

The Remuneration of Canadian Writers for Literary Works: A Benchmarking Study

PREPARED FOR

The Writers' Union of Canada (TWUC)
Union des écrivaines et des écrivains
québécois (UNEQ)

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Introduction

1. Context

Writers' organizations in Canada and elsewhere strive to ensure that writers are fairly remunerated for their work. International trends show that the incomes of literary writers have fallen significantly in recent years with digital technologies impacting significantly on the dissemination and monetization of literary works. In addition, writers increasingly participate in live engagements often without remuneration.

Copyright laws have not responded helpfully to the challenges of digital disruption, and have not adapted in the direction of protecting creators and maintaining a strong rights position for them. As well, powerful and well-resourced interests in the technology sector have also applied pressure on these creative rights, working hard to expand definitions of existing copyright exceptions while suggesting more and more exceptions be created by legislators.

Within this context, Communications MDR was engaged by The Writers' Union of Canada (TWUC) and the Union des écrivaines et des écrivains québécois (UNEQ) to undertake a benchmarking study on minimum rates of remuneration and to propose minimum rates for literary works in Canada.

2. Goals of the Study

The goals of this study are fourfold:

1. To research and document current standards in remuneration for work undertaken by professional writers working in the artistic discipline of literature in Canada;
2. To research and document current standards in remuneration for work undertaken by professional writers working in the following jurisdictions internationally: the United States of America (US), the United Kingdom (UK), Ireland, France and Australia;
3. To research and document current standards in remuneration for work undertaken by professional writers working in the related cultural sectors of literary translation, freelance writing, editing, and writing for the screen-based and radio cultural industries in Canada;
4. To propose minimum standards and terms of remuneration for literary writers in Canada for consideration by TWUC and UNEQ based on the findings in Canada and other jurisdictions.

3. Approach and Methodology

The study involved multiple lines of evidence: a review of Canadian and international literature, as well as interviews with Canadian and international representatives of writers' associations and trade unions as well as representatives of festivals and book fairs.

3.1 Scope of Study

The scope of the study focused on identifying the most recently published remuneration rates for writers working in the artistic discipline of literature. For the purpose of this study, the artistic discipline of literature encompasses literary works as defined by the Canada Council for the Arts, as "a print or electronic publication, which varies in length and content, and includes fiction, short fiction, poems, literary non-fiction, children and young adult texts, exploratory texts that use new technologies, spoken word and storytelling. The work is driven by the ideas, themes, and opinions of

its writer(s). Plays are also considered a literary work when published by a literary publisher.”¹

This study examines rates of remuneration for the following: a) traditional publication of literary works in print (books, anthologies, magazines or journals); b) digital publication of literary works (eBooks and digital magazines; and c) live appearances (such as readings, lectures, panel discussions and workshops). Rates examined in this report are minimums recommended by writers’ associations. Where information is available actual rates being paid to writers have also been included.

An examination of trends in remuneration for self-publishing is beyond the scope of this study. In this report, the traditional print publication of literary works and the digital publication of literary works refers to works published by a traditional publisher. The growing professional self-publishing economy requires its own study.

3.2 Review of Literature

The consultants undertook a review of web-based literature on rates of remuneration for literary works in the following jurisdictions: the United Kingdom (UK), Ireland, France, Australia and the United States of America (US). This allowed the consultants to examine rates, and identify best practices in terms of how these rates are developed. The review included rates of remuneration in the field of literature and related sectors in Canada: literary translation and editing, radio and the screen-based sector.

3.3 Key Informant Interviews

The consultants conducted fifteen interviews with representatives from the literary sector in Canada, the UK, Ireland, France and Australia as well as representatives from the Canadian screen-based sector. The purpose of these interviews was to gain an understanding of published rates, best practices in determining these rates and any issues for consideration in establishing rates for TWUC and UNEQ. Annex 1 contains a list of the stakeholders interviewed.

3.4 Development of Remuneration Rates and Terms

Based on the findings of the literature review and interviews, the consultants developed proposed remuneration rates and terms for literary writers in Canada, for print and digital publications and live appearances, for consideration by TWUC and UNEQ.

It should be noted that with respect to authors’ royalties, these are typically calculated as a percentage of either the price or sale amount of every copy of a book sold, and vary by publisher. For the purpose of this study, the following terms have been used throughout as a basis for comparison of royalty rates:

Publisher’s retail price is the retail price established for a book and is also known as the “list price” or “cover price” of the book. “Publisher’s retail price”, or “list price” or “cover price” refer to the price marked on the cover of the book.²

Net Sales are actual cash receipts from all sales of the book minus certain expenses, which may or may not include taxes, discounts or commissions charged by retailers, wholesalers, and/or distributors, and other publisher costs. The types of expenses to be deducted are defined in the

¹ Based on the definition used by the Canada Council of the Arts as published on its website, retrieved from <http://canadacouncil.ca/glossary/literary-works>.

² Susan Spann, “Beware of Kings with No Clothing – Calculation of Royalty Fees In Publishing Contracts,” in *Writers in the Storm Blog*, March 9, 2012, retrieved from <https://writersinthestorm.wordpress.com/2012/03/09/susan-spann-calculation-of-royalty-fees-in-publishing-contracts/>; “The Net Revenue Royalty Clause”, in *publishlawyer.com*, March 13, 2015, retrieved from: <http://publishlawyer.com/the-net-revenue-royalty-clause/>.

publishing contract. These “net sales” are also referred to as “net revenue” or “net receipts.” A royalty structure based on net sales is not as advantageous to writers as the value of their royalty varies according to the costs of sales.³ It is also more difficult for writers to track these amounts.

4. Structure of this Report

This report is divided into the following three sections:

- Section 1 describes the remuneration rates and terms for literary works in the United Kingdom, Ireland, France, Australia, and the United States. Within each jurisdiction, findings have been organized by print publications, digital publications, and live appearances.
- Section 2 describes the remuneration rates and terms for literary works in Canada as well as rates for translation and editing, radio and the screen-based sectors in Canada. For each sector, findings have been organized by print publications, digital publications, and live appearances.
- Section 3 proposes minimum remuneration rates and terms for literary writers in Canada for print publications, digital publications and live appearances for consideration by TWUC and UNEQ.

³ Victoria Strauss, “Contract Red Flag: Net Profit Royalty Clauses,” in *Writers Beware*, May 31, 2011, retrieved from: <http://accrispin.blogspot.ca/2011/05/contract-red-flag-net-profit-royalties.html>; “The Net Revenue Royalty Clause”, in *publishlawyer.com*, March 13, 2015, retrieved from: <http://publishlawyer.com/the-net-revenue-royalty-clause/>.

I. Remuneration of Writers of Literary Works in Selected International Jurisdictions

1. Remuneration of Writers of Literary Works in the United Kingdom

The Society of Authors (SoA), a trade union representing literary writers and illustrators in the United Kingdom. The SoA monitors rates set by other unions, such as the National Union of Journalists (NUJ), which represents editors and writers. The NUJ publishes *Freelancers Fees Guide*⁴ based on rates reported by members and other journalists and printed in the *Freelance*, a newsletter of the London Freelance Branch. The SoA also monitors rates of remuneration for some areas ancillary to book writing such as translation work and live literary events.⁵

Research into the remuneration of writers commissioned by the Author's Licensing and Collecting Society (ALCS) provides additional information on current rates of remuneration.⁶ Finally, the SoA vets publishing contracts for its members (approximately 1000 contracts per year), providing it with additional information on trends.

The legal framework for book publishing in the UK affords few protections to writers, who do not benefit from collective bargaining to establish either fair rates or terms of remuneration (except for radio and television writing). The SoA is therefore mindful not to recommend minimum rates of remuneration that might become the maximum that authors can negotiate. The rates published by the SoA are used by writers as a guide. With respect to live appearances at festivals, the SoA led a successful campaign for the adoption of fair rates of remuneration but observed rates are still only a guide.

1.1 Print

Books

Authors of traditionally published printed books are usually remunerated through the payment of royalties and advances. These payments may be based on a percentage of net sales or on a percentage of the publisher's retail price. Royalty rates are slightly different for hard cover editions as compared to paperback publications.

Typical royalty rates paid to authors in the UK are 10% of the publisher's retail price for hard cover books often rising after specified sales thresholds to 12.5 percent and 15 percent. The standard paperback royalty is 7.5 percent of the publisher's retail price, generally rising to 10 percent.⁷

⁴ *Freelance Fees Guide*, retrieved from <http://www.londonfreelance.org/feesguide/index.php?§ion=Print+media&subsect=Magazines>.

⁵ Society of Authors website, <http://www.societyofauthors.org/>.

⁶ Authors Licensing and Collecting Society, *The Business of Being an Author: A Survey of Authors' Earnings and Contracts*, prepared for the ACLS by Professor Johanna Gibson, Queen Mary University of London, Professor Phillip Johnson, Cardiff University and Dr. Gaetano Dimita, Queen Mary University of London, 2015; ACLS, *A Free for All? : Findings from a survey of freelance newspaper and magazine journalists*, 2013.

⁷ Interview with Society of Authors.

Table 1: Average Royalty Rates Paid to UK Authors for Books⁸

Type of Publication	Average Rates
Hard cover book	10% of publisher's retail price
Paperback book	7.5% of publisher's retail price

As the SoA observes, there are many variables contributing to

remuneration of writers, such as the size of the print run and the type of market (i.e. niche or general). Advances too can be important. However, the number of UK writers receiving advances is declining, as is the average value of these advances.⁹

Magazines

The NUJ has developed rates for writers of magazines that differ by type of publication and extent of circulation.¹⁰ NUJ recommended minimum rates for freelance work for large circulation and “glossy” magazines¹¹ are £1900 (CAD \$3302) per 1000 words for prestige US magazines (from US \$3 per word or CAD \$4) and £700 (CAD \$1217) for other magazines. The recommended minimum rate for writing in smaller magazines¹² is £250 (CAD \$435) per 1000 words. (See Table 2.)

Table 2: National Union of Journalists Minimum Rates for Magazines¹³

Type of Writing or Related Activity	Minimum Rates	Rates in Canadian Dollars
Writing for large circulation prestige US magazines	£1900 per 1000 words	CAD \$3302
Writing for other large circulation magazines	£700 per 1000 words	CAD \$1217
Writing for smaller circulation magazines	£250 per 1000 words	CAD \$435

1.2 Digital

eBooks and e-lending

eBook royalty rates are said to be typically 25% of net sales.¹⁴ An ALCS study found that authors

⁸ Authors Licensing and Collecting Society, *The Business of Being an Author: A Survey of Authors' Earnings and Contracts*, prepared for the ACLS by Professor Johanna Gibson, Queen Mary University of London, Professor Phillip Johnson, Cardiff University and Dr Gaetano Dimita, Queen Mary University of London, 2015.

⁹ Authors Licensing and Collecting Society, *What are words worth now? A Survey of Authors' Earnings, Further Findings*, 2015.

¹⁰ The rates quoted refer to first serial rights.

¹¹ The magazines in this category of rates are charging at least £8000 (CAD \$13905)/color page for advertising, and include also prestigious specialist magazines that may charge less for advertising, such as *Marie-Claire*, *GQ*, *Management Today*.

¹² Small circulation magazines are those whose advertising rates are likely to be below £2000/page and magazines that carry little or no advertising.

¹³ *Freelance Fees Guide: Print Media/Magazines* retrieved from <http://www.londonfreelance.org/feesguide/index.php?§ion=Print+media&subsect=Magazines>.

¹⁴ Rachel Deahl, “Could Publishers and Agents Agree on a Flat Royalty Rate? Insiders say the problem is still e-book royalties,” *Publishers Weekly*, June 3, 2016, retrieved from <https://www.publishersweekly.com/pw/by-topic/industry-news/publisher-news/article/70565-could-publishers-and-agents-agree-on-a-flat-royalty-rate.html>.

indicated that the royalty rates on their eBooks were unchanged since 2006.¹⁵

One study reports that the average royalty rate paid to authors for e-lending was 33.71% of net sales.¹⁶ However, as noted by the SoA, e-lending is a very small part of the market and usually is not separately differentiated in contract. As such the e-lending rate is more commonly set at 25%. From 2020 onwards, authors will receive payments for the public lending right at the normal (print) rate if such books are lent to libraries. In general, publishers license e-lending rights to an intermediary, or aggregator, such as Overdrive, to supply their eBooks to libraries under specific licence terms. Typically, publishers treat these transactions as eBook sales. (See Table 3.)

Table 3: Average Royalty Rate Paid to UK Authors for Digital Books¹⁷

Digital Books	Average Rates
eBook	25% of net sales
e-lending	25% of net sales

Online Publications

The NUJ recommends that rates for online publications should be at least as much as the comparable traditional media rate¹⁸, plus 50 per cent to cover instant global availability.¹⁹ The initial fee should be for a licence restricting usage to specific digital media. Exclusive use should be for a pre-determined period of time and should attract a premium. For web articles that are republished, the NUJ recommends a 50 per cent share of revenues or a buy out, which should be at least equivalent to the original license fee. However, no standard currently exists. (See Table 4.)

Table 4: National Union of Journalists Minimum Rates and Terms for Online Publications

Type of Right	Minimum Remuneration Rates	Terms
First publication online	Equivalent to comparable traditional media plus 50%	Usage restricted to specific digital media; Premium fee and short-time period for exclusive license
Licensing re-use online	50% share of revenues or buyout equivalent to the original license fee.	No standard practice yet exists.

2.3 Live Appearances and Events

Well-established festivals, especially those with commercial sponsors, and any festival where the public pays for tickets – are expected to offer reasonable fees as a matter of course.¹ Many festivals pay between £150 (CAD \$261) to £250 (CAD \$435), plus expenses. For authors who take part as solo speakers or members of a panel, fees range between £100 – £1000 plus expenses. Most fall within

¹⁵ Authors Licensing and Collecting Society, *The Business of Being an Author: A Survey of Authors' Earnings and Contracts*, prepared for the ACLS by Professor Johanna Gibson, Queen Mary University of London, Professor Phillip Johnson, Cardiff University and Dr. Gaetano Dimita, Queen Mary University of London, 2015.

¹⁶ Authors Licensing and Collecting Society, *The Business of Being an Author: A Survey of Authors' Earnings and Contracts*, prepared for the ACLS by Professor Johanna Gibson, Queen Mary University of London, Professor Phillip Johnson, Cardiff University and Dr. Gaetano Dimita, Queen Mary University of London, 2015.

¹⁷ Authors Licensing and Collecting Society, *The Business of Being an Author: A Survey of Authors' Earnings and Contracts*, prepared for the ACLS by Professor Johanna Gibson, Queen Mary University of London, Professor Phillip Johnson, Cardiff University and Dr. Gaetano Dimita, Queen Mary University of London, 2015.

¹⁸ I.e., first serial rights for print magazines.

¹⁹ *Freelance Fees Guide – Online/digital Media*, retrieved from <http://www.londonfreelance.org/feesguide/index.php?§ion=Online%2Fdigital+media&subsect=Writing+and+research&subsubs=All&page=Advice>.

the range of £150 (CAD \$261) to £200 (CAD \$348). The rate is higher for famous authors, from £350 (CAD \$609) - £1,000 (CAD \$1741). (See Table 5.)

Table 5: Society of Authors Rates for Live Appearances at Festivals

Type of Appearance	Remuneration Rates	Rates in Canadian Dollars
Fees for solo and group appearances (i.e. solo speakers or panel participants)	£150 to £200, plus expenses.	CAD \$261 to CAD \$348
Panel Chair	£75 to £150 plus expenses.	CAD \$130 – to CAD \$261
Appearances at events funded by the Scottish Book Trust	£150 per session	CAD \$261

The SoA advises that fees for appearances at UK schools or libraries should take into account travel and preparation time as well as actual performance time and should be based on the annual salary one would expect to earn as a freelancer.²⁰ In 2013 the SoA's Children's Writers and Illustrators Group reported a wide range of fees being paid to writers visiting schools and libraries, from £350 (CAD \$609) to £1,000 (CAD \$1741) per day (for authors in high demand). Average rates were approximately £400 (CAD \$697) to £500 (CAD \$871). (See Table 6.)

Authors whose visits to schools or libraries are supported by the Scottish Book Trust must be paid a minimum of £175 (CAD \$305) for a one-hour event, plus all travel and subsistence costs. Authors may negotiate higher fees where schools or libraries agree to cover the difference between the higher fee and funding provided by the Scottish Book Trust.

Table 6: Society of Authors Rates for School Visits

Type of Appearance	Remuneration Rates	Rates in Canadian Dollars
School visit	£350 to £1,000 per full day	CAD \$609 to CAD \$ 1741
	£150 to £800 per half day	CAD \$261to CAD \$1393
	£150 to £250 per single session (up to one hour), plus travel costs.	CAD \$261 to CAD \$ 435
School visit funded by the Scottish Book Trust	£175 minimum for one hour, plus travel costs.	CAD \$305

2. Remuneration of Writers of Literary Works in Ireland

Words Ireland is a recently formed collective of seven literature organizations, who work collaboratively to provide coordinated professional development and resource services to the literature sector.²¹ The collective supports the fair payment of writers at public events such as festivals and readings. Words Ireland has published the rates its member organizations pay to writers, in the aim of encouraging all organizations to observe fair payment standards. In addition, a guidance sheet on best practices for the remuneration and fair treatment of writers was developed following its first conference.²²

2.1 Print and Digital

²⁰ The Society of Authors, *A Guide for Authors Visiting Libraries and Schools*, v.4 August 2016.

²¹ Words Ireland comprises presenters and associations representing writers and publishers: Children's Books Ireland, Literature Ireland, Irish Writers Centre, Munster Literature Centre, Poetry Ireland, Publishing Ireland and The Stinging Fly.

²² <http://wordsireland.ie/wp-content/uploads/2016/02/The-Treatment-of-Writers-At-Festivals1.pdf>.

The collective intends to undertake a survey of writers to learn more about the rates currently being paid to Irish writers for print and digital publications.²³ According to Words Ireland, royalties paid to Irish writers for the publication of their books in Ireland represent low amounts of remuneration due to the small size of the domestic market. Irish publishers and writers seek to attract larger publishing deals in the US and UK to extend the reach and remuneration to writers of books originally published in Ireland.

Irish literary journals for the most part pay fees ranging from €100 (CAD \$152) to €200 (CAD \$303) for a short story. By comparison, The Stinging Fly, a Words Ireland member, pays writers €800 (CAD \$1213) for the publication of a short story. A database of rates being paid by Irish journals and magazines is currently in the planning stages.

2.2 Live Appearances and Events

Words Ireland recommends that as a minimum, event organizers pay writers €300 (CAD \$455) per writer, per event, where the writer is key to the event (Table 7). Writers are encouraged to negotiate their fees upward, and to obtain travel and accommodation. The pay rates of the seven members of Words Ireland range from €200 (CAD \$303) to €300 (CAD \$455) for solo readings and from €150 (CAD \$227) to €200 (CAD \$303) for participation on panels. Masterclasses range from €200 (CAD \$303) to €400 (CAD \$607). (See Table 7.)

Table 7: Words Ireland Rates for Live Appearances

Type of Activity	Remuneration Rates	Rates in Canadian Dollars
Solo Readings	€200—€300	CAD \$303 to CAD \$455
Group panel or performance	€150—€250	CAD \$227 to CAD \$379
Short appearance (5—10 min)	€75—€100	CAD \$114 to CAD \$152
Keynote Address	€250—€300	CAD \$379 to CAD \$455
Master Class/Seminar	€200 to €400	CAD \$303 to CAD \$606
Workshop/Facilitation	€65 to €150 per hour	CAD \$99 to CAD \$227
8 to 10 week workshop	€1,400	CAD \$2122
Mentoring	€65—€300 per hour	CAD \$99 to CAD \$455
Writers in Schools	€200 per 2.5 hours	CAD \$303

3. Remuneration of Writers of Literary Works in France

The Société des gens de lettres (SGDL) is a national association representing French authors. It advocates on behalf of writers for fair remuneration, defends authors' copyright, and reports on observed rates of remuneration. The SGDL works with other organizations to publish authors' guides that contain information on the payment of writers. The Ministère de la culture et de la communication undertook major studies on writers' income in 2015 that have contributed to the development of these author guides.

The Conseil permanent des écrivains is comprised of national associations representing French writers. It negotiates collective agreements of behalf of French writers with other national bodies, such as the Ministère de la culture et de la communications, as well as with the Syndicat national des éditeurs (SNE), which represents the largest publishing houses in France. In particular the Conseil

²³ Interview with Words Ireland.

permanent des écrivains was successful in negotiating with the SNE an agreement on a modernized publishing contract, obtaining important protections for writers. These include a clause on the reversion of rights, the obligation of publishers for continuous exploitation, accountability on royalties, and the separation of print and digital rights within the same contract.²⁴

La Charte des auteurs et des illustrateurs pour la jeunesse (“La Charte”) is a national association that has led the development of recommended rates for live appearances and events for writers in France. The rates established by La Charte are based on a market analysis and take into account annual increases to the cost of living. These have been adopted by other literary sectors, such as the by the Centre national des ressources pour la poésie, which organizes the annual Printemps des Poètes, a France-wide national poetry event.

A unique characteristic of France’s literary sector is the regulation surrounding the payment of benefits. All writers receiving remuneration for their work must be paid benefits. The Association pour la Gestion de la Sécurité Sociale des Auteurs (Association for the Management of Authors’ Social Security), or AGESEA, administers the collection and payment of writers’ pensions and other benefits as prescribed by law.²⁵

Another unique characteristic is the recent introduction of a writer remuneration policy at the Centre National du Livre (CNL), the national funding body for the literary sector. Organizations receiving funding to host live literary events must provide remuneration to writers according to agreed upon fee schedules based on the rates described below. This policy is the result of negotiations between writers’ associations, the CNL and festivals. To ensure compliance with the new policy, the CNL is said to have increased its funding to festivals.²⁶

3.1 Print

Books

Royalty rates for printed books in France are typically 8% to 10% of the publishers’ retail price for large format books. This includes poetry books.²⁷ However, print runs and sale prices of poetry books tend to be lower, resulting in lower earnings for poets.

French law requires that a single price be set for all copies of a book that are sold in France. This “prix unique” (unique price) provides greater transparency for writers when negotiating their remuneration with publishers. However, there is concern amongst writers’ organizations about the lack of transparency in the payment of royalties for the exploitation of subsequent editions of a book, such as translations and paperback versions.

Rates for children’s books are lower, typically 5% to 6% of the publisher’s retail price. La Charte recommends that authors of children’s books negotiate for not less than 6% of the publisher’s retail price, and that this amount be progressively increased as sales increase. La Charte also recommends that the same royalty percentage established for large format children’s books be applied to the publication of the work in pocketbook format.²⁸

There is a concern expressed by La Charte and the Société des gens de lettres in France that royalties being paid to authors of children’s books and youth novels are outdated. In addition to having

²⁴ Conseil Permanent des Écrivains website : <http://www.conseilpermanentdesecrivains.org/category/juridique>.

²⁵ AGESEA website: <http://www.secu-artistes-auteurs.fr/>.

²⁶ Interview with the Société des gens de lettres.

²⁷ Société des gens de lettres, the Centre national du livre and the Fédération interrégionale du livre et de la lecture, *Guide des auteurs de livres*, 2017.

²⁸ La Charte des auteurs des Illustrateurs pour la jeunesse website: <http://la-charte.fr/index.php>.

significantly lower rates of remuneration from publishers, the royalties collected by the authors of children's books are typically shared with illustrators, reducing even further the actual rate of remuneration for these writers and illustrators. At the same time, the SGDL cautions that establishing a formal schedule of collectively negotiated minimum rates for book authors could become maximum rates in practice. (See Table 8.)

Table 8: Typical Royalty Rates Paid to French Authors for Books

Type of Publication	Royalty Rates
Books	8% to 10% of publisher's retail price
Children's books	5% to 6% of publisher's retail price

A recent study conducted by the Ministère de la culture et de la communication revealed that on average the highest amount received as an advance in the careers of authors surveyed was €3247 (CAD \$4921). However, in terms of the most recent advance received authors reported a lower amount. The value of the most recent advance received by authors averaged €1835 (CAD \$2781).²⁹

3.2 Digital

eBooks

As the SGDL observes, the digital market is not well developed in France.³⁰ The terms of remuneration for eBooks must be specified in the publishing contract separately from the terms negotiated for publication in print formats.

The Société des gens de lettres and other partners to the *Guide des auteurs* recommends that the royalties for digital books be set to ensure that payment is equivalent to the monetary value of royalties for printed books.³¹ As the publisher's retail price of digital books is lower than printed books, the royalty rate paid to the author should be adjusted upward to ensure that for each copy sold, the amount paid to the author is the same, regardless of the publication format.

Flat fees could be paid to authors for the rights to include their books in digital subscription services. However, flat fees cannot be negotiated in exchange for all digital rights, nor for all digital platforms (limiting, for example, the purchase of rights to yet to be invented platforms). These sales may be for four years only, after which time rights can be re-negotiated or reverted to the author.

La Charte recommends that the same royalty rate established for children's print books, typically 5% to 6% of the publisher's retail price, be applied to the publication of digital formats of the same work. It recommends that digital rights not be ceded for more than three years given the rapid evolution of the digital books sector.

3.3 Live Appearances and Events

Live participation at events is remunerated as an ancillary right and includes workshops or panels, book signings and other forms of professional live appearances. La Charte has developed rates of remuneration for these ancillary rights.³² The rates are recommended minimums, and authors are

²⁹ Ministère de la culture et de la communication DGCA/DGMIC, *Enquête sur l'activité et les revenus des auteurs prcomptés assujettis de l'AGESSA – Rapport Final*, November 2015, revised March 2016.

³⁰ Interview with the Société des gens de lettres.

³¹ Société des gens de lettres, the Centre national du livre and the Fédération interrégionale du livre et de la lecture, *Guide des auteurs de livres*, 2017.

³² *Rémunération des auteurs*, Languedoc – Roussillon Livre et Lecture, retrieved from <http://www.lr2l.fr/remuneration-de-lauteur.html>.

free to negotiate higher rates.³³ The costs of transportation, housing and meals must be assumed by the organizer of the event. Organizers must not under any circumstances require writers to advance these costs. (See Table 9.)

The recommended rates published by La Charte are supported by the Fédération des Salons et Fêtes du Livre jeunesse. These rates have also been adopted by the Centre national de ressources pour la poésie.

Table 9: La Charte Minimum Rates of Remuneration for Live Appearances

Type of Activity	Minimum Remuneration Rates	Rates in Canadian Dollars
Live appearance	€375 per full day	CAD \$565
	€227 per half day	CAD \$344
Book signing	€137 per full day	CAD \$208
	€114 per half day	CAD \$173

La Charte has also developed recommended rates for “digital appearances.”³⁴ These are defined as public appearances by authors before a public, organized by a school, library, etc that are hosted over the Internet.³⁵ The rates recommended for digital appearances are similar to those for live appearances: €250 (CAD \$379) for a half-day and €414 (CAD \$628) for a full day. Writers retain the copyright to their image captured by a video camera and cannot be used without their permission (such as on social media).

4. Remuneration of Writers of Literary Works in Australia

The Australian Society of Authors (ASA) represents authors and illustrators in Australia. The ASA publishes information on recommended rates of pay for writing and live appearances on its website. This information provides a benchmark for use by writers.³⁶

The Media Entertainment and Arts Alliance (MEAA) is a union for media, creative and entertainment professionals. ASA recommended rates of remuneration for Australian magazines are based on the 2010 National Freelance Rates approved by the MEAA and apply to all genres except poetry and previously unpublished material.

A number of private websites provide additional information on rates being paid to magazine writers. *Who Pays Writers in Australia* (<https://heypayup.tumblr.com/>) is a site where writers can post the rates paid to them by Australian publications. The blog site *Rachel's List* publishes the results of an annual survey of rates paid to writers, journalists, copyeditors and others in the publishing industry (<https://www.rachelslist.com.au>).

4.1 Print

Books

³³ Writers having appeared live at an event are free to participate in a book signing free of these charges.

³⁴ La Charte des auteurs des Illustrateurs pour la jeunesse, *Rencontres*, retrieved from <http://la-charte.fr/le-metier/rencontres/article/les-e-rencontres>.

³⁵ La Charte des auteurs des Illustrateurs pour la jeunesse website: <http://la-charte.fr/index.php>.

³⁶ Australia Society of Authors, *Recommended Rates of Pay*, retrieved from <https://www.asauthors.org/findananswer/rates-of-pay>.

In its Model Publishing Agreement, the ASA recommends authors receive a minimum royalty rate of 10% of the publisher's retail price for print books.³⁷ Typically, the value of advances is 50% of expected royalties.

The ASA publishes minimum recommended rates for anthologies. Rates for a prose anthology are based on the publisher's retail price and range from AUD \$440 (CAD \$455) to AUD \$592 (CAD \$599) per 1000 words.³⁸ Minimum rates for poetry are based on the number of lines of each poem, and should include the title as a line for the purpose of calculating the remuneration rate. (See Table 10.)

Optionally, editors and poets may share a one-off payment of 12% of the publisher's retail price of the anthology, multiplied by the total number of books in the print run. Each poet would receive a sum based on the number of their poems appearing in the anthology. According to the Australia Society of Authors, approaching the rate of remuneration based on a one-off payment of 12% of the recommended retail price could result in a higher remuneration to poets than one based on a percentage of sales, regardless of the size of the print run.

Table 10: Australia Society of Authors Minimum Remuneration Rates for Prose and Poetry Anthologies

Type of Publication	Minimum Remuneration Rates	Rates in Canadian Dollars
Prose	AUD \$440 (CAD \$455) to AUD \$592 (CAD \$599) per 1000 words	CAD \$325
Poetry	AUD \$3.13 Per line (including the title)	CAD \$3.12
	AUD \$125 for up to 40 lines	CAD \$125
	AUD \$188 for 41 to 60 lines	CAD \$188
	AUD \$281 for 61 to 90 lines	CAD \$280
	AUD \$422 for 91 – 135 lines	CAD \$421
	AUD \$625 for 136 to 200 lines	CAD \$624
	AUD \$983 for 201 to 300 lines	CAD \$981

Magazines

The ASA and MEAA have published recommended rates for freelance writers of magazine articles. (See Table 11.) The ASA observes that some recommended rates, such as the per word freelance writing rate of \$.89 (CAD \$.89) per word, are too high in relation to actual market practice. In reality, the per-word freelance writing rate being paid to writers in Australia is said to be half the recommended rate. With the high number of freelance writers willing to work for little pay, overall pay rates are said to be decreasing.

Table 11: Australia Society of Authors and the Media Entertainment and Arts Alliance Minimum Rates of Remuneration for Writers of Magazine Articles³⁹

Type of Publication	Minimum Remuneration Rates	Rates in Canadian Dollars
Magazine article	AUD \$878 per day	CAD \$876

³⁷ Australia Society of Authors, *Recommended Rates of Pay*, retrieved from <https://www.asauthors.org/findananswer/rates-of-pay>.

³⁸ Rates differ according to publishers' retail prices according to the following categories: AUD \$25, AUD \$25 - \$39, and AUD \$40 to AUD \$55.

³⁹ Australia Society of Authors, *Recommended Rates of Pay*, retrieved from <https://www.asauthors.org/findananswer/rates-of-pay>. These rates are based on 2010 MEAA rates.

	AUD \$585 per half-day	CAD \$582
	AUD \$219 per hour	CAD \$219
	AUD \$892 for 1000 words or less	CAD \$890
	AUD \$0.89 per word thereafter	CAD \$.89

4.2 Digital

eBooks

For books sold in both print and digital formats, the ASA recommends that authors receive a minimum royalty of 35% to 50% of net sales on every eBook sold or 10% of the publisher's retail price of the print edition, whichever is greater.

If a poem is being published in both print and eBook formats, the ASA recommends that an additional license equivalent to 50% of the value of the print royalty should be paid to the writer for the eBook edition. In a license agreement, the writer maintains ownership of copyright. It is not transferred to the publisher. The license should be for a set number of eBook sales (for example, half the print run), following which an additional fee will be paid based on sales figures.⁴⁰

For eBook editions of poetry, the poet or rights holder should request that the publisher stipulate in the licence the digital formats it will produce (e.g. ePub, Mobi, PDF). The licence should stipulate that the fee paid reflects a limited number of eBook sales, following which an additional fee will be paid based on sales figures.

Online Publications

The ASA recommends that writers negotiate an annual, recurring licence fee for works published on websites. This fee is set at AUD \$350 (CAD \$349) per annum, per poem or per 1000 words, for one year's use or less.⁴¹

4.3 Live Appearances and Events

The minimum rates for live appearances such as at festivals, range from AUD \$350 (CAD \$349) or a single session of no more than one hour, to a whole day rate of AUD \$880 (CAD \$878). Keynotes are remunerated at a rate of AUD \$1000 (CAD \$998). The minimum weekly rate is AUD \$3600 (CAD \$3593) for up to five days. Members are encouraged to negotiate fees that are higher than the minimum.

Where authors are required to read or perform their work individually, the minimum recommended rate recommended by the ASA is \$230 (CAD \$230) for a 30-minute reading. The minimum rate of AUD \$147.50 (CAD \$147) is recommended for participation as a member of a panel with three or more participants including the chair to discuss an issue or present their views, without the need for preparation. (See Table 12.) Local travel time is included in the fee. However, the ASA observes that the payment of travel costs is largely ignored as there is no way to enforce the rates.

Table 12: Australia Society of Authors Minimum Remuneration Rates for Live Appearances⁴²

⁴⁰ Australia Society of Authors, *Online Use Rates*, 2010, retrieved from <https://www.asauthors.org/documents/item/52>.

⁴¹ The licence fee offers only one viewing of a writer's work for personal use. It does not permit printing, saving, networking, copying, or other uses, such as commercial or educational.

⁴² Keynote rate does not include online or print publication - which must be negotiated separately.

Type of Activity	Minimum Remuneration Rates	Rates in Canadian Dollars
Public appearance	AUD \$880 per whole day (max. 6 hours)	CAD \$878
	AUD \$550 per half day (max. 3 hours)	CAD \$549
	AUD \$350 per session (max. 1 hour)	CAD \$349
Keynote*	AUD \$1000	CAD \$998
Week-long activity	AUD \$3600 (max. 5 days - average 6 hours per day)	CAD \$3593
Readings	AUD \$230 (up to 30 minutes)	CAD \$230
Panel participant	AUD \$147.50	CAD \$147

For school appearances, remuneration rates range from \$300 for a single session to \$600 for a whole day. The weekly maximum rate (for five days, and three sessions per day on average) is \$2500.⁴³ (See Table 13.)

Table 13: Australia Society of Authors Minimum Remuneration Rates for Live Appearances in Schools

Type of Activity	Minimum Remuneration Rates	Rates in Canadian Dollars
School appearance	AUD \$600 per whole day (max. 3 sessions)	CAD \$599
	AUD \$450 per half school day (max. 2 sessions)	CAD \$449
	AUD \$300 per school session (max. 1 session)	CAD \$299
Week-long school appearance	AUD \$2500 (max. 5 days - average 3 sessions per day)	CAD \$2495

Minimum recommended rates for online “appearances” (such as workshops with students) range from \$250 (CAD \$250) for a single session to \$550 (CAD \$549) for a whole day.⁴⁴ (See Table 14.)

Table 14: Australia Society of Authors Minimum Remuneration Rates for Online School Appearances

Type of Activity	Minimum Remuneration Rates	Rates in Canadian Dollars
Online school appearance	AUD \$550 per whole day (max. 3 sessions)	CAD \$549
	AUD \$400 per half school day (max. 2 sessions)	CAD \$399
	AUD \$250 per school session (max. 1 session)	CAD \$250

5. The Remuneration of Writers of Literary Works in the United States

In the United States, the National Writers Union (NWU) and the Authors Guild (AG) represent professional writers working in the literary field. In the absence of collective agreements and recommended minimum rates scales, a number of online databases populated anonymously by writers, provide information on the types of rates currently being paid, particularly by magazine

⁴³ Additional charges may be applied to groups of over 120, or those with mixed ages. Rates for workshops of longer periods may be negotiated if the booking is for one school and for a one-week block.

⁴⁴ Single sessions run 45 to 60 minutes, to be set by the speaker.

publishers. Two examples are Whopayswriters.com and Contently.net/rates-database.⁴⁵

The NWU has supported the development of *Who Pays Writers*.⁴⁶ The *Who Pays Writers* database provides information on rates that writers can use to negotiate their freelance fees with publishers. At the same time, the data collected provides the NWU with information on current rates of pay to support the development of proposed minimum rates for use by the industry.

The Author's Guild represents American authors, including novelists, journalists and poets, as well as literary agents. The Guild advocates for the fair treatment and respect for the copyright of authors. It operates a contract review service for its members, allowing it to observe current practices in the publishing sector. In the past the Authors' Guild has surveyed its members on how they are being remunerated. However, the legal framework in the US does not allow authors to engage in collective bargaining. As a result there is no mechanism for establishing binding minimum rates of remuneration for authors.

5.1 Print

Books

For trade books published with the major publishers, royalty rates for hard cover books typically begin at 10% of the publisher's retail price. This rate can "escalate" to as high as 15% of the publisher's retail price as the number of units sold increases. The average royalty rate is 12% of the publisher's retail price. Paperback books are remunerated at a rate of 7.5% of the publisher's retail price.⁴⁷ Smaller publishers often calculate these royalties on the publisher's net receipts as opposed to the book's retail price. Advances paid to writers vary and are said to depend on what publishers expect to earn from the sale of the book.⁴⁸ (See Table 15.)

Table 15: Royalty Rates Paid to US Authors for Books⁴⁹

Type of Publication	Royalty Rates
Hard cover	10% of publisher's retail price
Paperback	7.5% of publisher's retail price

Magazines

According to the NWU rates for print magazines range from \$1 per word for the larger, legacy publications, such as *The Atlantic* or *The New Yorker*, to \$.50 for smaller publications. However, there are few legacy print publications and well-paid freelance work is said to be harder to obtain. The NWU would like to see freelance writers paid a minimum of \$.25 per word. (See Table 16.)

Table 16: National Writers Union Minimum Remuneration Rates for Magazines

Type of publication	Minimum Remuneration Rates	Rates in Canadian Dollars
Article in larger magazines	US \$1 per word	CAD \$1.35
Article in smaller magazines	US \$.50 to US \$1 per word	CAD \$.68to CAD \$1.35

⁴⁵ "Rates Database," *The Freelancer*, retrieved from <http://contently.net/rates-database>.

⁴⁶ Who Pays Writers: <http://whopayswriters.com/>.

⁴⁷ Interview with the Authors Guild.

⁴⁸ Interview with the Authors Guild.

⁴⁹ Interview with the Authors Guild.

5.2 Digital

eBooks

According to the Authors Guild, most publishers will seek to obtain digital rights when negotiating a book contract with authors. In a survey conducted by the National Writers Union, the most commonly cited royalty amount for eBooks was 25% of net sales.⁵⁰ The Authors Guild notes that today most traditional publishers are unwilling to negotiate a different rate. Only the most successful authors are able to negotiate higher rates. The Authors Guild has been at the forefront of campaigning for fairer rates, which it believes should be as high as 35% or 50%.⁵¹

The NWU has long argued that publishers should pay higher royalty rates on eBooks than they do on print copies due to the lower costs of production. In the case of electronic reissues of existing works, the NWU believes that an appropriate royalty rate would be about 35% of an eBook's publisher's retail price. Especially when dealing with a trade publisher, the NWU warns writers to try to avoid royalties based on net sales, which are much more difficult to monitor. If a publisher refuses to pay royalties based on the publisher's retail price, the NWU believes that something along the lines of 50% to 70% of net sales represents an appropriate royalty rate.⁵² This accounts for the lower pricing of eBooks in the US, which varies widely, and is said to have averaged US \$10 per eBook (CAD \$13.50) in recent years.⁵³ (See Table 17.)

Table 17: National Writers Union Minimum Royalty Rates for eBooks

Type of Publication	Minimum Royalty Rates
eBook	35% of publisher's retail price OR 50% to 70% of net sales

Audio rights are becoming more important with the rise of the digital market.

Online Magazines

In terms of freelance writing online, many writers are said to be writing for free or little pay. For example, it is not uncommon to be paid US \$100 (CAD \$135) to \$200 (CAD \$675) to write a blog post,⁵⁴ or flat fees of \$50 (CAD \$68) to \$100 (CAD \$135) for significant writing assignments.⁵⁵ There is a concern that these trends could drive down online fees more generally. There is also a concern that freelancers who write for online publications may be assigning all their rights and losing out on future income opportunities. (See Table 18.)

⁵⁰ James O'Brien, "The State of E-Books: Compensation Shortfalls," *The Freelancer*, July 3rd, 2013, retrieved from <http://contently.net/2013/07/03/make-it-work/the-state-of-e-books-compensation-shortfalls/>

⁵¹ The Authors Guild has for years run a national campaign arguing that publishers should pay higher royalty rates on eBooks than 25% of net receipts, as the cost of producing an ebook is significantly lower than that of a print copy, because publishers do not have to cover printing costs. The Authors Guild has argued that the rate should be 50%-- the same as it is for other third-party licensing deals (referred to as subrights). Source: Interview with the Authors Guild.

⁵² Paul J. MacArthur & Susan E. Davis, *E-Book Contract Amendments: An Overview from the National Writers Unions*, 2010, retrieved from <https://nwu.org/wp-content/uploads/2015/07/Overview-of-e-book-contract-amendments.pdf>.

⁵³ Robert Springer, "The State of eBooks 2017," *eContent.com*, January 18, 2017, retrieved from <http://www.econtentmag.com/Articles/Editorial/Feature/The-State-of-Ebooks-2017-115709.htm>.

⁵⁴ Interview with the Authors Guild.

⁵⁵ Interview with the National Writers Union.

Table 18: National Writers Union and Authors Guild Rates for Writing Online

Type of publication	Minimum Remuneration Rates	Rates in Canadian Dollars
Online blog post	US \$100 to \$500 flat fee	CAD \$135 to CAD \$675
Other significant online writing	\$50 to \$100 flat fee	CAD \$68 to CAD \$135

5.3 Live Appearances and Events

In general, writers are rarely paid for public appearances other than readings. Book signings and appearances at festivals are generally not paid. In some cases, writers' appearances may be sponsored, such as by the Authors' Guild, for which they may be remunerated, and often travel costs are reimbursed.

There is a market for live speakers in the US. Speakers agents assist writers in accessing this market, which is particularly valuable for non-fiction writers.

6. Summary Analysis and Observations

6.1 Trends Show a Decline in Remuneration for Writers in Selected Jurisdictions

The five jurisdictions examined in this study have identified the remuneration of writers as a priority. All five jurisdictions have conducted studies that show that writers are generally earning less than they were a few years ago.

In France, for example, studies show that incomes for writers are falling. It is estimated that authors earn €1 (CAD \$1.52) per book sold.⁵⁶ A key challenge is the “over production” of books: 200 new titles are published per day, and books are said to have smaller print runs.⁵⁷

In the UK, the overall average royalty rate for authors has declined in the last ten years.⁵⁸ Declining rates of remuneration for authors are said to stem in part from the imbalance of power between publishers and writers at the negotiation of publishing contracts. To address this situation, the SoA is campaigning for a review of laws applicable to creator contracts and for new legislation to address unfair contract terms. As the SoA observes, many such laws already exist in other jurisdictions in Europe.

A survey of American writers conducted in 2015 by the Authors' Guild⁵⁹ found a significant decline in writers' income over 2009. Full-time writers have seen a 30% decline in their income, from US \$25,000 (CAD \$33,779) per year to US \$17,500 (CAD \$23,645) per year.

Similarly, a major study conducted in Australia in 2015 reported that literary authors had experienced a deterioration of 30% in their financial position in the previous five-year period. The incomes of authors of childrens' books fell by 19%.⁶⁰ The ASA is currently conducting a national industry survey that will inform its review of recommended rates. The approach is broad-based and consultative, involving members of Australia's copyright licensing body, members and directors of Australia's

⁵⁶ Interview with the Société des gens de lettres.

⁵⁷ Interview with the Société des gens de lettres.

⁵⁸ ACLS, 2015, op. Cit.

⁵⁹ The Authors Guild, *The Wages of Writing: Key Findings from the Authors Guild 2015 Member Survey*, September 15, 2015.

⁶⁰ David Throsby, Department of Economics, MacQuarie University, “*Australian Authors*,” *Industry Brief No. 1: Key Findings*, October 2015.

writers' centres, and editors of literary journals in addition to ASA members.⁶¹

The decline in authors' revenue is attributed to shifts occasioned by the digital economy, resulting in decreased print sales, low prices for eBooks and digital piracy, as well as major consolidation within the traditional publishing industry.

One trend causing concern is the tendency of book publishers to seek all-encompassing rights: demanding the sale of "all rights" in a single transaction, i.e. for all print and digital platforms, including rights to platforms yet to be invented. While digital exploitation allows for an increasing number of business models, publishers and producers tend to demand very broad transfers of rights to allow them to exploit the works without impediments. The remuneration paid in return is not always perceived as commensurate to the breadth of the transfer.

The concern is that rates being offered to writers for all rights are the same as what used to be paid for print rights alone⁶² and authors may not be able to give counterweight to this type of practice. The NWU opposes these all rights sales.⁶³ In France, the standard contract ensures that digital rights are negotiated separately from traditional print rights.⁶⁴ For its part, the Authors Guild has advocated successfully to ensure that clauses on the reversion of rights do not penalize writers whose works are published digitally.

However, in some instances, changes in remuneration might also correspond purely to market circumstances and not to specific legal or contractual behaviours.

At the same time, publishers require additional marketing investments from writers, who are expected to maintain their own websites and social media presence at their own costs.

The landscape for writing has been deeply changed by the advent of digital technology and the industry is said to be struggling to find new parameters. A key aspect of technological change is the increase in the number of publishing formats. Nearly 70% of all Australian authors have been affected in this way.⁶⁵ In the US, *The Huffington Post* is seen to set the status quo for how other online publications pay writers. However, many freelance writers are willing to work for lower rates. The NWU estimates that many writers are working for free.⁶⁶

The eBook rate paid by publishers is low and not reflective of the potential revenues to publishers. A better alternative, according to the NWU, would be to treat eBooks as licenses rather than as objects that are sold to a consumer. This means that readers who buy books for their e-readers or tablets are in fact buying a license to read that material on their device. Such licenses are usually covered under

⁶¹ Interview with the Australian Society of Authors.

⁶² James O'Brien, "The State of E-Books: Compensation Shortfalls," *The Freelancer*, July 3rd, 2013, retrieved from <http://contently.net/2013/07/03/make-it-work/the-state-of-e-books-compensation-shortfalls/>

⁶³ Sale-of-Work Issues, National Writers Union website, retrieved from <https://nwu.org/issues-we-care-about/copyright-defense/authors-in-the-digital-age-the-genesis-of-our-advocacy/sale-of-work-issues/>. See also Michael Kozlowski, "Authors Express Disdain on eBook Royalties," *Good E Reader*, June 16, 2013, retrieved from <http://goodereader.com/blog/e-book-news/authors-express-disdain-on-ebook-royalties>; and James O'Brien, op. Cit.

⁶⁴ Société des gens de lettres, *Contrat d'édition commenté*, February 2015.

⁶⁵ David Throsby, op. Cit.

⁶⁶ Interview with the National Writers Union.

author's subsidiary rights. Authors typically earn 50% of the sub-licensing fees paid to publishers.⁶⁷

In the UK, the Society of Authors is of the view that publishers should treat their e-lending transactions with libraries as the licensing of rights, as opposed to the current practice of treating them as eBook sales. Licensing of rights would provide a more significant royalty to the author.⁶⁸

6.2 Advocating for Minimum Standards in the Remuneration of Writers

In all jurisdictions examined, there is general agreement on the need for minimum standards of remuneration. The organizations interviewed for this study advocate for fair standards of remuneration and treatment of writers. At the same time, a key concern expressed in interviews conducted with the various jurisdictions is that recommending minimum rates of remuneration often becomes the maximum that authors can negotiate.

Another challenge is enforcing recommended rates of pay. In the absence of regulatory frameworks, minimum rates are unenforceable.

It is clear that there are differences in legal frameworks in these jurisdictions, which play a role in remuneration. In the UK, for example, contracting parties organize their contractual relations as they see fit on the basis of the general rules of contract law. There, the need to safeguard the principle of freedom of contract is deemed to prevail over the authors' demand for legislative intervention. No specific provision has ever been introduced in the copyright act to strengthen the authors' position.

Of all the jurisdictions examined, France has a well-established regulatory framework, which governs the exploitation of literary rights and imposes collective bargaining on publishers with respect to establishing principles for the legislative framework and the development of a standard contract with explicit terms that protect writers. Statutory measures have been adopted to strengthen the negotiating position of authors.⁶⁹ The standard contract defines the obligations of writers and publishers, such as the publisher's obligation to exploit the work in a permanent manner, to report on sales, and to provide a standard termination clause. The contract must also separate digital from print rights. Unlike some jurisdictions, moral rights in France cannot be assigned, transferred or waived.⁷⁰

One of the strategies adopted by the jurisdictions examined in this study is to survey the market on current rates of remuneration, the goal being to eventually generate a greater willingness for recommended rates to be respected.

An interesting initiative is the development of the Ten Principles of Fair Contracts for Authors by the International Authors Forum. These principles are aimed at bringing attention to the unfair terms

⁶⁷ Valerie Peterson, The rates vary depending on the rights granted but in general, the author should get at least 50% of the sub-licensed right, *The Balance*, October 14, 2016, retrieved from <https://www.thebalance.com/learn-about-subsidiary-rights-2799905>.

⁶⁸ "Virtual Loans and vanishing payments – eBook lending. The SoA asks where is the money?", *The Author*, Summer 2014.

⁶⁹ These measures range from rules governing formalities for the conclusion of contracts; to rules imposing restrictions on the scope of transfers of rights (regarding future modes of exploitation or future works); rules obliging the payment of adequate or equitable remuneration; rules specifying how to interpret the (scope) of contracts; and rules determining the effect of transfers in relation to third parties, the duty to exploit the work and the termination of contracts. Source: European Commission, *Remuneration of authors of books and scientific journals, translators, journalists and visual artists for the use of their works – Final Report*, prepared by Europe Economics, and Lucie Guibault and Olivia Salamanca of the University of Amsterdam, 2016.

⁷⁰ Source: European Commission, *Remuneration of authors of books and scientific journals, translators, journalists and visual artists for the use of their works – Final Report*, prepared by Europe Economics, and Lucie Guibault and Olivia Salamanca of the University of Amsterdam, 2016.

often found in publishing agreements. The principles hope to restore contractual balance to the author-publisher relationship and help authors achieve a fair return for the efforts they contribute to the joint venture of book publication.⁷¹

In 2011, National Writers Union launched the *Pay The Writer!* campaign to establish fair pay rates for freelance journalists working for the Huffington Post and other online publications. The NWU established the following principles: “1) freelance journalists working for for-profit, multi-million dollar online publications should get paid; 2) writers working on assignments, with an editor, should get paid; 3) occasional contributions by writers, educators or activists who are promoting a book or a cause could be unpaid and that fact should be acknowledged at the end of the article; and 4) frequent and regular contributors should be paid.”⁷²

6.3 Summary of Remuneration Rates for Print in Selected Jurisdictions

Books

The UK, France, Australia and the United States have established benchmarks for remuneration for published books based on royalty rates. While there are many variables contributing to remuneration of writers, as can be seen in Table 19, generally the range for print book royalties is between 8% to 10% of the publisher’s retail price. The SoA observes that the negotiating position of authors is weakening vis-à-vis big publishing corporations.

Table 19: Remuneration Rates for Printed Books in Selected Jurisdictions

Jurisdiction	Royalty Rates
United Kingdom	10% of publisher’s retail price
France	8% to 10% of publishers’ retail price
Australia	10% of publishers’ retail price
United States	10% of publishers’ retail price

Poetry

Only one jurisdiction has published rates for poetry, which vary based on the number of lines published in anthologies.

Magazines

In all the jurisdictions examined, remuneration rates for magazines are a challenge as many writers are said to be writing for free or little pay. Rates can take the form of a flat fee, a fee per word or per line. A noteworthy trend is that rates are generally self-regulated via websites where writers can post their rates for various types of magazines.

The English-language jurisdictions examined have developed databases for tracking rates for freelance magazine writers, which are self-regulated. These provide transparency that is not otherwise available and demonstrates the wide range of rates being paid, both on a flat rate or word rate basis for the different types of writing and different formats involved. The MEAA in Australia will also be introducing a members’ website Rate Tracker, which will track actual payments being made to writers.

⁷¹Join the Fairer Contracts Campaign, ACLS website, retrieved from <http://www.alcs.co.uk/About-Us//News/News/2016/10-October/Join-the-Fairer-Contracts-Campaign.aspx>.

⁷²Join the Fairer Contracts Campaign, ACLS website, retrieved from <http://www.alcs.co.uk/About-Us//News/News/2016/10-October/Join-the-Fairer-Contracts-Campaign.aspx>.

It is unclear the impact that websites like *Who Pays Writers* have had on freelance fees. The NWU estimates that setting a minimum rate of US \$.10 (CAD \$.14) per word online and US \$.25 (CAD \$.34) per word in print would encourage writers currently working for free to seek a minimum payment for their work, and establish a basis for gradually encouraging higher rates of pay.

The NWU in the United States identifies freelance rates for print magazines from a range from US \$1 (CAD \$1.35) per word for the larger, legacy publications, such as *The Atlantic* or *The New Yorker*, to US \$.50 (CAD \$.68) for smaller publications. However, there are few legacy print publications and well-paid freelance work is said to be harder to obtain. The NWU would like to see freelance writers paid a minimum of US \$.25 (CAD \$.34) per word.

Table 20: Remuneration Rates for Writing for Magazines in Selected Jurisdictions

Jurisdiction	Remuneration Rates	Rates in Canadian Dollars
United Kingdom	£0.70 to £1.90 per word	CAD \$1.22 to CAD \$3.30
Australia	AUD \$.89 per word	CAD \$.89
United States	US \$.50 to US \$1 per word	CAD \$.68 to CAD \$1.35

6.4 Summary of Remuneration Rates for Digital Content in Selected Jurisdictions

The trend with eBooks is to recommend that compensation for their exploitation be fair and comparable to the royalties paid on print publications. In the jurisdictions examined, writers' associations recommend that royalties earned on eBooks should be comparable to royalties earned on their print versions, as is shown in Table 21.

Table 21: Minimum Royalty Rates for eBooks in Selected Jurisdictions

Jurisdiction	Minimum Royalty Rates
United Kingdom	25% of net sales of eBooks
France	8% to 10% royalty on publisher's print retail price
Australia	10% royalty on publisher's print retail price OR 35% to 50% royalty on publishers eBook retail price
United States	35% of publishers eBook retail price OR 50% to 70% of net sales of eBooks

Current rates being paid for digital content are low. Recommended rates are being expressed in terms of either a percentage of print media rates, or as a recurring license fee. In the US however, no minimum rates have been published. The observed practice ranges from a US \$50 (CAD \$68) to a US \$200 (CAD \$270) flat fee for writing for online destinations.

Table 22: Remuneration Rates for Online Publications in Selected Jurisdictions

Jurisdiction	Remuneration Rates for Online	Rates in Canadian Dollars
United Kingdom	Print media rate + 50%	
Australia	AUD \$350 per annum licence fee, per poem or per 1000 words	CAD \$349
United States	US \$50 to US \$200 flat fee	CAD \$68 to CAD \$270

6.5 Summary of Remuneration Rates for Live Appearances and Events in Selected Jurisdictions

Remuneration for appearances at live events has become increasingly important as revenues from print and digital publications have been falling for writers in the jurisdictions examined.

Remuneration for appearances at live events is recognized as having become an increasingly important component of the revenue mix for writers. We observe a trend towards detailed rates for different types of live appearances, from solo readings to panel discussions, keynote addresses, workshops, master classes and school visits. The most detailed rates have been developed in Ireland and France.

Another notable trend is the requirement imposed by funders in some jurisdictions for events to comply with recommended rates. This is the case for example, in France, where the Centre National du Livre requires funded events to pay recommended rates, and in Scotland, where the Scottish Book Trust imposes minimum rates of remuneration for events that it funds.

Remuneration rates are lowest in the UK and highest in Australia. No minimum rates exist in the US. (See Table 23.)

Table 23: Remuneration Rates for Live Appearances and Events in Selected Jurisdictions

Jurisdiction	Remuneration Rates for Solo Appearance	Rates in Canadian Dollars
United Kingdom	£150 to £200	CAD \$261 to \$347
Ireland	€200—€300	CAD \$302 to CAD \$ 453
France	€227 to €375	CAD \$343 to CAD \$ 567
Australia	AUD \$350 to AUD \$ 880	CAD \$348 to CAD \$ 876

II. Remuneration of Writers of Literary Works in Canada

1. The Remuneration of Writers of Literary Works in Canada

The Writers' Union of Canada (TWUC) is the national organization representing professionally published book authors. TWUC works to ensure fair compensation and treatment of writers and to improve the conditions of Canadian writers.

The Union des écrivaines et des écrivains québécois (UNEQ) represents Quebec writers, including poets, novelists, essayists, children's authors, and writers of scientific and practical works. It is the recognized trade body representing the literary sector in Quebec, and is accredited federally to undertake collective bargaining with federal producers on conditions of employment for freelance literary writers. On its website, UNEQ publishes minimum recommended rates and fees for literary work.

The Professional Writers Association of Canada (PWAC) represents writers in Canada's magazine and newspaper industries as well as other professional non-fiction writers. Its main role is advocacy on behalf of writers to ensure fair terms of remuneration for use of author's copyright.⁷³ PWAC provides rates for freelance professional writing on its website to be used as a guideline for writers when negotiating contracts. They are based on fee information collected from PWAC members across Canada and from various industries that regularly hire writers on a freelance/contract basis. In consultation with the industry, PWAC has produced a best practices guide. These best practices are integrated into PWAC's model contract.

Other organizations, such as the Storytellers of Canada, the League of Canadian Poets, the Regroupement du conte au Québec (RCQ) and the Association des journalistes indépendants du Québec (AJIQ) have published rates relative to the writing activities of their members.

Regionally, the Saskatchewan Writers Guild (SWG) publishes fees paid to writers hired to write for its literary publication, *Grain Magazine*, as well as fees to writers for readings and workshops. In determining its rates, the SWG applies the reading fees recommended by the Canada Council for the Arts. It also scans rates being paid by other reading series and literary magazines as well as rates paid to university instructors as a benchmark for its workshop fees. The SWG regularly surveys its members on the rates they are earning for their work, and regularly revises its own rates.

1.1 Print

Books

According to The Writers' Union of Canada, English-language Canadian book authors typically earn a royalty rate of 10% of the publisher's retail price.⁷⁴ However, there is pressure on authors to accept lower royalty rates. TWUC has noted that some of the contracts writers are now offered a rate lower than the 10% royalty rate. Authors may also receive an advance against future royalty earnings.

TWUC has observed and recommends escalated royalties of 10% of the publisher's retail price on hard cover and trade paperback books for the first 5000 copies sold, 12.% on the next 2500 copies sold and 15% on all subsequent copies sold. Rates for mass market paperbacks range from 8% of the publisher's

⁷³ Nicole S. Cohen, "Negotiating Writers' Rights: Freelance Cultural Labour and the Challenge of Organizing," *Just Labour: A Canadian Journal of Work and Society*, Volume 17 and 18.

⁷⁴ The Writers Union of Canada, "A Writer's Bill of Rights for the Digital Age 2.0," Press Release, May 2012. See also The Writers Union of Canada, *Royalty Math*, retrieved from <https://www.writersunion.ca/twucs-royalty-math>.

retail price, escalating to 10%.

According to UNEQ, in Quebec, book authors typically receive a royalty rate of 10% of the publisher's retail price.⁷⁵ UNEQ observes that about half of all contracts it reviews provide an escalating rate, which is subject to negotiation. However, it has been observed that for certain publishers, royalty rates for large format books have decreased to 8% of the publisher's retail price.⁷⁶ The royalty rate for pocket books⁷⁷ is 8% of the publisher's retail price.

Table 24: Canadian English- and French-language Average Royalty Rates Paid to Authors of Books

Type of publication	Average Royalty Rates
Canadian publication of print hard cover book	10% of publisher's retail price
Canadian publication of paper back book	8% of publisher's retail price
Quebec publication of large format print book	10% of publisher's retail price
Quebec publication of pocket back format print book	8% of publisher's retail price

Magazines

PWAC's recommended rates for general interest consumer magazines range from \$1 to \$2 per word, and up to \$2 per word for trade magazines. Articles in general interest magazines can earn up to \$10,000 for a longer article or \$1,500 per column, as compared to \$4,000 for a longer article and \$1,000 per column for trade magazines.⁷⁸ However, special interest magazine rates are much lower, at \$.30 per word. According to PWAC, different factors affect the rates paid to writers, including:

- the type of assignment (e.g., magazine article, speech, marketing report)
- the writer's skill, background and experience
- the rights licensed to the client
- the number of words and/or time the project requires, and
- the number of interviews and research needed.

Table 25: PWAC Recommended Remuneration Rates for Magazine Writing

Type of publication	Minimum Remuneration Rates
Article in General Interest/Consumer Magazines	\$1.00 to \$2 per word
	\$500 to \$10,000 per article
	\$400 to \$1,500 per column
Article in Special Interest Magazines and Trade Magazines	\$.30 to \$2 per word
	\$500 to \$4,000 per article
	\$300 to \$1,000 per column

In actual practice, rates paid to writers can be much lower. As PWAC notes, pay rates vary between writing markets, between large urban centres and other Canadian locations, and between writers of varying experience. PWAC recommends that remuneration rates reflect the future earnings of freelance material and that rates be commensurate with the rights being ceded. PWAC also cautions

⁷⁵ Eve Boissonnault, "Le droit d'auteur – dans le bon rapport," *L'Unique*, June 2013. Revised July 2016.

⁷⁶ Eve Boissonnault, op. Cit.

⁷⁷ French-language books are typically published in paper back formats. Books are first published as a paper back akin to the trade paperback format. Pocket books refers to the smallest of the paper back formats, typically published as a second edition, intended for the mass market.

⁷⁸ Professional Writers Association of Canada, *What to Pay a Writer*, retrieved from <https://www.pwac.ca/What-to-pay-a-writer>.

that authors should not be asked to waive their moral rights.⁷⁹

UNEQ recommends minimum rates of \$40 per page for literary essays, poetry and fiction published in cultural journals or magazines. The minimum recommended rate for articles published in a magazine or daily newspaper is \$125 per page. This rate is based on the rates established by the Association des journalistes indépendants du Québec (AJIQ). It should be noted that AJIQ revised its rate upward to \$150 per page for magazines and to \$180 per page for specialized or trade magazines in 2016.⁸⁰

Table 26: Remuneration Rates for Magazines

Type of publication	Minimum Remuneration Rates
Essay, poetry or fiction published in a cultural magazine or journal	\$40 per page
Article published in a newspaper, a magazine or a weekly	\$125 per page (250 words)

1.2 Digital

eBooks

In Canada, eBook authors typically receive royalties equivalent to 25% of net sales. However, TWUC recommends that writers aim for a higher percentage, from 25% to 50% of net sales, arguing that industry standard of 25% is seen as too low and unfair to authors. The TWUC standard contract proposes a royalty rate calculated on the gross amount received by or credited to publishers, for a term of two years, after which royalties can be renegotiated.⁸¹ TWUC considers that even with a 50% royalty rate, publishers still stand to make a healthy profit.⁸²

For its part UNEQ recommends a royalty rate on eBooks equivalent to the value of the print royalty. Where the sale price for an eBook is equivalent to 75% of the publisher's retail price of a print book, UNEQ recommends a minimum royalty rate of 25% of net sales.⁸³ UNEQ is also of the view that caution needs to be observed with respect to eBook royalty rates based on net sales as digital business models are still evolving. (See Table 27.)

Table 27: TWUC and UNEQ Royalty Rates for eBooks

Type of publication	Minimum Royalty Rates
Canadian eBook royalty rate	25% to 50% of net sales 30% of gross amount received by or credited to publishers
Quebec eBook royalty rate	10% of publisher's print retail price OR 25% of net sales for e-Books where the publisher's retail price is equivalent to 75% of the publisher's print retail price

⁷⁹ Professional Writers Association of Canada, *Standard Freelance Publication Agreement*, retrieved from <https://www.pwac.ca/resources/Documents/Writing%20Information/periodicalmodelagreement.pdf>.

⁸⁰ Association des journalistes indépendants du Québec, *Tarifs*, retrieved from https://ajiq.qc.ca/content/uploads/2016/03/Tarifs_ref_AJIQ_2016.pdf.

⁸¹ The Writers Union of Canada, *Model Trade Book Contract*, 2017.

⁸² The Writers Union of Canada, *Royalty Math*, op. Cit.

⁸³ Union des écrivaines et des écrivains québécois, *Grille de tarifs*, retrieved from <https://www.uneq.qc.ca/services/grille-de-tarifs/>. See also Eve Boissonnault, "Publication numérique et redevances, *L'Unique*, October 2014, revised July 2015.

Online Writing

PWAC notes that rates for online publications varies widely, from \$1 to \$3 per word, or from \$60 to \$100 per hour. In addition, PWAC cautions that any written agreements clearly delineate which rights are being licensed.⁸⁴

1.3 Live Appearances and Events

Canadian festivals and books fairs apply rates for live appearances originally recommended by the Canada Council for the Arts.⁸⁵ These rates, \$250 for a solo appearance, and \$125 for a group appearance, are said not to have changed in over a decade.⁸⁶

In general, Canadian festivals or publishers cover writers' travel costs to appear at their events. Some festivals, such as the Kingston Writers' Festival endeavours to pay all writers the same fee for participating in their festival, that is \$250. The festival also pays \$300 to writers to lead master classes. Well-known writers can command higher fees at festivals and book fairs. (See Table 28.)

Table 28: Remuneration Rates at Festival and Book Fairs

Type of Activity	Minimum Remuneration Rates
Solo reading	\$250 (for 30 minutes or more)
Group appearances	\$150 (for less than 30 minutes)
Master classes	\$300

With respect to school visits, fees paid are based on Canada Council rates, established at \$300 for a full day of three to four sessions, and \$200 for a half day of one or two sessions.⁸⁷ Schools are also expected to cover travel costs for writers. In Manitoba, the Manitoba Arts Council supports writers for artistic residencies in schools. Fees are set at \$1200 per week and are partially paid for by the Council, which also covers travel and accommodation costs.⁸⁸

Table 29: Remuneration Rates for Live Appearances in Schools

Type of Activity	Minimum Remuneration Rates
School appearances	\$300 per full day (3 to 4 sessions) + transportation \$200 per half day (1 to 2 sessions) + transportation
Author residency in schools	\$1200 per week + transportation

Le regroupement du conte au Québec (RCQ) recommends a minimum rate of \$250 for a storytelling performance of 30 minutes or longer, and of \$150 for a shorter performance. However, many of their members charge higher rates. Commissioned works also command higher fees, which must be

⁸⁴ Professional Writers Association of Canada, *Copyright Basics*, retrieved from <https://www.pwac.ca/PWAC-Copyright-Basics>.

⁸⁵ Interviews with Canadian organizations.

⁸⁶ Interview with the Association des salons du livre du Québec.

⁸⁷ The Writers Union of Canada website: <https://www.writersunion.ca/node/122>.

⁸⁸ Manitoba Arts Council, Artists in the Schools Residencies Program, retrieved from <http://artscouncil.mb.ca/arts-education/artists-in-the-schools/>.

negotiated.⁸⁹ The Storytellers of Canada recommends the rate of \$250 per hour.⁹⁰ The Canadian League of Poets recommends payment of \$100 to \$200 for a fifteen-minute reading.⁹¹

Table 30: Remuneration Rates for Storytelling and Poetry Readings

Type of Activity	Regroupement du conte du Québec	Storytellers of Canada	League of Canadian Poets
Storytelling	\$250 for 30 minutes or more	\$250 per hour	n/a
	\$150 for less than 30 minutes	n/a	n/a
Poetry reading	n/a	n/a	\$100 to \$200 for 15 minutes

UNEQ recommends minimum rates of pay for different types of public appearances.⁹² These range from \$300 for a live public interview, \$250 for author readings, \$200 to \$500 for public appearances in a university or CEGEP,⁹³ \$500 for workshops and \$2300 for four-month mentoring projects. Transportation and accommodation costs are paid for writers travelling more than 50km to their speaking engagement. For school appearances, the usual rate paid is \$325 per half day (three to four hours).⁹⁴

Table 31: UNEQ Remuneration Rates for Public Appearances

Type of Activity	Minimum Remuneration Rates
Live public interview	\$300
Author reading	\$250 + transportation and accommodation
Public talk	\$400 (60 to 90 minutes) + transportation and accommodation
Lecture or workshop	\$500 (60 to 90 minutes) + transportation and accommodation
Mentoring	\$2300 for four months
Panel participation	\$200 + transportation and accommodation
Book signing	\$200 per session + transportation and accommodation
Solo lecture	\$250 (60 minutes)
Panel presentation	\$75 (5 to 10 minutes)
Appearance in an elementary or high school classroom (<i>La culture à l'école</i> program)	\$325 per half day (3 to 4 hours) + transportation
Appearance in a CEGEP or university classroom (<i>Parlez-moi d'une langue</i> program)	\$200 + transportation (panel presentation) \$400 + transportation for a classroom appearance \$500 + transportation for a public talk or workshop

⁸⁹ Regroupement du conte au Québec, *Engager un conteur*, retrieved from <http://conte.quebec/engager-un-conteur>.

⁹⁰ Storytellers of Canada, *Hire a Storyteller*, retrieved from <http://www.storytellers-conteurs.ca/en/hire-a-storyteller.html>.

⁹¹ Canadian League of Poets, *Hosting a Poetry Reading*, retrieved from <http://poets.ca/2016/06/24/hosting-a-poetry-reading/>.

⁹² Union des écrivaines et des écrivains québécois, *Grille de tarifs*, op. Cit.

⁹³ Fees for appearances in higher education settings are based on funding provided by the Government of Quebec to L'UNEQ for its educational program, « Parlez-moi d'une langue ».

⁹⁴ This fee is applied for author visits to elementary and high school classrooms, within the context of the Ministry of Culture and Communications program entitled *La culture à l'école*. Source : UNEQ model contract retrieved from <https://www.uneq.qc.ca/services/programmes-de-rencontres/culture-a-lecole/>.

The Saskatchewan Writers Guild's rates paid to writers for readings and workshops are published on their website and serve as a guide to minimum standards of remuneration. The SWG also pays for writers' travel and accommodations to participate in live events or workshops.⁹⁵

Table 32: Saskatchewan Writers Guild Rates of Remuneration for Readings and Workshops

Type of Activity	Minimum Remuneration Rates
Readings/Presentations (45-60 minute sessions)	\$175 per one author
	\$125 each for two authors
	\$75 each for three or more authors
Workshops/Sessions	\$100/hour
	\$250-\$300 - half day (3 hours)
	\$500-\$600 - Full day (6 hours)

2. Current Remuneration of Writers in Related Sectors

2.1 Current Remuneration Rates for Literary Translation and Editing in Canada

UNEQ and PWAC have published rates for literary translation and editing services. Rates for literary translation published by UNEQ are based on the recommended rates established by the Canada Council for the Arts. These range from \$.25 per word for poetry, \$.20 per word for plays, and \$.18 per word for other literary genres. PWAC translation rates as published on their website range from \$.10 to \$.20. It is unclear when these rates were last revised.

Table 33: Remuneration Rates for Literary Translation

Type of Activity	Minimum Remuneration Rates
UNEQ translation rate for poetry	\$.25 per word
UNEQ translation rate for plays	\$.20 per word
UNEQ translation rate for other literary genres	\$.18 per word
PWAC translation rates	\$.10 to \$.20 per word

According to Editors Canada, rates for editorial work can vary depending on the type and complexity of work being performed, the turnaround time, the industry and the editor's level of experience and training.⁹⁶ Editing rates recommended by UNEQ are \$44 per hour for stylistic editing, \$37 per hour for substantive or structural editing and \$34 per hour for proofreading. According to UNEQ, these rates are based on a national survey of French-language members by Editors Canada.⁹⁷ Editing rates recommended by PWAC vary according to the publication or project. Most are situated between \$30 and \$60 per hour.⁹⁸

Table 34: Remuneration Rates for Editing

Type of activity	Minimum Remuneration Rates
UNEQ -Stylistic editing	\$44 per hour
UNEQ - Substantive or structural editing	\$37 per hour
UNEQ - Proofreading	\$34 per hour

⁹⁵ http://www.skwriter.com/rsu_docs/32_profdevelopment/swg-hiring-rates-for-writers.pdf

⁹⁶ <http://www.editors.ca/content/what-do-editors-charge>

⁹⁷ Active Voice / La Voix active, vol. 27, nos. 2-3, summer/été 2007, p. 8, cited in UNEQ, *Grille de tarifs*, op. Cit.

⁹⁸ Professional Writers Association of Canada, *What to Pay a Writer*, op. Cit.

PWAC - Editing	\$30 to \$60 per hour
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2.2 Remuneration Rates for Writers Working in Radio and Screen-Based Cultural Industries in Canada

The Writers Guild of Canada (WGC) represents English-language screenwriters across Canada. It has the legal ability to negotiate collective agreements and enforce the rates established through them and to issue fines. Collective agreements negotiated by the WGC with independent producers are tripartite, involving also the Canadian Media Producers Association (CMPA) and the Association québécoise de la production médiatique (AQPM). This allows the parties to ensure similar working conditions across the country. To arrive at rates, the WGC monitors all writing contracts with independent producers, as well as the rates set by other talent unions, such as ACTRA (the Alliance of Canadian Cinema, Television and Radio Artists) or the Directors Guild of Canada, or the Writers Guild of America.

In Quebec, SARTEC (Société des auteurs de radio, télévision et cinéma) negotiates collective agreements on behalf of writers for the film, television and new media industries. The goal of collective bargaining is to establish minimum rates of remuneration and fair practices. In negotiating rates for writers, SARTEC examines average rates of pay observed in the industry and considers the economic climate and the capacity of the market to bear rates increases.

The Canadian Media Guild is a trade union representing workers in the Canadian media, both staff and freelancers. Freelance radio writing rates are established in its current collective agreement with the CBC/Radio-Canada.

Film and Television

In film and television, writers are remunerated through a script fee, a production fee and a royalty. In other words, the rights that are negotiated include 1) the right to a single script for a single production (“script fee”), 2) the right to distribute the writers’ work on the production on all platforms (“production fee”) and 3) the continued right to exploit the work on any platform (the “royalty”).

The script fees negotiated by the WGC for English-language scripts for independent Canadian films and television programs range from \$13,478 for a television documentary program to \$55,419 for a feature film. (See Table 35.)

Table 35: WGC 2017 Scriptwriting Rates for Film and Television

Type of Script	Scriptwriting Rates for Film and Television
Feature film script	\$55,419
Documentary film script	\$26,957
TV movie or mini-series (based or not based on a screen story)	\$41,783 (not based on an existing story)
	\$33,426 (based on an existing story)
Drama series (60 minutes or less)	\$16,414 (not based on an existing story)
	\$13,678 (based on an existing story)
Documentary TV production (60 minutes or less)	\$13,478

The production fee for English-language Canadian films or television scripts is calculated on the basis of the production budget, as shown in the table below. Production fees are particularly beneficial for

writers on larger budget projects. For budgets of more than \$13 million the production fee is negotiable. However, there is a floor for the negotiation, which is \$300,580.

Table 36: WGC Production Fee for Writers of Film and Television Scripts⁹⁹

Production Budget	Corresponding Production Fee
0 to \$60,000	Negotiable
\$60,000 to \$100,000	(\$3,575 plus 3.3% of the Budget) x 103%
\$100,000 to \$300,000	(\$6,875 plus 2.75% of the Budget in excess of \$100,000) x 103%
\$300,000 to \$500,000	(\$12,375 plus 1.1% of the Budget in excess of \$300,000) x 103%
\$500,000 to \$2,000,000	(\$14,575 plus 2.75% of the Budget in excess of \$500,000) x 103%
\$2,000,000 to \$10,000,000	(\$55,825 plus 2.2% of the Budget in excess of \$2,000,000) x 103%
\$10,000,000 to \$13,000,000	(\$231,825 plus 2% of the Budget in excess of \$10,000,000) x 103%

Since 2000, writers also share in the production's exploitation revenues through royalties. These are currently set at 3.2% of the gross revenues declared by the distributor, minus any funding towards a broadcast license fee ("license fee top up") provided by the Canada Media Fund.

In Quebec, SARTEC's negotiated script fees range from \$5,781 for a television documentary to \$47,624 for a feature film script. In practice, the majority of writers of daytime television are paid 10% to 15% over scale, on average, while writers of prime time dramas can earn three or four times the scale rate. However, a trend has been observed where broadcasters seek to obtain the rights to more and more platforms, while fees they are paying are decreasing. SARTEC notes that writers' fees are negotiated at a higher rate in English Canada, up to double the fees paid in Quebec. The reason for this is that historically, writers had fewer opportunities to write than they did in Quebec, where the volume of domestic production was higher. However, this is no longer the case.

Table 37: SARTEC 2017 Scriptwriting Fee Rates for Film and Television¹⁰⁰

Type of Script	2017 SARTEC Script Fee Rates
Feature fiction film (75 minutes)	\$47,624
TV movie or drama program (61 minutes or more)	\$26,016
Drama series (60 minutes or less), per episode	\$8,673
Feature documentary film (75 minutes)	\$16,828 (research is paid separately)
Documentary "one off" (single episode program) of 61 minutes or more	\$9,427
Documentary program (60 minutes or less)	\$5,781 (research is paid separately)

In SARTEC's collective agreements, feature film production fees are calculated on the basis of the production and post-production costs.¹⁰¹ Television production fees are calculated on the basis of 97% of the production budget. Royalties for the exploitation of works in video format are set at 2% of net DVD sales.

⁹⁹ Writers Guild of Canada, *Article C10 – Production Fee*, retrieved from http://www.wgc.ca/ipa2015_2017/article_c10.html.

¹⁰⁰ *Entente Collective (Section télévision) entre l'association québécoise de la production médiatique (AQPM) et La Société des auteurs de radio, télévision et cinéma (SARTEC) du 1^{er} septembre 2014 au 30 août 2019*; and *Entente Collective (Section cinéma) entre l'association québécoise de la production médiatique (AQPM) et La Société des auteurs de radio, télévision et cinéma (SARTEC) du 1^{er} mars 2016 au 29 février 2020*.

¹⁰¹ Sections B and C of the standard production budget. This excludes fees for the producer, director and writer, and other general costs or rights acquisitions.

Table 38: SARTEC Production Fee for Writers of Feature Film and Television Scripts¹⁰²

Type of Production	Corresponding Production Fee
Feature fiction film (not based on a pre-existing audiovisual work)	4% of the first \$5,000,000
	Negotiable for amount above \$5,000,000
Feature animated film	2% of the first \$10,000,000
	Negotiable for amount above \$10,000,000
Television drama program or TV movie	2.8% of the production budget (based on 97% of the production budget)
Television documentary program	4% of the first \$200,000
	1.75% of amounts above \$200,000
Television dramatic series	4% of the first \$150,000 per episode
	1.25 % of amounts above \$150,000 per episode

In its collective agreement with CBC/Radio Canada, the Canadian Media Guild has established rates for freelance contributing radio reporters. The freelance contributor's item may be scripted or spoken without preparation. Fees include research, preparation of the script, interviewing, presentation, recording and basic editing of audio material.

Table 39: Canadian Media Guild/CBC and Radio Canada Rates for Radio¹⁰³

Running Time of Audio Reportage	CBC/Radio Canada Rate
Up to 90 seconds	\$106.67
90 seconds to 2 minutes	\$138.69
2 minutes to 3 minutes	\$186.82
Each additional minute	\$14.00

3. Summary Analysis and Observations

3.1 Royalty Rates for Authors of Printed Books in Canada are Comparable to Rates in Selected International Jurisdictions

As is shown in Table 40, royalty rates paid to Canadian authors of printed books are similar to rates paid in the United Kingdom, France, Australia and the United States. However, as in these other jurisdictions, Canadian writer's incomes have declined considerably in recent years. According to the TWUC study *Devaluing Creators, Endangering Creation*, (2015) Canadian writers are making 27% less from their writing than they were making in 1998 (taking into account inflation), while 45% of writers say they must do more to earn a living now. Writers' average incomes from their writing were \$12,879 in 2015, while the median income was even lower, resulting from a steep divergence in income levels between a small group of very successful authors and a much larger group of authors earning very little. In Quebec the median income of French-language writers is also very low, at \$2,450 on

¹⁰² Entente Collective (Section télévision) entre l'association québécoise de la production médiatique (AQPM) et La Société des auteurs de radio, télévision et cinéma (SARTEC) du 1^{er} septembre 2014 au 30 août 2019 ; and Entente Collective (Section télévision) entre l'association québécoise de la production médiatique (AQPM) et La Société des auteurs de radio, télévision et cinéma (SARTEC) du 1^{er} septembre 2014 au 30 août 2019

¹⁰³ Canadian Media Guild, *CBC/Radio-Canada collective agreement 2014 – 2019*, retrieved from CMGCBCCollectiveAgreement20142019.pdf.

average.¹⁰⁴

This trend is also being reported in Quebec, where 65% of Quebec writers surveyed in 2008 were earning less than \$5,000 from their writing. A further 22% were earning between \$5,000 and \$20,000.¹⁰⁵ According to the Observatoire de la culture et des communications du Québec, the more time writers dedicate to their writing, the lower their incomes are.¹⁰⁶

It is worth noting that according to TWUC the impact of the *Copyright Modernization Act* has been to significantly reduce collective incomes, by as much as \$30 million per year in remuneration to writers and publishers.¹⁰⁷ Payments from secondary licensing of copyright had come to represent up to 20 percent of authors' income – until the previous federal government introduced a poorly defined educational exception with the *Copyright Modernization Act*.

A best practice in the jurisdictions examined is to survey authors to provide associations with timely information on the rates of remuneration. Similarly, information on what the market is paying is being gathered and shared via online platforms dedicated to tracking remuneration rates for freelance writers.

Table 40: Remuneration Rates for Printed Books in Selected Jurisdictions Compared to Canada

Jurisdiction	Royalty Rates
United Kingdom	10% of publisher's retail price
France	8% to 10% of publishers' retail price
Australia	10% of publishers' retail price
United States	10% of publishers' retail price
Canadian publication of print book	10% of publisher's retail price (with downward pressure from publishers)
Quebec publication of print book	10% of publisher's retail price

3.2 Rates for Magazine Writing Varies Widely by Jurisdictions

Rates for magazine writing varies widely by jurisdictions and by type of publication. Rates are calculated either on a flat fee or on a per word basis. Major or legacy magazine publications in the US are said to be paying the highest fees, from US \$3 (CAD \$4) per word. For a lengthy article of 3,000 to 5,000 words, this represents a fee of US \$9,000 (CAD \$12,164) to US \$15,000 (CAD \$20,273). According to the rates found on PWAC's website, Canadian fees can be as high as \$10,000 for a longer article in a general interest consumer magazine.

Canadian per word rates are the lowest amongst the jurisdictions examined: as low as \$.16 per word for a literary publication in Quebec, or \$.30 per word for a special interest magazine in English Canada. The AJIQ has also observed that since the 1990's freelance journalists' fees and working conditions have steadily eroded. In part this is due to the stagnation of fees paid to freelance journalists.¹⁰⁸

¹⁰⁴ The Writers' Union of Canada, *Devaluing Creators, Endangering Creation*, 2015, Page 9.

¹⁰⁵ Observatoire de la culture et des communications du Québec, *Les Écrivains Québécois : Portrait des conditions de pratique de la profession littéraire au Québec*, 2010.

¹⁰⁶ Marie-Hélène Provençal, Project leader, Observatoire de la culture et des communications du Québec, "Les écrivains québécois : un aperçu statistique," *optique culture* Number 3, May 2011, Observatoire de la culture et des communications du Québec.

¹⁰⁷ Heather Menzies, "The copyright act needs to be edited – for writers' survival," *The Globe and Mail*, January 14, 2016, updated January 15, 2016.

¹⁰⁸ <https://www.ajiq.qc.ca/sur-le-journalisme-independant/les-realites-du-metier/>

An examination of the published remuneration rates of selected Canadian, US and online literary magazines reveals that rates for stories, poems, and criticism published in these magazines are generally higher than rates for other general interest magazines. At the same time, some literary magazines claim that they cannot afford to pay writers. In some cases, writers are working for contributor copies or subscriptions to the magazines they write for.¹⁰⁹

Table 41: Remuneration Rates for Writing for Magazines in Selected Jurisdictions

Jurisdiction	Remuneration Rates	Rates in Canadian Dollars
United Kingdom	£0.70 to £1.90 per word	CAD \$1.22 to CAD \$ 3.30
Australia	AUD \$.89 per word	CAD \$.89
United States	US \$.50 to US \$3 per word	CAD \$.68 to CAD \$ 4.05
Canada	\$0.30 to \$2 per word	\$0.30 to \$2
Quebec	\$.16 per word (literary or cultural magazine or journal)	\$.16
	\$.50 per word (magazine or newspaper)	\$.50

3.3. Canadian eBook Royalty Rates are Comparable to Rates in Selected Jurisdictions

As is shown in Table 42, royalty rates for eBooks published in Canada are comparable to rates paid in other jurisdictions. Writers' associations in all jurisdictions examined are of the view that royalties being paid to authors for eBooks are too low particularly in light of the lower production and distribution costs for digital publications.

In Canada, TWUC has developed a "Writers' Bill of Rights for the Digital Age," outlining key principles for the sale and use of writers' work in digital formats to ensure fair remuneration for author's digital rights. The Writers' Bill of Digital Rights asks government to ensure that copyright legislation protects writers' intellectual property in the electronic realm. It articulates contract terms for rights reversion and an equitable sharing of net proceeds from the sale of eBooks, and it calls on publishers to honour such terms. It asks that libraries acquire digital copies of works only from rights holders or their licensing agencies. The bill has been endorsed by other writers' organizations, including CANSCAIP (Canadian Society of Children's Authors, Illustrators and Performers), the League of Canadian Poets, the Professional Writers Association of Canada, the Saskatchewan Writers' Guild, and the Writers' Alliance of Newfoundland and Labrador.

Advice to writers being given in other jurisdictions is to ensure that whatever royalty rates are negotiated for eBooks, the principle of equivalent value for rights should apply. In other words, writers should strive to earn the same amount per title sold regardless of the platform (print or digital). Best practices show that eBook rights should be negotiated separately as an ancillary to the print publication.

¹⁰⁹ *Freelance Writing - Literary publications*, retrieved from <https://www.freelancewriting.com/writers-guidelines/literary-publications/>; and <https://www.freelancewriting.com/writers-guidelines/writing-publications/>.

Table 42: Remuneration Rates for eBooks in Selected Jurisdictions

Jurisdiction	Royalty Rates for eBooks
United Kingdom	8% to 10% royalty on publisher's print retail price
France	8% to 10% royalty on publisher's print retail price
Australia	10% royalty on publisher's print retail price OR 35% to 50% royalty on publishers eBook retail price
United States	35% of publishers eBook retail price OR 50% to 70% of net sales
Canada	25% to 50% royalty based on net sales 30% of gross amount received by or credited to publishers
Quebec	10% royalty on publisher's print retail price OR 25% royalty rate based on net sales for e-Books whose publisher's retail price is equivalent to 75% of the publisher's print retail price

Per word online rates reported by PWAC appear relatively high as compared to other jurisdictions. For online publications, writers are writing for very little or even for free, particularly in the US and Australia. This trend is said to be driving down the value of writing online.

Table 43: Remuneration Rates for Online Publications in Selected Jurisdictions

Jurisdiction	Remuneration Rates for Online Publications	Rates in Canadian Dollars
United Kingdom	Print media rate + 50%	
Australia	AUD \$350 per annum licence fee, per poem or per 1000 word	CAD \$349
United States	US \$50 to US \$200 flat fee	CAD \$68 to CAD \$270
Canada	\$1 to \$3 per word	\$1 to \$3
	\$60 to \$100 per hour	\$60 to \$100

3.4 Rates for Live Appearances are Higher in Other Jurisdictions

Rates of remuneration to authors for public appearances at festivals and book fairs are higher in other jurisdictions examined. As Table 43 shows, rates for solo appearances, such as readings, can be significantly higher in other jurisdictions examined, ranging from \$231 to \$876, as compared to the single fee of \$250 in Canada.

Canadian festivals would like to pay more but are challenged because of the high number of writers that they currently invite.¹¹⁰ Without additional resources, festivals would need to cut back on the number of writers they present. For example, a large festival like Metropolis Blue currently raises 50% of its operating budget from private sources. This unusually high percentage is difficult to increase, and at the same time, public funding has not increased significantly in years.

¹¹⁰ Interviews with Canadian festivals and book fairs.

Table 44: Remuneration Rates for Live Appearances and Events in Selected Jurisdictions

Jurisdiction	Remuneration Rates for Solo Appearances	Rates in Canadian Dollars
United Kingdom	£150 to £200	CAD \$261 to \$347
Ireland	€200 to €300	CAD \$302 to CAD \$ 453
France	€227 to €375	CAD \$343 to CAD \$ 567
Australia	AUD \$230 to AUD \$ 880	CAD \$231 to CAD \$ 876
Canada	\$250 for 30 minutes or more	\$250
Quebec	\$250	\$250

3.5 Canadian Remuneration Rates for Literary Works Are Lower Than Rates in Related Sectors in Canada

Canadian Translation and Editing Rates Compared to Literary Writing Rates

On a per word basis, we note that rates for literary translation in Quebec are higher than rates for the publication of literary work in cultural magazines. In English Canada, PWAC published rates also appear low by comparison to literary rates. It is not possible to draw a comparison of rates for editing with rates of pay for literary work as the former are based on the number of hours worked.

Canadian Radio and Screen-Based Cultural Industry Rates Compared to Literary Writing Rates

The Canadian regulatory framework provides for collective bargaining for writers working in the film, television and radio sectors. As a result, rates paid to writers in these industries are considerably higher than the minimum rates being paid to writers in the literary sector. It is interesting to note that screen-based writers are compensated for a number of rights related to their work on the script. In addition to remuneration for the writing of the script, writers benefit from production activity as well as the exploitation of the property that they write.

As regards digital productions, the WGC has not negotiated any minimum rates of remuneration for writers. Part of the challenge is the wide range of productions, from inexpensive web series to high budget “webisodes” attached to a television property. The WGC plans to enter into collective bargaining with respect to convergent television writing later this year.¹¹¹ There is similarly no collective agreement at the present time between SARTEC and independent producers for web-based work. The union is preparing for its first collective agreement for new media, and is examining rates being paid in other contexts, for example, by Radio Canada. The union aims to ensure that the rights ceded by writers are proportional to their remuneration.

As compared to the screen-based sector, writing for radio, as shown by the rates by the rates paid to freelancers by the CBC/Radio Canada, are much lower and more comparable to the rates being paid in the magazine and newspaper sector.

¹¹¹ Interview with Writers Guild of Canada.

III. Proposed Minimum Remuneration Rates for Writers of Literary Works in Canada

The proposed remuneration rates and terms that follow were arrived at through an analysis of international benchmarks in the selected jurisdictions of the United Kingdom, Ireland, France, Australia and the United States. These were compared to the findings on current rates of remuneration in Canada and Quebec. The proposed rates were developed with a view to ensuring that Canadian writers are remunerated minimally at the same rates as writers in other jurisdictions. Rates were developed for print and digital publications and live appearances. Where relevant, the terms associated with these rates are highlighted in the tables below as these can have a determining effect on the ultimate monetary amounts paid to writers.

This study finds that a best practice in other jurisdictions is regular consultation with writers as well as monitoring of actual rates being paid to inform the development of proposed rates of remuneration. In this light, TWUC and UNEQ may wish to consult their respective memberships on rates proposed below as a next step.

The proposed rates can be found on the following pages.

1. Proposed Minimum Remuneration Rates and Terms for Writers of Literary Works in Print

Table 45: Recommended Minimum Rates of Remuneration for Canadian Books

	Current Rates in Canada	Current Rates in Quebec	International Benchmarks	Recommended Minimum Canadian Rates	Comments
Hardcover (English-language) or large format (French language) book royalty rates	10% of publisher's retail price	10% of publisher's retail price	8% to 10% of publisher's retail price	10% of publisher's retail price, with an escalating rate.	Authors in English and French Canada are under increasing pressure to accept lower royalty rates. Rates may increase once a certain number of units are sold, subject to negotiation. Rates should be the same for books intended for children and youth. These rates are shared with illustrators.
Paperback/pocket book royalty rates	8% of publisher's retail price	8% of publisher's retail price	7.5% to 9.5% of publisher's retail price	8% of publisher's retail price	

Table 46: Recommended Minimum Rates of Remuneration for Canadian Magazines

	Current Rates in Canada	Current Rates in Quebec	International Benchmarks	Recommended Minimum Canadian Rates	Comments
General interest magazines	\$1 to \$2 per word	\$125 per page	\$.68 to \$4.05 per word	\$1 to \$4.05 per word	PWAC and UNEQ should survey their membership to confirm these rates
Literary magazines	\$20 - \$50 per page/flat fee of \$50 - \$350	\$40 per page	\$27 to \$203 per page	\$27 to \$203 per page	

Table 47: Recommended Minimum Rates of Remuneration for Canadian Poetry

	Current Rates in Canada	Current Rates in Quebec	International Benchmarks	Recommended Minimum Canadian Rates	Comments
Poems appearing in books	n/a	n/a	\$3.12 per line/ From \$125 up to 40 lines To \$981 for 201 to 300 lines	\$3.12 per line/ From \$125 up to 40 lines To \$981 for 201 to 300 lines	PWAC and UNEQ should survey their members to validate recommended rates per line of poetry. Line rates should include the title.
Poems in Literary Magazines	\$30 - \$50 per poem	\$40 per page	\$3.37 - \$14 per line of poetry/\$50 per poem	\$50 per poem	

2. Proposed Minimum Remuneration Rates and Terms for Writers of Digital Literary Works

Table 48: Recommended Minimum Rates of Remuneration for Writers of Literary Works in Canadian Digital Publications

	Current Rates in Canada	Current Rates in Quebec	International Benchmarks	Recommended Minimum Canadian Rates	Comments
eBooks	25% to 50% of net sales	10% of publisher's print retail price, or 25% of net eBook revenues (based on 75% of the print retail price)	10% to 35% of publisher's retail price	10% of publisher's print retail price/ or 35% of publisher's eBook retail price	Separately negotiated digital license, limited term (i.e. three years), reversion of rights based on sales volume. Terms for online publications should be as short as possible given the rapid evolution of the sector.
Online publications	\$1 to \$3 per word	n/a	\$68 to \$270 flat fee /or print media rate + 50%	\$1 to \$3 per word/ or print media rate + 50%	
Literary online publications	n/a	n/a	\$27 to \$54 flat fee for poem or story / \$14 per page to a maximum of \$135 (term not specified)	\$27 to \$54 flat fee per poem \$14 per page for a limited term license	

3. Proposed Minimum Remuneration Rates and Terms for Writers for Live Appearances

Table 49: Recommended Minimum Rates of Remuneration for Writers for Canadian Live Appearances

	Current Rates in Canada	Current Rates in Quebec	International Benchmarks	Recommended Minimum Canadian Rates	Comments
Solo appearances	\$250	\$250	\$878 full day \$549 half day \$303 to \$445 single session/reading (up to 60 minutes) \$230 short reading (< 30 minutes)	\$878 full day \$549 half day \$445 single session/reading up to 60 minutes \$230 short reading (< 30 minutes)	Current Canadian rates should be increased to reflect the highest rates paid internationally. As noted above, the SoA and Words Ireland have prepared guidance sheets on best practices in the remuneration of writers at live events for consideration.
Group appearances	\$125 to \$250	\$125	\$147 - \$379	\$379	
Mentoring	n/a	\$2300/4 months	\$2122 for 2 to 2.5 months	\$1061 per month	
School visits	\$300	\$650	\$599 to \$1741 full day	\$1741 full day	
	\$200	\$325	\$449 to \$1393 half day	\$1393 half day	
	n/a	n/a	\$299 to \$435 single session (up to 60 minutes)	\$435 single session (to 60 minutes)	

Table 50: Recommended Minimum Rates of Remuneration for Writers for Canadian Digital Appearances

	Current Rates in Canada	Current Rates in Quebec	International Benchmarks	Recommended Minimum Canadian Rates	Comments
Online appearances	n/a	n/a	\$628 full day \$379 half day \$250 single session	\$628 full day \$379 half day \$250 single session	Writers retain the copyright to their image captured by a video camera. It is recommended that rates be developed for digital appearances that reflect international benchmarks.

Glossary

Advance: is a one-time payment that a writer may receive prior to the completion of their manuscript. Most often writers are given an advance against royalties, this sum of money reflects the revenue that a publisher anticipates to earn from a writer's work.

Buy-out contract: is one in where there is a single payment for the use of a work without the further payment of royalties.

Copyright: Copyright is the exclusive right to produce, reproduce, perform or publish a work. It is considered "intellectual property" and can be bought, sold, assigned, even included as a part of a will to be passed on to heirs. The copyright holder has legally protected economic and moral rights. Their economic right gives the copyright holder the right to receive payment for permitted use. Moral rights gives the copyright holder the right to protect how their work is used. Their assignment of the copyright does not imply a waiver of the moral rights. In Canada, copyright exists automatically in an original work as soon as the work is created, without any registration required. Canadian copyright in literary works lasts for the author's lifetime, plus at least 50 years. The international standard has become life plus 70 years.

eBook: a book that is read on a computer or other electronic device. eBooks may be versions of print books or original digital publications.

Electronic rights: refers to licensing a work for commercial use in electronic form, e.g., on an electronic database, computer disk, CD-ROM.

eLending: eBook lending, for example, as practiced by libraries, is a practice in which access to already-purchased downloads or online reads of e-books is made available on a time-limited basis to others.

Fair dealing: Fair dealing is an exception in the Canadian Copyright Act that allows limited use of copyright protected material for the purpose of research, private study, criticism, review or news reporting, education, and satire or parody without having to seek permissions. It is also mandatory in Canada to attribute the source of the material for criticism, review, and news reporting.

Freelance writer: A freelance writer is someone who works for a company or individual on a contractual, or project basis. Typically a freelance writer will work on a project or piece of writing with a set time frame, working, generally, on projects such as articles or shorter works that are defined by a set of boundaries established by the contractor.

First rights: the right to use a work for the first time. Canadian law holds that in the absence of a signed agreement to the contrary, the only right being licensed to someone purchasing a work from a freelancer is "first Canadian rights." This means simply that the purchaser is licensing the right to publish the work once in Canada in print form.

Language rights: covers translation of a work into specific languages.

Literary work: A literary work supported by the Canada Council is a print or electronic publication, which varies in length and content, and includes fiction, short fiction, poems, literary non-fiction, children and young adult texts, exploratory texts that use new technologies, spoken word and storytelling. The work is driven by the ideas, themes, and opinions of its writer(s). For the purpose of this study, plays are treated as a literary work when published by literary publishers.

Moral Rights: Moral rights comprise the author's right to be associated with the work. These refer to the creator's right to claim authorship—or remain anonymous—and prevent distortion and modification of the work. Moral rights also protect a work's integrity, preventing the work from being used in a way or associated with a product that would jeopardize the author's reputation. Moral rights are normally retained by the creator no matter who controls the copyright to the work. Moral rights last for the same period of time as copyright—the creator's lifetime, plus 50 years. Canada confers moral rights to all types of protected works, whereas the U.S. recognizes moral rights in the context of visual artists only.

Payments: Payments are different from royalties. Generally, royalties are distributed in increments for the duration of the publication of a writer's work, whereas a payment is a single lump sum. The simplest form of payment is a fee paid in exchange for work completed – whether it is an article for a magazine, contributions to an encyclopedia, or a short non-fiction title for children. These 'work-for-hire' payments are not normally repeated; in other words, it is a one-off fee for a specific job.

Publication rights: the right to use a work in a specific published form.

Reprographic rights: refers to making duplicate copies of a work, such as photocopies.

Royalty: A royalty is the payment for the use of a copyrighted work. For authors of full-scale works (novels or non-fiction, for example), the usual method is to pay a royalty, which remunerates the writer for writing the manuscript. This takes the form of a pro-rata percentage based on actual sales of the book. For writers, royalties refer to the portion of money that they receive for each copy sold of their work. Typically, a writer may receive a share of the publisher's retail price or net sales. In Canada, royalties collected by the copyright collectives Access Copyright and Copibec are paid to authors or publishers based on the individually negotiated terms of copyright license agreements and according to collective agreements regarding compensation for reproductions used in educational settings, corporations, governments and libraries. Authors and publishers must be registered with these copyright collective societies in order to receive their royalties.

Second rights: the right to use a work for the second time.

Serial rights: Serial rights refer to use in a "serial publication," such as a magazine or newspaper.

Subsidiary Rights: The term "subsidiary rights" refers to the rights the author grants the publisher to "sub-license" his or her book ("the work") for various formats and adaptations in addition to the primary format. Subsidiary rights could be sold, for example, to book clubs, audiobook publishers, foreign publishers, movie producers, etc.

Sub-Licensing: The right for third parties to copy and re-use the work.

Syndication: The right from another publisher to publish the work.

Territorial rights: based on geographical area and often combined with first rights. For example, "first Canadian rights" means the buyer has the right to publish the work for the first time in Canada.

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List of Acronyms Used in This Report

ACLS - Authors Licensing and Collecting Society (UK)

ACTRA - Alliance of Canadian Cinema, Television and Radio Artists

AG – Authors Guild (US)

AGESSA - Association pour la Gestion de la Sécurité Sociale des Auteurs (France)

AJIQ - Association des journalistes indépendants du Québec

AQPM - Association québécoise de la production médiatiques

ASA – Australian Society of Authors

CANSCAIP - Canadian Society of Children’s Authors, Illustrators and Performers

CMPA - Canadian Media Producers Association

CNL – Centre National du Livre (France)

MEAA - Media Entertainment and Arts Alliance (Australia)

NUJ – National Union of Journalists (UK)

NWU – National Writers Union (US)

PWAC - Professional Writers Association of Canada

RCQ – Regroupement du compte au Québec

SARTEC - Société des auteurs de radio, télévision et cinéma

SGDL - Société des gens de lettres (France)

SoA – Society of Authors (UK)

SNE – Syndicat des éditeurs (France)

SWG – Saskatchewan Writers Guild

TWUC - The Writers Union of Canada

UNEQ - Union des écrivaines et des écrivains québécois

UK – United Kingdom (of Great Britain)

US - United States

WGC – Writers Guild of Canada

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Annex 1: List of Interviewees

Canadian Interviewees

1. Barbara Bell, Artistic Director, Kingston Writers Festival
2. Julie Brousseau, President, Association québécoise des salons du livre, and Executive Director, Salon du livre de Trois Rivières
3. Laurie Channer, Director of Industrial Relations, The Writers Guild of Canada
4. Tracey Hamon, Program Manager, Saskatchewan Writers Guild
5. Yves Légaré, Executive Director, Société des Auteurs de Radio, Télévision et Cinéma (SARTEC)
6. William St-Hilaire, President and Executive Director, Blue Metropolis Festival
7. Hal Wake, Artistic Director, The Vancouver Writers Fest

International Interviewees

1. Isabelle Dubois, Communications Assistant, La Charte des auteurs et des illustrateurs pour la jeunesse (France)
2. David Hill, First VP, National Writers Union (USA)
3. Brendan McEvelley, President, Words Ireland (Ireland)
4. Geoffroy Pelletier, Executive Director, Société des gens de lettres (France)
5. Maryse Pierson, Administrative Director, Le Printemps des Poètes (France)
6. Mary Rasenberger, President, The Authors Guild (USA)
7. Juliet Rogers, CEO, Australian Society of Authors (Australia)
8. Nicola Solomon, Chief Executive, The Society of Authors (UK)