



# The Inkwell

MADISONVILLE/TEXAS

## The President's Message

By Joan Escamilla

Excitement was expressed in the fresh, innovative ideas shared during the planning for the 2011-2012 Writers Guild season...

We will see the return of successful events like the Texas Authors Book Sale & Signing, Feb. 25-26, 2012 at the Kimbro Center, but we will be adding some new twists. Twelve to fourteen authors were available last year to sign books and speak to potential fans. Attendance by the community greatly encouraged guild members and the authors selling their books.

Discussions about adding an evening of story-telling and poetry readings open to the public are ongoing. Envision the Kimbro Center transformed into a "swamp" where the Alligator Man drifts through the moss covered trees in his pirogue (*little boat*) telling his Cajun tales or an "Indian" camp where winter stories are whispered in the glow of the campfire or out on the "open seas" beneath an unfurled sail a mariner is navigating the way through a starry nights' tale.

Sounds like a night to pull your sweater over your shoulders, clutch a pillow a little tighter and lean forward into the glow of the story teller's gaze.

The Writers Guild hosts an annual conference which features a successful author who teaches an aspect of writing to enhance writers' skills whether through the process of manuscript preparation, editing a story



*Rebekah Hatcher, Sandra Woodruff, Louis Popowskyj, Joan Escamilla, Kim Davis, and Dave Woodruff met at McDonalds on August 16 to plan the coming years' Madison County Writers Guild Events. Why McDonalds? The Library Annex is undergoing renovations! (photo by Frieda Michael who was also in attendance.)*

or navigating the agent/book publisher search.

Twice a year a mini-workshop is shared during a regular meeting covering valuable information for writers. In November we will hear from Coach Johnny Carter about his success with the book, *The First Season*, already in its second printing after only four months. He wrote it out in long hand.

The Writers Guild along with the Madison County Public Library will cosponsor the third student writing contest for area schools. These events and meetings are designed "to promote and encourage participation in and an appreciation of the literary arts in the general public. Our purpose is to provide members an opportunity for fellowship,

personal growth, education, and advancement in writing abilities and to provide a forum for both published and unpublished authors." (from *WG Bylaws*)

Membership is open to interested individuals. We hope you will visit a meeting, join us and share your ideas for an enjoyable "write" season.

Watch for announcements of upcoming events in the Madisonville Meteor, through the local radio station, KMLV, or by the website: [madisoncountyartscouncil.net](http://madisoncountyartscouncil.net), or follow the Madison County Writers Guild on Facebook.

Write away!

*Joan A. Escamilla*

## Writers Guild Meetings

The Writers Guild meets on the 3rd Tuesday of each month - September through May at 6:30 PM in the annex building behind the Madison County Library.

### Annual dues are:

- individuals \$20,
- families \$30, and
- students \$10.

The guild is generously supported by its members and by the Madison County Arts Council.



## "Christmas" Stories Due November 15! "Winter" Stories Due January 17

Once again this year, the Madison County Writers Guild will be publishing a Christmas Anthology. This collection of stories will be separate and apart from the stories we'll be assembling for the "Winter" anthology which we'll publish AFTER Christmas.

Our goal is to have the "2011 Christmas" anthologies ready to share among ourselves at our Christmas Social on December 20. The "Winter" anthologies will make their debut at the Madison County Arts Council's annual membership dinner, which will be held on March 3rd, 2012.

I know it's confusing, and maybe even a little bit awkward having to come up with two stories on such similar subjects in such a short timespan, but we'll get through it. With that in mind, I thought it might be nice to give everyone a few "story starter" ideas. Take what you need and leave the rest...

### Christmas Story-starters:

1. The boy had been good all year. He had written his letter to Santa early. Now he could hardly wait to see what was waiting under the tree.
2. The lonely old woman gazed out over her frozen

**How do I know  
what I think until I  
see what I say?**

~ E. M. Forster

**You cannot depend  
on your eyes when  
your imagination is  
out of focus.**

~ Mark Twain

lawn. Her home had once been a place of wonder at Christmas as children from all over the neighborhood visited to look at her decorations and sample her yummy Christmas cookies.

3. Once upon a time in a city blanketed with snow a little girl and her grandmother went tromping down the chilly street. They were bundled in layers of clothing to try to keep out the cold for their long walk to...
4. If you were a decoration hanging on my tree,

This is the ornament I think you would be.

5. Today was the day of the school Nativity play, but Jack

still hadn't learned his lines.

### Winter Story-starters:

*These come from www.be-a-better-writer.com and are from published authors as noted:*

1. The pair moved through that gray landscape as though no one would see them—

**We write to taste  
life twice, in the  
moment and in  
retrospection.**

~ Anais Nin

**The human mind  
is like umbrella. It  
functions best when  
open.**

~ Max Gropius

dressed alike in overalls and faded coats, one big, one little, one black-headed, one tow-headed, father and son.

~ Eudora Welty, *LADIES IN SPRING*

2. To put us at our ease, to quiet our hearts as she lay dying, our dear friend Selena said, Life, after all, has not been an unrelieved horror—you know, I did have many wonderful years with her.

~ Grace Paley, *FRIENDS*

3. Frank saw her more than a block away, in the town where he had come to live, where Maggie had no business to be, and he no expectation of seeing her. ~ John Updike, *NATURAL COLOR*

4. In the long unfurling of his

life, from tight-wound kid hustler in a wool suit riding the train out of Cheyenne to geriatric limper in this spooled-out year, Mero had kicked down thoughts of the place where he began, a so-called ranch on strange ground at the south hinge of the Big Horns. ~ Annie Proulx, *THE HALF-SKINNED DEER*

5. A woman I don't know is boiling tea the Indian way in my kitchen. ~ Bharati Mukherjee, *THE MANAGEMENT OF GRIEF*

6. My mother swore we'd never live in a boardinghouse again, but circumstances did not allow her to keep this promise. ~ Tobias Wolff, *FIRELIGHT*

7. Being a Spokane Indian, I only pick up Indian hitchhikers. ~ Sherman Alexie, *THE TOUGHEST INDIAN IN THE WORLD*

8. Women's lips are paler again. ~ Margaret Atwood, *SPRING SONG OF THE FROGS*

### Guidelines for Anthology Submissions:

**Max word count: 2500**

**Restrictions:** No obscenity, vulgarity or erotica. Standard manuscript preparation with submission via email preferred. (Send to [kpdavis@usa.net](mailto:kpdavis@usa.net)) An Anthology Submission Author's Agreement must be completed. Blank Agreements are available on the WG bookshelf in the Library Annex. Writers Guild membership dues must be current and paid in full.

# A Conversation About Using Online Photos

By Kim Davis

I subscribe to an online discussion group that deals with issues around book publishing and design. It's a funny little group, and while it is generally not very active, it has some very bright and well-known members who are happy to share. The group is called PublishingDesign and you can find it by going to [groups.yahoo.com/group/publishingdesign/](http://groups.yahoo.com/group/publishingdesign/)

As we've all been tempted to use photos we've found online at one time or another in our own publications, I thought you might find this information helpful.

### Question:

How do you go about finding out if photos you see online are public domain? The photos I would want were taken in the 60'-80's of a person that has died and her cats. I don't know who took the photos. Is there a place to search?

I was going to let this go and not use them BUT then I bought a book and it had 2 photos [that] gave photo credit to a cat club. I too would like to use those photos along with others that I have seen but I didn't really know how to go about finding who had the rights to them? I contacted the named cat club and they didn't know.

On a separate but similar question when you buy a common use photo for a book, is one place better than another as far as buying the photo but not having to give payment every time a book is sold with that photo in it? like a one time charge.

~Kimberly

### Answer 1 from Joy Butler:

Hi Kimberly,

None of the photos you mention taken in or after 1964 will be in the public domain due to expiration of the copyright term. (It's possible they could be in the public domain due to another reason such as publication without a copyright notice for a pre-1989 photo).

In my book on licensing and rights clearance, *The Permission Seeker's Guide Through the Legal Jungle*, I do offer suggestions on how to track down rights holders and obtain permission for the use of photos and other works. However, I'm not certain those suggestions would be extremely helpful for your photos of the deceased woman and her cats. Those photos may very well be orphan works. Orphan works are copyrighted works whose owners are difficult or even impossible to locate. Permission seekers frequently hit the brick wall of discovering that the music, photographs, text, or other creative content they wish to use is an orphan. Unfortunately, there's currently no free pass under copyright law for "really trying to find the copyright owner". If you discover that a work you want to use is an orphan work, you have a few options:

- Use something else (*definitely the least risky option*)
- Try to re-format your use so it qualifies as a fair use (*not as easy to do with a photo*)
- Use the material anyway and face the risk of a rights holder emerging and demanding a license fee or other remedy - with no requirement that the rights holder be "reasonable" in his/her demands.

With respect to your second question, it sounds like you want royalty-free photos as opposed to rights-managed or per use licensed photos. The royalty-free language means that once you license the image, you may use it multiple times for multiple projects without paying additional fees. Most of the large stock houses (e.g., Getty, Corbis, Jupiter Images) offer royalty-free photos. There are also literally hundreds of smaller stock houses that may have royalty-free photos for less expensive prices. You can search for them online with the keywords "royalty free images". Other list members may also write and suggest some of their favorite stock image houses.

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Joy Butler, Attorney and Author

of the **Guide Through the Legal Jungle**. Visit the website at [www.GuideThroughtheLegalJungle.com](http://www.GuideThroughtheLegalJungle.com) and the blog at [www.GuideThroughtheLegalJungleBlog.com](http://www.GuideThroughtheLegalJungleBlog.com) Follow me on Twitter @LegalJungle

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### Answer 2 from

### Pete Masterson:

Finding images on the Internet is a very frustrating way to look for photos to use in a book. Almost always, the images you find are copyright violations -- that is, they belong to someone, but are not identified. It is nearly impossible to run down the actual photographer.

What you are looking for are "royalty free" images and there are a ton of providers. Most are available for a modest cost through one of the many stock photo agencies online. For example, iStockPhoto.com, Shutterstock.com, and many others. Search Google for "royalty free stock photography" and you'll get dozens of images.

It's pretty rare for images to be billed "by the unit sold" (as you suggest), but some of the "high end" agencies can have "restricted use" images that cost a lot. For example, a client wanted to use a particular image on his book cover, but it was "rights managed" by Getty Images. Since no other image would suffice, we were faced with a negotiation. The first offering (\$600) was simply too much to pay. I emphasized the self-published aspect and probability of relatively low sales. So, we eventually settled on a one-time charge of \$400 for up to 5000 copies printed. (We could do successive printings, but once that level was reached, we'd need to pay another fee.)

First, ALWAYS read the contract and focus on the area where the contract rights are spelled out to ensure that the use you need is permitted before you spend any cash.

For example, I just looked up some images for a client on iStockphoto -- their standard contract allows

uses on the cover or inside a book (by specific contract wording) but other "products for payment" uses requires an "enhanced" (more expensive) contract. (e.g. if you're going to use the image on a t-shirt which you will sell.)

Most of the stock photo agencies have a decent understanding of book publisher's needs and their standard contracts cover typical use. However, it is critical to read the contract before buying any photos just to be sure that your use is covered. I've encountered a couple of very small or niche-topic stock photo outfits where the contracts are so restrictive that a publisher generally couldn't use the photos without substantial extra payment. -- I don't recall the web site(s) as I ran into that situation a couple years back.

If people are in the image, most contracts require that the individual shown does not appear to be giving an endorsement of a product. Usually that's not an issue with photos used on a book cover or interior, but it is a point to keep in mind.

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Pete Masterson, Author of **Book Design and Production: A Guide for Authors and Publishers**

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