2 |  | 4 | 3 |
| Lost | 2 | 1 | 1 |  |  |
| Compromised |  |  |  |  |  |
| Pending | 21 | 2 | 3 | 3 | 6 |
| Referred elsewhere |  |  |  |  |  |
| Unknown |  |  |  |  |  |
| Withdrawn - member already successful | 3 |  | 3 |  | 1 |
| Withdrawn - member dropped grievance, declined advice, or is pursuing elsewhere | 1 | 2 | 3 | 3 | 2 |
| Withdrawn - member engaged lawyer | 2 | 1 | 1 | 1 |  |
| Withdrawn - does not fit definition of grievance | 3 |  | 3 | 2 | 3 |
| **Total** | **46** | **8** | **14** | **13** | **17** |

Note: Ebony cases accounted for 20 of the pending cases and six of the outright wins.

**Table 7: Member and non-member queries received / coordinator's responses**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Topic** | **2017-1** | **2016-2** | **2016-1** | **2015-2** | **2015-1** |
| Bankruptcy |  |  |  |  |  |
| Book sales info |  | 1 | 2 |  | 1 |
| Business practices and prices | 2 | 4 | 4 | 6 | 8 |
| Content farms |  |  | 1 |  |  |
| Copyright | 1 | 5 | 1 | 2 | 2 |
| Database check or research on publisher or agent | 2 | 1 |  | 1 | 3 |
| Defamation | 1 | 1 | 3 | 1 | 1 |
| E-books |  |  |  |  |  |
| From publisher, agent or lawyer |  |  |  | 2 |  |
| Legal issue |  |  | 1 | 1 |  |
| Literary executor |  |  |  |  | 2 |
| Member question, general | 1 |  | 1 |  | 1 |
| Membership information |  |  | 1 | 2 |  |
| Non-member advice | 2 | 3 | 2 | 2 | 6 |
| Non-member grievance | 12 | 5 | 9 | 1 | 10 |
| Non-member question, general |  |  | 1 | 1 |  |
| Other NWU programs |  |  |  | 2 |  |
| Permissions |  |  | 1 | 2 |  |
| Providing information |  | **1** |  |  | **3** |
| Referred to listservs |  |  |  | **1** |  |
| Request for activism |  |  |  |  | **1** |
| Request for documents |  |  | 3 |  |  |
| Request for speakers |  |  |  |  |  |
| Rights reversion |  |  |  |  |  |
| Screenwriting |  |  |  |  |  |
| Self-publishing |  |  | 2 | 1 |  |
| **Total** | **22** | **21** | **32** | **25** | **38** |

**Table 8: Cases with an international aspect**

|  |  |  |  |
| --- | --- | --- | --- |
| **Total international requests** | **Grievance** | **Contract** | **Inquiry** |
| Member living outside US (incl. affiliates) | 4 |  |  |
| Member in US, other party foreign |  | 2 |  |
| Non-member in US, other party foreign |  |  |  |
| Non-member living outside US |  |  |  |

**Table 9: Grievance assistance/contract advice as membership incentive**

|  |  |  |
| --- | --- | --- |
|  | **New or formerly lapsed members (joined within 2 months) requesting services** | |
|  | # requests | % of member requests |
| 2017-1 | 54 | 70.1% |
| 2016-2 | 19 | 51.4% |
| 2016-1 | 30 | 55.5% |
| 2015-2 | 20 | 37.8% |
| 2015-1 | 22 | 40.7% |

**List 1: Publishers and other entities in contract advisements\***

Amazon Kindle Scout Program

Arktos

Beta Publisher

Cawing Crow Press

Chicago Reader

CreateSpace

Kobo Writing Life

Penthouse

Rolling Stone

Skyhorse Press

Squadron

University of Wisconsin Press

well.org

Worth

**List 2: Publishers and other entities in grievances\***

America Star

Author Solutions

Bankrate: The Points Guy

CreateSpace

Curetoday.com

Ebony

Eirelander Publishing

Gentleman’s Gazette

Green Ivy Publishing

iUniverse

lybrary.com

Smithsonian

Tate Publishing

University of Nebraska Press

Valstar Publishing

**List 3: Publishers and other entities in inquiries\***

Author Solutions

Authorhouse

Heart & Soul

History Publishing

Paste Magazine

Thames River Press

University Press of New England

VICE

\*individual clients not listed