

the problem isn't piracy.
the problem is obscurity.

Cory Doctorow on Why Authors Should Give Their Work
Away, Stop Sweating Copyright and Focus on Building
a Community of Readers.

Compiled by the Editors of Children's Book Insider,
The Newsletter for Children's Writers

This file is licensed under a Creative Commons US Attribution-NonCommercial-ShareAlike license:

<http://creativecommons.org/licenses/by-nc-sa/3.0/>

You are free:

- * to Share — to copy, distribute and transmit the work
- * to Remix — to adapt the work

Under the following conditions:

- * Attribution — You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).
- * Noncommercial — You may not use this work for commercial purposes.
- * Share Alike — If you alter, transform, or build upon this work, you may distribute the resulting work only under the same or similar license to this one.

With the understanding that:

- * Waiver — Any of the above conditions can be waived if you get permission from the copyright holder.
- * Other Rights — In no way are any of the following rights affected by the license:
 - * Your fair dealing or fair use rights;
 - * The author's moral rights;
 - * Rights other persons may have either in the work itself or in how the work is used, such as publicity or privacy rights.
- Notice — For any reuse or distribution, you must make clear to others the license terms of this work.

All writings in the books, aside from the foreword, are the work of Cory Doctorow. To learn more about him, visit his website, <http://craphound.com>

This eBook compiled by:

**Children's Book Insider, The Newsletter for Children's Writers
Fort Collins, Colorado**

<http://cbiclubhouse.com>

When I asked Cory Doctorow if he'd be good with us compiling his trenchant and often visionary book introductions into this eBook, he replied "Sure. But you really didn't have to ask."

That's because Doctorow's works (tech-savvy novels for adults and young adults) are published under Creative Commons (which he'll explain in the next few pages far better than I could) and anyone is free to reuse, remix or reimagine his words.

That's a concept that seems foreign and more than a bit scary to most authors, who have been raised to revere traditional copyright and who live in mortal (and largely unjustified) terror of their works being stolen from under them.

In this eBook, Doctorow makes his case for why traditional copyright is an outmoded concept, why you should give as much of your work as possible away for free and why eBooks may be the answer to authors' prayers.

Cory Doctorow isn't some Utopian dreamer who's taken a vow of poverty. He's a wildly successful author who, it seems, is doing just fine financially playing under these new rules. He's proof that there's money to be made and books to be sold...while giving everything away. That seems counterintuitive and perhaps a bit hard to believe, but I'll allow him to offer up the how's and why's. You still may not buy into everything he has to say, but the point of his writings (and of this eBook) is to start discussion, not lay out more dogma. Take what you like, and set the rest aside for future consideration.

The essays you're about to read are excerpted from Doctorow's introductions to the electronic editions for his books (along with a few selections from *CONTENT: Selected Essays on Technology, Creativity, Copyright and the Future of the Future*). When you're done absorbing them, go read the books themselves. They're a trip. The man can write.

You can download them at <http://craphound.com> And then, I'm betting, you'll be buying them at your local bookstore.

Because that's how it works now.

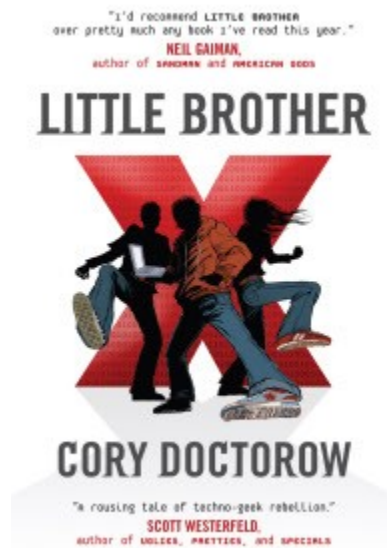


Jon Bard

Managing Editor, Children's Book Insider, The Newsletter for Children's Writers
<http://cbiclubhouse.com>

Table of Contents

From Little Brother.....	4
From Makers	8
From Overclocked: Stories of the Future Present	11
From Someone Leaves, Someone Comes to Town.....	12
Why do I do this?	12
Developing nations.....	14
DRM.....	15
From Eastern Standard Tribe	17
From A Place So Foreign and Eight More	21
From Down and Out in the Magic Kingdom	23
From CONTENT: Selected Essays on Technology, Creativity, Copyright and the Future of the Future.....	26
Giving it Away	26
How Copyright Broke	30
Ebooks: Neither E, Nor Books	33
Free(konomic) E-books.....	48



From *Little Brother*

<http://craphound.com/littlebrother>

THE COPYRIGHT THING

The Creative Commons license at the top of this file probably tipped you off to the fact that I've got some pretty unorthodox views about copyright. Here's what I think of it, in a nutshell: a little goes a long way, and more than that is too much.

I like the fact that copyright lets me sell rights to my publishers and film studios and so on. It's nice that they can't just take my stuff without permission and get rich on it without cutting me in for a piece of the action. I'm in a pretty good position when it comes to negotiating with these companies: I've got a great agent and a decade's experience with copyright law and licensing (including a stint as a delegate at WIPO, the UN agency that makes the world's copyright treaties). What's more, there's just not that many of these negotiations -- even if I sell fifty or a hundred different editions of *Little Brother* (which would put it in top millionth of a percentile for fiction), that's still only a hundred negotiations, which I could just about manage.

I **hate** the fact that fans who want to do what readers have always done are expected to play in the same system as all these hotshot agents and lawyers. It's just **stupid** to say that an elementary school classroom should have to talk to a

lawyer at a giant global publisher before they put on a play based on one of my books. It's ridiculous to say that people who want to "loan" their electronic copy of my book to a friend need to get a *license* to do so. Loaning books has been around longer than any publisher on Earth, and it's a fine thing.

I recently saw Neil Gaiman give a talk at which someone asked him how he felt about piracy of his books. He said, "Hands up in the audience if you discovered your favorite writer for free -- because someone loaned you a copy, or because someone gave it to you? Now, hands up if you found your favorite writer by walking into a store and plunking down cash." Overwhelmingly, the audience said that they'd discovered their favorite writers for free, on a loan or as a gift. When it comes to my favorite writers, there's no boundaries: I'll buy every book they publish, just to own it (sometimes I buy two or three, to give away to friends who *must* read those books). I pay to see them live. I buy t-shirts with their book-covers on them. I'm a customer for life.

Neil went on to say that he was part of the tribe of readers, the tiny minority of people in the world who read for pleasure, buying books because they love them. One thing he knows about everyone who downloads his books on the Internet without permission is that they're *readers*, they're people who love books.

People who study the habits of music-buyers have discovered something curious: the biggest pirates are also the biggest spenders. If you pirate music all night long, chances are you're one of the few people left who also goes to the record store (remember those?) during the day. You probably go to concerts on the weekend, and you probably check music out of the library too. If you're a member of the red-hot music-fan tribe, you do lots of *everything* that has to do with music, from singing in the shower to paying for black-market vinyl bootlegs of rare Eastern European covers of your favorite death-metal band.

Same with books. I've worked in new bookstores, used bookstores and libraries. I've hung out in pirate ebook ("bookwarez") places online. I'm a stone used bookstore junkie, and I go to book fairs for fun. And you know what? It's the same people at all those places: book fans who do lots of everything that has to do with books. I buy weird, fugly pirate editions of my favorite books in China because they're weird and fugly and look great next to the eight or nine other editions that I paid full-freight for of the same books. I check books out of the library, google them when I need a quote, carry dozens around on my phone and hundreds on my laptop, and have (at this writing) more than 10,000 of them in storage lockers in London, Los Angeles and Toronto.

If I could loan out my physical books without giving up possession of them, I *would*. The fact that I can do so with digital files is not a bug, it's a feature, and a damned fine one. It's embarrassing to see all these writers and musicians and

artists bemoaning the fact that art just got this wicked new feature: the ability to be shared without losing access to it in the first place. It's like watching restaurant owners crying down their shirts about the new free lunch machine that's feeding the world's starving people because it'll force them to reconsider their business-models. Yes, that's gonna be tricky, but let's not lose sight of the main attraction: free lunches!

Universal access to human knowledge is in our grasp, for the first time in the history of the world. This is not a bad thing.

In case that's not enough for you, here's my pitch on why giving away ebooks makes sense at this time and place:

Giving away ebooks gives me artistic, moral and commercial satisfaction. The commercial question is the one that comes up most often: how can you give away free ebooks and still make money?

For me -- for pretty much every writer -- the big problem isn't piracy, it's obscurity (thanks to Tim O'Reilly for this great aphorism). Of all the people who failed to buy this book today, the majority did so because they never heard of it, not because someone gave them a free copy. Mega-hit best-sellers in science fiction sell half a million copies -- in a world where 175,000 attend the San Diego Comic Con alone, you've got to figure that most of the people who "like science fiction" (and related geeky stuff like comics, games, Linux, and so on) just don't really buy books. I'm more interested in getting more of that wider audience into the tent than making sure that everyone who's in the tent bought a ticket to be there.

Ebooks are verbs, not nouns. You copy them, it's in their nature. And many of those copies have a destination, a person they're intended for, a hand-wrought transfer from one person to another, embodying a personal recommendation between two people who trust each other enough to share bits. That's the kind of thing that authors (should) dream of, the proverbial sealing of the deal. By making my books available for free pass-along, I make it easy for people who love them to help other people love them.

What's more, I don't see ebooks as a substitute for paper books for most people. It's not that the screens aren't good enough, either: if you're anything like me, you already spend every hour you can get in front of the screen, reading text. But the more computer-literate you are, the less likely you are to be reading long-form works on those screens -- that's because computer-literate people do more

things with their computers. We run IM and email and we use the browser in a million diverse ways. We have games running in the background, and endless opportunities to tinker with our music libraries. The more you do with your computer, the more likely it is that you'll be interrupted after five to seven minutes to do something else. That makes the computer extremely poorly suited to reading long-form works off of, unless you have the iron self-discipline of a monk.

The good news (for writers) is that this means that ebooks on computers are more likely to be an enticement to buy the printed book (which is, after all, cheap, easily had, and easy to use) than a substitute for it. You can probably read just enough of the book off the screen to realize you want to be reading it on paper.

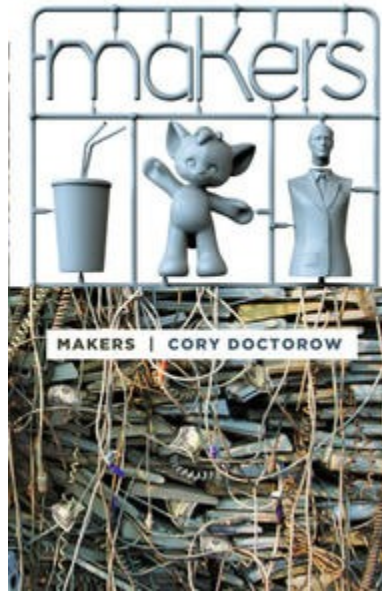
So ebooks sell print books. Every writer I've heard of who's tried giving away ebooks to promote paper books has come back to do it again. That's the commercial case for doing free ebooks.

Now, onto the artistic case. It's the twenty-first century. Copying stuff is never, ever going to get any harder than it is today (or if it does, it'll be because civilization has collapsed, at which point we'll have other problems). Hard drives aren't going to get bulkier, more expensive, or less capacious. Networks won't get slower or harder to access. If you're not making art with the intention of having it copied, you're not really making art for the twenty-first century. There's something charming about making work you don't want to be copied, in the same way that it's nice to go to a Pioneer Village and see the olde-timey blacksmith shoeing a horse at his traditional forge. But it's hardly, you know, *contemporary*. I'm a science fiction writer. It's my job to write about the future (on a good day) or at least the present. Art that's not supposed to be copied is from the past.

Finally, let's look at the moral case. Copying stuff is natural. It's how we learn (copying our parents and the people around us). My first story, written when I was six, was an excited re-telling of Star Wars, which I'd just seen in the theater. Now that the Internet -- the world's most efficient copying machine -- is pretty much everywhere, our copying instinct is just going to play out more and more. There's no way I can stop my readers, and if I tried, I'd be a hypocrite: when I was 17, I was making mix-tapes, photocopying stories, and generally copying in every way I could imagine. If the Internet had been around then, I'd have been using it to copy as much as I possibly could.

There's no way to stop it, and the people who try end up doing more harm than

piracy ever did. The record industry's ridiculous holy war against file-sharers (more than 20,000 music fans sued and counting!) exemplifies the absurdity of trying to get the food-coloring out of the swimming pool. If the choice is between allowing copying or being a frothing bully lashing out at anything he can reach, I choose the former.



From *Makers*

<http://craphound.com/makers/>

There's a dangerous group of anti-copyright activists out there who pose a clear and present danger to the future of authors and publishing. They have no respect for property or laws. What's more, they're powerful and organized, and have the ears of lawmakers and the press.

I'm speaking, of course, of the legal departments at ebook publishers.

These people don't believe in copyright law. Copyright law says that when you buy a book, you own it. You can give it away, you can lend it, you can pass it on to your descendants or donate it to the local homeless shelter. Owning books has been around for longer than publishing books has. Copyright law has always recognized your right to own your books. When copyright laws are made -- by elected officials, acting for the public good -- they always safeguard this right.

But ebook publishers don't respect copyright law, and they don't believe in your right to own property. Instead, they say that when you "buy" an ebook, you're really only licensing that book, and that copyright law is superseded by the thousands of farcical, abusive words in the license agreement you click through on the way to sealing the deal. (Of course, the button on their website says, "Buy this book" and they talk about "Ebook sales" at conferences -- no one says, "License this book for your Kindle" or "Total licenses of ebooks are up from

0.00001% of all publishing to 0.0001% of all publishing, a 100-fold increase!")

I say to hell with them. You bought it, you own it. I believe in copyright law's guarantee of ownership in your books.

So you own this ebook. The license agreement (see below), is from Creative Commons and it gives you even more rights than you get to a regular book. Every word of it is a gift, not a confiscation. Enjoy.

What do I want from you in return? Read the book. Tell your friends. Review it on Amazon or at your local bookseller. Bring it to your bookclub. Assign it to your students (older students, please -- that sex scene is a scorcher) (now I've got your attention, don't I?). As Woody Guthrie wrote:

"This song is Copyrighted in U.S., under Seal of Copyright #154085, for a period of 28 years, and anybody caught singin' it without our permission, will be mighty good friends of ours, cause we don't give a dern. Publish it. Write it. Sing it. Swing to it. Yodel it. We wrote it, that's all we wanted to do."

Oh yeah. Also: if you like it, buy it or donate a copy to a worthy, cash-strapped institution.

Why am I doing this? Because my problem isn't piracy, it's obscurity (thanks, @timoreilly for this awesome aphorism). Because free ebooks sell print books. Because I copied my ass off when I was 17 and grew up to spend practically every discretionary cent I have on books when I became an adult. Because I can't stop you from sharing it (zeroes and ones aren't ever going to get harder to copy); and because readers have shared the books they loved forever; so I might as well enlist you to the cause.

I have always dreamt of writing sf novels, since I was six years old. Now I do it. It is a goddamned dream come true, like growing up to be a cowboy or an astronaut, except that you don't get oppressed by ranchers or stuck on the launchpad in an adult diaper for 28 hours at a stretch. The idea that I'd get dyspeptic over people -- readers -- celebrating what I write is goddamned bizarre

So, download this book.

This file is licensed under a Creative Commons US Attribution-NonCommercial-ShareAlike license:

<http://creativecommons.org/licenses/by-nc-sa/3.0/>

You are free:

- * to Share — to copy, distribute and transmit the work

- * to Remix — to adapt the work

Under the following conditions:

- * Attribution — You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).

- * Noncommercial — You may not use this work for commercial purposes.

- * Share Alike — If you alter, transform, or build upon this work, you may distribute the resulting work only under the same or similar license to this one.

With the understanding that:

- * Waiver — Any of the above conditions can be waived if you get permission from the copyright holder.

- * Other Rights — In no way are any of the following rights affected by the license:

- * Your fair dealing or fair use rights;

- * The author's moral rights;

- * Rights other persons may have either in the work itself or in how the work is used, such as publicity or privacy rights.

- * Notice — For any reuse or distribution, you must make clear to others the license terms of this work.



From *Overclocked: Stories of the Future Present*

<http://craphound.com/overclocked>

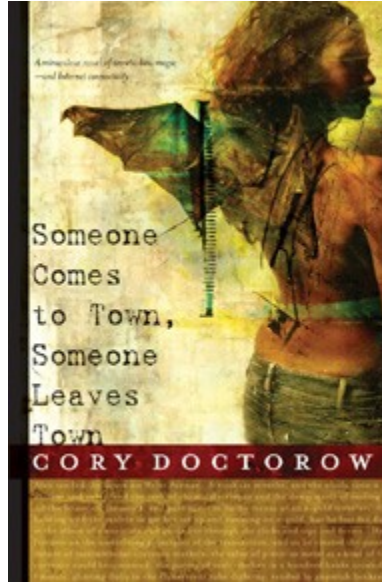
Printcrime came out of a discussion I had with a friend who'd been to hear a spokesman for the British recording industry talk about the future of "intellectual property." The record exec opined the recording industry's great and hysterical spasm would form the template for a never-ending series of spasms as 3D printers, fabricators and rapid prototypers laid waste to every industry that relied on trademarks or patents.

My friend thought that, as kinky as this was, it did show a fair amount of foresight, coming as it did from the notoriously technosqueamish record industry.

I was less impressed.

It's almost certainly true that control over the production of trademarked and patented objects will diminish over the coming years of object-on-demand printing, but to focus on 3D printers' impact on *trademarks* is a stupendously weird idea.

It's as if the railroad were looming on the horizon, and the most visionary thing the futurists of the day can think of to say about it is that these iron horses will have a disastrous effect on the hardworking manufacturers of oat-bags for horses. It's true, as far as it goes, but it's so tunnel-visioned as to be practically blind.



From *Someone Leaves, Someone Comes to Town*

<http://craphound.com/someone>

This is my third novel, and as with my first, *Down and Out in the Magic Kingdom* (<http://craphound.com/down>) and my second, *Eastern Standard Tribe* (<http://craphound.com/est>), I am releasing it for free on the Internet the very same day that it ships to the stores. The books are governed by Creative Commons licenses that permit their unlimited noncommercial redistribution, which means that you're welcome to share them with anyone you think will want to see them. In the words of Woody Guthrie:

"This song is Copyrighted in U.S., under Seal of Copyright #154085, for a period of 28 years, and anybody caught singin it without our permission, will be mighty good friends of ourn, cause we don't give a dern. Publish it. Write it. Sing it. Swing to it. Yodel it. We wrote it, that's all we wanted to do."

Why do I do this?

There are three reasons:

* Short Term

In the short term, I'm generating more sales of my printed books. Sure, giving

away ebooks displaces the occasional sale, when a downloader reads the book and decides not to buy it. But it's far more common for a reader to download the book, read some or all of it, and decide to buy the print edition. Like I said in my essay, *Ebooks Neither E Nor Books*, (<http://craphound.com/ebooksneitherenorbooks.txt>), digital and print editions are intensely complimentary, so acquiring one increases your need for the other. I've given away more than half a million digital copies of my award-winning first novel, *Down and Out in the Magic Kingdom*, and that sucker has blown through **five** print editions (yee-HAW!), so I'm not worried that giving away books is hurting my sales.

* Long Term

Some day, though, paper books will all but go away. We're already reading more words off of more screens every day and fewer words off of fewer pages every day. You don't need to be a science fiction writer to see the writing on the wall (or screen, as the case may be).

Now, if you've got a poor imagination, you might think that we'll enter that era with special purpose "ebook readers" that simulate the experience of carrying around "real" books, only digital. That's like believing that your mobile phone will be the same thing as the phone attached to your wall, except in your pocket. If you believe this sort of thing, you have no business writing sf, and you probably shouldn't be reading it either.

No, the business and social practice of ebooks will be way, way weirder than that. In fact, I believe that it's probably too weird for us to even imagine today, as the idea of today's radio marketplace was incomprehensible to the Vaudeville artists who accused the radio station owners of mass piracy for playing music on the air. Those people just could **not** imagine a future in which audiences and playlists were statistically sampled by a special "collection society" created by a Congressional anti-trust "consent decree," said society to hand out money collected from radio stations (who collected from soap manufacturers and other advertisers), to compensate artists. It was inconceivably weird, and yet it made the artists who embraced it rich as hell. The artists who demanded that radio just **stop** went broke, ended up driving taxis, and were forgotten by history.

I know which example I intend to follow. Giving away books costs me **nothing**, and actually makes me money. But most importantly, it delivers the very best market-intelligence that I can get.

When you download my book, please: do weird and cool stuff with it. Imagine new things that books are for, and do them. Use it in unlikely and surprising ways. Then **tell me about it**. Email me (doctorow@craphound.com) with that

precious market-intelligence about what electronic text is for, so that I can be the first writer to figure out what the next writerly business model is. I'm an entrepreneur and I live and die by market intel.

Some other writers have decided that their readers are thieves and pirates, and they devote countless hours to systematically alienating their customers. These writers will go broke. Not me -- I love you people. Copy the hell out of this thing.

* Medium Term

There may well be a time between the sunset of printed text and the appearance of robust models for unfettered distribution of electronic text, an interregnum during which the fortunes of novelists follow those of poets and playwrights and other ink-stained scribblers whose industries have cratered beneath them.

When that happens, writerly income will come from incidental sources such as paid speaking engagements and commissioned articles. No, it's not "fair" that novelists who are good speakers will have a better deal than novelists who aren't, but neither was it fair that the era of radio gave a boost to the career of artists who played well in the studios, nor that the age of downloading is giving a boost to the careers of artists who play well live. Technology giveth and technology taketh away. I'm an sf writer: it's my job to love the future.

My chances of landing speaking gigs, columns, paid assignments, and the rest of it are all contingent on my public profile. The more people there are that have read and enjoyed my work, the more of these gigs I'll get. And giving away books increases your notoriety a whole lot more than clutching them to your breast and damning the pirates.

So there you have it: I'm giving these books away to sell more books, to find out more about the market and to increase my profile so that I can land speaking and columnist gigs. Not because I'm some patchouli-scented, fuzzy-headed, "information wants to be free" info-hippie. I'm at it because I want to fill my bathtub with money and rub my hands and laugh and laugh and laugh.

Developing nations

A large chunk of "ebook piracy" (downloading unauthorized ebooks from the net) is undertaken by people in the developing world, where the per-capita GDP can be less than a dollar a day. These people don't represent any kind of commercial market for my books. No one in Burundi is going to pay a month's wages for a

copy of this book. A Ukrainian film of this book isn't going to compete with box-office receipts in the Ukraine for a Hollywood version, if one emerges. No one imports commercial editions of my books into most developing nations, and if they did, they'd be priced out of the local market.

So I've applied a new, and very cool kind of Creative Commons license to this book: the Creative Commons Developing Nations License (<http://creativecommons.org/licenses/devnations/2.0/>). What that means is that if you live in a country that's not on the World Bank's list of High-Income Countries (<http://rru.worldbank.org/DoingBusiness/ExploreEconomies/EconomyCharacteristics.aspx>), you get to do practically anything you want with this book.

While residents of the rich world are limited to making noncommercial copies of this book, residents of the developing world can do much more. Want to make a commercial edition of this book? Be my guest. A film? Sure thing. A translation into the local language? But of course.

The sole restriction is that you *may not export your work with my book beyond the developing world*. Your Ukrainian film, Guyanese print edition, or Ghanaian translation can be freely exported within the developing world, but can't be sent back to the rich world, where my paying customers are.

It's an honor to have the opportunity to help people who are living under circumstances that make mine seem like the lap of luxury. I'm especially hopeful that this will, in some small way, help developing nations bootstrap themselves into a better economic situation.

DRM

The worst technology idea since the electrified nipple-clamp is "Digital Rights Management," a suite of voodoo products that are supposed to control what you do with information after you lawfully acquire it. When you buy a DVD abroad and can't watch it at home because it's from the wrong "region," that's DRM. When you buy a CD and it won't rip on your computer, that's DRM. When you buy an iTunes and you can't loan it to a friend, that's DRM.

DRM doesn't work. Every file ever released with DRM locks on it is currently available for free download on the Internet. You don't need any special skills to break DRM these days: you just have to know how to search Google for the name of the work you're seeking.

No customer wants DRM. No one woke up this morning and said, "Damn, I wish there was a way to do less with my books, movies and music."

DRM can't control copying, but it can control competition. Apple can threaten to sue Real for making Realmedia players for the iPod on the grounds that Real had to break Apple DRM to accomplish this. The cartel that runs licensing for DVDs can block every new feature in DVDs in order to preserve its cushy business model (why is it that all you can do with a DVD you bought ten years ago is watch it, exactly what you could do with it then -- when you can take a CD you bought a decade ago and turn it into a ringtone, an MP3, karaoke, a mashup, or a file that you send to a friend?).

DRM is used to silence and even jail researchers who expose its flaws, thanks to laws like the US DMCA and Europe's EUCD.

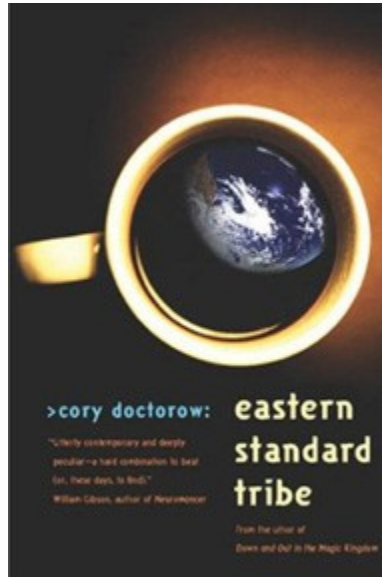
In case there's any doubt: I hate DRM. There is no DRM on this book. None of the books you get from this site have DRM on them. If you get a DRMed ebook, I urge you to break the locks off it and convert it to something sensible like a text file.

If you want to read more about DRM, here's a talk I gave to Microsoft on the subject:

<http://craphound.com/msftdrm.txt>

and here's a paper I wrote for the International Telecommunications Union about DRM and the developing world:

http://www.eff.org/IP/DRM/itu_drm.php



From *Eastern Standard Tribe*

<http://craphound.com/est/>

Last year, in January 2003, my first novel [<http://craphound.com/down>] came out. I was 31 years old, and I'd been calling myself a novelist since the age of 12. It was the storied dream-of-a-lifetime, come-true-at-last. I was and am proud as hell of that book, even though it is just one book among many released last year, better than some, poorer than others; and even though the print-run (which sold out very quickly!) though generous by science fiction standards, hardly qualifies it as a work of mass entertainment.

The thing that's extraordinary about that first novel is that it was released under terms governed by a Creative Commons [<http://creativecommons.org>] license that allowed my readers to copy the book freely and distribute it far and wide. Hundreds of thousands of copies of the book were made and distributed this way. *Hundreds* of *thousands*.

Today, I release my second novel, and my third [<http://www.argosymag.com/NextIssue.html>], a collaboration with Charlie Stross is due any day, and two [http://www.fantasticmetropolis.com/show.html?fn.preview_doctorow] more [<http://www.craphound.com/usrbingodexcerpt.txt>] are under contract. My career as a novelist is now well underway -- in other words, I am firmly afoot on a long road that stretches into the future: my future, science fiction's future, publishing's future and the future of the world.

The future is my business, more or less. I'm a science fiction writer. One way to know the future is to look good and hard at the present. Here's a thing I've noticed about the present: MORE PEOPLE ARE READING MORE WORDS OFF OF MORE SCREENS THAN EVER BEFORE. Here's another thing I've noticed about the present: FEWER PEOPLE ARE READING FEWER WORDS OFF OF FEWER PAGES THAN EVER BEFORE. That doesn't mean that the book is *dying* -- no more than the advent of the printing press and the de-emphasis of Bible-copying monks meant that the book was dying -- but it does mean that the book is changing. I think that *literature* is alive and well: we're reading our brains out! I just think that the complex social practice of "book" -- of which a bunch of paper pages between two covers is the mere expression -- is transforming and will transform further.

I intend on figuring out what it's transforming into. I intend on figuring out the way that some writers -- that *this writer*, right here, wearing my underwear -- is going to get rich and famous from his craft. I intend on figuring out how *this writer's* words can become part of the social discourse, can be relevant in the way that literature at its best can be.

I don't know what the future of book looks like. To figure it out, I'm doing some pretty basic science. I'm peering into this opaque, inscrutable system of publishing as it sits in the year 2004, and I'm making a perturbation. I'm stirring the pot to see what surfaces, so that I can see if the system reveals itself to me any more thoroughly as it roils. Once that happens, maybe I'll be able to formulate an hypothesis and try an experiment or two and maybe -- just maybe -- I'll get to the bottom of book-in-2004 and beat the competition to making it work, and maybe I'll go home with all (or most) of the marbles.

It's a long shot, but I'm a pretty sharp guy, and I know as much about this stuff as anyone out there. More to the point, trying stuff and doing research yields a non-zero chance of success. The alternatives -- sitting pat, or worse, getting into a moral panic about "piracy" and accusing the readers who are blazing new trail of "the moral equivalent of shoplifting" -- have a *zero* percent chance of success.

Most artists never "succeed" in the sense of attaining fame and modest fortune. A career in the arts is a risky long-shot kind of business. I'm doing what I can to sweeten my odds.

So here we are, and here is novel number two, a book called Eastern Standard Tribe, which you can walk into shops all over the world and buy [<http://craphound.com/est/buy.php>] as a physical artifact -- a very nice physical artifact, designed by Chesley-award-winning art director Irene Gallo and her

designer Shelley Eshkar, published by Tor Books, a huge, profit-making arm of an enormous, multinational publishing concern. Tor is watching what happens to this book nearly as keenly as I am, because we're all very interested in what the book is turning into.

To that end, here is the book as a non-physical artifact. A file. A bunch of text, slithery bits that can cross the world in an instant, using the Internet, a tool designed to copy things very quickly from one place to another; and using personal computers, tools designed to slice, dice and rearrange collections of bits. These tools demand that their users copy and slice and dice -- rip, mix and burn! -- and that's what I'm hoping you will do with this.

Not (just) because I'm a swell guy, a big-hearted slob. Not because Tor is run by addlepatented dot-com refugees who have been sold some snake-oil about the e-book revolution. Because you -- the readers, the slicers, dicers and copiers -- hold in your collective action the secret of the future of publishing. Writers are a dime a dozen. Everybody's got a novel in her or him. Readers are a precious commodity. You've got all the money and all the attention and you run the word-of-mouth network that marks the difference between a little book, soon forgotten, and a book that becomes a lasting piece of posterity for its author, changing the world in some meaningful way.

I'm unashamedly exploiting your imagination. Imagine me a new practice of book, readers. Take this novel and pass it from inbox to inbox, through your IM clients, over P2P networks. Put it on webservers. Convert it to weird, obscure ebook formats. Show me -- and my colleagues, and my publisher -- what the future of book looks like.

I'll keep on writing them if you keep on reading them. But as cool and wonderful as writing is, it's not half so cool as inventing the future. Thanks for helping me do it.

Here's a summary of the license:

<http://creativecommons.org/licenses/by-nd-nc/1.0>

Attribution. The licensor permits others to copy, distribute, display, and perform the work. In return, licensees must give the original author credit.

No Derivative Works. The licensor permits others to copy, distribute, display and perform only unaltered copies of the work -- not derivative works based on it.

Noncommercial. The licensor permits others to copy, distribute,

display, and perform the work. In return, licensees may not use the work for commercial purposes -- unless they get the licensor's permission.

And here's the license itself:

<http://creativecommons.org/licenses/by-nd-nc/1.0-legalcode>



From *A Place So Foreign and Eight More*

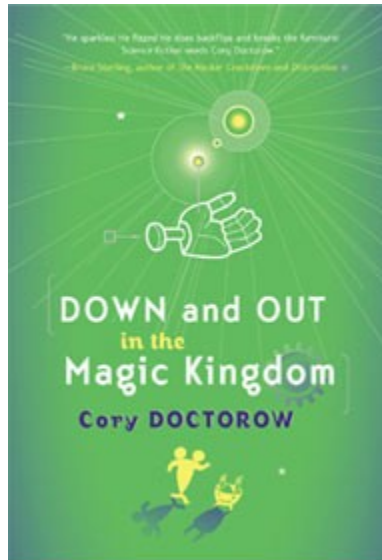
<http://craphound.com/place/>

This story is from my collection, "A Place So Foreign and Eight More," published by Four Walls Eight Windows Press in September, 2003, ISBN 1568582862. I've released this story, along with five others, under the terms of a Creative Commons license that gives you, the reader, a bunch of rights that copyright normally reserves for me, the creator.

I recently did the same thing with the entire text of my novel, "Down and Out in the Magic Kingdom" (<http://craphound.com/down>), and it was an unmitigated success. Hundreds of thousands of people downloaded the book -- good news -- and thousands of people bought the book -- also good news. It turns out that, as near as anyone can tell, distributing free electronic versions of books is a great way to sell more of the paper editions, while simultaneously getting the book into the hands of readers who would otherwise not be exposed to my work.

I still don't know how it is artists will earn a living in the age of the Internet, but I remain convinced that the way to find out is to do basic science: that is, to do stuff and observe the outcome. That's what I'm doing here. The thing to remember is that the very **worst** thing you can do to me as an artist is to not read my work -- to let it languish in obscurity and disappear from posterity. Most of the fiction I grew up on is out-of-print, and this is doubly true for the short stories. Losing a couple bucks to people who would have bought the book save for the availability of the free electronic text is no big deal, at least when

compared to the horror that is being irrelevant and unread. And luckily for me, it appears that giving away the text for free gets me more paying customers than it loses me.



From *Down and Out in the Magic Kingdom*

<http://craphound.com/down/>

As you will see, when you read the text beneath this section, I released this book a little over a year ago under the terms of a Creative Commons license that allowed my readers to freely redistribute the text without needing any further permission from me. In this fashion, I enlisted my readers in the service of a grand experiment, to see how my book could find its way into cultural relevance and commercial success. The experiment worked out very satisfactorily.

When I originally licensed the book under the terms set out in the next section, I did so in the most conservative fashion possible, using CC's most restrictive license. I wanted to dip my toe in before taking a plunge. I wanted to see if the sky would fall: you see writers are routinely schooled by their peers that maximal copyright is the only thing that stands between us and penury, and so ingrained was this lesson in me that even though I had the intellectual intuition that a "some rights reserved" regime would serve me well, I still couldn't shake the atavistic fear that I was about to do something very foolish indeed.

It wasn't foolish. I've since released a short story collection:

A Place So Foreign and Eight More
<http://craphound.com/place>

and a second novel:

Eastern Standard Tribe
<http://craphound.com/est>

in this fashion, and my career is turning over like a goddamned locomotive engine. I am thrilled beyond words (an extraordinary circumstance for a writer!) at the way that this has all worked out.

"Down and Out in the Magic Kingdom" is my first novel. It's an actual, no-foolin' words-on-paper book, published by the good people at Tor Books in New York City. You can buy this book in stores or online, by following links like this one:

<http://www.craphound.com/down/buy.php>

So, what's with this file? Good question.

I'm releasing the entire text of this book as a free, freely redistributable e-book. You can download it, put it on a P2P net, put it on your site, email it to a friend, and, if you're addicted to dead trees, you can even print it.

Why am I doing this thing? Well, it's a long story, but to shorten it up: first-time novelists have a tough row to hoe. Our publishers don't have a lot of promotional budget to throw at unknown factors like us. Mostly, we rise and fall based on word-of-mouth. I'm not bad at word-of-mouth. I have a blog, Boing Boing (<http://boingboing.net>), where I do a **lot** of word-of-mouthing. I compulsively tell friends and strangers about things that I like.

And telling people about stuff I like is **way**, **way** easier if I can just send it to 'em. Way easier.

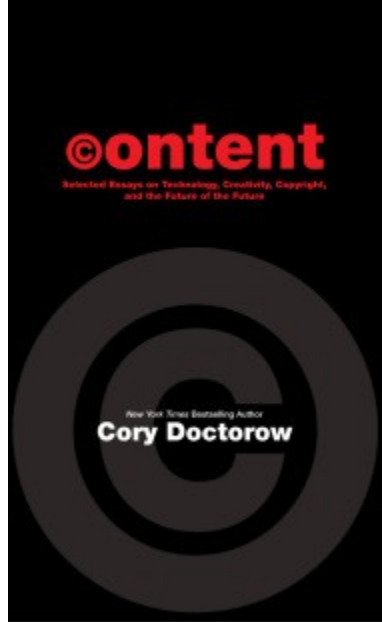
What's more, P2P nets kick all kinds of ass. Most of the books, music and movies ever released are not available for sale, anywhere in the world. In the brief time that P2P nets have flourished, the ad-hoc masses of the Internet have managed to put just about **everything** online. What's more, they've done it for cheaper than any other archiving/revival effort ever. I'm a stone infovore and this kinda Internet mishegas gives me a serious frisson of futurocity.

Yeah, there are legal problems. Yeah, it's hard to figure out how people are gonna make money doing it. Yeah, there is a lot of social upheaval and a serious threat to innovation, freedom, business, and whatnot. It's your basic end-of-the-world-as-we-know-it scenario, and as a science fiction writer, end-of-the-world-as-we-know-it scenaria are my stock-in-trade.

I'm especially grateful to my publisher, Tor Books (<http://www.tor.com>) and my

editor, Patrick Nielsen Hayden (<http://nielsenhayden.com/electrolite>) for being hep enough to let me try out this experiment.

All that said, here's the deal: I'm releasing this book under a license developed by the Creative Commons project (<http://creativecommons.org/>). This is a project that lets people like me roll our own license agreements for the distribution of our creative work under terms similar to those employed by the Free/Open Source Software movement. It's a great project, and I'm proud to be a part of it.



From *CONTENT: Selected Essays on Technology, Creativity, Copyright and the Future of the Future*

<http://craphound.com/content/>

Giving it Away

(Originally published in Forbes.com, December 2006)

I've been giving away my books ever since my first novel came out, and boy has it ever made me a bunch of money.

When my first novel, *Down and Out in the Magic Kingdom*, was published by Tor Books in January 2003, I also put the entire electronic text of the novel on the Internet under a Creative Commons License that encouraged my readers to copy it far and wide. Within a day, there were 30,000 downloads from my site (and those downloaders were in turn free to make more copies). Three years and six printings later, more than 700,000 copies of the book have been downloaded from my site. The book's been translated into more languages than I can keep track of, key concepts from it have been adopted for software projects and there are two competing fan audio adaptations online.

Most people who download the book don't end up buying it, but they wouldn't have bought it in any event, so I haven't lost any sales, I've just won an

audience. A tiny minority of downloaders treat the free e-book as a substitute for the printed book--those are the lost sales. But a much larger minority treat the e-book as an enticement to buy the printed book. They're gained sales. As long as gained sales outnumber lost sales, I'm ahead of the game. After all, distributing nearly a million copies of my book has cost me nothing.

The thing about an e-book is that it's a social object. It wants to be copied from friend to friend, beamed from a Palm device, pasted into a mailing list. It begs to be converted to witty signatures at the bottom of e-mails. It is so fluid and intangible that it can spread itself over your whole life. Nothing sells books like a personal recommendation--when I worked in a bookstore, the sweetest words we could hear were "My friend suggested I pick up...." The friend had made the sale for us, we just had to consummate it. In an age of online friendship, e-books trump dead trees for word of mouth.

There are two things that writers ask me about this arrangement: First, does it sell more books, and second, how did you talk your publisher into going for this mad scheme?

There's no empirical way to prove that giving away books sells more books--but I've done this with three novels and a short story collection (and I'll be doing it with two more novels and another collection in the next year), and my books have consistently outperformed my publisher's expectations. Comparing their sales to the numbers provided by colleagues suggests that they perform somewhat better than other books from similar writers at similar stages in their careers. But short of going back in time and re-releasing the same books under the same circumstances without the free e-book program, there's no way to be sure.

What is certain is that every writer who's tried giving away e-books to sell books has come away satisfied and ready to do it some more.

How did I talk Tor Books into letting me do this? It's not as if Tor is a spunky dotcom upstart. They're the largest science fiction publisher in the world, and they're a division of the German publishing giant Holtzbrinck. They're not patchouli-scented info-hippies who believe that information wants to be free. Rather, they're canny assessors of the world of science fiction, perhaps the most social of all literary genres. Science fiction is driven by organized fandom, volunteers who put on hundreds of literary conventions in every corner of the globe, every weekend of the year. These intrepid promoters treat books as markers of identity and as cultural artifacts of great import. They evangelize the books they love, form subcultures around them, cite them in political arguments, sometimes they even rearrange their lives and jobs around them.

What's more, science fiction's early adopters defined the social character of the Internet itself. Given the high correlation between technical employment and science fiction reading, it was inevitable that the first nontechnical discussion on the Internet would be about science fiction. The online norms of idle chatter, fannish organizing, publishing and leisure are descended from SF fandom, and if any literature has a natural home in cyberspace, it's science fiction, the literature that coined the very word "cyberspace."

Indeed, science fiction was the first form of widely pirated literature online, through "bookwarez" channels that contained books that had been hand-scanned, a page at a time, converted to digital text and proof-read. Even today, the mostly widely pirated literature online is SF.

Nothing could make me more sanguine about the future. As publisher Tim O'Reilly wrote in his seminal essay, *Piracy is Progressive Taxation*, "being well-enough known to be pirated [is] a crowning achievement." I'd rather stake my future on a literature that people care about enough to steal than devote my life to a form that has no home in the dominant medium of the century.

What about that future? Many writers fear that in the future, electronic books will come to substitute more readily for print books, due to changing audiences and improved technology. I am skeptical of this--the codex format has endured for centuries as a simple and elegant answer to the affordances demanded by print, albeit for a relatively small fraction of the population. Most people aren't and will never be readers--but the people who are readers will be readers forever, and they are positively pervy for paper.

But say it does come to pass that electronic books are all anyone wants.

I don't think it's practical to charge for copies of electronic works. Bits aren't ever going to get harder to copy. So we'll have to figure out how to charge for something else. That's not to say you can't charge for a copy-able bit, but you sure can't force a reader to pay for access to information anymore.

This isn't the first time creative entrepreneurs have gone through one of these transitions. Vaudeville performers had to transition to radio, an abrupt shift from having perfect control over who could hear a performance (if they don't buy a ticket, you throw them out) to no control whatsoever (any family whose 12-year-old could build a crystal set, the day's equivalent of installing file-sharing software, could tune in). There were business models for radio, but predicting them a priori wasn't easy. Who could have foreseen that radio's great fortunes would be had through creating a blanket license, securing a Congressional consent decree, chartering a collecting society and inventing a new form of statistical mathematics to fund it?

Predicting the future of publishing--should the wind change and printed books become obsolete--is just as hard. I don't know how writers would earn their living in such a world, but I do know that I'll never find out by turning my back on the Internet. By being in the middle of electronic publishing, by watching what hundreds of thousands of my readers do with my e-books, I get better market intelligence than I could through any other means. As does my publisher. As serious as I am about continuing to work as a writer for the foreseeable future, Tor Books and Holtzbrinck are just as serious. They've got even more riding on the future of publishing than me. So when I approached my publisher with this plan to give away books to sell books, it was a no-brainer for them.

It's good business for me, too. This "market research" of giving away e-books sells printed books. What's more, having my books more widely read opens many other opportunities for me to earn a living from activities around my writing, such as the Fulbright Chair I got at USC this year, this high-paying article in Forbes, speaking engagements and other opportunities to teach, write and license my work for translation and adaptation. My fans' tireless evangelism for my work doesn't just sell books--it sells me.

The golden age of hundreds of writers who lived off of nothing but their royalties is bunkum. Throughout history, writers have relied on day jobs, teaching, grants, inheritances, translation, licensing and other varied sources to make ends meet. The Internet not only sells more books for me, it also gives me more opportunities to earn my keep through writing-related activities.

There has never been a time when more people were reading more words by more authors. The Internet is a literary world of written words. What a fine thing that is for writers.

How Copyright Broke

(Originally published in Locus Magazine, September, 2006)

The theory is that if the Internet can't be controlled, then copyright is dead. The thing is, the Internet is a machine for copying things cheaply, quickly, and with as little control as possible, while copyright is the right to control who gets to make copies, so these two abstractions seem destined for a fatal collision, right?

Wrong.

The idea that copyright confers the exclusive right to control copying, performance, adaptation, and general use of a creative work is a polite fiction that has been mostly harmless throughout its brief history, but which has been laid bare by the Internet, and the disjoint is showing.

Theoretically, if I sell you a copy of one of my novels, I'm conferring upon you a property interest in a lump of atoms -- the pages of the book -- as well as a license to make some reasonable use of the ethereal ideas embedded upon the page, the copyrighted work.

Copyright started with a dispute between Scottish and English publishers, and the first copyright law, 1709's Statute of Anne, conferred the exclusive right to publish new editions of a book on the copyright holder. It was a fair competition statute, and it was silent on the rights that the copyright holder had in respect of his customers: the readers. Publishers got a legal tool to fight their competitors, a legal tool that made a distinction between the corpus -- a physical book -- and the spirit -- the novel writ on its pages. But this legal nicety was not "customer-facing." As far as a reader was concerned, once she bought a book, she got the same rights to it as she got to any other physical object, like a potato or a shovel. Of course, the reader couldn't print a new edition, but this had as much to do with the realities of technology as it did with the law. Printing presses were rare and expensive: telling a 17th-century reader that he wasn't allowed to print a new edition of a book you sold him was about as meaningful as telling him he wasn't allowed to have it laser-etched on the surface of the moon. Publishing books wasn't something readers did.

Indeed, until the photocopier came along, it was practically impossible for a member of the audience to infringe copyright in a way that would rise to legal notice. Copyright was like a tank-mine, designed only to go off when a publisher or record company or radio station rolled over it. We civilians couldn't infringe copyright (many thanks to Jamie Boyle for this useful analogy).

It wasn't the same for commercial users of copyrighted works. For the most part, a radio station that played a record was expected to secure permission to do so (though this permission usually comes in the form of a government-sanctioned blanket license that cuts through all the expense of negotiating in favor of a single monthly payment that covers all radio play). If you shot a movie, you were expected to get permission for the music you put in it. Critically, there are many uses that commercial users never paid for. Most workplaces don't pay for the music their employees enjoy while they work. An ad agency that produces a demo reel of recent commercials to use as part of a creative briefing to a designer doesn't pay for this extremely commercial use. A film company whose set-designer clips and copies from magazines and movies to produce a "mood book" never secures permission nor offers compensation for these uses.

Theoretically, the contours of what you may and may not do without permission are covered under a legal doctrine called "fair use," which sets out the factors a judge can use to weigh the question of whether an infringement should be punished. While fair use is a vital part of the way that works get made and used, it's very rare for an unauthorized use to get adjudicated on this basis.

No, the realpolitik of unauthorized use is that users are not required to secure permission for uses that the rights holder will never discover. If you put some magazine clippings in your mood book, the magazine publisher will never find out you did so. If you stick a Dilbert cartoon on your office-door, Scott Adams will never know about it.

So while technically the law has allowed rights holders to infinitely discriminate among the offerings they want to make -- Special discounts on this book, which may only be read on Wednesdays! This film half-price, if you agree only to show it to people whose names start with D! -- practicality has dictated that licenses could only be offered on enforceable terms.

When it comes to retail customers for information goods -- readers, listeners, watchers -- this whole license abstraction falls flat. No one wants to believe that the book he's brought home is only partly his, and subject to the terms of a license set out on the flyleaf. You'd be a flaming jackass if you showed up at a con and insisted that your book may not be read aloud, nor photocopied in part and marked up for a writers' workshop, nor made the subject of a piece of fan-fiction.

At the office, you might get a sweet deal on a coffee machine on the promise that you'll use a certain brand of coffee, and even sign off on a deal to let the coffee company check in on this from time to time. But no one does this at home. We instinctively and rightly recoil from the idea that our personal, private dealings in our homes should be subject to oversight from some company from whom we've

bought something. We bought it. It's ours. Even when we rent things, like cars, we recoil from the idea that Hertz might track our movements, or stick a camera in the steering wheel.

When the Internet and the PC made it possible to sell a lot of purely digital "goods" -- software, music, movies and books delivered as pure digits over the wire, without a physical good changing hands, the copyright lawyers groped about for a way to take account of this. It's in the nature of a computer that it copies what you put on it. A computer is said to be working, and of high quality, in direct proportion to the degree to which it swiftly and accurately copies the information that it is presented with.

The copyright lawyers had a versatile hammer in their toolbox: the copyright license. These licenses had been presented to corporations for years. Frustratingly (for the lawyers), these corporate customers had their own counsel, and real bargaining power, which made it impossible to impose really interesting conditions on them, like limiting the use of a movie such that it couldn't be fast-forwarded, or preventing the company from letting more than one employee review a journal at a time.

Regular customers didn't have lawyers or negotiating leverage. They were a natural for licensing regimes. Have a look at the next click-through "agreement" you're provided with on purchasing a piece of software or an electronic book or song. The terms set out in those agreements are positively Dickensian in their marvelous idiocy. Sony BMG recently shipped over eight million music CDs with an "agreement" that bound its purchasers to destroy their music if they left the country or had a house-fire, and to promise not to listen to their tunes while at work.

But customers understand property -- you bought it, you own it -- and they don't understand copyright. Practically no one understands copyright. I know editors at multibillion-dollar publishing houses who don't know the difference between copyright and trademark (if you've ever heard someone say, "You need to defend a copyright or you lose it," you've found one of these people who confuse copyright and trademark; what's more, this statement isn't particularly true of trademark, either). I once got into an argument with a senior Disney TV exec who truly believed that if you re-broadcasted an old program, it was automatically re-copyrighted and got another 95 years of exclusive use (that's wrong).

So this is where copyright breaks: When copyright lawyers try to treat readers and listeners and viewers as if they were (weak and unlucky) corporations who could be strong-armed into license agreements you wouldn't wish on a dog. There's no conceivable world in which people are going to tiptoe around the property they've bought and paid for, re-checking their licenses to make sure that

they're abiding by the terms of an agreement they doubtless never read. Why read something if it's non-negotiable, anyway?

The answer is simple: treat your readers' property as property. What readers do with their own equipment, as private, noncommercial actors, is not a fit subject for copyright regulation or oversight. The Securities Exchange Commission doesn't impose rules on you when you loan a friend five bucks for lunch. Anti-gambling laws aren't triggered when you bet your kids an ice-cream cone that you'll bicycle home before them. Copyright shouldn't come between an end-user of a creative work and her property.

Of course, this approach is made even simpler by the fact that practically every customer for copyrighted works already operates on this assumption. Which is not to say that this might make some business-models more difficult to pursue. Obviously, if there was some way to ensure that a given publisher was the only source for a copyrighted work, that publisher could hike up its prices, devote less money to service, and still sell its wares. Having to compete with free copies handed from user to user makes life harder -- hasn't it always?

But it is most assuredly possible. Look at Apple's wildly popular iTunes Music Store, which has sold over one billion tracks since 2003. Every song on iTunes is available as a free download from user-to-user, peer-to-peer networks like Kazaa. Indeed, the P2P monitoring company Big Champagne reports that the average time-lapse between a iTunes-exclusive song being offered by Apple and that same song being offered on P2P networks is 180 seconds.

Every iTunes customer could readily acquire every iTunes song for free, using the fastest-adopted technology in history. Many of them do (just as many fans photocopy their favorite stories from magazines and pass them around to friends). But Apple has figured out how to compete well enough by offering a better service and a better experience to realize a good business out of this. (Apple also imposes ridiculous licensing restrictions, but that's a subject for a future column).

Science fiction is a genre of clear-eyed speculation about the future. It should have no place for wishful thinking about a world where readers willingly put up with the indignity of being treated as "licensees" instead of customers.

Ebooks: Neither E, Nor Books

(Paper for the O'Reilly Emerging Technologies Conference, San Diego, February 12, 2004)

Forematter:

This talk was initially given at the O'Reilly Emerging Technology Conference [<http://conferences.oreillynet.com/et2004/>], along with a set of slides that, for copyright reasons (ironic!) can't be released alongside of this file. However, you will find, interspersed in this text, notations describing the places where new slides should be loaded, in [square-brackets].

For starters, let me try to summarize the lessons and intuitions I've had about ebooks from my release of two novels and most of a short story collection online under a Creative Commons license. A parodist who published a list of alternate titles for the presentations at this event called this talk, "eBooks Suck Right Now," [eBooks suck right now] and as funny as that is, I don't think it's true.

No, if I had to come up with another title for this talk, I'd call it: "Ebooks: You're Soaking in Them." [Ebooks: You're Soaking in Them] That's because I think that the shape of ebooks to come is almost visible in the way that people interact with text today, and that the job of authors who want to become rich and famous is to come to a better understanding of that shape.

I haven't come to a perfect understanding. I don't know what the future of the book looks like. But I have ideas, and I'll share them with you:

1. Ebooks aren't marketing. [Ebooks aren't marketing] OK, so ebooks *are* marketing: that is to say that giving away ebooks sells more books. Baen Books, who do a lot of series publishing, have found that giving away electronic editions of the previous installments in their series to coincide with the release of a new volume sells the hell out of the new book -- and the backlist. And the number of people who wrote to me to tell me about how much they dug the ebook and so bought the paper-book far exceeds the number of people who wrote to me and said, "Ha, ha, you hippie, I read your book for free and now I'm not gonna buy it." But ebooks *shouldn't* be just about marketing: ebooks are a goal unto themselves. In the final analysis, more people will read more words off more screens and fewer words off fewer pages and when those two lines cross, ebooks are gonna have to be the way that writers earn their keep, not the way that they promote the dead-tree editions.

2. Ebooks complement paper books. [Ebooks complement paper books]. Having an ebook is good. Having a paper book is good. Having both is even better. One reader wrote to me and said that he read half my first novel from the bound book, and printed the other half on scrap-paper to read at the beach. Students write to me to say that it's easier to do their term papers if they can copy and paste their quotations into their word-processors. Baen readers use the electronic editions of their favorite series to build concordances of characters, places and

events.

3. Unless you own the ebook, you don't own the book [Unless you own the ebook, you don't own the book]. I take the view that the book is a "practice" -- a collection of social and economic and artistic activities -- and not an "object." Viewing the book as a "practice" instead of an object is a pretty radical notion, and it begs the question: just what the hell is a book? Good question. I write all of my books in a text-editor (BBEdit, from Barebones Software -- as fine a text-editor as I could hope for). From there, I can convert them into a formatted two-column PDF. I can turn them into an HTML file. I can turn them over to my publisher, who can turn them into galleys, advanced review copies, hardcovers and paperbacks. I can turn them over to my readers, who can convert them to a bewildering array of formats. Brewster Kahle's Internet Bookmobile can convert a digital book into a four-color, full-bleed, perfect-bound, laminated-cover, printed-spine paper book in ten minutes, for about a dollar. Try converting a paper book to a PDF or an html file or a text file or a RocketBook or a printout for a buck in ten minutes! It's ironic, because one of the frequently cited reasons for preferring paper to ebooks is that paper books confer a sense of ownership of a physical object. Before the dust settles on this ebook thing, owning a paper book is going to feel less like ownership than having an open digital edition of the text.

4. Ebooks are a better deal for writers. [Ebooks are a better deal for writers] The compensation for writers is pretty thin on the ground. *Amazing Stories,* Hugo Gernsback's original science fiction magazine, paid a couple cents a word. Today, science fiction magazines pay...a couple cents a word. The sums involved are so minuscule, they're not even insulting: they're *quaint* and *historical*, like the WHISKEY 5 CENTS sign over the bar at a pioneer village. Some writers do make it big, but they're *rounding errors* as compared to the total population of sf writers earning some of their living at the trade. Almost all of us could be making more money elsewhere (though we may dream of earning a stephenkingload of money, and of course, no one would play the lotto if there were no winners). The primary incentive for writing has to be artistic satisfaction, egoboo, and a desire for posterity. Ebooks get you that. Ebooks become a part of the corpus of human knowledge because they get indexed by search engines and replicated by the hundreds, thousands or millions. They can be googled.

Even better: they level the playing field between writers and trolls. When Amazon kicked off, many writers got their knickers in a tight and powerful knot at the idea that axe-grinding yahoos were filling the Amazon message-boards with ill-considered slams at their work -- for, if a personal recommendation is the best way to sell a book, then certainly a personal condemnation is the best way to *not* sell a book. Today, the trolls are still with us, but now, the readers get to decide for themselves. Here's a bit of a review of Down and Out in the Magic Kingdom that was recently posted to Amazon by "A reader from Redwood City,

CA":

- > I am really not sure what kind of drugs critics are
- > smoking, or what kind of payola may be involved. But
- > regardless of what Entertainment Weekly says, whatever
- > this newspaper or that magazine says, you shouldn't
- > waste your money. Download it for free from Corey's
- > (sic) site, read the first page, and look away in
- > disgust -- this book is for people who think Dan
- > Brown's Da Vinci Code is great writing.

Back in the old days, this kind of thing would have really pissed me off. Axe-grinding, mouth-breathing yahoos, defaming my good name! My stars and mittens! But take a closer look at that damning passage:

- > Download it for free from Corey's site, read the first
- > page

You see that? Hell, this guy is **working for me**! Someone accuses a writer I'm thinking of reading of paying off Entertainment Weekly to say nice things about his novel, "a surprisingly bad writer," no less, whose writing is "stiff, amateurish, and uninspired!" I wanna check that writer out. And I can. In one click. And then I can make up my own mind.

You don't get far in the arts without healthy doses of both ego and insecurity, and the downside of being able to google up all the things that people are saying about your book is that it can play right into your insecurities -- "all these people will have it in their minds not to bother with my book because they've read the negative interweb reviews!" But the flipside of that is the ego: "If only they'd give it a shot, they'd see how good it is." And the more scathing the review is, the more likely they are to give it a shot. Any press is good press, so long as they spell your URL right (and even if they spell your name wrong!).

5. Ebooks need to embrace their nature. [Ebooks need to embrace their nature.] The distinctive value of ebooks is orthogonal to the value of paper books, and it revolves around the mix-ability and send-ability of electronic text. The more you constrain an ebook's distinctive value propositions -- that is, the more you restrict a reader's ability to copy, transport or transform an ebook -- the more it has to be valued on the same axes as a paper-book. Ebooks **fail** on those axes. Ebooks don't beat paper-books for sophisticated typography, they can't match them for quality of paper or the smell of the glue. But just try sending a paper book to a friend in Brazil, for free, in less than a second. Or loading a thousand paper books into a little stick of flash-memory dangling from your keychain. Or searching a

paper book for every instance of a character's name to find a beloved passage. Hell, try clipping a pithy passage out of a paper book and pasting it into your sig-file.

6. Ebooks demand a different attention span (but not a shorter one). [Ebooks demand a different attention span (but not a shorter one).] Artists are always disappointed by their audience's attention-spans. Go back far enough and you'll find cuneiform etchings bemoaning the current Sumerian go-go lifestyle with its insistence on myths with plotlines and characters and action, not like we had in the old days. As artists, it would be a hell of a lot easier if our audiences were more tolerant of our penchant for boring them. We'd get to explore a lot more ideas without worrying about tarting them up with easy-to-swallow chocolate coatings of entertainment. We like to think of shortened attention spans as a product of the information age, but check this out:

[Nietzsche quote]

- > To be sure one thing necessary above all: if one is to
- > practice reading as an **art** in this way, something
- > needs to be un-learned most thoroughly in these days.

In other words, if my book is too boring, it's because you're not paying enough attention. Writers say this stuff all the time, but this quote isn't from this century or the last. [Nietzsche quote with attribution] It's from the preface to Nietzsche's "Genealogy of Morals," published in **1887.**

Yeah, our attention-spans are **different** today, but they aren't necessarily **shorter**. Warren Ellis's fans managed to hold the storyline for Transmetropolitan in their minds for **five years** while the story trickled out in monthly funnybook installments. JK Rowlings's installments on the Harry Potter series get fatter and fatter with each new volume. Entire forests are sacrificed to long-running series fiction like Robert Jordan's Wheel of Time books, each of which is approximately 20,000 pages long (I may be off by an order of magnitude one way or another here). Sure, presidential debates are conducted in soundbites today and not the days-long oratory extravaganzas of the Lincoln-Douglas debates, but people manage to pay attention to the 24-month-long presidential campaigns from start to finish.

7. We need **all** the ebooks. [We need **all** the ebooks] The vast majority of the words ever penned are lost to posterity. No one library collects all the still-extant books ever written and no one person could hope to make a dent in that corpus of written work. None of us will ever read more than the tiniest sliver of human literature. But that doesn't mean that we can stick with just the most popular texts and get a proper ebook revolution.

For starters, we're all edge-cases. Sure, we all have the shared desire for the core canon of literature, but each of us want to complete that collection with different texts that are as distinctive and individualistic as fingerprints. If we all look like we're doing the same thing when we read, or listen to music, or hang out in a chatroom, that's because we're not looking closely enough. The shared-ness of our experience is only present at a coarse level of measurement: once you get into really granular observation, there are as many differences in our "shared" experience as there are similarities.

More than that, though, is the way that a large collection of electronic text differs from a small one: it's the difference between a single book, a shelf full of books and a library of books. Scale makes things different. Take the Web: none of us can hope to read even a fraction of all the pages on the Web, but by analyzing the link structures that bind all those pages together, Google is able to actually tease out machine-generated conclusions about the relative relevance of different pages to different queries. None of us will ever eat the whole corpus, but Google can digest it for us and excrete the steaming nuggets of goodness that make it the search-engine miracle it is today.

8. Ebooks are like paper books. [Ebooks are like paper books]. To round out this talk, I'd like to go over the ways that ebooks are more like paper books than you'd expect. One of the truisms of retail theory is that purchasers need to come into contact with a good several times before they buy -- seven contacts is tossed around as the magic number. That means that my readers have to hear the title, see the cover, pick up the book, read a review, and so forth, seven times, on average, before they're ready to buy.

There's a temptation to view downloading a book as comparable to bringing it home from the store, but that's the wrong metaphor. Some of the time, maybe most of the time, downloading the text of the book is like taking it off the shelf at the store and looking at the cover and reading the blurbs (with the advantage of not having to come into contact with the residual DNA and burger king left behind by everyone else who browsed the book before you). Some writers are horrified at the idea that three hundred thousand copies of my first novel were downloaded and "only" ten thousand or so were sold so far. If it were the case that for ever copy sold, thirty were taken home from the store, that would be a horrifying outcome, for sure. But look at it another way: if one out of every thirty people who glanced at the cover of my book bought it, I'd be a happy author. And I am. Those downloads cost me no more than glances at the cover in a bookstore, and the sales are healthy.

We also like to think of physical books as being inherently *countable* in a way that digital books aren't (an irony, since computers are damned good at counting

things!). This is important, because writers get paid on the basis of the number of copies of their books that sell, so having a good count makes a difference. And indeed, my royalty statements contain precise numbers for copies printed, shipped, returned and sold.

But that's a false precision. When the printer does a run of a book, it always runs a few extra at the start and finish of the run to make sure that the setup is right and to account for the occasional rip, drop, or spill. The actual total number of books printed is approximately the number of books ordered, but never exactly -- if you've ever ordered 500 wedding invitations, chances are you received 500-and-a-few back from the printer and that's why.

And the numbers just get fuzzier from there. Copies are stolen. Copies are dropped. Shipping people get the count wrong. Some copies end up in the wrong box and go to a bookstore that didn't order them and isn't invoiced for them and end up on a sale table or in the trash. Some copies are returned as damaged. Some are returned as unsold. Some come back to the store the next morning accompanied by a whack of buyer's remorse. Some go to the place where the spare sock in the dryer ends up.

The numbers on a royalty statement are actuarial, not actual. They represent a kind of best-guess approximation of the copies shipped, sold, returned and so forth. Actuarial accounting works pretty well: well enough to run the juggernaut banking, insurance, and gambling industries on. It's good enough for divvying up the royalties paid by musical rights societies for radio airplay and live performance. And it's good enough for counting how many copies of a book are distributed online or off.

Counts of paper books are differently precise from counts of electronic books, sure: but neither one is inherently countable.

And finally, of course, there's the matter of selling books. However an author earns her living from her words, printed or encoded, she has as her first and hardest task to find her audience. There are more competitors for our attention than we can possibly reconcile, prioritize or make sense of. Getting a book under the right person's nose, with the right pitch, is the hardest and most important task any writer faces.

#

I care about books, a lot. I started working in libraries and bookstores at the age of 12 and kept at it for a decade, until I was lured away by the siren song of the tech world. I knew I wanted to be a writer at the age of 12, and now, 20 years later, I have three novels, a short story collection and a nonfiction book out, two

more novels under contract, and another book in the works. I've won a major award in my genre, science fiction, [CAMPBELL AWARD] and I'm nominated for another one, the 2003 Nebula Award for best novelette. [NEBULA]

I own a *lot* of books. Easily more than 10,000 of them, in storage on both coasts of the North American continent [LIBRARY LADDER]. I have to own them, since they're the tools of my trade: the reference works I refer to as a novelist and writer today. Most of the literature I dig is very short-lived, it disappears from the shelf after just a few months, usually for good. Science fiction is inherently ephemeral. [ACE DOUBLES]

Now, as much as I love books, I love computers, too. Computers are fundamentally different from modern books in the same way that printed books are different from monastic Bibles: they are malleable. Time was, a "book" was something produced by many months' labor by a scribe, usually a monk, on some kind of durable and sexy substrate like foetal lambskin. [ILLUMINATED BIBLE] Gutenberg's xerox machine changed all that, changed a book into something that could be simply run off a press in a few minutes' time, on substrate more suitable to ass-wiping than exaltation in a place of honor in the cathedral. The Gutenberg press meant that rather than owning one or two books, a member of the ruling class could amass a library, and that rather than picking only a few subjects from enshrinement in print, a huge variety of subjects could be addressed on paper and handed from person to person. [KAPITAL/TIJUANA BIBLE]

Most new ideas start with a precious few certainties and a lot of speculation. I've been doing a bunch of digging for certainties and a lot of speculating lately, and the purpose of this talk is to lay out both categories of ideas.

This all starts with my first novel, *Down and Out in the Magic Kingdom*, which came out on January 9, 2003. At that time, there was a lot of talk in my professional circles about, on the one hand, the dismal failure of ebooks, and, on the other, the new and scary practice of ebook "piracy." It was strikingly weird that no one seemed to notice that the idea of ebooks as a "failure" was at strong odds with the notion that electronic book "piracy" was worth worrying about: I mean, if ebooks are a failure, then who gives a rats if intarweb dweebs are trading them on Usenet?

A brief digression here, on the double meaning of "ebooks." One meaning for that word is "legitimate" ebook ventures, that is to say, rightsholder-authorized editions of the texts of books, released in a proprietary, use-restricted format, sometimes for use on a general-purpose PC and sometimes for use on a special-purpose hardware device like the nuvoMedia Rocketbook. The other meaning for ebook is a "pirate" or unauthorized electronic edition of a book, usually made by cutting the binding off of a book and scanning it a page at a time, then running

the resulting bitmaps through an optical character recognition app to convert them into ASCII text, to be cleaned up by hand. These books are pretty buggy, full of errors introduced by the OCR. A lot of my colleagues worry that these books also have deliberate errors, created by mischievous book-rippers who cut, add or change text in order to "improve" the work. Frankly, I have never seen any evidence that any book-ripper is interested in doing this, and until I do, I think that this is the last thing anyone should be worrying about.

Back to *Down and Out in the Magic Kingdom*. Well, not yet. I want to convey to you the depth of the panic in my field over ebook piracy, or "bookwarez" as it is known in book-ripper circles. Writers were joining the discussion on alt.binaries.ebooks using assumed names, claiming fear of retaliation from scary hax0r kids who would presumably screw up their credit-ratings in retaliation for being called thieves. My editor, a blogger, hacker and guy-in-charge-of-the-largest-sf-line-in-the-world named Patrick Nielsen Hayden posted to one of the threads in the newsgroup, saying, in part:

- > Pirating copyrighted etext on Usenet and elsewhere is going to
- > happen more and more, for the same reasons that everyday folks
- > make audio cassettes from vinyl LPs and audio CDs, and
- > videocassette copies of store-bought videotapes. Partly it's
- > greed; partly it's annoyance over retail prices; partly it's the
- > desire to Share Cool Stuff (a motivation usually underrated by
- > the victims of this kind of small-time hand-level piracy).
- > Instantly going to Defcon One over it and claiming it's morally
- > tantamount to mugging little old ladies in the street will make
- > it kind of difficult to move forward from that position when it
- > doesn't work. In the 1970s, the record industry shrieked that
- > "home taping is killing music." It's hard for ordinary folks to
- > avoid noticing that music didn't die. But the record industry's
- > credibility on the subject wasn't exactly enhanced.

Patrick and I have a long relationship, starting when I was 18 years old and he kicked in toward a scholarship fund to send me to a writers' workshop, continuing to a fateful lunch in New York in the mid-Nineties when I showed him a bunch of Project Gutenberg texts on my Palm Pilot and inspired him to start licensing Tor's titles for PDAs, to the turn-of-the-millennium when he bought and then published my first novel (he's bought three more since -- I really like Patrick!).

Right as bookwarez newsgroups were taking off, I was shocked silly by legal action by one of my colleagues against AOL/Time-Warner for carrying the alt.binaries.ebooks newsgroup. This writer alleged that AOL should have a duty to remove this newsgroup, since it carried so many infringing files, and that its failure to do so made it a contributory infringer, and so liable for the incredibly

stiff penalties afforded by our newly minted copyright laws like the No Electronic Theft Act and the loathsome Digital Millennium Copyright Act or DMCA.

Now there was a scary thought: there were people out there who thought the world would be a better place if ISPs were given the duty of actively policing and censoring the websites and newsfeeds their customers had access to, including a requirement that ISPs needed to determine, all on their own, what was an unlawful copyright infringement -- something more usually left up to judges in the light of extensive amicus briefings from esteemed copyright scholars.

This was a stupendously dumb idea, and it offended me down to my boots. Writers are supposed to be advocates of free expression, not censorship. It seemed that some of my colleagues loved the First Amendment, but they were reluctant to share it with the rest of the world.

Well, dammit, I had a book coming out, and it seemed to be an opportunity to try to figure out a little more about this ebook stuff. On the one hand, ebooks were a dismal failure. On the other hand, there were more books posted to alt.binaries.ebooks every day.

This leads me into the two certainties I have about ebooks:

1. More people are reading more words off more screens every day
2. Fewer people are reading fewer words off fewer pages every day

These two certainties begged a lot of questions.

- * Screen resolutions are too low to effectively replace paper
- * People want to own physical books because of their visceral appeal (often this is accompanied by a little sermonette on how good books smell, or how good they look on a bookshelf, or how evocative an old curry stain in the margin can be)
- * You can't take your ebook into the tub
- * You can't read an ebook without power and a computer
- * File-formats go obsolete, paper has lasted for a long time

None of these seemed like very good explanations for the "failure" of ebooks to me. If screen resolutions are too low to replace paper, then how come everyone I know spends more time reading off a screen every year, up to and including my

sainted grandmother (geeks have a really crappy tendency to argue that certain technologies aren't ready for primetime because their grandmothers won't use them -- well, my grandmother sends me email all the time. She types 70 words per minute, and loves to show off grandsonular email to her pals around the pool at her Florida retirement condo)?

The other arguments were a lot more interesting, though. It seemed to me that electronic books are **different** from paper books, and have different virtues and failings. Let's think a little about what the book has gone through in years gone by. This is interesting because the history of the book is the history of the Enlightenment, the Reformation, the Pilgrims, and, ultimately the colonizing of the Americas and the American Revolution.

Broadly speaking, there was a time when books were hand-printed on rare leather by monks. The only people who could read them were priests, who got a regular eyeful of the really cool cartoons the monks drew in the margins. The priests read the books aloud, in Latin (to a predominantly non-Latin-speaking audience) in cathedrals, wreathed in pricey incense that rose from censers swung by altar boys.

Then Johannes Gutenberg invented the printing press. Martin Luther turned that press into a revolution. He printed Bibles in languages that non-priests could read, and distributed them to normal people who got to read the word of God all on their own. The rest, as they say, is history.

Here are some interesting things to note about the advent of the printing press:

- * Luther Bibles lacked the manufacturing quality of the illuminated Bibles. They were comparatively cheap and lacked the typographical expressiveness that a really talented monk could bring to bear when writing out the word of God

- * Luther Bibles were utterly unsuited to the traditional use-case for Bibles. A good Bible was supposed to reinforce the authority of the man at the pulpit. It needed heft, it needed impressiveness, and most of all, it needed rarity.

- * The user-experience of Luther Bibles sucked. There was no incense, no altar boys, and who (apart from the priesthood) knew that reading was so friggin' hard on the eyes?

- * Luther Bibles were a lot less trustworthy than the illuminated numbers. Anyone with a press could run one off, subbing in any apocryphal text he wanted -- and who knew how accurate that translation was? Monks had an entire Papacy behind them, running a quality-assurance operation that had stood Europe in good stead for centuries.

In the late nineties, I went to conferences where music execs patiently explained that Napster was doomed, because you didn't get any cover-art or liner-notes with it, you couldn't know if the rip was any good, and sometimes the connection would drop mid-download. I'm sure that many Cardinals espoused the points raised above with equal certainty.

What the record execs and the cardinals missed was all the ways that Luther Bibles kicked ass:

- * They were cheap and fast. Loads of people could acquire them without having to subject themselves to the authority and approval of the Church

- * They were in languages that non-priests could read. You no longer had to take the Church's word for it when its priests explained what God really meant

- * They birthed a printing-press ecosystem in which lots of books flourished. New kinds of fiction, poetry, politics, scholarship and so on were all enabled by the printing presses whose initial popularity was spurred by Luther's ideas about religion.

Note that all of these virtues are orthogonal to the virtues of a monkish Bible. That is, none of the things that made the Gutenberg press a success were the things that made monk-Bibles a success.

By the same token, the reasons to love ebooks have precious little to do with the reasons to love paper books.

- * They are easy to share. *Secrets of Ya-Ya Sisterhood* went from a midlist title to a bestseller by being passed from hand to hand by women in reading circles. Slashdorks and other netizens have social life as rich as reading-circlites, but they don't ever get to see each other face to face; the only kind of book they can pass from hand to hand is an ebook. What's more, the single factor most correlated with a purchase is a recommendation from a friend -- getting a book recommended by a pal is more likely to sell you on it than having read and enjoyed the preceding volume in a series!

- * They are easy to slice and dice. This is where the Mac evangelist in me comes out -- minority platforms matter. It's a truism of the Napsterverse that most of the files downloaded are bog-standard top-40 tracks, like 90 percent or so, and I believe it. We all want to popular music. That's why it's popular. But the interesting thing is the other ten percent. Bill Gates told the *New York Times* that

Microsoft lost the search wars by doing "a good job on the 80 percent of common queries and ignor[ing] the other stuff. But it's the remaining 20 percent that counts, because that's where the quality perception is." Why did Napster captivate so many of us? Not because it could get us the top-40 tracks that we could hear just by snapping on the radio: it was because 80 percent of the music ever recorded wasn't available for sale anywhere in the world, and in that 80 percent were all the songs that had ever touched us, all the earworms that had been lodged in our hindbrains, all the stuff that made us smile when we heard it. Those songs are different for all of us, but they share the trait of making the difference between a compelling service and, well, top-40 Clearchannel radio programming. It was the minority of tracks that appealed to the majority of us. By the same token, the malleability of electronic text means that it can be readily repurposed: you can throw it on a webserver or convert it to a format for your favorite PDA; you can ask your computer to read it aloud or you can search the text for a quotation to cite in a book report or to use in your sig. In other words, most people who download the book do so for the predictable reason, and in a predictable format -- say, to sample a chapter in the HTML format before deciding whether to buy the book -- but the thing that differentiates a boring e-text experience from an exciting one is the minority use -- printing out a couple chapters of the book to bring to the beach rather than risk getting the hardcopy wet and salty.

Tool-makers and software designers are increasingly aware of the notion of "affordances" in design. You can bash a nail into the wall with any heavy, heftable object from a rock to a hammer to a cast-iron skillet. However, there's something about a hammer that cries out for nail-bashing, it has affordances that tilt its holder towards swinging it. And, as we all know, when all you have is a hammer, everything starts to look like a nail.

The affordance of a computer -- the thing it's designed to do -- is to slice-and-dice collections of bits. The affordance of the Internet is to move bits at very high speed around the world at little-to-no cost. It follows from this that the center of the ebook experience is going to involve slicing and dicing text and sending it around.

Copyright lawyers have a word for these activities: infringement. That's because copyright gives creators a near-total monopoly over copying and remixing of their work, pretty much forever (theoretically, copyright expires, but in actual practice, copyright gets extended every time the early Mickey Mouse cartoons are about to enter the public domain, because Disney swings a very big stick on the Hill).

This is a huge problem. The biggest possible problem. Here's why:

* Authors freak out. Authors have been schooled by their peers that strong

copyright is the only thing that keeps them from getting savagely rogered in the marketplace. This is pretty much true: it's strong copyright that often defends authors from their publishers' worst excesses. However, it doesn't follow that strong copyright protects you from your *readers*.

* Readers get indignant over being called crooks. Seriously. You're a small businessperson. Readers are your customers. Calling them crooks is bad for business.

* Publishers freak out. Publishers freak out, because they're in the business of grabbing as much copyright as they can and hanging onto it for dear life because, dammit, you never know. This is why science fiction magazines try to trick writers into signing over improbable rights for things like theme park rides and action figures based on their work -- it's also why literary agents are now asking for copyright-long commissions on the books they represent: copyright covers so much ground and takes so long to shake off, who wouldn't want a piece of it?

* Liability goes through the roof. Copyright infringement, especially on the Net, is a supercrime. It carries penalties of \$150,000 per infringement, and aggrieved rights-holders and their representatives have all kinds of special powers, like the ability to force an ISP to turn over your personal information before showing evidence of your alleged infringement to a judge. This means that anyone who suspects that he might be on the wrong side of copyright law is going to be terribly risk-averse: publishers non-negotiably force their authors to indemnify them from infringement claims and go one better, forcing writers to prove that they have "cleared" any material they quote, even in the case of brief fair-use quotations, like song-titles at the opening of chapters. The result is that authors end up assuming potentially life-destroying liability, are chilled from quoting material around them, and are scared off of public domain texts because an honest mistake about the public-domain status of a work carries such a terrible price.

* Posterity vanishes. In the *Eldred v. Ashcroft* Supreme Court hearing last year, the court found that 98 percent of the works in copyright are no longer earning money for anyone, but that figuring out who these old works belong to with the degree of certainty that you'd want when one mistake means total economic apocalypse would cost more than you could ever possibly earn on them. That means that 98 percent of works will largely expire long before the copyright on them does. Today, the names of science fiction's ancestral founders -- Mary Shelley, Arthur Conan Doyle, Edgar Allan Poe, Jules Verne, HG Wells -- are still known, their work still a part of the discourse. Their spiritual descendants from Hugo Gernsback onward may not be so lucky -- if their work continues to be "protected" by copyright, it might just vanish from the face of the earth before it reverts to the public domain.

This isn't to say that copyright is bad, but that there's such a thing as good copyright and bad copyright, and that sometimes, too much good copyright is a bad thing. It's like chilis in soup: a little goes a long way, and too much spoils the broth.

From the Luther Bible to the first phonorecords, from radio to the pulps, from cable to MP3, the world has shown that its first preference for new media is its "democratic-ness" -- the ease with which it can reproduced.

(And please, before we get any farther, forget all that business about how the Internet's copying model is more disruptive than the technologies that proceeded it. For Christ's sake, the Vaudeville performers who sued Marconi for inventing the radio had to go from a regime where they had *one hundred percent* control over who could get into the theater and hear them perform to a regime where they had *zero* percent control over who could build or acquire a radio and tune into a recording of them performing. For that matter, look at the difference between a monkish Bible and a Luther Bible -- next to that phase-change, Napster is peanuts)

Back to democratic-ness. Every successful new medium has traded off its artifact-ness -- the degree to which it was populated by bespoke hunks of atoms, cleverly nailed together by master craftspeople -- for ease of reproduction. Piano rolls weren't as expressive as good piano players, but they scaled better -- as did radio broadcasts, pulp magazines, and MP3s. Liner notes, hand illumination and leather bindings are nice, but they pale in comparison to the ability of an individual to actually get a copy of her own.

Which isn't to say that old media die. Artists still hand-illuminate books; master pianists still stride the boards at Carnegie Hall, and the shelves burst with tell-all biographies of musicians that are richer in detail than any liner-notes booklet. The thing is, when all you've got is monks, every book takes on the character of a monkish Bible. Once you invent the printing press, all the books that are better-suited to movable type migrate into that new form. What's left behind are those items that are best suited to the old production scheme: the plays that *need* to be plays, the books that are especially lovely on creamy paper stitched between covers, the music that is most enjoyable performed live and experienced in a throng of humanity.

Increased democratic-ness translates into decreased control: it's a lot harder to control who can copy a book once there's a photocopier on every corner than it is when you need a monastery and several years to copy a Bible. And that decreased control demands a new copyright regime that rebalances the rights of creators with their audiences.

For example, when the VCR was invented, the courts affirmed a new copyright exemption for time-shifting; when the radio was invented, the Congress granted an anti-trust exemption to the record labels in order to secure a blanket license; when cable TV was invented, the government just ordered the broadcasters to sell the cable-operators access to programming at a fixed rate.

Copyright is perennially out of date, because its latest rev was generated in response to the last generation of technology. The temptation to treat copyright as though it came down off the mountain on two stone tablets (or worse, as "just like" real property) is deeply flawed, since, by definition, current copyright only considers the last generation of tech.

So, are bookwarez in violation of copyright law? Duh. Is this the end of the world? *Duh*. If the Catholic church can survive the printing press, science fiction will certainly weather the advent of bookwarez.

Free(konomic) E-books

(Originally published in *Locus Magazine*, September 2007)

Can giving away free electronic books really sell printed books? I think so. As I explained in my March column ("You Do Like Reading Off a Computer Screen"), I don't believe that most readers want to read long-form works off a screen, and I don't believe that they will ever want to read long-form works off a screen. As I say in the column, the problem with reading off a screen isn't resolution, eyestrain, or compatibility with reading in the bathtub: it's that computers are seductive, they tempt us to do other things, making concentrating on a long-form work impractical.

Sure, some readers have the cognitive quirk necessary to read full-length works off screens, or are motivated to do so by other circumstances (such as being so broke that they could never hope to buy the printed work). The rational question isn't, "Will giving away free e-books cost me sales?" but rather, "Will giving away free e-books win me more sales than it costs me?"

This is a very hard proposition to evaluate in a quantitative way. Books aren't lattes or cable-knit sweaters: each book sells (or doesn't) due to factors that are unique to that title. It's hard to imagine an empirical, controlled study in which two "equivalent" books are published, and one is also available as a free download, the other not, and the difference calculated as a means of "proving" whether e-books hurt or help sales in the long run.

I've released all of my novels as free downloads simultaneous with their print publication. If I had a time machine, I could re-release them without the free downloads and compare the royalty statements. Lacking such a device, I'm forced to draw conclusions from qualitative, anecdotal evidence, and I've collected plenty of that:

- * Many writers have tried free e-book releases to tie in with the print release of their works. To the best of my knowledge, every writer who's tried this has repeated the experiment with future works, suggesting a high degree of satisfaction with the outcomes

- * A writer friend of mine had his first novel come out at the same time as mine. We write similar material and are often compared to one another by critics and reviewers. My first novel had a free download, his didn't. We compared sales figures and I was doing substantially better than him -- he subsequently convinced his publisher to let him follow suit

- * Baen Books has a pretty good handle on expected sales for new volumes in long-running series; having sold many such series, they have lots of data to use in sales estimates. If Volume N sells X copies, we expect Volume N+1 to sell Y copies. They report that they have seen a measurable uptick in sales following from free e-book releases of previous and current volumes

- * David Blackburn, a Harvard PhD candidate in economics, published a paper in 2004 in which he calculated that, for music, "piracy" results in a net increase in sales for all titles in the 75th percentile and lower; negligible change in sales for the "middle class" of titles between the 75th percentile and the 97th percentile; and a small drag on the "super-rich" in the 97th percentile and higher. Publisher Tim O'Reilly describes this as "piracy's progressive taxation," apportioning a small wealth-redistribution to the vast majority of works, no net change to the middle, and a small cost on the richest few

- * Speaking of Tim O'Reilly, he has just published a detailed, quantitative study of the effect of free downloads on a single title. O'Reilly Media published *Asterisk: The Future of Telephony*, in November 2005, simultaneously releasing the book as a free download. By March 2007, they had a pretty detailed picture of the sales-cycle of this book -- and, thanks to industry standard metrics like those provided by Bookscan, they could compare it, apples-to-apples style, against the performance of competing books treating with the same subject. O'Reilly's conclusion: downloads didn't cause a decline in sales, and appears to have resulted in a lift in sales. This is particularly noteworthy because the book in question is a technical reference work, exclusively consumed by computer programmers who are by definition disposed to read off screens. Also, this is a

reference work and therefore is more likely to be useful in electronic form, where it can be easily searched

* In my case, my publishers have gone back to press repeatedly for my books. The print runs for each edition are modest -- I'm a midlist writer in a world with a shrinking midlist -- but publishers print what they think they can sell, and they're outselling their expectations

* The new opportunities arising from my free downloads are so numerous as to be uncountable -- foreign rights deals, comic book licenses, speaking engagements, article commissions -- I've made more money in these secondary markets than I have in royalties

* More anecdotes: I've had literally thousands of people approach me by e-mail and at signings and cons to say, "I found your work online for free, got hooked, and started buying it." By contrast, I've had all of five e-mails from people saying, "Hey, idiot, thanks for the free book, now I don't have to buy the print edition, ha ha!"

Many of us have assumed, a priori, that electronic books substitute for print books. While I don't have controlled, quantitative data to refute the proposition, I do have plenty of experience with this stuff, and all that experience leads me to believe that giving away my books is selling the hell out of them.

More importantly, the free e-book skeptics have no evidence to offer in support of their position -- just hand-waving and dark muttering about a mythological future when book-lovers give up their printed books for electronic book-readers (as opposed to the much more plausible future where book lovers go on buying their fetish objects and carry books around on their electronic devices).

I started giving away e-books after I witnessed the early days of the "bookwarez" scene, wherein fans cut the binding off their favorite books, scanned them, ran them through optical character recognition software, and manually proofread them to eliminate the digitization errors. These fans were easily spending 80 hours to rip their favorite books, and they were only ripping their favorite books, books they loved and wanted to share. (The 80-hour figure comes from my own attempt to do this -- I'm sure that rippers get faster with practice.)

I thought to myself that 80 hours' free promotional effort would be a good thing to have at my disposal when my books entered the market. What if I gave my readers clean, canonical electronic editions of my works, saving them the bother of ripping them, and so freed them up to promote my work to their friends?

After all, it's not like there's any conceivable way to stop people from putting

books on scanners if they really want to. Scanners aren't going to get more expensive or slower. The Internet isn't going to get harder to use. Better to confront this challenge head on, turn it into an opportunity, than to rail against the future (I'm a science fiction writer -- tuning into the future is supposed to be my metier).

The timing couldn't have been better. Just as my first novel was being published, a new, high-tech project for promoting sharing of creative works launched: the Creative Commons project (CC). CC offers a set of tools that make it easy to mark works with whatever freedoms the author wants to give away. CC launched in 2003 and today, more than 160,000,000 works have been released under its licenses.



Portrait by Jonathan Worth <http://jonathanworth.com>

Cory Doctorow (craphound.com) is a science fiction author, activist, journalist and blogger -- the co-editor of Boing Boing (boingboing.net) and the author of Tor Teens/HarperCollins UK novels like FOR THE WIN and the bestselling LITTLE BROTHER. He is the former European director of the Electronic Frontier Foundation and co-founded the UK Open Rights Group. Born in Toronto, Canada, he now lives in London.