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Missing the point- the disappointed hope of self- publishing authors

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ABSTRACT

Trade book publishing is characterised by authors with weaker bargaining power than the commercial intermediaries, including publishers and distributors. One key solution representing the empowerment of authors is self-publishing works, thereby cutting out the gatekeeper. However, self-publication has failed to improve the position of authors: their incomes continue to fall across the sector. Using social network analysis as well as industry practices, this article examines UK trade book publishing dynamics. It argues that the reason for the self-publication route's 'underperformance' is structural, explained by a realistic view of the publishing sector and the relationships it entails. The self-publishing author is shown to have little information and bargaining power, while self-published books are subject to inherent commercial limitations. The wider structural impact of market concentration in book distribution is clarified. The findings suggest that solutions need to combine copyright with competition law interventions as bargaining and market issues require different but coherently designed remedies.

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Introduction

The creative industries are a key driving force for growth and employment in the UK (Creative Industries 2022). At their heart lie the creations of authors whose works form the basis of value chains that generate billions of pounds in revenues annually. The book industry alone was worth £6.3bn in 2023 (Bisworld 2023). Yet the average income of authors continues to fall: median income has dropped from £11,329 in 2018 to £7,000 in 2022 (Thomas, Battisti, and Kretschmer 2022, 7). While authors have different motives for writing (Hviid, Izquierdo- Sanchez, and Jacques 2019), commercial success is structurally important for enabling author focus on writing while also ensuring more marginal voices get heard (Harris 2022; Thomas, Battisti, and Sanes De Juano Ribes 2023, 13–15).

The publishing market is shaped by competing forces. Copyright law decides what is protected and for what activities, giving control to the author. To exploit books in the numerous forms copyright law permits, contracts are essential. Contracts link authors to the wider market including other market players like the reader. These contracts are regulated to a limited extent by copyright law but, given the prominence of the principle of contractual freedom in the UK (Hviid, Izquierdo- Sanchez, and Jacques 2019, 18),¹ they are mainly governed by standard contract law. Competition law also has influence as contractual freedom is limited by competition concerns to sustain the consumer benefits of a functioning market.² The consumer, however, is not only the book reader.

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Publishing consists of many interlocking markets, such as the author as the consumer of publishing services, meaning that contracts between authors and publishers or between publishers with distributors are shaped by copyright and contract law. However, the relationship between publishers and distributors can be³ subject additionally to competition law rules.

While the author's position and regulatory environment is complex, two underlying issues are often identified. First, authors assign or license their works to commercial intermediaries. Being in the significantly weaker bargaining position, they are consequently forced to give up more control over their creative works than they would consider ideal (Adeney 2006; Baverstock and Steinitz 2013a, 2013b; Davies and Garnett 2016; Dunn and Summer Farnsworth 2012; DSM Directive 2019; Fürst 2019; Hviid, Izquierdo- Sanchez, and Jacques 2019; Jenkins 2006; Owen 2017, 7; Ramdarshan Bold 2018; Ricketson and Ginsburg 2006; Rowland 2014; Shirky 2008; chapter 3). Authors are routinely required to waive moral rights or assign rights broadly for a wide range of jurisdictions.⁴ This approach traditionally establishes publishers as the key players. Currently, it also includes large corporations (like Amazon or Apple) involved in the distribution, but not creation, of works. Contracts here are between publishers and distributors, with market power translating into a loss of publisher control. Authors are not directly involved but affected by the outcomes, thus becoming third parties to negotiations about their own works. Distributors, like publishers, disproportionately benefit from the commercial exploitation of creative works (Benhamou 2015; Bilton 2017, 2).⁵

Concern over remuneration is linked to this concern over power. The diversifications in ways of consumer access enabled by digital technology have opened up new methods of distribution and therefore increasingly complex remuneration opportunities and model.⁶ Lack of transparency, with opaque contracts and royalty statements, feed a feeling or fear of being treated unfairly. Authors often find it difficult to understand why similar levels of popularity do not lead to similar levels of remuneration. This is the value gap: the gap between money generated by a creative work and funds received by authors. While the details are disputed,⁷ revenues reported by publishers and commercial intermediaries are rising while authors' incomes are falling. There is a pronounced feeling that authors are left behind. Their creative works form the basis for value creation, but they do not benefit from it as much as they 'should'. One proposed solution is that authors self-publish their works, regaining control by cutting out the middlemen.

Self-publication as a solution

Maximising on the opportunities that digital technology offers, self-publication allows the author to circumvent the intermediary and bring works directly to the consumer (reader) (Hviid, Izquierdo-Sanchez, and Jacques 2019). In theory at least, it provides author publication pathways which bypass the imbalanced and often disadvantageous contracts authors are faced with. The promise is twofold. Self-publishing puts authors at the centre, offering enhanced control over their creative works and, by extension, its copyright and income streams (Baverstock and Steinitz 2013a, 2013b; Fürst 2019; Hviid, Izquierdo- Sanchez, and Jacques 2019; Rowland 2014).⁸ Authors should therefore get a larger share of the revenues. Additionally, the alternative of self-publishing could impact the traditional publishing sector as a whole by strengthening, indirectly, the bargaining position of authors (Hviid, Izquierdo-Sanchez, and Jacques 2019). The potential provided by self-publication is especially pronounced for book publishing, given availability of a wide range of self-publication services, often free of charge. Evidence suggests a significant uptake of this route: self-published books constituted 22% of the UK market in 2015 (Matulionyte 2017, 755).⁹ However, this dynamic only works if self-published books are commercially successful and therefore generate income for the author.

Yet, self-publication's commercial track record is mixed at best. Already established authors who successfully self-publish titles are often cited (Matulionyte 2017, 755; O'Neill 2021; Pilkington 2012; Rowland 2014). Anecdotes tell of the success of amateur authors who are then approached by a traditional publisher (Self-Publishing Review 2014; Thompson 2018). However, the UK's bestseller lists are entirely dominated by traditionally published books, with self-published titles fail to make it

consistently onto the Amazon bestseller list.¹⁰ This lack of commercial success is especially significant given the superstar effect in the creative sectors where income is highly unevenly distributed. In 2022, the top 10% of authors earned 47% of income (Thomas, Battisti, and Kretschmer 2022, 7). Self-publishing has an even more uneven distribution as the top 10% earn 71% of all income (Thomas, Battisti, and Sanz De Juano Ribes 2023, 7).¹¹

Given the lack of commercial success, the other presumption of more copyright control also needs assessing. Self-publication and increased copyright control are only beneficial where the licenses are closer to an author's preferences than those offered otherwise. Expectations of structural improvement in author control therefore depend on distributors tailoring their licenses and diversifying them to meet various author preferences. A search on licensing terms for the largest self-publishing service providers has not shown such a development. Instead, agreements remain set and non-negotiable as the pre-set rights options and set royalty fees indicate (see for example Amazon (2022a), Apple (2022), Book Baby (2022), IngramSpark (2022), Barnes and Noble (2022), Smashwords (2022) and PublishDrive (2022)). This is unsurprising given the prohibitive transaction costs the distributor would incur by negotiating with thousands of authors, especially in the context of uncertain commercial potential. However, even pre-set licenses could be advantageous to the individual author. It is therefore essential to examine the terms to see if the self-publishing author benefits and to what extent. The lack of negotiability remains an issue. The licensing scope for traditional publishing can be negotiated, especially ebook rights (Owen 2017, 4–8), and it is a literary agent's job to negotiate effectively (Thompson 2012). If successful, this works in favour of the author. The pre-set nature of self-publication licenses prevents adjustment of terms, most disadvantaging commercially successful self-published authors.

In summary, the expectations for commercial success and copyright control have not materialised. This raises questions of why self-publishing did not develop its potential while the underlying situation is deteriorating. In particular, the unmet expectation of technological innovation indicates that there must be inaccuracies in how the publishing market is understood which require further study. Additionally, an understanding of the underlying dynamics is important to pinpoint the areas where and the type of intervention required. Where an oversupply of creatives exists, the market will always be skewed against authors (Caves 2002, 1–11).

Using social network analysis alongside industry practices, this article will examine the extent to which self-publication offers a solution to the value gap. It traces the comparative influence of the different market actors and reveals how oversimplification in the debate led to a mis-conceptualisation of the problem and therefore unsuitable or incomplete solutions. The argument is that the reason for 'underperformance' in the self-publication route is structural, explainable by taking a realistic view of the book publishing sector and the relationships it entails. In particular, the self-publishing author is not better placed as power shifts from the publisher to the distributor without significantly lifting the status of the author. Self-publication cannot be a sustainable commercial alternative to traditional publishing from a structural point of view. This article contributes to the existing debate by clarifying the structural positions of all key actors involved in trade book publishing. The specific industry practices which are likely to amplify or limit structural shifts are identified, and the available remedies. Its findings suggest that the traditional reliance on granting exclusive rights to authors under copyright is insufficient. Authors would benefit from intervention not only in their direct relationship with publishers but also extended links with distributors. At the same time, the dominant position of some distributors needs to be managed separately under competition law.

Methodology and conceptualising the market structure

Trade book publishing is traditionally modelled as a value chain with four key actors: the author, the publisher, the distributors, and the consumer. These are linked sequentially. The author writes the manuscript, then assigns or licenses the relevant exclusive rights to the publisher who turns the manuscript into a book and feeds it into the varying distribution channels. The distributors in turn ensure that the consumer has access to the book (see Figure 1). Copyright law is based on this



Figure 1. Graph value Chain.

conceptualisation rather than actual market structure.¹² In this model, there are two distinct units: the creation side with the author and publisher and the distribution side made up of the distributor and consumer. These two sides are linked through the publisher- distributor relationship.

The traditional copyright view of the publishing sector is oversimplified. There is a large body of literature which explains how the sector works in practice (see for example Owen 2017; Thompson 2012; Greco, Milliot, and Wharton 2014).¹³ It clarifies that significantly more actors are involved and need to be considered. Additionally, competition policy argues that any analysis is incomplete if market shares are not considered, given this is one indicator of influence or power.¹⁴ Consequently, relying on this simplified, static value chain is problematic.

Book publishing is here treated as a social network, allowing for use of social network analysis (SNA) tools. Via this methodology (Borgatti, Everett, and Johnson 2018; Scott 2017; Yang, Keller, and Zheng 2016), actors who have a direct relationship with each other are connected through a 'tie' or link ('edges'). Thus, authors have ties with publishers but not booksellers. Booksellers are linked to publishers and customers. Mapping actors ('nodes') and their ties enables analysis of the structural position of each in comparison to the other actors. The underlying assumption is that the more ties a node has, the more central and therefore important they are to the network. This concept is familiar from general networking: the more people one is connected to, the more information and resources will be accessible, either directly or indirectly. In SNA, this is the degree centrality of a node. Degree centrality provides insights into how many other nodes a specific node relates to but not into how important these nodes are in the wider network. If the node is connected to a key gatekeeper for example, its structural position is stronger than if the ties are peripheral. This is measured through Eigenvector centrality. The third insight is control over resources. If an actor provides a bridge, defined as the sole connection point between two parts of a network, they are a gatekeeper with all the benefits this provides, measured through the concept of 'betweenness'.

These all work to clarify the most suitable type of intervention. A high centrality combined with high Eigenvalue scores indicate the dominant position of an actor. Here, the significant bargaining power imbalance between actors can be best managed by interventions to lift the bargaining position of the weaker party, often through copyright or contract law. This is already at least partially in place in some countries through unwaivable remuneration rights or other contractual safeguards (Adeney 2006; Davies and Garnett 2016; Ricketson and Ginsburg 2006).¹⁵ Not all issues are necessarily best resolved by copyright though. High betweenness scores indicate a (tendency towards) natural monopolies. This is a competition problem where actors are structurally irreplaceable. Competition law remedies such as those adopted for Collective Management Organisations, including transparency, a duty to provide the service and equal treatment, are often more suitable (CMO Directive, 2014).

To model book publishing, several adjustments must be made. First, networks are only directly comparable where identical nodes are listed, meaning the underlying structure is the same.¹⁶ This means inclusion of all actors involved, even if they are not linked to any other actor. Second, trade book publishing¹⁷ comprises two markets (physical books and ebooks) where the distribution channels differ. The two are not equal in the UK, as 80% of books are still physical and only 20% ebooks (Statista 2022). Thus, from a commercial perspective, effective distribution of physical books is most important, and this is structural. Consequently, the physical book and ebook markets are treated as distinct networks, but the self- and traditional publishing networks employ the same list of actors. The size differential is modelled as percentage share on the link between the creation and distribution sub-networks.

The third adjustment is market shares modelling. Competition law literature emphasises that the market share of publishers and distribution channels is important in terms of structural influence, enabling analysis of where influence resides to be refined.¹⁸ To reflect this in the model, the ties are

modelled based on comparative strength according to the market share, rather than binary. All other ties are modelled as 1 (a tie exists) or 0 (no tie) because they are either service or employment agreements.

Finally, any social network analysis is incomplete on its own because the nature of ties can vary. Industry practice, in particular contractual practices, are shaped by structural influences but since they develop over time, path-dependency means that they cannot be presumed to align perfectly with structural positions (Capoccia and Kelemen 2007; Hall and Taylor 1996; Steinmo, Thelen, and Longstreth 1992; Streeck and Thelen 2005). They will align over time. This means that the structural analysis based on SNA is incomplete on its own: the market can only be fully understood if industry practice, reflected in contracts, is included. Assessing contractual practices is difficult as individual contracts are generally secret. There are model contracts and extensive literature for aspiring authors and practitioners which can be used to gain comprehension of normal expectations here. The aim is to compare the position of the author in the traditional and self-publication environment, focusing on benefits and costs imposed on self-publishing authors compared to the traditionally published ones.

The following section summarises market structure and SNA findings for traditionally and self-published books, distinguishing between physical and ebooks. The data and industry practices will then be combined to identify the position of the self-publishing author in comparison to the traditionally published one, outlining potential remedies to any issues identified.

Social networks in trade book publishing

Traditionally published books

On the creation side of the network, authors write the manuscript, but do not directly submit it to the publisher as the chance of acceptance is exceedingly low (Thompson 2012). Instead, authors work with literary agents with the experience and contacts to get the manuscript placed with a suitable publisher. The editor, employed by the publisher, will select manuscripts, thereby exercising quality and commercial potential judgements. Both editor and literary agent support authors in revising manuscripts for the highest quality output. All three have an interest in its commercial success as publisher and author share the royalties while literary agents receive their commission from the author share. This process provides important commensurate incentives. Publishers also employ sales and marketing teams advertising the final product to the network's distribution side.

Competition law literature emphasises the oligopoly that characterises book publishing. The publisher's overall market share is based on the 5 largest publishers plus the category 'other' (Nielsen Book Scan 2022), modelled on the author-editor relationship. This works to unfold its draw in terms of reputation and access to resources to pay author advances for the most promising books, ensuring this influence is modelled throughout the network given knock-on effects on later ties.¹⁹

The distribution side of the physical book network starts with wholesalers, the central point of distribution for brick-and-mortar stores and most online platforms. The market share of physical books (80%) is modelled on this link between wholesalers and individual distributors. Wholesalers are connected to the creation network through publisher marketing teams, who manage the outward communication and distribution of works to wholesalers and directly to distributors where necessary. Distributors are not one coherent group. These different categories include brick-and-mortar stores like Waterstones, and a variety of online stores. Amazon or the online stores of traditional booksellers are third-party platforms, stocking books from different publishers while publisher platforms (their own online stores) only list their own books. Finally, non-specialist outlets, including supermarkets, are directly supplied by publishers. The power of distribution channels develops in the context of consumers, in particular a distribution channel's influence is based on the size of its consumer base. A distributor's market share is consequently modelled on the relationship between the distribution channel and the consumer. The data used here distinguishes the 5 largest distribution channels and a sixth category 'other' (Nielsen Book Scan 2022). The full network is reflected in [Figure 2](#).

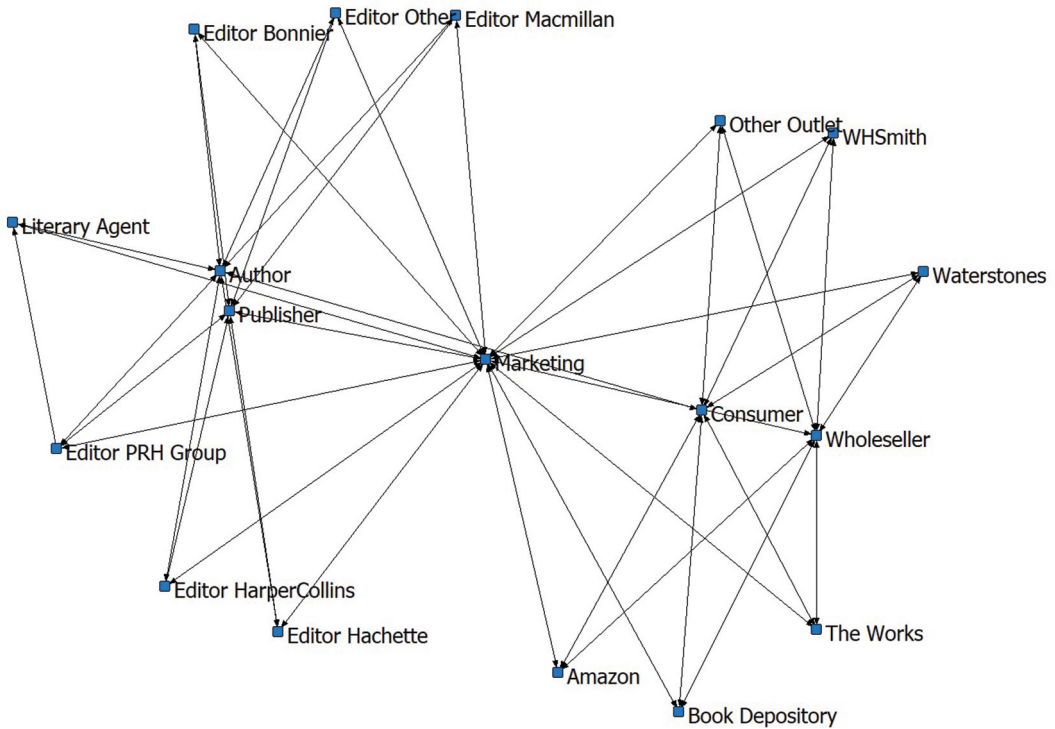


Figure 2. Network physical books traditionally published, based on geodesic distances.

The SNA for traditionally published, physical books indicates the key actor is the publisher (see Table A1). Marketing, as the most central (0.812) and influential (0.515) actor, is publisher controlled. The central offices which manage the copyrights is second with scores of 0.412 and 0.037 respectively. The editor's influence is dependent on their backer. In terms of centrality, unsurprisingly all editors score below the author (0.126–0.146), except PRH, the largest publisher (0.189). The relationship between author and editor is often described as symbiotic, both needing each other and benefitting from the product's success. However, the editor's Eigenvector centrality is higher (0.314–0.279 to 0.14), reflecting the intuitive feeling that editors are more influential being directly linked to key actors while author ties are more peripheral. Equally importantly, editors do not dominate internal publisher internal processes. The marketing team clearly controls the flow of resources (0.515 betweenness score, see also Figure 2). Thus, when market structure is considered, buy-in from the marketing team is the most important factor and this is filtered through editors and publishers.

The consumer is the key actor on the distribution side (0.192 and 0.86) as their choices, reflected as market share of the distributors, determine the relative influence of the various distribution channels. Amazon dominates here, with its large market share (71% share; 0.148), with other larger channels being comparatively even (0.111–0.126). Notably, though, Amazon is not inherently stronger than the other outlets, as betweenness scores of 0.004 reveal, but is weaker than publishers and marketing.

Traditionally published eBooks

While the creation side is the same, the distribution part of the network for eBooks differs from physical books. The digital format used means that neither warehousing services nor wholesalers are required.²⁰ The market share of eBooks (20%) is modelled on the link between marketing and

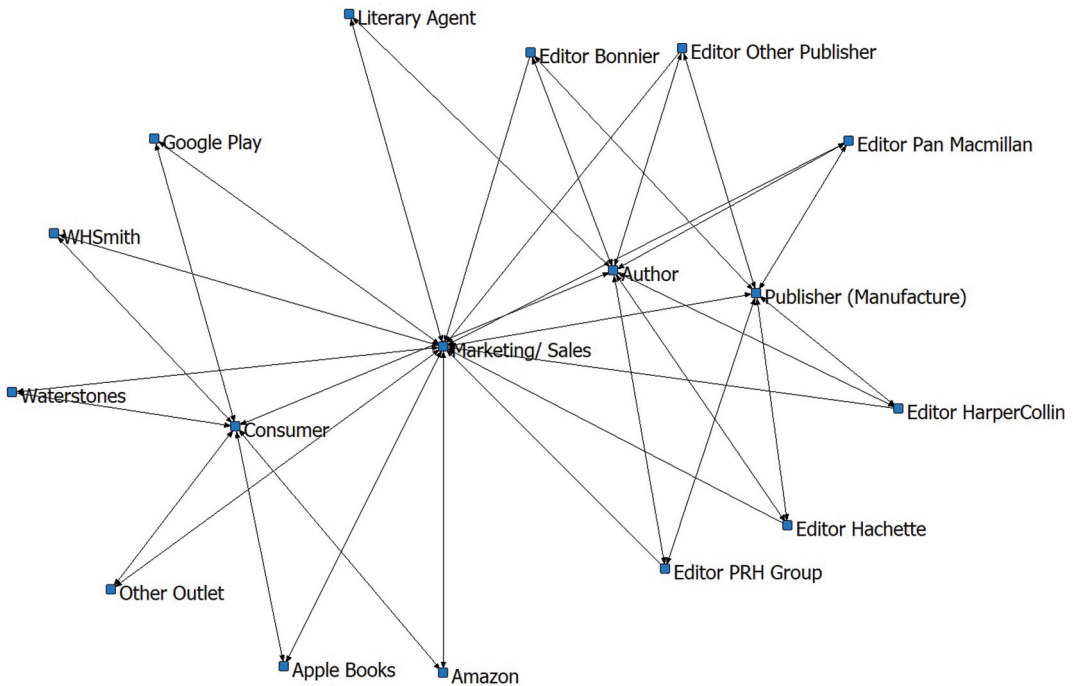


Figure 3. Network ebook traditionally published, based on geodesic distances.

distribution channels. The three largest providers are Amazon, Apple, and Google. Waterstones and WH Smith are significantly weaker in comparison.²¹

From a network perspective (see Figure 3), the image is largely the same as for traditionally published books (see Table A2). Marketing is the most central actor (0.575), acting as the bridge to the distributors (0.542). It is again followed by the publisher (0.438; 0.042) and then the consumer (0.176; 0.112). However, Amazon's position as the key distribution channel is markedly more pronounced. Its degree centrality (0.063) is significantly higher than those of other large actors (0.025–0.21) and even larger than the combined totality of all the smaller distributors (0.035). Apple, Google and traditional booksellers are therefore of similar importance, structurally evenly matched as gatekeepers (0.002). The distributors' position in the network means that even dominance in the ebook market does not translate into an overall industry influence, simply because the ebook market is still comparatively small.

In conclusion, it is clear from the data that authors are inherently structurally weak and peripheral. Publishers are in control because they provide the link between the creation and the distribution sides of the network: marketing. Additionally, they exercise control over the editor and therefore that link to authors. The distribution side of the network is concentrated for both traditional and ebooks but structurally, the low betweenness scores show the inherent potential for competitiveness in the books market though this contrasts with the practical importance of Amazon in particular. It should also be noted here, for both ebooks and physical books, that while 'other publishers' and 'other outlets' seem to be structurally important, these constitute thousands of individual, and uncoordinated, actors. The SNA overestimates their importance in terms of structural influence.

Self-published books

The self-publication network is more restricted than the traditional publishing one. Literary agents do not generally work with exclusively self-publishing authors unless they are seeking to transition to

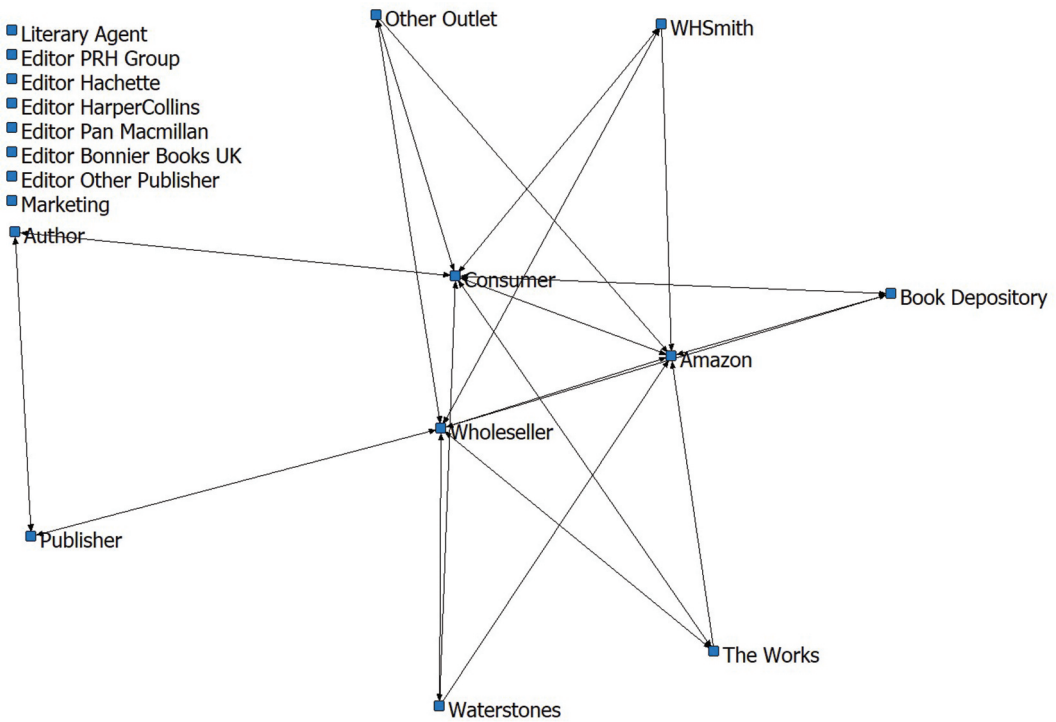


Figure 4. Network physical books self-published, based on geodesic distances.

traditional publishing (something beyond the scope of this article).²² Similarly, while authors can buy in editorial and marketing services, this is not essential and makes self-publication more expensive. These actors are therefore not tied to the author in the self-publishing network. Self-publishing service providers are essential though, as printing and sending physical books is beyond the resources of the average author. On the distribution side, wholesalers act as repositories, where self-publishers will list their books, lacking the resources to stock and distribute books to retailers directly. Reliance is on a print-on-demand system. In practice, the distribution options are very limited. Brick-and-mortar stores such as Waterstones and WH Smith are unlikely to stock self-published books, meaning customers have to order, enhancing the importance of third-party platforms like Amazon.

Given the ability to print and distribute books is beyond a self-publishing author's capabilities, the pattern for self-published physical books resembles traditionally published books (see [Figure 4](#) and [Table A1](#)). The key actor is the wholesaler (0.412, 0.069), the bridge to different distribution channels. Self-publishing authors lack access to marketing and the structural influence consequently moves down the network. Consumers again come second (0.192; 0.069) but more importantly, Amazon is significantly stronger than other distribution channels with a centrality threefold as large (0.336) and a betweenness score of 0.026 compared to the 0.001 of the others. Amazon is moving towards a dominant position because books can be listed directly with Amazon, which is not the case with other distribution channels.

Self-published eBooks

The ebook distribution side varies along the same lines as for traditionally published books. The market is dominated by Amazon, Apple, and Google, all allowing authors and self-publication providers to upload eBooks on their platforms. These companies often do both: taking on publishing and distributor roles, often on an exclusive basis. The full network is outlined in [Figure 5](#).

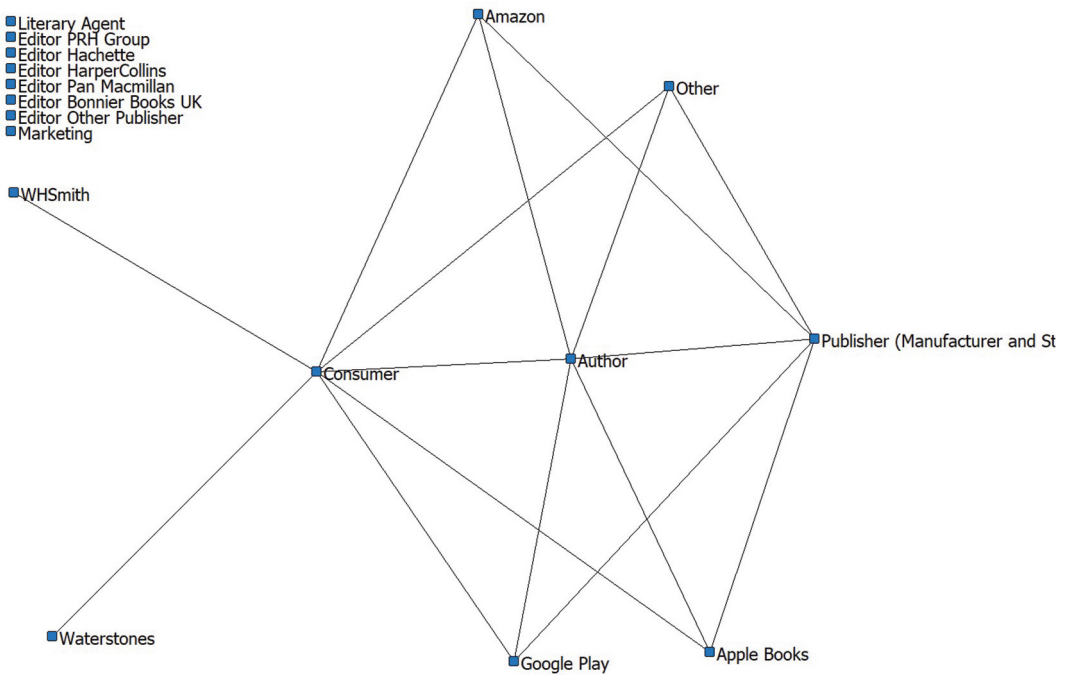


Figure 5. Network ebooks self-published, based on geodesic distances.

The self-publishing network for ebooks mirrors earlier findings (see Table A2) but in a more polarised manner. Consumers are the key actors (0.176; 0.125), followed by authors (0.143; 0.022). Thus, the beginning and end points of the network are the key players, with authors undertaking their own marketing to reach customers directly. This direct link explains the boost in author position rather than it representing a strengthening over commercial intermediaries. As with physical book wholesalers, Amazon (0.76), Apple (0.25) and Google (0.24) act as depositaries, thereby explaining the low score for traditional booksellers (0.47). Brick-and-mortar bookseller platforms are unlikely to offer self-published ebooks, unlike third party platforms, giving the latter a strategic advantage. They are not gatekeepers, as the low betweenness scores show (0.005). In other words, authors now have secure access to third-party online platforms in particular, a role previously occupied exclusively by the publisher.

In conclusion, self-publishing is based on a smaller network, lacking author supports (literary agent and editor) and commercial potential (marketing). Authors become more central, but do not gain more structural power. Access to (de-facto) wholesalers, gatekeepers between the creation and distribution sides, is essential but they are passive. The real beneficiaries are Amazon and the consumer, especially for ebooks.

Discussion of findings

Authors are revealed as comparatively weak in the traditional publishing network, with a centrality of 0.179 for physical and 0.19 for ebooks. Self-published authors are even weaker, with only 0.088 centrality (physical) and 0.143 (ebooks). Their lower betweenness scores reveal that self-publishing authors are also less influential: 0.007 compared to 0.11 for physical books and 0.022 compared to 0.129 for ebooks. Despite this, self-publishing authors are directly related to key actors within the ebook network, especially the online distributors where they can upload their ebooks on the platforms directly. This is reflected in the significantly higher Eigenvalue scores: 0.776 compared to

0.162. Self-publishing ebook authors are moving to the centre of the network. But they are significantly structurally weakened despite being directly linked to the key network actors. Given a lack of commercial success, this negates the potential for self-publication to enhance indirectly the position of traditionally published authors.

Industry practices and licensing terms provide further insights into the actual position of self-publishing authors. The following section will focus on three aspects: the commercial potential of self-published books; remuneration practices; and the actual beneficiaries.

Inherent and practical commercial limits of self-published books

Finding a publisher willing to take on a manuscript is a major challenge. Publishing is costly and economic success uncertain something reflected in traditional publishing contracts (Caves 2002; Thompson 2018). These provide publisher exit options for work deemed of insufficient quality, part of their structural strength (Owen 2017, 10–11). Self-publication operates more like a service paid for by authors, directly monetarily or in content if the service is free, a crucial component to make distributors' adjacent business activities of selling devices or subscriptions more attractive.²³ The contract favours authors as the book will be published, so allowing them to overcome one of the biggest hurdles. For authors driven by non-commercial motivations, this is especially important.

Publication however does not translate into commercial potential. Self-publication affects how the work is created and refined by editors and literary agents (Caves 2002; Thompson 2012). Should editors be brought in, they do not have the same incentive of benefitting from a manuscript's commercial success through prestige, income, and in-house reputation. Manuscript quality rests solely with the author, but quality assurance, needed for commercial success, remains uncertain. Some other paid third-party input, including cover art, is required. This imposes further indirect author costs as the process needs to be managed, requiring expertise and time (Hviid, Izquierdo-Sanchez, and Jacques 2019, 361–365). Thus, self-publishing authors absorb the economic risk and take on tasks unrelated to writing.

Commercial success crucially depends on effective but expensive marketing (Thompson 2018). Contracts in traditional publishing reveal the importance of publisher-controlled marketing with the authors' duty to assist often written in. Advance payments can even be tied to meeting marketing obligations (Owen 2017, 22–23). The level of author support is largely at the publisher's discretion. The bigger the publisher, the larger the potential war chest is (Greco, Milliot, and Wharton 2014). The financial risk associated with uncertainties over a book's success, rests largely with publishers.²⁴ Depending on what parts of the expenses invested for marketing purposes are deemed recoupable (Owen 2017, 8–9), the risk can be significant as most books do not break even (Caves 2002; Greco, Milliot, and Wharton 2014; Owen 2017, 25–45; Thompson 2018, 2012).

Marketing is also a key concern for self-published authors, faced with three options. First, they can use the free service and receive no marketing support. Second, authors can buy-in marketing services from another company, an expensive option when a book's commercial potential remains unclear. Customers choose books based on author reputation: less well-known authors face a higher economic risk. Third, authors can use a deal offered by distributors in return for exclusivity. Amazon offers the KDP Select programme where the ebook is exclusive to Kindle, benefitting from higher royalty rates and access to promotional tools (Amazon 2022b). But marketing is confined to Amazon, meaning that any sales are directly to Amazon's benefit with authors restricted to and dependant on that distribution channel. Authors sacrifice reach in return for marketing support, costing Amazon very little.

The issue of commercial potential is broader than quality and marketing. Physical books remain the largest market, with wholesalers as key gatekeepers.²⁵ In principle, self-published books can be listed with wholesalers, making them discoverable, in bookstores. However limited space matters for brick-and-mortar stores, translating into reluctance to stock self-published books lacking the

traditional quality markers of publisher support and marketing. Even if stocked, they will not be provided with expensive favourable positioning (Caves 2002; Thompson 2012). Consequently, these distribution channels are hardly available for self-published books, significantly reducing their commercial potential.

Self-published books have significant inherent commercial constraints created by the saturated market. Arguments that self-publication will be a sustainable and viable commercial alternative to traditional publishing are therefore misplaced.

The mystery of remuneration

The net royalties for traditionally published authors are between 8–15%, according to experience and commercial track record. Of the remainder, about 40% goes to publishers and 30% to retailers (Hviid, Izquierdo- Sanchez, and Jacques 2019, 359). In comparison, the largest self-publishing provider Amazon offers a 60% royalty rate (minus printing costs) for books (Amazon 2022c) and 70% for ebooks (Amazon 2022d). Apple Books offers 70% of royalties (Apple 2022), while Smashwords even offers up to 80% (Smashwords 2022). On paper, the author's position significantly improves as royalty rates are more than five times greater as authors absorb the publisher share. The distributors' share, the market segment these companies are traditionally part of, stays largely the same (around 20–30%). This means that distributors make no sacrifices.

Self-publication is very opaque, reflecting the weak structural and therefore bargaining position of authors. Headline royalties are misleading as they are not always available, and in practice, remuneration models are obscure. Most self-publishing services only offer their high rates for their own distribution channels and wider distribution with added cost, in the form of (upfront) fees, subscriptions, or reduced royalty rates. Amazon offers expanded distribution (listing listed with wholesalers and libraries) in return for a reduced royalty rate (40%) (Amazon 2022b, 2022c, 2022f). Authors only receive 60% from Smashwords (Smashwords 2022), so if authors wish wider availability, including listing with wholesalers used by traditional bookstores, significant additional costs accrue although listing costs are minimal as the process is largely automated.

The situation is even more pronounced in the digital world, with authors required to yield extensive control to get the highest royalty rates. For ebooks, Amazon's highest royalty rate is 70% but only available subject to very intrusive conditions as no negotiations are available. A pre-set list price to £1.77–9.99 with ebooks being priced at least 20% cheaper than physical versions plus availability in all territories where an author holds rights (Amazon 2022d). Authors give up any potential for price control, including price discrimination by territory or varying popularity. Traditionally published authors also give up these controls, but publishers have the experience to maximise revenue via pricing strategies while Amazon, like all providers of devices and subscriptions, has an interest in cheap content. In theory, this pay-off may be worth it given Amazon's reach and market position but this is yet to be proven.

It is important to acknowledge the difficulty for individual authors to determine the cost and benefits of a self-publishing service or to compare different providers. PublishDrive for example offers authors a subscription service but costs are unclear before signing up (Publish Drive 2022). The risk of overly restrictive terms became clear with the Dymocks case, encouraging reliance on well-known brands like Amazon, Google, or Apple.²⁶

The higher royalty rates for authors via self-publishing is a strongly caveated gain. Ensuring authors get a fair share is the traditional focus of copyright contract law, including unwaivable basic remuneration rights²⁷ would be one solution. A superstar clause could be considered additionally, given the low investment of self-publishers: if a work earns significantly more than expected, authors should have a guaranteed right to benefit from commercial success in the form of additional royalties.²⁸ Another copyright aspect to reconsider is whether rights should revert to authors when a book is de-facto dormant, i.e. not actively promoted. This is often a provision in traditional publishing contracts but should be made compulsory for all authors (Owen 2017, 54–55). All these proposals strengthen the author position vis-à-vis the commercial intermediaries. Additionally, the

current imbalance between them could also be addressed. Remuneration models remain complex, and often even more opaque than traditional publishing ones, a competition law, not copyright, issue where authors are essentially service consumers. Competition law's well-established remedy of transparency²⁹ would mean that self-publishing authors possess all the information needed to make informed choices. Rather than lifting author status, levelling the playing field by addressing information asymmetries would provide a less interventionist and well-tested option.³⁰

The main beneficiaries of the online market

As revealed through previous discussions, self-publishing authors need to focus on ebooks, but are faced with a difficult choice. Booksellers are successful if they have the right choice, quick delivery/easy accessibility, and pricing (Thompson 2012, 26–58). The structural influence of all distribution channels but especially Amazon is reinforced by copyright law's digital rights management and copying control provisions. Various online platforms (Amazon, Apple Books, Google Play) use different proprietary and open formats which are not mutually compatible. This gives distributors authority through control over the software environment even if the software is free, given the inconvenience of having ebooks in different, mutually exclusive environments. Recent moves by Amazon to allow epub formats on their Kindle remains a barrier because files cannot be easily added to the Kindle environment (Cadenas 2022). Consumers are consequently locked into an environment (Hviid, Izquierdo- Sanchez, and Jacques 2019, 360–361; Kreutzmann-Gallasch and Schroff 2022).³¹ Distributors for ebooks are significantly stronger in practice than the network analysis suggests given the limits on competition for consumers once invested in a distribution channel. As a benchmark, even traditionally published authors benefitting from literary agent experience find ebooks problematic because publishers are struggling. Larger publishers have more clout to negotiate with distributors (Caves 2002) but as 'Amazon wars' show, even their influence is limited with publisher coordination having previously been deemed uncompetitive behaviour (Kreutzmann-Gallasch and Schroff 2022). There is no way around Amazon for ebooks, as it controls 81% of the market (Nielsen Book Scan 2022).

While traditional publishers struggle to ensure their preferences are considered, the situation is significantly more serious for self-publishing authors. First, they are facing the publication process on their own, without benefit of literary agents' expertise and advocacy. Second, established brands have an inherent advantage in the under-regulated self-publishing services market, reinforcing their already dominant position. As unfavourable, opaque terms and conditions abound, authors are likely to choose companies they are familiar with. Third, technology companies need content to sell their devices: it is the catalogue that attracts consumers, providing an inherent incentive to get content on an exclusive basis. Agreeing to this locks self-publishing authors into a single environment. Amazon's 81% ebook distribution market share especially spills into the publishing part, making it very attractive. High royalty deals involving distributor exclusivity are even more damaging to self-publishing authors because the ebook market share alone is misleading. For example, going with Amazon means 20% ebook and then 81% of that market, translating to 16% of the overall publishing market, but with limited marketing to stand out in this very crowded space. The impact is clear in Amazon's own data: even its top authors only receive an additional average of £2,000 in the UK (Amazon 2022f). Conceptually, self-publishing authors are faced with dominant market actors while lacking information.

The full disadvantage is clear in the licensing practice. While not alone in its approach, Amazon's KDP Select program, providing access to Kindle Unlimited, is a good example. Superficially it simply ties publication with distribution on an exclusive basis. This promises benefits: Kindle Unlimited reaches a wider audience and across borders, including Germany, the US, Canada, Japan, and Australia, therefore covers key markets (Amazon 2022g). Extra income can also be generated from the Kindle Select All-Star Bonus for the most successful authors. However, the royalty calculation is especially opaque and unfavourable to mid-level or lower-level authors because all subscription fees are bundled into the KDP Select Global Fund. Funds allocated to each country vary based on factors, such as exchange rates, customer reading behaviour, and local subscription pricing. Author earnings

are then determined by their share of total pages read, up to a total of 3,000 pages per customer per title (Amazon 2022h). The royalty is thus dependant on the fund income for the country, the number of pages read from an author's ebooks and the overall number of pages read in the country. So, an author successful in a market where consumers read more on average than in other markets receives a lower income than a comparable author in another jurisdiction.³² The deal is entirely in Amazon's favour, given authors sacrifice control for very little commercial benefit in return. KDP licenses show the company maximizing their position vis-à-vis their authors. Attention is needed from competition authorities as authors are structurally too weak. It even justifies legislative intervention; the extent authors as consumers of these self-publishing services would be able to fully understand this dynamic is doubtful. Given these dynamics, it is unsurprising that self-publication licenses are less favourable than in the traditional publishing market.

This imbalance of power is a problem of bargaining power, needing to be remedied by interventions safeguarding authors vis-à-vis their stronger partners, publishers, and distributors. Contractual safeguards, such as remuneration rights under copyright law and preventing unfair clauses via contract law are essential. These provisions should be clearly stated, ensuring that the average author is informed of their rights, because copyright is already complicated and legal counsel is expensive. Rules such as 'unfair clauses are deemed void' are by themselves unlikely to be sufficient. A model contract approach may be an accessible alternative. Furthermore, distribution exclusivity in return for better service or higher royalties is an arrangement needing to be addressed, given author structural vulnerability. The anti-competitive effect of DRM can be effectively addressed through competition law, for example by opening up proprietary ebook formats (Kreutzmann-Gallasch and Schroff 2022). Competition would also suit consumers and publishers as it would mirror the analogue book market, lowering the structural advantage of distributors.

Conclusion

The lack of alternatives self-publication presented to authors has been addressed, scoping the problem, and examining underlying root causes of structural weakness in the UK. Self-published authors have been revealed as structurally weaker than traditionally published authors, explaining the highly unfavourable and static terms they face. Practically, remedies involving legislative intervention through copyright contract law in combination with competition law are essential. Authors are too structurally weak for the situation improve by itself. The analysis also clarified that self-publication will never be a sustainable commercial alternative because the potential is severely and inherently limited by the way the book publishing industry works. The small ebook market size and the absence of a replacement for the wholesaler are key structural weaknesses alongside softer factors, such as marketing and manuscript quality assurance. The distribution side of the industry has been identified as dominant, due to accumulation of market share, a reality which needs to be managed with competition law. Reform proposals need to be carefully assessed, something outside this article's scope, but should include revisiting existing safeguards for authors. What is needed for coherence in an overly complex system will make it difficult for individual authors to rely on their rights. Safeguards also need to be made available to all authors, irrespective of how they publish their works.

The strength of the methodology presented here is its adaptability, enabling extension to other industries, sectors and even jurisdictions. It clearly identifies what information is required at what point. However, this study is exclusively UK-based. Reform proposals must be seen in the national context as copyright, competition law and contract law vary. Another key issue is data availability. No data is available on certain aspects of the market, including consumers owning devices for more than one online store, market shares of literary agents or even Amazon as a self-publication service. This inherently hampers the analysis, but the flaws are by no mean fatal because key bottlenecks (publishers and distributors) are covered by the statistics. The study is also limited because it only focused on trade books with its inherent commercial drive. It does not cover distinct book publishing sectors such as academic books. Conclusions drawn here cannot simply be transferred to other areas.

That said, the oligopoly structure found in UK trade books has been documented across jurisdictions and book sectors, so findings are likely to be similar although exact measures require a re-analysis. Expanding the network to cover derivative works based on books which are a key income source and therefore would be a fruitful avenue for further study.

Notes

1. Contractual freedom is especially strong in the UK as other EU member states often have restrictions, including unwaivable moral rights, remuneration rights, etc. For example, Germany has extensive provisions clarifying contracts, including §§31–44 Urheberrechtsgesetz.
2. A full discussion of competition law is beyond the scope of this article. A good starting point is Kreutzmann-Gallasch and Schroff (2022).
3. Summary of Commission decision of 12 December 2012 (Case COMP/39.847 – E-Books), OJ C 73/17, para. 28 [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013XC0313\(03\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013XC0313(03)&from=EN). Summary of Commission of 25 July 2013, Case COMP/39.847/E-BOOKS, OJ C 378/25 [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013XC1224\(04\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013XC1224(04)&from=EN); Summary of Commission decision of 4 May 2017 relating to a proceeding under Art. 102 of the Treaty on the Functioning of the European Union and Art. 54 of the EEA Agreement (Case AT.40153 – E-Book MFNS and related matters) (notified under document C(2017) 2876) [https://eur-lex.europa.eu/legalcontent/EN/TXT/HTML/?uri=CELEX:52017XC0811\(02\)&from=EN](https://eur-lex.europa.eu/legalcontent/EN/TXT/HTML/?uri=CELEX:52017XC0811(02)&from=EN); Full decision https://ec.europa.eu/competition/antitrust/cases/dec_docs/40153/40153_4392_3.pdf.
4. Clark's model contract, one of the key precedents used in the publishing industry, for example only guarantees the right to be named as the author (clause 28) and ignores the other moral rights (Owen 2017, 59). Both the publisher and the author have an interest in the author to be named as this generates sales while the other moral rights work to the benefit of the author but against the publisher.
5. The debate is most clear in music (see for example Harrison 2021, 204) and the conflict between Amazon and the publishers (Kreutzmann-Gallasch and Schroff 2022).
6. See for example the Model Contract (Owen 2017, 25–45) and the Amazon Kindle Licensing Agreement (Amazon 2022a) which divide payments by product and distribution channel, with different calculation and royalty fee approaches.
7. For a good summary of the value gap's origin, see Moscon (2020). For a critical assessment of the value gap, see Birdy (2020).
8. Control over copyright is assumed to include control over income streams. Exclusive rights are granted to authors and the more rights there are, the more income sources are available to the author.
9. This trend is likely to have strengthened given the proliferation of services and self-published ebooks on major platforms.
10. Amazon is largest platform for self-published books. Of the 12 months examined across the last 4 years, not a single book in the top 20 was self-published.
11. This is a phenomenon called the long tail. For a more detailed discussion of its implications, see Caves, 2000; Waldfogel (2017); Bilton (2017).
12. Copyright law defines the author, works, exclusive rights, minimum requirements for exclusive licenses and copyright transfers. It also provides for exceptions that users can rely on in narrow circumstances. However, it does not consider other market players which will be outlined below who all play a vital role in getting a book published and to the consumer.
13. There are distinct publishing sectors whereby the exact classification varies. Most literature on how the publishing sector works is based on trade books which covers both fiction and non-fiction aimed at the general reader. Distinct sectors are for example academic or childrens' books.
14. Market share is an indicator of power in the market and traditionally used by the European Commission for example as such. However, the relationship is not direct. The measure is used here because it is the closest comparative influence proxy available.
15. These aspects are not fully harmonised across the EU but see for example requirements that licenses or contracts are in writing, prohibiting the transfer of unknown uses, and even bestseller clauses where additional remuneration has to be paid if the work is more successful than originally anticipated such as in the Netherlands (art. 25d Auteurswet).
16. All formulas used here are sensitive to the number of nodes, see for example Borgatti et al, 2018 and Scott (2017).
17. All of the data used here is on trade books.
18. There is extensive literature and some case law on art 102 TFEU and the creative industries. For a recent overview, see Kreutzmann-Gallasch and Schroff (2022).

19. This approach is supported by case law which has shown that the distributors are not overly concerned with publisher size (see for example Hachette- Amazon dispute) but also that publishers were prohibited under competition law to combine their influence against the distributors (see endnote 4).
20. There are some aggregators for ebook content, but their function is limited and not universal enough to be included here.
21. The market shares are for 2022: Amazon 81%, Apple 20%, WH Smith 14%, Waterstones 12% and Other 4%. Multiple mentions were possible and therefore the values add to more than 100%. This maps the competition more accurately (Global Consumer Survey 2022).
22. Low commercial potential, see below Discussion of Findings.
23. Amazon, Apple and Google provide self- publishing services for free to acquire content to make their ebook stores more attractive to the consumer. The digital rights management based on closed environments make this even more urgent as users often have few preferred outlets (Bilton 2017, 23).
24. This economic risk reward is also seen in the high royalty share they demand.
25. See Annex. For traditional physical books, the wholesaler has an exceptionally high betweenness score of 0.37. The inclusion of market power for self- publishing shows exactly the same pattern: the importance of the wholesaler as the key link to distributors (0.69 betweenness score and a centrality of 0.412).
26. For a full discussion, see Matulionyte (2017), 761.
27. This is for example available for performers but their availability across sectors varies significantly. Book authors do not have these benefits.
28. Details are beyond the scope of this article. By making a right relative to the investment of the publisher, the superstar clause would work for both traditional and self- publishing authors, see for example the debates surrounding art 25d Auteurswet in the Netherlands.
29. Transparency is a competition remedy which has been used in EU copyright directives before, see for example the Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market and the Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, although the latter is not implemented in the UK due to Brexit.
30. This explicit reliance on competition law as a remedy originated in case law for Collective Management Organisations, as traced in Schroff and Street (2018).
31. For a competition law assessment of this, see Kreuzmann- Gallasch and Schroff (2022).
32. Further marketing restrictions apply: marketing on Kindle Unlimited is not allowed if customers are compensated for their choices. This includes payment and bonus content for example (Amazon 2022h).

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Notes on contributor

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- Amazon. 2022c, July 13 *Hardcover Royalties*. https://kdp.amazon.com/en_US/help/topic/G77F3WPD3KQLJTF5.
- Amazon. 2022d, July 13. *eBook Royalties*. https://kdp.amazon.com/en_US/help/topic/G200644210.
- Amazon. 2022e, July 13. *Paperback Royalties*. https://kdp.amazon.com/en_US/help/topic/G201834330.
- Amazon. 2022f, July 13 *KDP Select All Stairs*. https://kdp.amazon.com/en_US/help/topic/G201623400.
- Amazon. 2022g, July 13. *KDP Select*. https://kdp.amazon.com/en_US/select.
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Appendices

Table A1. SNA scores for physical books (normalised).

	Tradition			Self-publishing		
	Degree Centrality	Eigenvector Centrality	Betweenness	Degree Centrality	Eigenvector Centrality	Betweenness
Author	0.179	0.140	0.11	0.088	0.107	0.007
Literary Agent	0.176	0.258	0.002	0	0	0
Editor PRH Group	0.189	0.324	0.007	0	0	0
Editor Hachette	0.126	0.269	0.003	0	0	0
Editor Harper Collins	0.124	0.268	0.003	0	0	0
Editor Pan Macmillan	0.121	0.267	0.003	0	0	0
Editor Bonnier Books UK	0.120	0.267	0.003	0	0	0
Editor Other Publishers	0.146	0.279	0.003	0	0	0
Publisher	0.412	0.503	0.037	0.088	0.2	0.007
Marketing	0.812	0.808	0.515	0	0	0
Wholesaler	0.412	0.445	0.037	0.412	0.787	0.069
Amazon	0.148	0.241	0.004	0.336	0.787	0.026
Book Depository	0.111	0.223	0.004	0.111	0.354	0.001
The Works	0.118	0.227	0.004	0.118	0.364	0.001
Waterstones	0.126	0.23	0.004	0.126	0.375	0.001
WH Smith	0.121	0.228	0.004	0.121	0.369	0.001
Other Outlets	0.145	0.239	0.004	0.145	0.401	0.001
Consumer	0.192	0.136	0.086	0.192	0.322	0.069

Table A2. SNA scores for ebooks (normalised).

	Tradition			Self		
	Degree Centrality	Eigenvector Centrality	Betweenness	Degree Centrality	Eigenvector Centrality	Betweenness
Author	0.19	0.162	0.129	0.143	0.776	0.022
Literary Agent	0.125	0.225	0.001	0	0	0
Editor PRH Group	0.138	0.367	0.003	0	0	0
Editor Hachette	0.134	0.365	0.003	0	0	0
Editor Harper Collins	0.131	0.363	0.003	0	0	0
Editor Pan Macmillan	0.129	0.361	0.003	0	0	0
Editor Bonnier Books UK	0.129	0.361	0.003	0	0	0
Editor Other Publishers	0.156	0.378	0.003	0	0	0
Publisher	0.438	0.716	0.042	0.081	0.384	0.017
Marketing	0.575	0.770	0.542	0	0	0
Amazon	0.063	0.049	0.002	0.076	0.548	0.005
Apple Books	0.025	0.04	0.002	0.038	0.239	0.005
Google Play	0.024	0.04	0.002	0.036	0.229	0.005
Waterstones	0.02	0.039	0.002	0	0	0
WH Smith	0.021	0.039	0.002	0	0	0
Other Outlets	0.035	0.042	0.002	0.047	0.32	0.005
Consumer	0.176	0.058	0.112	0.176	0.854	0.125