

## **PODCAST 80: DEMYSTIFYING FOREIGN RIGHTS – WITH ORNA ROSS**

**Speaker 1:** Two writers, one just starting out, the other a best seller. Join James Blatch and Mark Dawson and their amazing guests as they discuss how you can make a living telling stories. There's never been a better time to be a writer.

James Blatch: Hello. And welcome back to The Self Publishing Formula Podcast with Mark and James.

This week we're going to be talking about foreign rights, how to get your book published abroad, particularly into other languages and also going to explore a tricky area that affects quite a few people in the indie space who started off in the traditional world of trying to get their rights back from traditional publishing houses.

Particularly houses that may have gone bust, and they sold the rights on to somebody else or they've been acquired in a merger, and you feel that your book's just been lost and not being promoted anymore, and you'd love to get on and do it yourself.

Tricky and difficult area, but Orna Ross gives some good advice on both those subjects, so, yeah, we're fans of Orna, of course the Alliance of Independent Authors, which I very openly say I think it's a good thing to join.

I think it's a good thing to support the organization. They're a bit like, I suppose, a union in one. So they're kind of a pressure group to represent independent authors, a union in every positive sense. I know "union" can have negative connotations, but they can be a positive force for good as well.

Mark Dawson: So speaks the conservative with a small "c." Yeah, absolutely. It's a great organization, lots of useful bits and pieces for authors from I think legal advice to advice on agents and all the kinds of bits and pieces that you need to wrap your head around when you're starting with this. Also they do a really useful service where they'll help kind of vet people, providers, to give them a clean bill of health, or if necessary they'll warn authors away from them.

Some of those predatory publishing houses that we've spoken about before, and I'm not going to name for fear of getting sued, but I think everyone knows who those people are. And the Alliance is really good at shining a light on some slightly dodgy practices as well. So it's a great place to make sure you and your money are kept safe and sound.

James Blatch: Let's hear from Orna.

Orna, we want to talk about some areas that are quite complicated, I think, for authors, a little bit daunting and frustrating as well. Some of it's quite positive.

We're going to talk about selling foreign rights. Also I want to put a question to you that's come in to us from a podcast listener about difficulties in obtaining the rights back when they've gone to traditional publishers in the past.

But let's start with foreign rights. This should be a positive story, really, because I think it's an area people perhaps don't even think about, certainly at the beginning of their careers.

And yet it's something that's worth doing, right?

Orna Ross: Yeah, and really it isn't something to think about right up at the front except in the sense that you make sure you value your intellectual property.

So the whole concept of rights is only about 100 years old, and it really rests on copyright law. Copyright law is not something that is universal yet. It's only in some countries.

So it's a complex area. There's no doubt about it, and even within publishing it's kind of viewed as like the dark arts. What goes on down in the rights department is a mystery to everybody.

It's even more difficult to predict, difficult to be sure how to approach it than even the rest of the stuff. So I think it's not something to think about until you're already selling well in your own language, in English, in the English language around the world is the first thing to think about.

And they are not in general rights to give away unless you've got a well-placed trade publisher who would give you perhaps a print-only deal in a specific territory.

Forget all about rights until you are up and doing well in your own language.

James Blatch: Just on that point, Orna, I guess there are some parts of the world where the ebook hasn't taken off as well as it has here, so that might be worth doing.

If there's a specialized print distributor who can look after distribution in a particular territory that you can't really access through Amazon and advertising.

Orna Ross: Yeah. I think be very careful with your erights would be my default because I feel that things are changing so rapidly in that space, and there is so much work going by the likes of Amazon, Google, at Facebook to get people up on the Internet and reading within the next number of years.

The thing about rights is that if people buy them, they buy them for a specific period of time. So if it's a short-term thing, an experiment, yeah, absolutely, go for it. But you've got to be really careful with your contract. Your rights buyer will be trying to get those rights from you for as long as possible, and it's your job to try and give them for as short as possible. It's all about minimizing the territory and minimizing the time for you, and for them it would be all about maximizing the territory and maximizing the time.

You're entering into a negotiation. That's the first thing to realize as an author, and to understand negotiation, probably read up on negotiation skills, and perhaps even take a course on it if you are actually going to enter this territory. Because it's like any salesperson or purchasing person who is very experienced at it and does it a lot.

They know how to do it, and you likely, as an author, it's quite likely you won't have a clue, and you're end up giving away too much. And it can really cost you down the line.

James Blatch: That's the basis the entire traditional industry's run for a couple hundred years is the authors aren't great negotiators. I mean, agents obviously make a big difference in that in the last 50 or 60 years, probably more.

Orna Ross: Yes.

I think what has amazed us in self-publishing generally is how authors can get good at these things. You can start off not being good and quite uncomfortable.

It's very similar to producing the book. At first you don't have a clue. Every decision feels enormous. But slowly, step by step, you learn by doing, and the next time you make a book, it's easier, and by the time you're on book

three or four, you're not even thinking about these things; you're just kind of tweaking and enjoying as you go.

Next thing is marketing and promotion in the English language, and at first it's, "I haven't got a clue." Then you learn how to do it and so on.

So it's similar, then, with this. It's another whole stage, another whole learning curve, and you're either up for it or you're not.

But what's surprising about self-publishing, and I think what has surprised everybody is just how many authors are actually up for the marketplace and do maybe even enjoy when they get stuff in, actually enjoy the whole business side of things.

If you're that kind of person, it's well worth getting. It's not a lot of skill, actually, compared to some of the other things you've had to learn to do, and it could be well worth upskilling in that zone.

James Blatch: Orna, what's to stop somebody paying to have their book translated into let's choose Germany as an example, to perhaps get some ads translated into German.

And to run the whole operation in German in the same way that you'd run it in English?

Orna Ross: Absolutely nothing except good ole hard work and knowing how to do it and do it well. The thing is that outside of English, the ebook market is not very developed as yet, so you can see that as a problem, or you can see that as an absolute opportunity.

If you look back at 2010 when Kindle started, say, two or three years into Kindle Publishing, a lot of people in English did really, really well just by being there, just by being there and producing a good book with a

properly-directed cover, you know, direct to the proper market. You did extremely well in those days.

As we kind of develop all the languages, it's going to be like that, so being in at the beginning could be a real advantage.

Particularly now as we're seeing the growth of advertising, and this module of marketing, so when it all started about 10 years ago, marketing was very much seen as social media and email.

Email marketing I think is the one thing that really remains very, very strong, but social media, and getting a book out there, developing a platform, corresponding with your readers, producing newsletters, blah, blah, blah. Now there's quite a different more data-directed, advertising-related model that a lot of people are doing very well with. And with that model it's very transferable if you're trying to do, translate your newsletter and translate your platform.

It's a lot more work, and a lot more thought needed in that, and you probably would need help from somebody who's a native speaker in that language. But when it's ads, it's very much easier, I think.

James Blatch: I can see some people thinking they struggle as it is with the English side of things, so maybe there is a better option for them to get the rights done.

So if you've got your English language rights in ebook, you're dealing with that. You look at foreign territories. First of all, where would you start? If nobody has approached you, how do you find somebody who could potentially distribute for you in those languages?

Orna Ross: It's very simple. It's email pitching, so it's back to exactly what a writer would have done in the old days when you were pitching a publisher.

You need to put together a good, persuasive pitch for a rights buyer, telling them why they should buy your book and publish it in their language. The number one thing needs to be that you are already selling well.

I have people who say the first thing they want to do as soon as they publish, now they want to get somebody to buy their rights. But you have to actually be selling a lot.

The one thing you really need to know as an author is that rights buyers are inundated with material, so there are a number of services in the self-publishing space that are offering to bring your book to Frankfurt Book Fair, or London Book Fair, or Book Expo and in the US and put it in front of rights buyers.

It doesn't work like that. It's quite a challenge to persuade a rights buyer to buy your book.

Similarly, IPR License and PubMatch, which are the electronic services that match rights buyers and rights sellers, but it's fantastic to have them, and they're brilliant for research and finding out who is the right person to address your pitch to.

Just by putting your book up on those services does not mean that it's going to be bought. A rights buyer needs to be persuaded, and they are most easily persuaded by sales. The sales thing has to be there as a number one, and even that may well not be enough.

James Blatch: What sort of things are they looking for, then? So somebody is shifting. They're making a living out of it, and they're probably selling to the UK, US, Canada, Australia, South Africa first, the big English-speaking countries.

What do you suggest you put in those apart from your bottom line, I guess, in those first couple of lines in an email?

Orna Ross: You need to show an understanding of their territory and how things operate there.

Germany is not the same as Spain. Spain is not the same as Italy. Italy is not the same as South America.

They all operate in very different sorts of ways. So you need to understand how your particular book fits into their ecosystem.

Some countries like Germany is very strong on literary fiction, much, much stronger than in the US/UK, for example.

And you need to do your research—that's the number one thing. If you want to get stuck into this and you want to enjoy it, you need to be the kind of person who enjoys researching the markets and knowing what's kind of hot in different places.

It definitely helps to start attending book fairs with a rights hat on, with a rights mentality, and attending, and sessions, and seminars about what's going on in different territories and how publishing is evolving there.

If you're not the kind of person who enjoys that, then probably this is not a place you're going to succeed.

James Blatch: I'm guessing that we're going back to the negotiation here. Because rights buyers are inundated and even good sales aren't necessarily going to get you in the door, the offers that come from them presumably are going to be quite stingy for authors because they've got a lot to pick from.



Orna Ross: Yeah. They can start as low as 1,000 or 2,000, and then a really good rights deal is like anything in publishing: it doesn't really have ceiling. It can get interesting, because what happens with rights is it's a cumulative effect. The first one is the hardest, so once you've sold in one territory, that makes rights buyers sit up.

And particularly if you've sold, if you're selling now in two territories, your own and somewhere else, it's much, much easier to get that second sale, and every subsequent sale gets easier and easier.

You go from probably, typically it takes maybe a year to get your whole rights strategy set up and to get, to pitch, and find the right people. That first sale is very difficult.

But the second one usually comes a lot quicker, and then there's a kind of a snowball affect so that you can find yourself selling in 25 or 30 countries relatively easy, easily once that ball starts rolling.

But, again, I stress I don't want to make this sound easy because this is a tiny percentage of authors who are doing this so far.

But there are authors who are doing it, and we have a number of members, and I should say that we have a guidebook to this whole thing, which is called [How Authors Sell Publishing Rights](#).

We have a number of case histories in there, people who've approached it in different ways. The two ways to approach it is to go directly to the publishers yourself or to go to subagents in the territory that you want to be published in.

People don't realize often that if your local agent, if you have an agent, and, say, you live in the UK and you have an agent in London or whatever, he or she will be using subrights agents in other territories because nobody really has a knowledge of the entire rights landscape.

You work with other people. That's why they would typically take a higher percentage for your foreign rights sales than they will take for your local sales because the subagent needs to get their cut as well.

You can cut out the agents and go directly to publishers. We have a number of members who have done that, and/or publishers start coming to you once they've heard that you're selling in other territories and that you're open to it. You can set up your website to show that you are available for rights pitches and make sure that you let people know if you have sold and that kind of thing.

Or you can approach agents in a territory and let them do the work and hand it over to them. Either way is acceptable.

I think there is a real opening here for somebody who would like to set up as a rights agent who would do that work on behalf of indies. We don't really have somebody who does that.

The Alliance is looking at working with a panel of agents. We have been working with one agent here in London over the last year, and that's been quite successful for some people.

Again, different agents specialize in different genre and so on. It's very difficult to get one agent who has the reach. So it would be great to have a panel of rights people who just worked on behalf of high-selling indie authors.

James Blatch: I was going to say, one of the complex is you referred to somebody who might in the end have their book selling in 25 territories.

That's presumably 25 separate deals.

There's no go-to person who says, "I do the rest of the world for you."

Orna Ross: Not really, no, nobody. It's time-consuming. There's no doubt about it. It's not something that you do without putting in the leg work.

James Blatch: I'll talk to Mark off the back of this interview. I know that he does sell his foreign rights. He sells well obviously in the UK and the US in particular. So that gives him a leg in.

We'll hear his experience of that. But we can't all be Mark Dawsons. So I think it's really good advice to hear and quite sobering as well, on this front. Timing might be an important thing. Build up those sales in the UK. Build up your proof, if you like, of the commerciality, the viability of your product. Ultimately in the negotiation that's going to mean more. Turning a spreadsheet around in your laptop to show your sales is going to be more important than anything you can say about how great the plot is.

Orna Ross: Yeah, I think so. Unfortunately, rights buyers, I don't think they even read.

James Blatch: No.

Orna Ross: I know. That's terrible. I'm sure some of them do, but it really is a numbers game in that world, and it's good to be cognizant of that. But having said that, all of this is changing, and it's the slowest wing to change in the traditional publishing sphere. It is rights are even more conservative rather than other parts of the publishing sphere.

So the main message I would give to authors is hold on to your publishing rights. When you get a contract of any kind from anybody, including a self-publishing contract, read the contract.

Understand what you're selling, and keep in mind that idea of limiting the territory, limiting time and always in a spirit of kind of exploring and experimenting with what works.

We will see all sorts of unusual and wonderful things happening in this sphere over the coming years, I think, as we already are in the English language ebook sphere.

James Blatch: Do you know of authors in the Alliance or elsewhere who have really cracked the foreign rights side of things, perhaps even outstripping their sales in the English-speaking world?

Orna Ross: I don't know anybody. I wouldn't be able to say with authority that somebody has outstripped their sale- ... I don't think it's possible because English is the language where everything is best and has been always.

To write in English is an instant advantage. But certainly we have some people who have cracked this and are very happy with how they've done it.

As I say, they've done it in different sorts of ways. You could read about those in the book, actually.

James Blatch: Just give us the details for ALLi. Whilst we're on that subject, I wonder if people can get ahold of the book. We would encourage people to join [The Alliance of Independent Authors](#) as well.

It's an organization that has your back in this increasingly complicated world and changing world.

How do people join, and how do people get ahold of the book?

Orna Ross: Thanks, James. We're at [www.allianceindependentauthors.org](http://www.allianceindependentauthors.org). The book is called [How Authors Sell Publishing Rights](#). It's available on all good online retail stores.

James Blatch: We like that line. So on this subject, you mentioned a couple of times about in the negotiation think about limiting how long your rights are gone for.

We're finding a situation now, self-publishing takes off, I mean, really takes off. And as it becomes increasingly obviously, particularly to some formerly traditionally published authors that they have been paying to keep very large buildings in London going.

And actually if they have the rights themselves, then they could be energized to market them. There is money to be made for them in self-publishing. There suddenly comes the tricky question of getting rights back.

I know there's no single situation. Everyone's in a different situation. We've had a few people contact us recently.

In some cases publishing houses have gone bust. The dregs have been picked up by another publishing house, and their book just sits gathering dust, but the rights are legally with somebody else.

Where do people start if they're desperate to get their rights back and get going?

Orna Ross: It's a difficult one because that initial contract is the one that you have to look at first.

Very often, and particularly in older contracts, they didn't even think about ebooks, so ebooks may not be in the contract, but the language of the contract in actual fact will cover ebooks now if it was to come to a court case.

I think the first thing to say about publishing contracts is it almost never comes to a court case. So that contract is up after there has been a closure and a selling on to another publisher or Hoovering up of rights by another publishing entity or whatever, I would consider that contract as a discussion document rather than binding.

The first thing you do is you send an email and you say you want your rights back under the new conditions, and then a conversation begins.

Always with rights and with contracts, think of it as a conversation and a negotiation. Be a grownup about it.

Don't assume the worst. Don't assume that just because a piece of paper says something that that is in fact binding. It can be replaced by another piece of paper or an email that releases you.

So ask. Even when you get a no, ask again.

I was originally trade published. Fortunately I had worked and done some work as an agent in a previous life, so I had a very good reverting clause. That's the clause you need to kind of work with, so duty comes at the end of your publishing contract. Have a look at it and see what it says. Also see does your contract cover ebooks. Also look at the sales.

Typically the reversion clause was bound up with an out-of-print clause, so if your book was out of print for a certain length of time, it was no longer considered to be selling, and therefore the rights reverted to the author, but of course digital changed that because with POD or ebooks it's never out of print; it's always available.

Ask. Be assertive. Ask again. Have the conversation and do your very best to get it back.

If it is an absolute refusal, though, the next step, then, is to say, "Okay, so how together can we get this book moving? What can I do with you to make it happen."

It's our experience we can help too with the Alliance. We do, on behalf of our members, an email from us sometimes get some more positive response than when the author is just asking themselves.

But the thing also, there is no one answer to this difficult question, but begin to educate yourself about rights and how they work. It's not complicated.

The legal language is a bit off-putting at first, but actually if you have the ability to write a book, you definitely have the ability to understand the publishing contract. It's just a matter of time and looking at it a little bit carefully, and then going forward to be careful what you sign and to know what you're signing. Always know what you're signing.

James Blatch: I was going to say, so thinking about you talked about the reversion clause, the guys who are signing contracts today, then, so if the print thing, as you say, it doesn't work anymore because of print on demand, et cetera, so how would you advise that gets shaped. If an author is in a position now to say, "This is what I'd like in the contract," what would they say, being actively marketed by the company or sales dropping below a certain point maybe?

Orna Ross: Yes. You need to have distinct and different clauses and sentences pertaining to the different formats, so how they handle print, how they handle ebook. And audio should be differently outlined. In fairness, most contracts have now been updated to that, but only relatively recently. Trade publishing has it, and some of the small ones probably still are putting out contracts that really are only talking about print books. There are still a number of trade publishers that don't actually do digital. It's amazing, but it's true.

Traditionally, audiobooks were seen as a subsidiary right in trade publishing. For indies it's different. For a number of indies, audiobooks are actually number two, and print comes in at number three.

So for us it's a main right, so you might want to just not go there at all with the audio. But make sure that your e-rights and your print rights are treated separately. Then put in you again are asking for what you would want.

You would want to know if sales fall below a certain high level, you want your rights back. And they will say if sales fall below a certain low level, and you meet in the middle, you negotiate it out.

James Blatch: The ultimate frustrating position I think somebody might find themselves in is a company has stopped trading. Rights have been bought up, as I sort of painted at the beginning.

They don't get any response from the new company, who are not interested in them and not interested in the rights. And they just sit there in a frustrated circle, where they can't even sit down and cooperate with them about getting sales going again.

If nobody's actively doing anything with the rights that they have, is there any legal recourse you ever have to say, "I can make a living from this, and this is daft, you holding onto them for no good reason?"

Orna Ross: You can send an email.

First of all, you approach it as a request, and then you request again, and then you can, if you want to, send an email which says, "I haven't heard back from you. I therefore now consider that the rights have reverted, and I'm going ahead and I'm doing what I'm doing."

I've known people to do that, and it's gone well, and I've known people to do that, and it's given them a lot of stress. So, again, it depends on the kind of person you are.

It also depends on what is actually at stake, and do you have somebody else who's likely to buy those rights, or do you have a genuine good plan for exposing those rights?



Because the same thing happens to authors as happens with publishers, that rights don't get exploited, and that's for time reasons, and resource reasons, and every other reasons.

I've seen a number of indie authors get extremely frustrated about this situation, but when you follow through on the conversation, you actually discover they don't have a plan themselves for how they would actually sell their rights.

They don't necessarily even understand how challenging selling rights is or how to go about it at all in any way. What's happening is that they're frustrated about where they find themselves with the publisher, and everything is going in on "I could sell my rights if I had them back." But in actual fact, there's a lot of stress and a lot of time being wasted thinking about something that might be better spent writing a new book.

James Blatch: Yeah, which is yours. That's good.

That email tactic at least should generate a response from the company who is just ignoring you in the first place if you threaten to stop marketing them yourselves or whatever.

Orna Ross: Yes, and there are some terrible companies in this space. There are some people who are really, they're just Hoovering up rights all over the place, and they're buying 1,000 kind of rights to 1,000 books, knowing that just maybe 10 of those are actually going to make them their money, and they don't care that the other 990 just lay there.

So, yeah, be assertive around it, but don't get caught emotionally in fighting a battle that might be a very fanciful form of Resistance to writing your next book.

James Blatch: Exactly. Okay. That sort of brings us back to the beginning, which is get the contract right in the first place, going with your eyes open,

do a course on negotiation, et cetera, know what it is that you're signing, which is all good advice. I really hope that's helped.

You say don't get emotional about it. People have obviously got themselves in a position where they do feel emotional about it. The book is their baby, and it's beyond arms' length from them. But I hope your advice has helped those couple of people who wrote in and asked for you to address that.

Orna, we clocked up half an hour quickly and neither of us have melted so far today, so I'm going to say thank you very much, indeed. So it's [allianceindependentauthors.org](http://allianceindependentauthors.org), if people want to go along and join the organization.

We do advise as you get your first book published, that you do join Orna's organization because it is something's looking out for you and doing a lot of work in the background. We all feel the benefit of it, but it's been like a union. I guess it's important to support it, right?

Orna Ross: Thank you, James. Thanks very much. I hope it helped.

James Blatch: Yeah, definitely, indeed. Have a good rest of the day. I want to thank you for joining us.

Orna Ross: Thank you. Take care.

James Blatch: So although it's quite complicated and as Orna was explaining, it's quite bitty. There's not as if you can go to one organization and say, "Can you sell my rights abroad?"

You have to do a lot of individual deals. You could also look at it as money left on the table if you don't approach it at all, if you just write off ... Because of that complexity you don't do it at all.

Mark Dawson: Yeah, and there's lots of different ways to do it. For me, it's my agent handles all that for me, so I don't need an agent to publish my stuff, but an agent is very useful for the things that I'm not expert enough or I don't have time to learn how to do.

I could learn how to sell rights into Germany, but I don't speak German, so that's a problem. And I don't know about the German publishing industry, so that's another problem, whereas my agent does know that, and they go to London Book Fair.

There's a massive rights scrum on one of the floors over there, that two or three days where deals are being done.

Through that I've sold rights to a big German publisher, to an Italian publisher, to in the Czech Republic, other bits and pieces.

And then it's also things like film deals, which are very arcane. Even for someone with a legal background like me, it's still learning how to negotiate a film deal, and some of the really bizarre language involved, and the acronyms, and things like that that just don't make sense to me. I don't have time to teach myself how to do that. An agent can do that too. There are lots of different ways to get into that kind of market. But you're right: If you don't do it, you are potentially leaving quite a lot of money on the table.

One of the things I'm very keen to do is to make sure that once I've got an asset, so in this case a book, I'm going to sweat that asset as much as I can and sell as much of the intellectual property, translation, for example, film rights, as I can, and lucky enough I've got a good agency to help me do that.

James Blatch: Exploit your assets is an important thing to do in business.

Mark Dawson: Absolutely, yeah.

James Blatch: That sounds like a novel title as well, maybe.

Mark Dawson: It does. It looks like we haven't put images into the minds of people listening on the podcast with James exploiting his assets.

James Blatch: Thank you very much, indeed, with that imagery in your mind for listening for this week. Always great to have Orna Ross on, and we want to say thank you to her as well.

Do sign up. Go and find Alliance of Independent Authors online, and join the organization if you so wish. We would encourage it.

We've got a really good interview coming up next week with an editor. The mysterious world of editing, we're going to really dissect what makes a story work.

In fact, I can tell you now, at the end of that interview, I realize that there are probably a series of interviews we could do with Janie Parrot, who's the editor we're speaking to next week.

We did a bit of an all-encompassing one next week, but I would like to perhaps sit down with Janie and produce something more in depth over time because she's brilliant, absolutely brilliant. So that's to look forward to next Friday. Until then, have a good week writing, good week selling, and we'll speak to you then. Bye-bye.

Speaker 1: You've been listening to The Self Publishing Formula Podcast. Visit us at [selfpublishingformula.com](http://selfpublishingformula.com) for more information, show notes, and links on today's topics. You can also sign up for our free video series on using Facebook ads to grow your mailing list. If you've enjoyed the show, please consider leaving us a review on iTunes. We'll see you next time.