
ANNUAL REPORT



2018

A NOTE THANK YOU FROM THE EXECUTIVE DIRECTOR

Since our founding, Authors Alliance has supported laws, policies, and practices that help authors reach wide audiences: 2018 was again characterized by these ideals.

Helping authors to share creations broadly takes many forms. It means empowering you to negotiate for author-friendly variations to your contract terms, especially when those terms may affect the long-term availability of your works. It means lending our support to a position statement on controlled digital lending, an interpretation of copyright law that can help you reach readers, particularly if your books are out of print or commercially unavailable. It means illuminating the role that authors play in making digital works more widely accessible to people with disabilities. We are delighted to share details about these initiatives—and many more—in this annual report.

As we look ahead to our fifth year of serving authors, we are thrilled to have received a two-year \$500,000 grant from [Arcadia](#)—a charitable fund of Lisbet Rausing and Peter Baldwin—to enable us to develop institution-facing materials that will expand our ability to reach and support authors. We are thankful to Arcadia for its support of this project.

We are also incredibly grateful for your ongoing support of our work: Thank you for making 2018 yet another productive and rewarding year for Authors Alliance. We are honored to do our part to help you keep on writing to be read!

Brianna Schofield



OUR MISSION

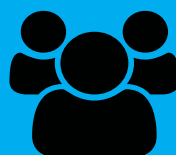
The mission of Authors Alliance is to further the public interest in facilitating widespread access to works of authorship by assisting and representing authors who want to disseminate knowledge and products of the imagination broadly. We provide information and tools designed to help authors better understand and manage key legal, technological, and institutional aspects of authorship in the digital age. We are also a voice for authors in discussions about public and institutional policies that might promote or inhibit the broad dissemination they seek.

OUR KEY ISSUES



Managing AUTHORS' RIGHTS

We help authors understand and manage the rights necessary to make their works broadly available now and in the future.



Reaching AUDIENCES

We help authors identify tools, techniques, and partners that can help them get and keep their works in the hands of readers.



Authorship LAW & POLICY

We provide education and advocacy for sound policies that help authors create their works, make them accessible to the public, and ensure their preservation.



Reputation & INTEGRITY

We work to ensure that authors can make their works widely available without sacrificing their interests in reputation and integrity.

OUR PEOPLE



**PAMELA
SAMUELSON**

President & Director

Pamela Samuelson is a co-founder of Authors Alliance and Professor of Law at UC Berkeley. She is a member of the American Academy of Arts & Sciences, a past Fellow of the John D. & Catherine T. MacArthur Foundation, and an Honorary Professor at the University of Amsterdam.

Molly Shaffer Van Houweling is a co-founder of Authors Alliance. She is a Professor of Law and a Co-Director of the Berkeley Center for Law & Technology at the UC Berkeley School of Law. She serves as Chair of the Board of Directors of Creative Commons.

**MOLLY VAN
HOUWELING**

Director & Treasurer



**CARLA
HESSE**

Director

Carla Hesse is a Professor of History and Dean of Social Sciences at UC Berkeley. A fellow of the American Academy of Arts and Sciences since 2009, she is a specialist in modern European History and the history of communication.

Thomas Leonard is University Librarian Emeritus and Professor Emeritus of Journalism at UC Berkeley. He has served as the President of the Association of Research Libraries and as an Associate Editor of American National Biography.

**THOMAS
LEONARD**

Director



**JEFFREY
MACKIE-MASON**

Director

Jeff Mackie-Mason is the University Librarian and Chief Digital Scholarship Officer at UC Berkeley and has joint appointments as a professor in the School of Information and in the Department of Economics.

Brianna Schofield is the Executive Director of Authors Alliance. She is a copyright attorney and the co-author of Authors Alliance's guides to rights reversion, open access, fair use, and publication contracts.

**BRIANNA
SCHOFIELD**

Executive Director



**ERIKA
WILSON**

Comms & Ops Manager

Erika Wilson manages communications and development projects and staffs our office in downtown Berkeley.

GUIDE TO UNDERSTANDING & NEGOTIATING BOOK PUBLICATION CONTRACTS

Our newest educational resource

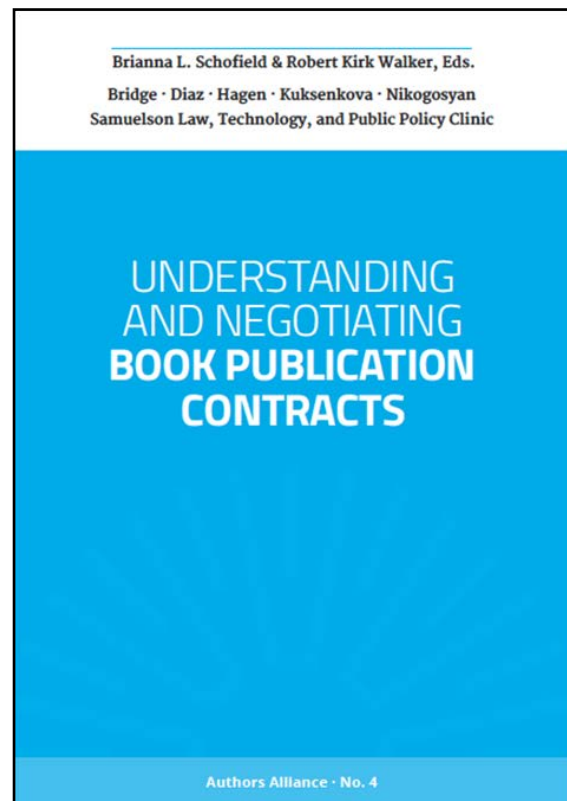
Our signature achievement for 2018 was the release of our guide to [Understanding and Negotiating Book Publication Contracts](#). This guide is the newest addition to our growing library of resources for authors, which also includes handbooks on rights reversion, open access, and fair use.

Feedback from our friends and members tells us that authors may be tempted to sign the first version of a publication contract that they receive, especially if negotiating seems complicated, intimidating, or risky. But there is a lot at stake for authors in a book deal, and it is well worth the effort to read the contract, understand its contents, and negotiate for favorable terms.

To help authors do just that, *Understanding and Negotiating Book Publication Contracts* identifies clauses that frequently appear in publishing contracts, explains in plain language what these terms (and typical variations) mean, and presents strategies for negotiating “author-friendly” versions of these clauses.

When authors have more information about copyright and publication options for their works, they are better able to make and keep their works available in the ways they want.

The guide is based on language contained in actual book contracts and is further supported by surveys and in-depth interviews with authors, publishers, literary agents, and attorneys. These real-world scenarios help authors understand how to approach negotiation, what kinds of clauses to look for (and which to avoid), and how to engage in productive conversations with agents and publishers to ensure author-friendly contracts that align with their creative and pragmatic goals. The guide is designed to empower authors to shape a publication contract that benefits them, their publishers, and readers, ultimately increasing the impact of their books.



This is a valuable guide that will help to demystify the contract process for authors. It should encourage them to think through and negotiate for the things that matter most to them, and to trade off things that matter less. That will make the negotiation process more satisfactory for the publisher as well.

– Gita Manaktala, MIT Press

GUIDE TO UNDERSTANDING & NEGOTIATING BOOK PUBLICATION CONTRACTS, *CONT.*

Understanding and Negotiating Book Publication Contracts helps authors to:

- Learn about the basics of copyright law and how copyright shapes the author-publisher relationship;
- Evaluate the pros and cons of assigning and/or licensing their copyrights;
- Understand the responsibilities of authors and publishers in preparing, designing, and marketing a book;
- Clarify financial matters such as advances, royalties, and accounting statements;
- Consider options for making their books available to readers in the short and long term;
- Advocate and negotiate for contract terms that help them meet their creative and pragmatic goals;
- And much more.

WITH GRATITUDE

Understanding and Negotiating Book Publication Contracts would not have been possible without the support of our community of friends and members. We ran the first-ever Authors Alliance Kickstarter project, “Know Before You Sign on the Dotted Line,” in late spring, and we were thrilled to exceed our funding goal. Thanks to our project backers, we were able to realize our vision of a beautifully designed, high-quality guidebook to empower and benefit authors.

OUR KICKSTARTER IN NUMBERS



32

DAYS TO MEET
OUR FUNDRAISING
GOAL

146



WONDERFUL
KICKSTARTER
BACKERS

\$13,662

DOLLARS RAISED
TO SUPPORT OUR
NEWEST GUIDE

1



PROJECT FUNDED &
DELIVERED AHEAD
OF SCHEDULE

We are also indebted to [Rob Walker](#) and the student attorneys [Katherine Bridge](#), [Alfredo Diaz](#), [Karen Hagen](#), [Anna Kuksenova](#), and [Henry Nikogosyan](#) from the Samuelson Law, Technology & Public Policy Clinic at UC Berkeley School of Law for their invaluable help in researching and drafting the guide, and to our team of [expert reviewers](#) for their feedback on early drafts. We could not have done it without you!

AUTHORSHIP AND ACCESSIBILITY

In the Digital Age

Our support of legal and policy efforts that improve the ability of authors to reach readers was a key theme throughout the past year.

Last year, Authors Alliance, Silicon Flatirons, and the Berkeley Center for Law and Technology convened a group of content creators, technologists, attorneys, academics, and advocates to discuss the role of creators in making digital works more widely accessible to people with disabilities. The roundtable discussion focused on the unique role authors, educators, and libraries play in making digital works accessible; the benefits, obligations, and barriers around accessibility; the availability of authoring tools that facilitate accessibility; and the gaps for digital accessibility that technology and policy could fill.

That conversation led to the creation of a report, [Authorship and Accessibility in the Digital Age](#), which distills these topics into a concise summary of the current landscape and provides recommendations for further action. We are grateful to Colorado Law Samuelson-Glushko Technology Law and Policy Clinic student attorneys [Angel Antkers](#), [Susan Miller](#), and [Sophia Galleher](#), and their supervisor [Blake Reid](#) for their work drafting this report.



EXPLORE MORE ABOUT ACCESSIBILITY

CHECKING YOUR MESSAGE



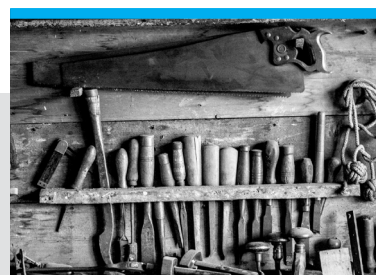
Jutta Treviranus of OCAD University in Toronto writes that [unintentional biases exist](#) not only in content, but also in the format and mark-up of works, which can inadvertently deny access.

CLOSED CAPTIONS & CREATIVITY



Blake Reid of the University of Colorado Law School [reviews the book](#) *Reading Sounds: Closed Captioned Media and Popular Culture* by Sean Zdenek, which explores the creative dimension of captioning.

TOOLS FOR CREATING ACCESSIBLE CONTENT



We offer a list of [tools and online resources](#) that explain how authors can make their works more accessible in a variety of media formats, from e-books to PDF documents to videos.

2018 ADVOCACY HIGHLIGHTS

Our policy efforts continued stronger than ever in 2018. From Washington D.C. to Geneva, we urged policymakers to consider the perspective of creators when formulating proposals that affect how authors can use, create, and share copyrighted works. We spoke out for our members on a wide range of issues—from fair use to registration fees to termination—and took pride in being a voice of reason in these discussions.



COPYRIGHT FEES

Because a robust public record of copyright benefits authors and the public, we asked the U.S. Copyright Office to consider tiered fees that accommodate all authors, including creators of works of unproven or low commercial value.



MARRAKESH TREATY

We urged the Senate Judiciary and Foreign Relations Committees to support the Marrakesh Treaty Implementation Act, and we celebrated its passage, which will expand access to books for print-disabled readers worldwide.



CONTROLLED DIGITAL LENDING

We endorsed the CDL Position Statement and released a statement explaining how digitize-and-lend models can help authors reach readers, particularly if their books are out of print or otherwise not commercially available.



DMCA §1201

We advocated for exemptions to the Digital Millennium Copyright Act, asking the Librarian of Congress for a modified exemption to allow authors to break encryption in order to make fair use of film clips in multimedia e-books.



MANDATORY DEPOSIT

We submitted a comment to the U.S. Copyright Office explaining how mandatory deposit of books in electronic-only format serves the long-term interests of authors by ensuring their creative and intellectual legacies are preserved.



REASONABLE © EXCEPTIONS

We presented a statement to the World Intellectual Property Organization on the benefits to authors of reasonable limitations and exceptions to copyright for libraries, archives, and museums; education; and for people with disabilities.

EXPANDED DMCA EXEMPTIONS SECURED FOR MULTIMEDIA E-BOOK AUTHORS

A victory for fair use

In October, the Library of Congress [adopted exemptions](#) to section 1201 of the Digital Millennium Copyright Act (DMCA), which prohibits circumvention of technical protection measures. As a part of this rulemaking process, Authors Alliance petitioned to renew the existing exemption that allows authors to bypass encryption to make fair use of film clips in nonfiction multimedia e-books offering film analysis, and we additionally advocated to modify the exemption to allow for the use of film clips in e-books for purposes other than film analysis and in works of fiction.

We are pleased to report that the Library of Congress renewed the existing multimedia e-book exemption and expanded the exemption to all nonfiction multimedia e-books (that is, the exemption is no longer limited to multimedia e-books offering film analysis). Unfortunately, the Acting Register declined to recommend to expand the exemption to cover fiction e-books.



We are grateful to the student attorneys and their supervisors at the Intellectual Property, Arts, and Technology Clinic at UC Irvine School of Law and the Samuelson-Glushko Technology Law & Policy Clinic at University of Colorado School of Law for their work supporting this exemption.

LIMITATIONS & EXCEPTIONS FOR EDUCATION

Authors Alliance shares with WIPO how L&Es can benefit authors

This year, Authors Alliance participated in the thirty-sixth and thirty-seventh sessions of the World Intellectual Property (WIPO) Standing Committee on Copyright and Related Rights (SCCR) in Geneva. Among other topics, the Committee is considering copyright limitations and exceptions for education and research.

Authors Alliance [presented statements](#) to the Committee on how limitations and exceptions (L&Es) for education can benefit authors, without undermining fundamental purposes of copyright policy, and can encourage the diffusion of knowledge. For example, we shared how L&Es for educational purposes can help authors reach wider audiences because they facilitate engagement with works that users would otherwise forego due to the cost, difficulty, or even impossibility of licensing, allowing authors to reach new readers without interfering with the normal market for their works. Moreover, educational L&Es can help authors build reputational capital; reinforce academic authors' incentives to create; and enable learning, research, and teaching activities.



We thank [Zachary Freeman](#), student attorney at New York University School's Technology Law and Policy Clinic, for providing background research to support our work at WIPO.

TERMINATION OF TRANSFER ON THE ROAD

Termination of transfer is a key issue for Authors Alliance. Rightsback.org, our online termination of transfer tool, was created in conjunction with Creative Commons and released in 2017. It's designed to help authors learn more about termination of transfer and how to evaluate whether a work is eligible for termination under U.S. law. This year, we had the opportunity to share our tool far and wide.

ALA COPYTALK

We presented an educational [webinar](#) to librarians on the ins and outs of termination.

CC SUMMIT

We attended the Creative Commons Summit to share the termination of transfer tool at rightsback.org.

GLOBAL CONGRESS

We appeared on a panel to discuss how termination helps authors give works a new life.

I am happier not worrying if it's going to be okay for me to send a PDF of my own book to someone who asks me about something in it.... [Reversion] gave me a second chance to make a modest big deal about the work that I'd done and the ideas that I was hoping to spread, and I was glad I got a chance to do that.

”

— Jessamyn West,
Author of *Without A Net*

CELEBRATING RIGHTS BACK SUCCESSES

Since we first published our guide to *Understanding Rights Reversion* in 2015, our rights back resources and advocacy have helped authors regain rights to their works and make them newly available to readers. This year, we celebrated the [successes](#) of authors who reverted rights to their works and made them available under open licenses or as low-cost downloads, or placed them with new publishers.

TERMINATION OF TRANSFER AROUND THE WORLD

Allowing creators to revisit decisions to transfer their copyrights is beneficial to authors and to the public. The opportunity to recapture rights allows creators to renegotiate contracts and enjoy more of their works' financial success, or to give new life to works that have outlived their commercial lives by releasing them to the public on open terms. That's why we support the adoption of termination of transfer provisions and similar rights around the world. This year, we spoke up for authors' termination rights in two countries undergoing review of their copyright laws.



SOUTH AFRICA

We urged South Africa's Members of Parliament to support new [termination of transfer provisions](#) in its Copyright Amendment Bill.



CANADA

We asked lawmakers in Canada to retain [reversionary rights](#) in Canada's Copyright Act and [recommended changes](#) to enhance the utility of these rights.

NEW & NOTEWORTHY



**AMANDA
LEVENDOWSKI**

In her article "[Fair Use for Fairer AI](#)," Levendowski, a Clinical Teaching Fellow at NYU Law School, argues that relying on fair use to use copyrighted materials in artificial intelligence training systems could provide a promising path forward to combat bias and make AI more inclusive and more accurate.



**LATEEF
MTIMA**

In [our interview](#) with Authors Alliance founding member Professor Lateef Mtima, director of the Institute for Intellectual Property & Social Justice at Howard University Law School, Mtima describes the history of the IIPSJ, its current work, and the intersections of legal policy and social justice.



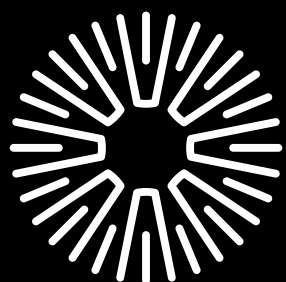
**LOIS
FARFEL STARK**

[Our Q&A](#) with Authors Alliance member Lois Farfel Stark details her experience sourcing hundreds of image permissions for her nonfiction book, *The Telling Image*. Stark provides tips for finding copyright holders and securing permission to use copyrighted images in a new work.

MEMBER OUTREACH

This year, we appreciated the many opportunities to connect with our members. From Tampa to Toronto, we met with authors to share information on how to leverage their rights to make—and keep—their works available in the ways they want. We taught you about copyright and fair use, we strategized with you to secure fair contract terms, and we celebrated with you when you got your rights back.






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