Next Meeting

Date: Saturday, August 27, 2011
Time: 10 a.m. to 12 noon
Location: Carlsbad Library, 1775 Dove Lane
Topic: “How to Promote Your Book with Seminars”
Speaker: Jesse Schwartzburg

How to Develop, Promote, and Market Your Book with Seminars

With Seminar Expert, Jesse Schwartzburg

You are an expert, so you wrote the book. Have you ever considered leveraging that expertise as a professional speaker? Did you know professionals who speak professionally make up to 40% more revenue? Raise awareness about your book and double your income while you are at it, by producing your own low-cost, high-impact seminars.

Seminar expert Jesse Schwartzburg reveals everything you need to know to promote successful, moneymaking events! You’ll discover how to:

- Choose hot speaking topics and write titles that sell;
- Package your experience, know-how, or ideas into seminars or workshops;
- Design an irresistible promotional piece that will get you booked;
- Find and approach organizations such as conferences, conventions, special events, churches, business associations, and seminar companies;
- Choose the best month, day, and time for your seminars; and
- Double or triple your business with back-of-the-room product sales.

PLUS you’ll benefit from a question-and-answer session.

Jesse Schwartzburg is a speaker and author consultant and founder of Jessie Schwartzburg Events and Consulting, www.jessieschwartzburg.com. Most recently, she served as the West Coast Regional Director of The Learning Annex, the largest seminar organization in the world. Jessie has helped thousands of amateur and professional speakers build their careers, and she has organized countless lecture series, conferences, book signings, and speaker tours. She has had the pleasure of booking and hosting several internationally known authors, speakers, and celebrities, such as Donald Trump, Naomi Judd, Erin Brockovich, Jenny McCarthy, Eckhart Tolle, and Deepak Chopra. Jessie Schwartzburg offers advice and marketing strategies guaranteed to dramatically increase your income and success through speaking.

Please RSVP for the seminar at www.PublishersWriters.org
We’re gearing up for the fall street fair events, so be sure to put these dates on your calendar when we will be having Read Local San Diego Local Author Co-op Booths:

- September 18 ...... Poway Days
- October 8 .......... San Diego City College International Book Fair
- November 6 ........ Carlsbad Street Fair
- November 20 ...... Poinsettia Festival, Encinitas

I will be sending out registration information shortly, so if you are not already on the Read Local mailing list, please visit www.sandiego.readlocal.org and sign up. This is the best way to keep up with events we are organizing.

In the meantime, please feel free to contact me if you have questions: karla@sandiego.readlocal.org.

Karla Olson
Thanks to Tony Vianna for organizing our terrific July program on audio publishing. I was thrilled to discover that creating a book is more economically viable than I expected, and I love learning about the services offered by Spoken Word, Inc. Here’s a link to Barbara Whiteside’s e-book that covers the subject in even more detail. Download it for only 99 cents: [http://spokenwordinc.com/audiobooks-in-the-digital-age/](http://spokenwordinc.com/audiobooks-in-the-digital-age/)

This month I am pleased to welcome Jessie Schwartzberg, an author consultant who has helped thousands of amateur and professional speakers build their careers. She’s going to fill us in on how to leverage your expertise on a topic (you did, after all, write a book!) into speaking engagements that not only promote you and your book, but might bring in additional income as well. Jessie is a professional speaker herself, so we can learn from her presentation style, too. What could be better than that!

WARNING: As you all know, we’ve had challenges securing a regular venue for our meetings. The August meeting will be held at the Carlsbad (Dove) Library, in the meeting room. The capacity for the room is 67 people. We will of course accommodate as many people as possible, but I encourage you to make a reservation. If we do exceed capacity, we will have to accommodate the reservations first. Thank you in advance for your cooperation.

We have an exciting program in September as well. Barbara Fisch and Sarah Shealy of BlueSlip Media, a book promotion and publicity firm, will talk about children’s and niche book marketing and promotion. I’m sure they will have many wonderful ideas. This program will also be at the Carlsbad (Dove) Library.

We’ll finish out the great 2011 program with Ann Marie Houghtailing discussing “How to Position Yourself as an Expert.” Keep your book top of mind by being the go-to person when the media needs a comment or recommendation. This meeting will be back at the Encinitas Library.

I will take this time to mention a few of the benefits of membership to PWSD, for those of you who have not yet joined:

- Extremely low annual membership fee ($37)
  - We are the most affordable, most value for the money group in San Diego.
- Reduced Monthly Meeting Fee ($10 instead of $15)
  - You will make up the annual fee in no time!
- Listing in the PWSD Members’ Directory
  - Our website is ranked extremely high in Google. That means your bio in our membership directory will get lots of hits from Google. People tell me every day that they’ve found my services through the PWSD directory. If you join and submit your bio and headshot, they will be able to find you and your book, too!
- Monthly Newsletter
  - Another great way to keep up with the ever-evolving publishing business.
- Access to PWSD Yahoo Discussion Group
- Free book display at meetings
  - You need to be a member to display your book or your business card or flyer on the back table at meetings. This is another great way to showcase your book or your services.
- Permanent Nametag
  - Instead of a nametag with the sticky stuff that comes off on your clothes—what could be better than that! But remember to take off your permanent nametag and put it back in the tag holder, or it will be your responsibility to fish it out of your car the next month.
- Reduced membership fee to Independent Book Publisher’s Association

If you are interested in joining PWSD, please feel free to contact me (karla@publisherswriters.org) or speak to our treasurer Tony Vianna or me at the meeting. See you on August 27 at the Carlsbad (Dove) Library.
Legal Protection of Literary Titles

By Randal R. Morrison, Attorney / Author

No copyright protection of titles. When two literary works (such as books, magazines, movies, or songs) have the same or highly similar titles, copyright law does not provide legal protection to the title—standing alone—of either work. This has been a basic principle of copyright law since at least 1872, when the first publisher of a periodical named Our Young Folks tried to stop the publication of an entirely different magazine using exactly the same title, and aimed at the same audience. The court refused to stop distribution of the late arriving title, primarily because the content was entirely different. (Osgood v. Allen, 1 Holmes 185, 1872) Although American and international copyright has evolved much since that time, it is still true that “you can’t copyright a single title.”

Trademark protection of titles. However, it is possible to get legal protection for titles under trademark law and, occasionally, unfair competition. Trademark protection is available when identical or highly similar titles are used for multiple products aimed at the same market, and there is a likelihood of confusing consumers. For example, the publishers of SLY, an online fashion magazine for upscale, metropolitan women, filed a lawsuit seeking to stop distribution of a print magazine also named SLY. The latter was aimed at 40+ men interested in fitness, and based on the image and likeness of Sylvester “Sly” Stallone. The court refused to halt distribution of the fitness magazine, primarily because the two magazines served different markets. Both publications had started up within a few months of one another, so neither had yet established a “secondary meaning”—awareness in the public mind. (SLY Magazine v. Weider Publications, 529 F.Supp.2d 425, So.Dist. NY, 2007)

Book titles. Contrast these magazine title cases with Warner Brothers’ copyright suit to stop publication of The Lexicon, an encyclopedic listing of spells, characters, creatures, and magical items from the Harry Potter books. The court found that The Lexicon was substantially similar to the novels, did not qualify as a derivative work, the amount of material borrowed from the original was unreasonable, and the work exceeded the bounds of the fair use privilege. The court issued a permanent injunction (court order) forbidding publication of The Lexicon, and awarded statutory damages of $6,750.00. (Warner Bros. v. RDR Books, 575 F.Supp.2d 513, So.Dist. NY, 2008) Note that the copyright protection was based on the entire contents of the book, not just the title. The Lexicon author, Steve Vander Ark, revised the book, primarily by shortening it, and published it (presumably with the acquiescence of J. K. Rowling and Warner Bros.). It is currently available on Amazon. See also: http://en.wikipedia.org/wiki/The_Harry_Potter_Lexicon.

Film titles. Warner Bros. also sued, in India, to prevent distribution of a movie called Hari Puttar, A Comedy of Terrors, based on the similarity of that film’s title with the Potter movies. The Indian court refused to grant any protection, saying the titles were not confusingly similar, and that Warner had waited too long (more than three years) to bring the action. The producers of the Indian film say the story is actually based on the American film Home Alone, that in India Hari is a popular name for boys, and that the word “puttar” means “son” in the Punjabi language.

The owners of the intellectual property rights in the classic David Lean film Bridge on the River Kwai (1957) sued the makers of a film called Return from the River Kwai (1989). The court stated that “motion picture titles acquire secondary meaning when the title becomes so well known that consumers associate it with a particular author’s work.... Once a motion picture title acquires secondary meaning, the owner of the rights to that title, or mark, may prevent the use of the same or confusingly similar titles by others.... [E]very consumer need not make the required association. It is sufficient to demonstrate that a substantial
segment of the relevant consumer group makes the requisite association.” Because theLean film was well
known, and had won seven Academy Awards, the title had acquired secondary meaning; the passage of
40 years since its initial release did not change that. On the likelihood of confusion, the court stated the
consideration factors: (1) the strength of Plaintiffs’ marks; (2) the similarity of Plaintiffs’ and Defendants’
marks; (3) the competitive proximity of the products; (4) the likelihood that Plaintiffs will “bridge the
gap” and offer a product like Defendants; (5) actual confusion between the products; (6) good faith on
Defendants’ part; (7) the quality of Defendants’ product; and (8) the sophistication of buyers. Finding
most of these factors met by the facts of the case, the court enjoined (forbade) the producers of the second
movie from releasing, distributing or advertising their film with the title Return from River Kwai “or
under any other title containing the words ‘River Kwai’ or under any title that is confusingly similar to
NY, 1998]) The case is also notable because River Kwai is a real place (in Thailand) and in general names
of places cannot be trademarked. See also http://en.wikipedia.org/wiki/The_Bridge_on_the_River_Kwai.

Personal names. The trademark principles that apply to titles also apply to professional names, pen
names, and stage names. A writer specializing in articles about sexuality, who had federally trademarked
her real name (Violet Blue), sued to prevent a porn performer from using the same name as a stage name.
The court found that the author was the first to establish “secondary meaning” through her published
writings, and that since they were working in similar markets, the buyers were likely to be confused.
Thus, the performer was ordered to cease using the stage name. (Blue v. Johnson, U.S. Dist. Ct., No. Dist.

Take-home lesson. if you want to gain legal protection for a literary title, make it applicable to a series
of related works and/or to spin-off products, sell it in interstate commerce, register the trademark, and strive
to gain enough marketing success that you can prove “secondary meaning” for the title.

Randal R. Morrison is a San Diego based attorney who works primarily in the areas of First Amendment
law (especially free speech) and copyright & trademark. He can be reached at 619.234.2864. As an
author he writes professional reference books for attorneys and fiction for children. Copyright © 2011 by
Randal R. Morrison, printed with permission.
PWM: In what aspect of publishing or writing are you involved or interested?

Pilar: Writing *Mindful Parent Happy Child: A Guide to Raising Joyful and Resilient Children* has been my first experience writing a book. I explored both options: going with a publishing house and self-publishing. After much research, I chose to self-publish for a variety of reasons, mostly for the freedom to have control over the book layout, title, and overall organization. I am very happy with my decision. Self-publishing does present many challenges, though. I had to do a lot of research to find out the different options to choose from within the realms of self-publishing. I probably went the hardest route by working with a small, specialized company that shepherded, as opposed to one of the online self-publishing companies, but it was hands-on and personal, and I learned a lot. I would—and will—do it again.

PWM: What first attracted you to it?

Pilar: I don’t consider myself a writer, but I do see writing as an essential avenue to making changes in the world. The book I wrote is the vehicle to teaching my life’s work; with a book I can invite a larger audience to join me.

PWM: Did you previously have related experience in writing or publishing?

Pilar: I have not had experience writing, except for my dissertation, which is a different sort of beast. Before this endeavor I had been working in my psychotherapy practice for 20 years, during which time I did very little writing.

PWM: How long have you been a member of PWSD, and what role has the organization played in your success?

Pilar: I have been a member of PWSD for about a year and a half. As a member and guest attending the meetings, I have enjoyed and gained great support and fantastic information. The speakers and other authors have been inspirational and educational. The combination of these two qualities has kept me on track with my goals for writing. My book, *Mindful Parent Happy Child: A Guide to Raising Joyful and Resilient Children*, was released in April 2011.
PWM: What are you working on now?

Pilar: Currently my days are filled with designing my training program as a full-time business. My book is designed to be read cover to cover, as well as used as a workbook. I am building a business that trains parents, therapists, teachers, and all others who work with children the methods and principles outlined in my book. It is exciting and fun, and I am thrilled to be doing this kind of work.

PWM: What guidance or lessons learned can you offer the members?

Pilar: Self-publishing isn’t for everyone, so here are a few golden nuggets I gained along the way:

1. Talk with as many people as it takes until you feel comfortable with the direction you want to take: publishing house or self-publishing.

2. If you think you want to find a publisher, attend the San Diego State University Writer’s Conference that is offered around January each year. You will easily find other writer’s conferences around the country by doing a Google search.

3. If you are going to self-publish, make sure to research your editor(s). These will be the most important people you will hire, and they don’t come cheap. This will require you first know the difference between a developmental/concept editor and a copyeditor/line editor. When you know what your editing needs are, take the time to get references from other authors who have worked with the editor(s) you are thinking of hiring, and—most importantly—make sure they have worked on several successful books.

4. Though not necessary for many books, if you decide to hire an indexer, a rule of thumb is that you get what you pay for. It is hard when you are on a budget to spend extra money on an indexer, but people will use the index of your book; so it is important to follow the same guidelines I have suggested regarding hiring an editor.

5. While you are busy writing your book, build your social network. Don’t wait until your book is in print to do this. Try to find 20 minutes a day to build your Facebook, LinkedIn, Twitter, and Google Plus community.

PWSD has been a wonderful resource for me!
Welcome, New PWSD Members

Cathy Lewis, Author, Fiction and Non-Fiction, Oceanside
Russ May, San Diego
Ira Spector, Non-Fiction Author
Dora Walker, Author–Memoir–Narrator (special effects)
Pamela Adams, San Clemente

Congratulations on joining PWSD! Just remember you need to sign up to get on the mailing list (www.publisherswriters.org) and you need to contact the webmaster to get your listing in the directory (webmaster@publisherswriters.org). Also, sign up for the PWSD YahooGroup (www.groups.yahoo.com; type PWSD in the group search box) to stay in touch with other members.

Gene Thomas, Alpine Author, touts new book
PWSD member Gene Thomas has just released his first book, Tales from the Tree House. It is available via Amazon and Barnes & Noble in hard cover, paperback and e-book format. Check the individual websites for prices and watch for Gene’s next book, Tree House to Palms Trees, due out in late fall 2011.

David Knop’s new-book release date was May, 2, 2011, for Mining Sacred Ground, available at Amazon, Barnes & Noble, and the Sony Reader Store. Mining Sacred Ground is a gripping tale of threatened Apache, Anasazi, and Aztec archeological treasures. In Arizona’s harsh land of enduring legend, former Marine and Cochiti tribal policeman Peter Romero witnesses his cousin’s violent death. Seeking vengeance, he battles a deranged sniper, drug-dealing bikers, and angry local Apaches. As the investigation continues, the all-too-real intrusions of his heritage draw him into the world of spirit warrior, a world that threatens his way of life.

Andrea Glass will teach “Writing Nonfiction” at MiraCosta College, 1 Barnard Drive, Oceanside, September 12 through October 10, 2011. The Monday night classes run from 6:30 to 9:00 p.m. and are in room 1038. Cost is $90 for the 5-week class which will take aspiring authors through the book planning and writing process, with in-class instruction and time for writing and feedback. Check out the class on page 46 of the catalog at www.miracosta.edu/officeofthepresident/pio/downloads/communityedbulletin.pdf or call 760-757-2121 for more information.

Andrea Glass will present “All About Ebooks” at the San Marcos Library, 2 Civic Center Drive, on Tuesday, September 13, from 6:30 to 8:00 p.m. The free lecture is an introduction to her 6-week course, “Write an Ebook: Hands-on Class,” which will be held Tuesday evenings, October 4 through November 8, 2001, from 6:30 to 9:00 p.m. at the Cal State San Marcos University campus, 333 S. Twin Oaks Valley Road. The class is $95 and will be held in Markstein Hall 304. For more information visit www.csusm.edu/el and click on Extended Learning, or call 760.750.4920.

Barbara Field brought the Op Ed Project to UC San Diego, which teaches women to write op eds and become thought leaders. Featured by Katie Couric, this project has been presented at such prestigious organizations as Facebook, Google, Merrill Lynch, MIT, Yale, and Yahoo. Future public seminars will be held November 5 and January 28; corporate seminars to be announced. Barbara also appeared on the front page of the San Diego Union Tribune for her work mentoring for the Afghan Women’s Writing Project. She was chosen as Alumna in Action for her work on both projects and appeared on the home page of the Barnard College alumnae’s website. Barbara will be teaching “How to Be a Working Writer” for UCSD Extension on September 10, 2011. Fee is $95. Go to http://extension.ucsd.edu/studyarea/index.cfm?vAction=singleCourse&vStudyAreaID=13&vCourse=GINT-81556 for more information or email Barbara at http://www.bfield@ucsd.edu
Barbara Boatright is excited to announce her first book is live! She is leaving for a book tour in the Midwest and will return in time for our August meeting. You’ll recognize her because she’ll be wearing a great big grin as she stands beside the display for *Impaling on the Horns of the Devil, The Development of Vulnerability to an Abused Marriage*.

Flora Brown will teach “How to Write a Nonfiction Book in 90 Days, Even if You’re an Ordinary Person and Hated High School English.” The interactive workshop will be held Thursday, **September 29, 2011**, 6:00 to 8:00 p.m. at California State University, Fullerton, Titan Student Union. Flora Morris Brown—author, speaker, publishing coach, and radio host—will dispel the myths that are holding you back and explain how to navigate the seven steps to profitable publishing. You’ll even learn how to start earning money before your book is published. The $99 workshop fee includes a 32-page workbook with a resource section. Preregistration is required at [http://www.abookin90days.com](http://www.abookin90days.com)

**PWSH MEMBERS, please send us your news so we can fill up these pages with book releases, book signings, radio shows, workshops, or anything about you and your book!**
**Events**

**Tuesday, August 16, 2011, 6:00 p.m.** AAJA (Asian American Journalists Association) and NAAAP (National Association of Asian American Professionals) Summer Mixer

It’s that time of the year again: time to reconnect, relax a bit more and soak in the sun over delicious treats and cocktails. Join AAJA leaders, members and professionals from other industries for AAJA’s annual summer mixer! All proceeds will go towards student scholarships, professional development workshops and stipends. At the Wine Steals at Liberty Station. Cost: Free of charge for AAJA and NAAAP members, $5 for non-members. [www.aajasandiego.org/?p=3140](http://www.aajasandiego.org/?p=3140) for additional information. For questions contact president@aajasandiego.org or njimenez100@gmail.com.

**Thursday, August 18, 2011, 6:00 to 9:00 p.m. Society of Professional Journalists Summer Mixer**

The Society of Professional Journalists will host its annual J-Groups Summer Mixer at the Alamo in Old Town. SPJ invites all local journalists and San Diego’s journalism groups to a relaxing and fun Summer Fiesta. Join SPJ and members of the San Diego Press Club, San Diego Association of Black Journalists, and the San Diego chapters of the Asian American Journalists Association, CCNMA: Latino Journalists of California, and the National Lesbian and Gay Journalists Association on the patio at the Alamo in Old Town San Diego (2502 San Diego Avenue) for great conversation, a make-your-own taco buffet, and an extended happy hour with terrific drink specials. The Alamo will be serving up $3 margaritas, $2.50 well drinks, $2.50 wine, $2.25 domestic draft beers, $3 imported drafts, and $3.75 smoothies. The party is free.

**Monday, August 22, 2011, 6:00 p.m., The San Diego Writers/Editors Guild**

The San Diego Writers/Editors Guild’s monthly meeting. Join Allison Maderia-Joseph, program coordinator of the Writing Programs at UC San Diego Extension, to discuss the ways continuing education can help refine your writing skills and even turn your writing passion into a career. The title of her lecture is “A New Chapter: Continuing Education’s Role in Your Future.” Allison will tell you about Extension’s award-winning writing and editing faculty and their community of writers, and she will share her perspective on creativity, training, freelancing, getting a foot in the door, and writing for the new media. All meetings are on the fourth Monday of the month at the County Health Facility located at 3851 Rosecrans Street in the Sports Arena area. For directions, see [www.sdwritersguild.org](http://www.sdwritersguild.org).

**October 27–30, 2011, Author 101 University–Las Vegas**

Panelists include Brendon Burchard, Barbara DeAngeles, Gary Goldstein (Producer of *Pretty Woman*), Scott Hoffman, and a panel of literary agents who are looking for your book. Lots of new speakers are coming to this event. Check it out at [www.author101university.com](http://www.author101university.com). Right now you can save $100 if you put in code EARLY BIRD, and you can bring a friend for free. There’s a 100% money back guarantee. **Bonus:** A one day Master Class with Barbara DeAngeles on October 27, 2011; limited seating. It is only $297 for this training, so check it out at [www.authormasterclass.com](http://www.authormasterclass.com).

**October 12–15, 2011, National Publicity Summit**

During the second week of October, a unique meeting will once again take place in New York City. Over 100 top journalists and producers who do shows and stories for major national media outlets will be there looking for people with interesting stories. Many of these writers and guest bookers are almost impossible to get on the phone, but they’ll all be at this meeting seeking new talent. As a result of attending this event, others have been booked on *The View, Today Show, Good Morning America, MSNBC, Entrepreneur, Time Magazine* and many other top radio/TV shows, magazines and online outlets. It’s called the “National Publicity Summit,” and only 100 attendees are admitted. (They actually have slightly more media than attendees.) For more information visit [www.nationalpublicitysummit2011.com/?12732](http://www.nationalpublicitysummit2011.com/?12732).
Resources

Local San Diego Startup: Typoze.com
John DeLeon co-founded a local website called www.typoze.com, where people can report typos in books, as well as maintain a virtual bookshelf of all the books they’re reading, plan to read, or have read. A Typoze user can connect with friends, make book recommendations, write reviews and vote/comment on other users’ typo submissions. Their vision is to become a central clearing house for book errors. They’re now working to establish relationships with publishers and authors to provide them with book errata data, so corrections can be incorporated into subsequent editions. The benefits of the site are not limited to the users. By partnering with Typoze, publishers and authors will benefit from having a robust mechanism for collecting errata data vetted by the user community. Their books will be made visible to Typoze users, as the most recent typo submissions and books are featured on a dashboard view upon logging in. For questions and comments, contact John.DeLeon@typoze.com.

If you hear of an event or discover a valuable resource for publishers or writers, please send it to newsletter@publisherswriters.org.
If you’re a self-publisher, independent publisher, consultant, author, editor, proofreader, ghostwriter, book designer, marketing specialist, Web designer, or professional coach, consider joining PWSO. Visit the FAQ page of www.PublishersWriters.org for membership information and the home page to sign up for this newsletter.

The closing date for newsletter contributions is the last day of each month. Send your contributions to newsletter@publisherswriters.org.

Would you like to appear in a member profile? If so, contact Lynette Smith at lynette@allmybest.com.

Would you like to help out by taking notes at our monthly meeting and writing up the meeting recap for this newsletter? If so, contact Lauren Castle at lauren@impress-express.com. She’s accepting signups for 2011. We’re looking for one volunteer a month so we can have each meeting covered.

Thank you for pitching in to help Publishers & Writers Monthly become a more valuable newsletter for everyone in the San Diego Writing and Publishing Community!

From the Editors

Newsletter Team

Vanderblümens
Publications
Glenna A. Bloemen

Self-Publishing Coach
Assisting First-Time Authors
From Page to Press
P.O. Box 626, La Mesa, CA 91944
619.743.5192
gab11853@aol.com

All My Best
Business and Nonfiction
Copyediting
Lynette M. Smith
“Get the Results and Respect Your Writing Deserves!”
714.777.1238
www.AllMyBest.com
Lynette@AllMyBest.com

“You never get a second chance to make a first impression!”

Lauren Castle
image management specialist
858.459.7400
www.impress-express.com
lauren@impress-express.com

One Talk Transcription
Serving the leaders and wisdom teachers of our time.

Alice Louise Karow
858-361-8956
www.OneTalkTranscription.com
alice@onetalktranscription.com
Transcription - Editing - Writing

From the Editors

Newsletter Team