



# GETTING RIGHTS BACK

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*Supporting Authors in a Digital Age*

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Creators are routinely asked to transfer the rights to their works by, for example, signing publication contracts that assign copyrights to their publishers “for the life of copyright.” In time, circumstances can change and these terms may no longer work well for the parties.

Some countries provide statutory “reversionary” or “termination” rights that allow creators or their heirs to reacquire copyrights previously transferred to a publisher. Many of these provisions were enacted to safeguard authors against unremunerative transfers that result from the unequal bargaining position of authors. But the chance to realize monetary rewards is not the only benefit of reverting rights. Getting rights back also provides creators the opportunity to give new life to works that have outlived their commercial lives but are nonetheless historically and culturally valuable. As time passes, many creators find that their works are no longer as available as they might wish. Their books might be out of print, or their songs might not be digitized or available online. For creators who want their works to be widely shared and enjoyed, reverting rights is a powerful option for getting their works back out in front of audiences.

Authors share that reverting rights helps them to reach more readers, continue to contribute to scholarly and cultural discourse, and ensure that their works’ continuing impact and relevance are not limited by their commercial lives. In turn, the public benefits from ongoing access to knowledge and culture. Because of the tremendous benefits of reversion for authors and the public, Authors Alliance supports statutory termination rights for authors, as well as strengthening provisions governing reversion rights in publication contracts.

## MECHANISMS TO REGAIN RIGHTS

### Contractual Reversion Clause

01

Authors may be able to exercise a clause in a publication contract (often called a “reversion clause”) that permits an author to regain some or all of her rights when a triggering condition is met.

### Statutory Right to Terminate

02

Where available, authors or their heirs may be able to exercise a statutory right to terminate a transfer of copyright.

### Negotiation to Regain Rights

03

Authors may be able to negotiate to regain rights in the absence of a reversion clause (or when the triggering conditions for the reversion clause are not met) or in the absence of a statutory right.

# BENEFITS OF REVERSION



## EXPOSING INVESTMENT OPPORTUNITIES

When James O'Donnell's book fell out of print, its use was largely limited to non-circulating library copies. By reverting rights, James was able to make his book openly available online under a Creative Commons license where it maintained a vibrant readership. Almost ten years later, his former publisher approached him asking to issue a reprint of the book, to which James agreed. James credits the continued availability of his book online with the ongoing interest in his book, the reprint request from his first publisher, as well as another subsequent book deal.



## REACHING LEARNERS

Anita Walz is a librarian at Virginia Tech. She was approached by a member of faculty who wanted to assign an out-of-print seminal work from 1987, but the library only owned six copies of the work and the handful of used copies available for sale would not have been nearly enough for her class of 125 students. Anita worked with the authors of the text to make a reverted copy of the work freely available online under a Creative Commons license, where the work has now been downloaded 103,000 times since 2016 from locations around the world.



## IMPROVING AVAILABILITY

Jeff Hecht's publisher stopped selling full copies of his book and declined to issue a new edition. Jeff wanted his full book to be available to readers, so he convinced the publisher to allow him to sell copies of the work. He has now made the book available at a significantly lower price as a PDF file and as a print-on-demand edition. The first student to buy the cheaper PDF file was a student in Botswana searching for an affordable introduction to fiber optics. Jeff also convinced his publisher to revert rights to all future editions of the book.



## UNLOCKING CREATIVITY

Tracee Garner had written two novels in a planned trilogy, but never finished the series. After fans requested that she finish the series, Tracee reverted rights to the first two books so that she could edit and repackage them with a new book to complete and self-publish the trilogy. Tracee feels reversion has given her characters—and her career—a second life.



## REDUCING COSTS

David Ullman reverted rights to his textbook after his publisher steeply increased the price of his book over his protests. With rights back in hand, David self-published a new edition of the book at a more affordable price point for practitioners and students. Even though he drastically cut the list price, David now makes more per book than with his former publisher.

## FURTHER RESOURCES

Authors Alliance guide to *Understanding Rights Reversion*, templates for termination notices, and related resources at [authorsalliance.org/resources](https://authorsalliance.org/resources)

Authors Alliance & Creative Commons Termination of Transfer Tool (covering US statutory rights) at [rightsback.org](https://rightsback.org)

Creative Commons Rights Back Resource at [labs.creativecommons.org/reversionary-rights/](https://labs.creativecommons.org/reversionary-rights/)