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Likewise, under a standard agency contract, any publisher who elects to use a standard agency clause in the contract with the author should have their agent appointed with a separate legal entity, such as a limited liability corporation or other trust. An agent should not be restricted from pursuing other sources of compensation for its efforts under a standard agency contract. The agency contract should define the compensation that the agent is to be paid. In addition, the agency agreement should allow the agent to represent other authors in similar arrangements with publishers, and may incorporate any such author-publisher agreements into the agency clause. However, if the agent is not fully independent in its relationship with the author and is subject to the publisher in its relationship with the author, the agency agreement should be modified to eliminate the conflict. Any publisher who has agents should consider using agency contracts only as a way of obtaining the advantages of contractual certainty and reduced transaction costs with the benefit of continuing flexibility in negotiations. As well as being bound by a fiduciary duty to you, an agent will also be held responsible for third parties he or she engages to assist it, and must ensure that such persons are performing their duties in full accordance with his or her own contractual obligations to the agency, as well as with the agency's own standards for agents dealing with third parties. These are persons for whom it is important that the agent secure a contract and for whom you are able to reasonably expect to pay an agent's fee. These include, a professional agent handling your work in conjunction with other

agents for other clients, a lawyer who deals with your work, an editor or project planner, or a graphic designer hired to work on your behalf. Agents may also enter into contractual arrangements to provide for the payment of external costs incurred as a result of a contract. Such arrangements may include the provision of goods or services, or payment of fees for certain services performed by third parties. Agents must always ensure these costs are deducted from the amount of any fee they charge you, as well as from the amount of the fee they charge these third parties.

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