

The Apple iBooks Author Issue: Small things, and large principles

By Holly Lisle

The short version: I have removed my books from sale on iBookstore because Apple has included a clause in software I don't use and wouldn't have used anyway a clause claiming the right to refuse publication on its platform of works created with this software (which is fine and I applaud their right) and further stating that if they reject your work you cannot sell it **in the format the software created** anywhere else.



THE LONG VERSION:

Here's the clause:

B. Distribution of your Work. As a condition of this License and provided you are in compliance with its terms, your Work may be distributed as follows:

(i) if your Work is provided for free (at no charge), you may distribute the Work by any available means;

(ii) if your Work is provided for a fee (including as part of any subscription-based product or service), you may only distribute the Work through Apple and such distribution is subject to the following limitations and conditions: (a) you will be required to enter into a separate written agreement with Apple (or an Apple affiliate or subsidiary) before any commercial distribution of your Work may take place; and (b)

Apple may determine for any reason and in its sole discretion not to select your Work for distribution.

And then the next paragraph is bold-faced, just so you don't miss it:

Apple will not be responsible for any costs, expenses, damages, losses (including without limitation lost business opportunities or lost profits) or other liabilities you may incur as a result of your use of this Apple Software, including without limitation the fact that your Work may not be selected for distribution by Apple.

Here's the guy who found, dissected, and posted about it, along with his dissection, and it will save us a BUNCH of time if you read his article.

So what's the problem? You're not going to use the damn software anyway!

Nope. I'm not. But I *had* ten books up on the iBookstore, which I put there using iTunes Producer, which is software. I do my epub versions of most of my books in iWorks Pages, which is software. And I work on Apple computers, an iPad, and an iPhone, all of which use Apple software. OS X and iOS 5 at the moment.

And the rule of software is this: Software does not get to dictate the use of output. Period. Software does not get to tell you WHERE you can sell what you've created, only that you have the right to sell it (in the cases where software requires a commercial license if you are producing for profit).

Software does not get to tell you, “If you create this work on our software and we don’t want to distribute it, we own the rights to the version our software created, and if you want another version, you will have to disassemble this one, and rebuild it from scratch on other software.”

The purpose of purchasing and/or using software is to make your work easier.

It is not to have the software claim ownership of any part of what you have created with it.

There is no difference—except in number of people affected—between a company claiming ownership of the rights to something you created with its ebook publisher, and something you created with its OS.

The principle is identical.

(Apple is not claiming to own rights to your work if you work on OS X. My removal of my own work from their site is on principle, not because my own work is affected.)

And there is no number of people affected that is insignificant. The smallest minority is the individual, and minority rights protect the rights of the individual because those are the only rights there are.

So THAT is why I pulled all my books from distribution on the iBookstore, why none of my further books or any of my writing courses will be going to the iBookstore, and why I can no longer recommend the iBookstore to my students.

And this in spite of the fact that Apple makes my favorite

products in the world, and I hate like hell having to do this.

And if they remove their damn clause and respect the purpose of creative software and the rights of the individual, I'll go back.

COMMENTS have now been closed on this post. Please read the follow-up post, and if you choose, comment there.

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