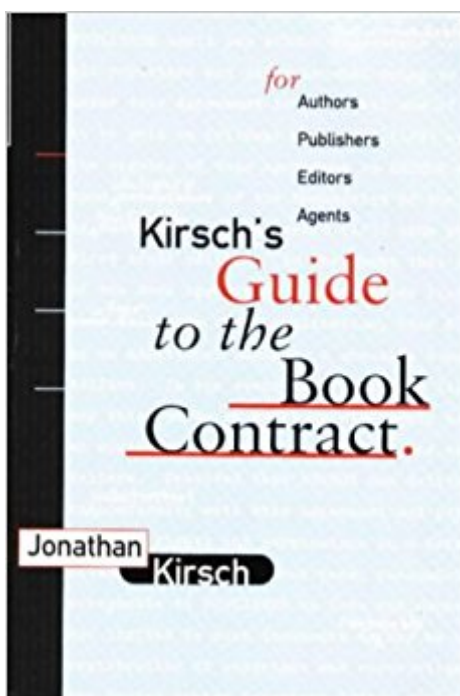


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# Kirsch's Guide To The Book Contract: For Authors, Publishers, Editors, And Agents



## Synopsis

Kirsch's Guide to the Book Contract is a comprehensive clause by clause guide to the standard (and not so standard) book contract. Award winning attorney and author Jonathan Kirsch sweeps away the confusing verbiage and cuts to the key points. Kirsch's guide is an indispensable tool for every writer, publisher, editor and agent, whether novice or vet.

## Book Information

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## Customer Reviews

Kirsch, an intellectual property attorney and author, presents a companion volume to his popular Handbook of Publishing Law (LJ 4/1/95). The new work opens with a model book publishing contract. Through the remainder of the book, each of the contract's representative clauses is explained, alternatives are offered, and terminology is defined. Kirsch uses different icons within the text to signal matters of special concern to authors or publishers. "Deal points," those parts of a contract that pertain to the particular rights assigned and the amount of compensation for them, are noted with a dollar sign. In addition to laying out the practical and legal meanings of the components of the contract, the author dispenses strategic advice designed to help the parties to the book deal consider all their rights and options. Kirsch succeeds in presenting the legal concepts without oversimplifying and prepares those participating in the contracting process for the new ways in which books are being written, published, and sold. Recommended for most public libraries. AJoan Pedzich, Harris, Beach & Wilcox, Rochester, NY Copyright 1999 Reed Business Information, Inc.

Publishing law probably isn't any more or less complicated than any other group of laws, but it is still

an area to which few lawyers can claim much expertise. Kirsch is one of the few who specializes in intellectual property and publishing law, and he attempts to demystify the book contract. Aimed at publishers, authors, editors, and agents, Kirsch's Guide picks up where his well-received Handbook of Publishing Law left off. At the center is the model book contract. He breaks this standard "boilerplate" contract down, explaining even its smallest clauses and major deal points. Particularly valuable are tips highlighted by symbols marking them as useful for either publishers or authors. A glossary helps those who are still learning publishing "legalese." For anyone who needs to know what "work-for-hire" really means before they see it in a book contract. Marlene Chamberlain

This is a useful book for any author who wants to understand the many important issues and details in a publishing contract. As a literary agent I want my clients to be as knowledgeable as possible in all aspects of their careers. For those that are interested in understanding every contract clause and detail, I recommend Kirsch's book wholeheartedly. Please understand, though, that this is an incredibly detailed, expert look at every clause in a publishing contract, which an agent negotiates on an author's behalf. If the nuances of legal language aren't of interest and you would rather just get an overview of key contract issues, I'd recommend Michael Larsen's "Literary Agents: What They Do, How They Do It, and How to Find and Work with the Right One for You" instead, or one of the other books on the business of publishing.

This book shows you a sample contract then breaks it down and explains every little piece. There are many alternative clauses too, showing you how to retain different rights and territories, handle secondary rights like audio and movie, and so on. Even if you have an agent representing you, you would want to understand everything in your contract before you sign it. My copy of this book is annotated from one end to the other, with folded corners, underlining and pen scribble highlighting the bits I consider most important. Bring on that contract...

Completely satisfied.

This book puts the understanding of the complex legalities of book contracts right at your fingertips in wonderful, easy-to-read language. Additionally, it gives excellent advice on "deal points" for all parties involved--author, publisher, and agent. All would-be authors should familiarize themselves with the information in this book.

The best way I can think of to describe the value of Kirsch's Guide to the Book Contract is to quote from my own book *Successful Nonfiction*. "The contract you receive from your publisher may be in two colors and printed on fancy paper but it is not chiseled in stone. Only new authors sign and return a publisher's first offer. You may make changes to the contract and return it—that is a "counter offer". The contract may go back and forth until someone "accepts it." I took a distressing telephone call from an author who had just received a contract from a large New York publisher. There were a total of 21 items in the contract she didn't like or didn't understand. After discussing some of them, I suggested she call her editor and have a discussion. Better communication was certainly required here. She called back two days later, both astonished and delighted. When she asked about the first paragraph in question, the editor said, "that's okay; you can have it." She got what she wanted on the next paragraph in question too. On one other paragraph that concerned her, the editor said something like, "Well, that sounds like this but in the book trade it really means that; so it isn't a big issue." The result: she got 19 out of the 21 things she asked for. So contract discussions do not mean pulling the wool over the eyes of your publisher. This was a win-win negotiation. "Take the contract to a book attorney (not just any attorney, not a contract attorney and not a media attorney). When it comes to literary properties and money, you need professional help. And make a counter offer." Kirsch's book will help you understand the publisher's contract. Jonathan Kirsch is a well-known book critic and book attorney in Los Angeles. As the author of 113 books (including revisions and foreign-language editions) and over 500 magazine articles, I highly recommend this book to writers and publishers everywhere. [DanPoynter@ParaPublishing.com](mailto:DanPoynter@ParaPublishing.com).

If you've ever received a book contract from a general publisher, it can be a frightening experience. I know firsthand because I have a number of these contracts in my files—which I have negotiated and ultimately signed (and the book was published). Also I know how it feels to be the editor negotiating with the writer or the literary agent, since I'm an acquisitions editor for a book publisher. Jonathan Kirsch takes the mystery out of the legalese in this comprehensive title about book contracts. Every author, editor and literary agent needs this book to increase their knowledge base about book contracts.

"Kirsch's Handbook of Publishing Law" was recommended to me by a friend as a necessary and important resource tool for writers, authors, and anyone in the publishing industry. I especially appreciate Kirsch's expertise in publishing law, his analysis, anecdotes, tips, examples, and indispensable instruction and full coverage of legal matters important to writers. "Kirsch's Handbook

of Publishing Law" is a significant addition to my writing reference library. Highly recommended.

Excellent for writing Author/Publisher contracts from the perspective of the Publisher. Explains each clause in the sample contracts, gives many many variations, and helps protect the publisher from many events that (in my experience) other lawyers/books did not include in their contracts. Highly recommended, probably the only book you need to check your lawyer's work or probably even write your own contract from scratch.

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