AGENCY CONTRACTS

What to Look (Out) For
What to Look For in a Contract

• Commission rate (usually 15-20% against all advances & royalties)
• Scope & duration of contract – which specific projects & for how long
• Expenses – reimbursements for out of pocket expenses
• Updates/Project Status
• Termination rights - easy & without cause
• How/when will you get paid?
Contract Red Flags

• Lack of (or punitive) termination clause.
• Any fees beyond commission on royalties and advances.
• Commission rates higher than 20% (standard is 15%)
• Agents SELL rights, they don’t own them, and a contract should never grant the agent rights to your work.
• The contract requires you to use (and pay for) an editing service in which the agent has a financial interest.

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Remember…

• As the publishing industry evolves, so do agency contracts. Read your contract carefully, even if it seems boilerplate!

• If you are unsure about any terms in the contract, ASK for clarification. It is advisable to seek the assistance of an attorney familiar with copyright laws and the publishing industry.

• FOLLOW YOUR INSTINCTS! If something seems off, the agent won’t negotiate and/or his/her explanation doesn’t alleviate your concerns, don’t sign.

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