

The Author's ADVOCATE

Special Newsletter

June 2008

Published for the authors and associates of Infinity Publishing

Spoken Books Authors Win!!! Clean Sweep of the Indie Excellence Awards

Authors of books produced by **Spoken Books Publishing**, Infinity Publishing's audio book division, claimed the top three wins – first place and two runner-up finalists – in the **2008 Indie Excellence Awards**. The recent announcement of winners was made by **Ellen Reid**, director of this prestigious national contest that recognizes outstanding meritorious efforts in publishing. The Indie Excellence Awards competition is judged by an independent panel of experts from all aspects – editing, marketing, publicity, and design – in the publishing industry.

Top prize winner in the Audio Book Fiction category was awarded to *Many Faces to Many Places* by **Judy Azar LeBlanc**, read by **Dave Giorgio**. Her book is a spiritual allegory, best described as a children's book for the grown-up soul. It is a story full of beautifully descriptive moments that take the listener on a journey of spiritual awakening. The female protagonist, Many Faces, is guided by her Eyes Of Faith, as she communicates with nature and her surrounding elements in order to find truth, self awareness, and love.

First runner-up Finalist went to the audio version of *The Virginian Who Might Have Saved Lincoln* by **Bob O'Connor**, read by **Jerry Carrier**. This historical novel tells the story of where President Lincoln's heavily armed and reliable bodyguard, Ward Hill Lamson, was on the fateful evening of April 14, 1865, when the president and his wife attended the play, *Our American Cousin*, at Ford's Theater.

Second runner-up Finalist went to the audio version of *Rainy Day People—A Novel* by **Susan C. Haley**, read by **Sonya Lanzener**. Her book is the moving story of struggle and resilience, rooted in truth and woven into a fresh fictional tapestry that embraces all the qualities and maladies innate in the human psyche with a stunning ending.

Dave Giorgio, Vice President of Spoken Books Publishing, said, "We are extremely proud that three of our titles have been honored as the top three fiction audio books of 2008, according to Indie Excellence Awards judges. The outstanding quality of Spoken Books Publishing titles is continually earning greater attention for the company, as well as for the authors."

Tom Gregory, President of **Infinity Publishing**, said, "I want to extend our sincere congratulations to the winners and commend them for taking the initiative by entering this national contest. We appreciate the unique creativity and the high degree of professionalism demonstrated by all of the authors publishing with us."

Spoken Books Publishing and Infinity authors may order these audio books, as well as any of our audio and print books, at a 40 percent discount off the retail price by calling the office on our toll-free number at 877-BUY-BOOK (877-289-2665). If you are considering having your Infinity-published book professionally produced as an audio book, please visit www.SpokenBooksPublishing.com for complete details.

TO BE LYRICAL, OR NOT TO BE

By Devin O'Branagan

If you can write your book without using song lyrics, do it. If you just can't help yourself, be prepared to go where no writer should ever have to go – into song rights hell!

When I was a novelist with two books published by **Simon & Schuster**, I never had to negotiate permissions for song lyrics, but I did obtain permission for the epigraphs I used. Simon & Schuster's well-staffed legal department helped me through the process and it was fairly painless.

For a variety of reasons, I chose to publish my upcoming novel, *HOT PROPERTY*, with **Infinity Publishing**. Those reasons included greater creative control and a more warm and fuzzy staff than I found in the big mainstream house. However, I did discover that with a small press, the author must obtain permissions with a minimum of guidance. So, this is what I learned by diving alone into uncharted waters.

There is no "fair use" in the world of lyrics. Whether used as an epigraph, in narrative, or in dialogue, all song lyric use requires written permission. The first step in the process is to determine who actually holds the rights to a particular song. Do this by contacting the **American Society of Composers, Authors, and Publishers (ASCAP)** at www.ascap.com, or **Broadcast Music, Inc. (BMI)** at www.bmi.com. Search the title in question. You might be confused to see multiple entities listed for a particular song, and that's where your research really begins. One song may be managed by a variety of administrators, and a particular piece may change hands quite often. In the case of one song I used in *HOT PROPERTY*, "*I Say A Little Prayer*", there were two administrators, each who owned 50% of the rights. I had to negotiate with each company and pay each company accordingly. There may be additional companies involved if you want to obtain world rights, audio rights, etc. The research is your responsibility. The companies you are dealing with do not volunteer much information, so be sure to ask and ask again. And ask again! *Then get it in writing.*

I would encourage you not to change the lyrics from the original. I did this with another song I

used in *HOT PROPERTY*, "*Big Spender*". I changed one line in the song and my request was flatly denied. I had to beg and grovel and rewrite and resubmit the manuscript, and I wasted about six weeks as a result. My advice? Keep it simple.

And what does all this cost, you ask? Well, I presume the costs are all over the board. They seem to base their price on the lyric in question and the number of books that will be printed. Since the POD publishing model does not do an initial print run that can be easily calculated, the administrators I dealt with had a special arrangement for POD books which allowed for a maximum 2,500 print run. I paid a flat fee for that 2,500 print run and will have to renegotiate when I hit that sales mark, and then every 2,500 units thereafter.

There is also a rule in this strange world of lyric permissions which says that—no matter what price you may negotiate with one administrative entity for lyric use in your book—you are obligated to pay all the entities the highest negotiated price. For instance, I negotiated with two companies to use two entire songs and had to pay them both the highest price of the two negotiated. When I went to obtain permission to use one line of lyric to a third song, they demanded the same price I was paying for each of the other songs. I opted for rewrite of that dialogue without the lyrics.

The entire process takes a great deal of time, lots of nagging, copious amounts of Valium or brandy, a significant amount of money, and is not worth the time or cost. Do what you will—we creative souls always do—but seriously consider becoming your own lyricist. Hey, then maybe authors and vocalists will pay to use *your* material!

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On a personal note: I'm on a temporary medical leave from my duties as Special Projects Director while I recover from having some nasty cancer removed from inside my nose. The series of surgical procedures successfully cut away all the cancer and a big part of my nose. Now I'm undergoing several stages of plastic surgery. I deeply appreciate the many Get Well cards and email wishes for a speedy recovery from our authors and associates in the publishing industry.

Have a joyful June, and enjoy often... John