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Publisher holds up disputed advice book

Rival authors allege previously copyrighted material found in job-search book

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The Ottawa Citizen

Friday, December 14, 2007

Publisher HarperCollins Canada has stopped shipping copies of an advice book by Ottawa career coach Alan Kearns following allegations that *Get the Right Job, Right Now* contains copyrighted material written by two other authors.

The claim, brought to the attention of the publisher by a competitor of Mr. Kearns, has not resulted in a recall of the book, which is still for sale in bookstores, and listed on the websites of major booksellers.

But the publisher "froze all inventory" and took the book's promotional material off its website until the matter is dealt with, according to Jeremy Rawlings, contracts manager for HarperCollins Canada.

In an e-mail, he said no legal action has been taken by HarperCollins over the material, which he said was "inadvertently" included in the book. One of the two authors, Nancy Anderson, who wrote *Work With Passion*, has, along with her publisher, already given retroactive permission for use of her material.

But the second, Laura DeCarlo, has not given permission and says she has consulted a lawyer.

Mr. Kearns readily acknowledges that he used material -- largely series of questions -- that he didn't originate. But at the time he included it, Mr. Kearns said he had no idea the material was from copyrighted works.

In both cases, the material came from "internal documents" collected over nearly two decades in the business, documents that were in digital format with no reference to the original source, said Mr. Kearns.

"It was two pieces of content we were using as part of our tool sets," he said. Both documents seemed like useful material for the book, said Mr. Kearns, who is president of CareerJoy, a career coaching company.

"We didn't know that somebody else had created this," he said in an interview. "It was an honest mistake. I wouldn't do this knowingly ... It is not who I am as a person. It is not who I am as a professional."

Mr. Kearns, who has been widely quoted as a career coach by broadcasters and newspapers, says the issue that caused his problems should raise a flag for others in a digital world.

"There is lots of content out there that people have used, or sent around via e-mail or whatever through a series of events," he said. "Who knows where it ultimately came from?"

Laura DeCarlo, president of the U.S.-based Career Directors International (CDI) association, says questions and related material from her manual *The Art of Interviewing: A Comprehensive Coach's Manual*, written in 1994 and updated in 2000, appear at length in Mr. Kearns' book.

A comparison by the Citizen found at least a dozen pages where the questions and associated material in Mr. Kearns' book were identical or worded closely to those in Ms. DeCarlo's manuscript.

Her material was also incorporated into a course for certified employment interview consultants that Ms. DeCarlo launched through the CDI professional association.

Mr. Kearns admitted that he used her material, including passages that are "word for word," she said. "He says that it was accidental."

But as an official of a professional organization, Ms. DeCarlo says she isn't satisfied with the explanation.

"It is important to make a stand," she says. "You can't steal from your colleagues, whether by mistake or on purpose."

Ms. Anderson, author of *Work with Passion*, a pioneering book published in 1984 and updated in 2004, had the opposite reaction. She and her publisher, New World Library, in California gave Mr. Kearns permission to use the material from her book that he had published. If *Get the Right Job, Right Now* is reprinted, the next books must acknowledge her copyrighted material, she said.

It wasn't the first time Ms. Anderson has heard of unauthorized use of her work, which has been around for more than 20 years. But she rarely finds it worthwhile to chase down alleged copyright infringements.

In Mr. Kearns' case, he called her to tell her about it.

"He seemed to be very sorry about it and he seemed to me, to be very sincere," she said. "It seems like he didn't really know until it was done. Somebody called it to his attention."

That somebody was George Dutch, an Ottawa career counselor who runs a company called JobJoy. He once worked under contract with a company where Mr. Kearns also worked.

Since around 2003, Mr. Dutch, president of JobJoy, and Mr. Kearns, president of CareerJoy, have been competitors in Ottawa.

Mr. Dutch said he was leafing through Mr. Kearns' book in a store last summer when he came across passages that sounded oddly familiar.

After checking some books at home, he found long passages that appeared to be "right out of these books," he said.

Mr. Dutch sent a letter to HarperCollins and also contacted Ms. DeCarlo to tell her about his discovery, although he was unable to reach Ms. Anderson.

Mr. Dutch also sent out a press release to notify the Citizen and several media companies of the situation.

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