

**Remember**

Get an attorney! It's worth the cost, trust me. You can find an attorney [here](#) (among dozens of other websites)! That said, here are some things you should remember when talking with your lawyer:

Negotiate For:

Full Creative Control	Smile, and tell your publisher you're happy to receive feedback and make the game awesome, but ultimately, the buck stops with you! You want full creative freedom! This could be as simple as addressing any major concerns they have, agreeing to those if you don't mind, and then leaving the rest up to you.
Flexible Launch Schedule	Do they need an exact launch date? Try and ensure there is some wiggle room here, mainly because it's almost a given most indies will push their deadlines.
Console Specification	Exactly what platforms your publisher will have a license to, and also what future platforms they have a license to. If Xbox comes out with another console, do they have a right to that one?
No Marketing Recoup	Remove the marketing budget recoup entirely. If the publisher refuses, get exact specifics! How much is the marketing recoup? Does it have a cap? What exactly does "marketing" entail?
Gross Revenue Defined	Secure a highly detailed definition of Gross Revenue in your contract. Think of gross revenue as too gross for publishers to swallow, because it benefits you! If you can't get this, walk away. Gross Revenue should be whatever Steam pays out to your publisher, that's it. Some publishers actually might call this Net Revenue, but it's really just Gross Revenue minus Steam's cut, not an abstract and unfair list of other expenses you knew nothing about.

So, here's a basic rundown of what Gross Revenue would look like if you get 60% of the revenue:

Your game makes \$100,000 total on Steam, your publisher's bank account will receive \$65,000 because of Steam's 30% cut, and likely an additional 5% from refunds. Then, your publisher will immediately send you 60% of that \$65,000, which is \$39,000.



No “Glittering Generalities”

Your lawyer is going to get written clarity on any other glittering generalities that the publisher has mentioned. A “glittering generality” is “an emotionally appealing phrase so closely associated with highly valued concepts and beliefs that it carries conviction without supporting information or reason”. An example of this is a publisher telling you they “will build a strong relationship with Steam on the licensor’s behalf” or “make your studio a big deal”. God forbid unspecific phrases like this are in a contract, but it happens. At all times, a question in the back of your mind should be, **“Can we translate this generality into a bulleted list?”** Any attorney will tell you a publisher speaking in abstract terms is not on your team. “An honest man is precise.”

Hour Long Convo With CEO

It’s important you get along with the publisher, and its CEO! Ask your potential publisher if they’d like to just talk for an hour. If they say “I don’t have time” then walk away. A good publisher understands the value of a long-term, friendly relationship that is mutually beneficial. They should be courting you. Showering you with love, sending you a bottle of wine or whiskey, and maybe even flying you out to their offices or to various trade shows. I’m not kidding, this is my experience. **A good publisher knows how to do this, because they really want you, and they want your game.** They see value in it for them, and that’s a good thing! I was certainly lucky in my friendly relationship with both Armor Games and Serenity Forge, in that they basically treated me like royalty. All that said, still, my lawyer was certainly helpful in ironing out any issues with the contracts for Pinstripe and Neversong. A lawyer will help you see through an objective, emotionless lens, so take his/her opinions more seriously than you own!



FOCUS ON **FRIENDSHIP!**

Ultimately, a publisher should function as a **team of individuals who fund you, promote your game, and ultimately see that it makes a big splash on launch day.** The only publishers in my opinion that have the right to tighten their grip on you are ones that have a proven track record of selling millions of copies of games. That includes **Devolver, Curve Digital, Team17, DoubleFine**, and a few others.