Understanding Rights Reversion

Overview

# What is rights reversion?

Rights reversion is the process of getting your rights back to a work.

# Why would I need to revert rights? If I am the author of the book, don’t I already own the copyrights?

When you write a book, an article, or some other work of original expression, you generally will have a copyright in that work from the moment you commit that expression to paper (or save to your computer, as the case may be). However, when an author signs a publishing agreement for her book, she frequently transfers some or all of these rights to her publisher. If an author does this, she generally is no longer able to exercise those rights herself, as they belong exclusively to her publisher.

# Why might I want to revert rights?

Authors have a variety of reasons for reverting rights, but most are motivated by a desire to make their works available in new ways. Some authors’ books have fallen out of print entirely, making it very difficult for would-be readers to discover, read, and cite to these works. Authors of these books may opt to get their rights back to make their books openly available online, self-publish in e-book format or using print-on-demand technologies, or place their books with a new publisher.

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| **James O’Donnell** | **Tracee Garner** | **David Ullman** |
| Reverted rights to make his out-of-print book openly available | Reverted rights to repackage and release two novels with a third book to form a trilogy | Reverted rights to self-publish his textbook at an affordable price |

# Do I need to revert rights to do what I want with my book?

After you establish a plan for how you want to make your book more available to readers, you need to find and read your contract. You may find that you already have the rights you need to do what you want with your book because you never granted them to your publisher in the first place. If this is the case, you don’t need to revert rights to follow through on your plan.

# How do I get rights back?

You might be able to exercise a *right of reversion*, a contractual provision that permits an author to regain some or all of the rights in her book from her publisher when certain specified conditions, sometimes known as triggering conditions, are met. If you don’t have a contractual right of reversion or if you haven’t met the triggering conditions in your reversion clause, you might be able to regain rights to your book, or otherwise achieve your goals for your book, through negotiation techniques. Finally, it can also be possible for you to achieve your goals for increasing your book’s availability without reverting rights at all—sometimes, it makes more sense for an author to come to another kind of agreement or compromise with her publisher.

# How can I tell if my contract has a reversion clause?

Reversion clauses go by many names, including: Out-of-print Clause; Discontinuance Clause; Reversion of Rights Clause; Termination Clause; or something else entirely. Regardless of its title, you can identify a reversion clause by the information it contains. Reversion clauses have different conditions that, when met, trigger an author’s eligibility to revert. The condition might be that the publisher’s stock must fall below a certain threshold, the publisher’s sales or revenue earned on the book must fall below a certain threshold, the term of years of the grant has expired, or the book is no longer “in print.”

# How do I know if I am eligible to exercise a reversion clause?

To determine whether you are eligible to exercise a reversion clause, you need to collect the information that establishes whether your reversion clause has been triggered.

* To see if your publisher’s stock level has dipped below the minimum threshold, you can call your publisher’s warehouse to determine how many copies of your book it has in stock.
* To see if sales or earnings have fallen below the minimum threshold articulated in your reversion clause, you can check your royalty statements to review sales or earnings levels in each format.
* To determine if your book is still in print under your contract’s terms, you can check online marketplaces or your publisher’s website to see if your book is available for sale and in what formats it is available.

# How do I exercise a reversion clause?

If your reversion clause has been triggered, it is time to reach out to your publisher. Consider starting by discussing with your publisher its plans for your book. It’s possible it already plans to, or would be willing to, make your book available in the ways you want. If you decide it won’t be fruitful to work with your current publisher, you should notify your publisher, in writing, of your intent to revert. Per your contract, your publisher might then have a certain period of time to try to bring your book back into print—or to bring sales, or stock, up to the specified threshold—before you are entitled to reversion. If it does not do so in the contractual period, rights should revert to you.

# How do I revert rights if I don’t have a reversion clause or I am not eligible to exercise my reversion clause?

You may still be able to achieve your goals for your book in the absence of a reversion clause or if you haven’t met the triggering conditions in your reversion clause by opening a dialogue with your publisher about how you want to make your book available. Start by considering strategies to bolster your bargaining position as you negotiate with your publisher. For example, is your book out of print, are sales low, or is your publisher not using all of the rights it holds in your book? These can all be compelling reasons that you can use to persuade your publisher to give you your rights back. In the course of your conversations with your publisher, it is important to remain reasonable, flexible, creative, and persistent.

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| **Be Reasonable** | **Be Flexible** | **Be Creative** | **Be Persistent** |
| Remain courteous and professional. Appeal to your publisher’s sense of reason. | Be open to solutions other than the one you have in mind. Consider compromises. | Each situation is different. Think broadly about how to increase availability. | This process can take time. Be your own best advocate by being patient and persistent. |

# Where can I learn more?

Authors Alliance, a nonprofit organization that helps authors understand and manage their rights, has created a guide to *Understanding Rights Reversion* that shares additional information about getting rights back. Authors Alliance also provides templates for writing rights reversion letters, tips on getting digital copies of your book, and inspirational success stories from authors who have successfully reverted rights. These resources are freely available at **authorsalliance.org/resources**. [[1]](#footnote-1).

1. . **Authors Alliance is grateful to Arcadia—a charitable fund of Lisbet Rausing**

   **and Peter Baldwin—for a grant that supported the creation of these materials.** [↑](#footnote-ref-1)