

**AUTHORS ALLIANCE**  
**2019 ANNUAL REPORT**





## Message from the Executive Director

This year, Authors Alliance celebrated five years of education and advocacy in support of authorship for the public good.

We created new resources to help you regain your rights and empower you to make sound decisions when signing publication contracts. We spoke out for our members on policy issues, ranging from the benefits of a modernized registration system to the pitfalls of a proposed copyright small claims tribunal. And we launched an exciting new program for organizational partners. We are pleased to share details about these initiatives—and many more—in this annual report.

Thank you to our members and allies who make our work possible. Keep on writing to be read!

*Brianna Schofield*

## OUR MISSION



The mission of Authors Alliance is to advance the interests of authors who want to serve the public good by sharing their creations broadly. We create resources to help authors understand and enjoy their rights and promote policies that make knowledge and culture available and discoverable.

## OUR BOARD



Jeff MacKie-Mason, Molly Shaffer Van Houweling, Carla Hesse, Thomas Leonard, and Pamela Samuelson

## OUR ISSUES



### Managing Authors' Rights

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



### Authorship Law & Policy

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



### Reaching Audiences

We help authors identify online platforms, journals, libraries, and other tools, techniques, and partners that can help them communicate with their audiences.



### Authorial Integrity

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

# CELEBRATING THE PUBLIC DOMAIN

Authors Alliance joined with other organizations and authors to celebrate Public Domain Day on January 1, 2019. For the first time in 20 years, works were added to the public domain in the United States. The eligible works date from 1923, which means it has taken nearly a century for their copyright terms to expire, keeping many of them out of reach long beyond their creators' lifetimes and for decades after their commercial potential was exhausted. Our [Public Domain](#) blog series highlighted works from 1923 entering the public domain on January 1, 2019 and considered the ways in which public domain works can be adapted and shared with new audiences.

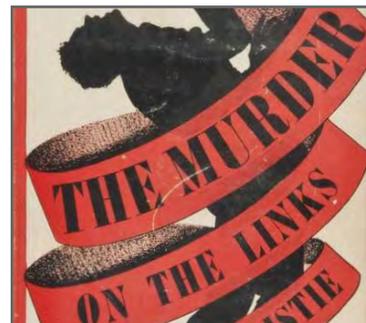
## NEW PUBLIC DOMAIN WORKS



Alexandra Minna Stern discusses how public domain works help to [make knowledge accessible for scholarly research and richer historical context](#).



Robert Walker writes that *Safety Last*, a film newly in the public domain, is a superb [example of the artistic wealth and moral poverty of silent-era Hollywood](#).



Allison Davenport shares how works like Agatha Christie's *Murder on the Links* entering the public domain present [new opportunities for adaptations](#).



We explain how new public domain books can be [made into audiobooks](#) to reach new audience and introduce Librivox, a free resource for public domain audiobooks.



We write that children's books entering the public domain [can now be translated freely](#), helping to fill the gap in stories available to children in their native language.



Jordyn Ostroff discusses [new opportunities for students](#) to grapple with the historical context of F. Scott Fitzgerald's work as one of his short stories enters the public domain.

# SPOTLIGHT ON PUBLICATION CONTRACTS

In 2019, we featured a [Spotlight on Book Publication Contracts](#) series with posts highlighting the ways that authors can negotiate for publication contract terms that help them make and keep their books available in the ways they want. The series is based on the information, strategies, and success stories in our guide to [Understanding and Negotiating Book Publication Contracts](#). The [online](#) and [print](#) versions of our guide, released in 2018, contain more details on these and other strategies to help authors meet their creative and pragmatic goals.



## FAIR USE AND PERMISSIONS

We highlight an important aspect of publication contracts that defines whether a publisher expects the author to obtain permissions for any third-party content she uses in her book, or whether her contract explicitly allows her to rely on fair use.

## FAIR COMPENSATION

We elaborate on ways that authors can shape the terms of their contracts to help secure fair compensation for their work. We unpack clauses that govern advances and royalties, two key points that determine what money will flow to the author.



## COVER DESIGN AND PRICING

We share tips for authors to shape their contracts to give them a say in how their work will be presented to readers, covering clauses that allocate the decision-making authority for a book's cover design and factors that influence the price of a book.

# RIGHTS BACK RESOURCES

Helping authors get the rights back to their works has been a key initiative at Authors Alliance since our founding. Don't miss our guide to [Understanding Rights Reversion](#), templates and guidance on how to [craft a rights reversion letter](#), and information on [termination of transfer under U.S. law](#).



## REVIVING TEXTBOOK FOR A GLOBAL AUDIENCE

Anita Walz, Assistant Director of Open Education and Scholarly Communication Librarian at Virginia Tech, shares her experience working with the authors of an out-of-print textbook to make a digitized version available online under a Creative Commons license. In [her blog post for Authors Alliance](#), she writes that since its release under a CC license in 2016, the book has been downloaded in full over 103,000 times from sites all around the world, and the twelve chapter-level files have been downloaded between 600-16,000 times each.



## NEW PRINT OPPORTUNITIES FOR REVERTED WORK

James J. O'Donnell, University Librarian at Arizona State University Libraries, has published widely on the history and culture of the late antique Mediterranean world. He successfully reverted rights to his 1992 edition of Augustine's *Confessions* and made the book available in an open access digital version. Continued interest in the online book led to a subsequent reprint and later an additional paperback print run. Professor O'Donnell shares his rights reversion experience in a [Q&A with Authors Alliance](#).



### WHY REVERT RIGHTS?

Our blog post on [why an author would want to get rights back](#) reviews some of the reasons authors are motivated to revert rights. Be inspired and consider whether your book's availability might benefit from reversion!



### RIGHTS REVERSION NEXT STEPS

Our blog post on [what happens at the point when a publisher agrees to revert rights](#) includes information on getting the files and permissions you need, tracking ongoing obligations, purchasing inventory, and updating ownership records with the Copyright Office.

# OPEN ACCESS SUCCESSES

Authors Alliance's open access resources help authors understand when open access publishing makes sense for their works, why open access helps authors reach readers and advance knowledge, and how to release works under open access terms. Authors can access the [online](#) or [print](#) version of our guide, [Understanding Open Access: When, Why, & How to Make Your Work Openly Accessible](#) to learn more.



**Calvin L. Warren**  
*Ontological Terror*

Calvin L. Warren, Assistant Professor at Emory University, recently published his book *Ontological Terror: Blackness, Nihilism, and Emancipation* under a CC BY-NC-ND license. In a [Q&A on our blog](#), Professor Warren shared his experiences making *Ontological Terror* openly available. "Unfortunately, academic knowledge is becoming increasingly inaccessible, and this 'epistemological exclusivity' is resulting in disturbing patterns of asymmetry.... I've grown uncomfortable with this dynamic and had been searching for a mechanism to make my work more accessible to high school students, lay readers, community colleges, and institutions with limited resources. Open access provided such a mechanism and addressed the inequity of knowledge acquisition." According to Warren, "Open access has widened my readership, exposing my work to artists, scientists, ministers, politicians, people I hadn't expected to read my work. When access is open, more democratic, ideas can travel without restriction. And this has been my experience."



**Jeanne Fromer & Christopher Sprigman**  
*Copyright Law: Cases and Materials*

Jeanne Fromer and Christopher Sprigman of New York University Law School recently published their new casebook *Copyright Law: Cases and Materials* as an open access work. The book is freely available to download under a Creative Commons license and it is also available as a low-cost print-on-demand book. Sprigman and Fromer were motivated to provide a high-quality textbook that would give professors and students a free or low-cost alternative to commercially published textbooks. According to Fromer and Sprigman, the pros are obvious: they get the book out there at no cost for those who download it from their website and at very low cost for those who order a printed copy from Amazon. As an additional benefit, they are able to update the book more frequently than a typical textbook. As Fromer and Sprigman write, "We've written our textbook because we value our role as teachers and scholars, and we want to lower the barriers to students who are interested in learning about copyright law."

# AUTHORS ALLIANCE PARTNER PROGRAM

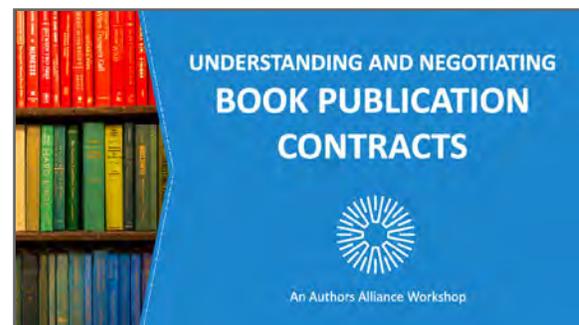
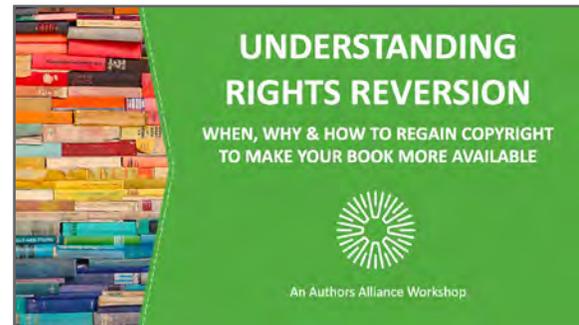
In August 2019, we welcomed our pilot members to the Authors Alliance Partner Program (A2P2), a new subscription option for organizations. Building on our existing high-quality educational materials that help authors understand and manage their rights, and with the support of a two-year grant from Arcadia—a charitable fund of Lisbet Rausing and Peter Baldwin—A2P2 helps organizations serve the scholarly communications needs of their author communities.

A2P2 members leverage our expertise in copyright, open access, publication contracts, and getting rights back to expand the capacity of library and scholarly communications professionals to serve faculty, researchers, and students on campus.

A2P2 members have access to up-to-date, reliable, and consistent rights management education with our teaching and learning tools, including workshops in a box and curated third-party materials. Our initial workshops include *Understanding Rights Reversion* and *Understanding and Negotiating Book Publication Contracts*, and a forthcoming workshop is underway on *Fair Use for Nonfiction Authors*.

Additional member benefits include quarterly newsletters and periodic issue briefs that help A2P2 members keep abreast of and navigate developments in the rapidly changing publishing landscape, and priority member channels that offer the opportunity to weigh in on our advocacy to advance sound copyright policies and provide input that will guide the development of our author-facing resources.

A2P2 members support the community of authors and institutions working together to expand access to knowledge and culture for the public good. A limited number of free and discounted A2P2 pilot subscriptions are still available to organizations. Please contact [info@authorsalliance.org](mailto:info@authorsalliance.org) if you would like to be a part of the group that will shape our A2P2 services.



# POLICY & ADVOCACY

We take seriously our role to promote policies that make knowledge and culture available and discoverable. In 2019, we continued to urge policymakers to consider the perspective of creators when formulating proposals that affect how authors can use, create, and share copyrighted works.

## CASE ACT CONCERNS

This year, we [expressed reservations](#) about the Copyright Alternative in Small-Claims Enforcement Act of 2019 (the “CASE Act”). The CASE Act would establish a small claims tribunal within the Copyright Office as an alternative to federal court for pursuing copyright claims. Authors Alliance supports reducing barriers to copyright enforcement for those with limited financial resources by providing a faster and cheaper avenue to remedies. Today, the high cost of litigation keeps many independent authors and other creators from enforcing their copyrights. A well-designed copyright small claims process could fix this but, unfortunately, the CASE Act as written invites abuse and poses a high likelihood of harm to authors.



To address problems with the CASE Act, we recommended that lawmakers:

- Limit statutory damages to cases where it is impossible or cost prohibitive to prove actual damages;
- Remove restrictions on the grounds for judicial review of the tribunal’s decisions;
- Include additional safeguards to deter copyright trolls and preserve the utility of the small claims tribunal for independent creators; and
- Require potential respondents to affirmatively opt in to the small claims process.

## AUTHORS’ INTERESTS AT WIPO

Authors Alliance partnered with Rebecca Giblin of the Author’s Interest Project [to host a side panel](#), “Supporting Authors in a Digital Age,” at the 39th session of the WIPO Standing Committee on Copyright and Related Rights.

Giblin shared preliminary results from a study of more than 50 years of publishing contracts from the archive of the Australian Society of Authors. The research revealed that publication contracts are often insufficient to protect authors’ interests. Giblin explained that her research suggests that there is a need to investigate minimum reversion rights addressing books that have reached the end of their commercial life, uses that are



not being exploited, situations where publishers go into liquidation, and term limits akin to U.S. termination of transfer laws. Brianna Schofield discussed how reverting rights can help authors 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.

# POLICY & ADVOCACY

## CONTINUED

### REGISTRATION MODERNIZATION

In January, Authors Alliance [submitted comments](#) in response to the United States Copyright Office's Notification of Inquiry for Registration Modernization. The Office is building a modernized copyright registration system intended to improve user experience, increase Office efficiency, and decrease processing times.

Our comments supported:

- Making registration more affordable to all copyright owners;
- Building a registration interface that allows users to update rights and permissions information more efficiently;
- Accepting optional data about licensing terms, including information about any applicable public license, with a registration application; and
- Connecting registration and recordation records in order to clarify chain of title information.

In our comments, we also encouraged the Office to initiate or commission an empirical study of authors' views on the advantages of and barriers to registration to evaluate why only a fraction of eligible works are registered. With additional information from authors, the Office could restructure incentives to register copyright claims in order to promote greater participation in the Office's registration system.



### REVERSIONARY RIGHTS IN CANADA

The Committee reviewing Canada's Copyright Act recently recommended the introduction of a non-assignable termination right for creators, citing an [Authors Alliance brief](#) urging the Committee to enhance the ability of creators to get their rights back under Canadian law. We are pleased to see the recommendation, which will benefit creators who wish to regain rights and revive their previously published works.



### MORAL RIGHTS

In April, the U.S. Copyright Office released a report, *Authors, Attribution, and Integrity*, which provided a review of the U.S. moral rights landscape. Authors Alliance previously submitted [a comment to the Office](#) in support of a moral rights regime, but the report concluded that there is no need for the creation of a blanket moral rights statute at this time. Nonetheless, we commend the Office for recognizing that attribution and integrity provide meaningful incentives to authors to create new works and that the value of reputational enhancement by virtue of public dissemination of their works is important to authors.

# POLICY & ADVOCACY

## CONTINUED

### SUPPORT FOR IMMEDIATE ACCESS TO FEDERALLY FUNDED RESEARCH

In light of media reports that the Trump Administration is considering a policy to make the results of federally funded research immediately available for the public to freely access and use, we spoke out in support of such a policy. Many of our members are authors who rely on taxpayer dollars to fund their research and want the results of that research to be immediately available for potential readers to readily locate and access without being turned away by paywalls. Immediate and free online availability increases their works' visibility, helping it to reach readers and benefit the public and creating a more hospitable environment for future scientific advancements. Absent a federal policy, many authors simply do not have the bargaining power necessary to demand from publishers the level of access they want for their research.



[Read more](#) about why Authors Alliance supports a policy that would ensure that the public is not made to pay both to create and to read research and would open up opportunities for others to build upon research, accelerating the pace of innovation and discovery.

### CONTROLLED DIGITAL LENDING

Authors Alliance has [voiced our support for controlled digital lending](#) ("CDL"), a model in which libraries digitize works in their collections and circulate the digitized title in place of a physical one. Under the CDL's digitize-and-lend model, libraries make digital copies of scanned books from their collections available to patrons (the hard copy is not available for lending while the digital copy is checked out, and vice versa). Like physical books, the scanned copies are loaned to one person at a time and are subject to limited check-out periods.

*"I was thrilled to see one of my books available through Controlled Digital Lending at the Internet Archive. It's an older book that's relatively hard to find, and I'm so pleased that people can get access to it today. CDL is an excellent way for authors like me to reach readers."*

– Annalee Newitz  
Author and Journalist

CDL is particularly beneficial for authors whose works are out of print or otherwise commercially unavailable: In the absence of digitizing and lending these books, many would simply be inaccessible to readers. In addition to being a reasonable interpretation of fair use, members of Authors Alliance maintain that CDL helps to increase access to out-of-print and otherwise unavailable works, can alleviate the gaps in availability brought about by overly long copyright terms, and helps authors reach audiences.

# NEW & NOTEWORTHY

## RESEARCHING RUMORS ABOUT OPEN ACCESS DISSERTATIONS

When Jill Cirasella and Polly Thistlethwaite of the Graduate Center of the City University of New York encountered resistance from students and advisors to making dissertations openly accessible, they decided to examine the effect of open access



dissertations on the future publishing prospects (and, in turn, job and tenure prospects) of their authors. As they [write on our blog](#), “We were pleased to be able to pull together some (reassuring) statements by publishers and provide some (reassuring) data about sales of dissertation-based books. We hope we dispelled some myths, clarified some ambiguities and misunderstandings, and inspired more formal studies.”



## COPYFRAUD AND GETTY IMAGES

Jason Mazzone, Professor of Law at University of Illinois at Urbana-Champaign, [examines copyfraud](#)—false claims of copyright in public domain works—in a post on our blog. False copyright notices appear on modern reprints of Shakespeare’s plays, Beethoven’s piano scores, greeting card versions of Monet’s Water Lilies, and even the U.S. Constitution. Mazzone discusses a lawsuit targeting Getty Images for selling licenses to images that are in the public domain, concluding that the case may shed light on the need for comprehensive reform if copyright is to be kept within its proper limits.

## COPYRIGHT LITIGATION UPDATES

Authors Alliance Copyright Research Assistant Nicolas Charest has kept our readers up to date on current copyright litigation. In a post on *Chronicle Books v. Audible*, Charest [outlines the arguments](#) for and against fair use in the litigation over Audible’s plans to enable machine-generated text captions for audiobooks. Charest supplements this post with an [update on three recent cases](#) involving the doctrine of fair use. Charest also [provides a summary](#) of *Georgia v. Public.Resource.Org*, a case before the Supreme Court examining whether the Official Code of Georgia Annotated is copyrightable.



# CELEBRATING FIVE YEARS

In May 2019, Author Alliance celebrated five years of education and advocacy on behalf of authors. We thank our members and allies for your ongoing support and engagement, and we look forward to building on the successes of the past five years in 2020 and beyond!



Jeff MacKie-Mason, Brewster Kahle, Abby Smith Rumsey, Randy Schekman, and Molly Shaffer Van Houweling

## BEYOND THE BOOKSHELF

On May 15, Authors Alliance [celebrated our 5th birthday](#) with a festive party at the David Brower Center in downtown Berkeley. Our guests braved the unseasonably cool and rainy weather to attend a reception followed by “Beyond the Bookshelf: Empowering Authors and Reaching Readers in the Digital Age,” a wide-ranging panel discussion featuring Brewster Kahle, Jeff MacKie-Mason, Abby Smith Rumsey, and Randy Schekman, moderated by Authors Alliance co-founder Molly Shaffer Van Houweling.

The panel discussed the role of authors and libraries in disseminating works of authorship as traditional publishing models evolve; the importance of preservation and accuracy of online information at a time when “truth is fractured;” how traditional models of evaluating scientific literature can undermine scholarship and research; and the challenges and opportunities for authors in the digital age.

[Audio of the event is available](#) for those who were unable to attend in person.

# LOOKING BACK: OUR HIGHLIGHTS

## YEAR ONE

01 Stood up for fair use in the Google Books case, arguing that full-text searchable databases facilitate new forms of research and generate new audiences for authors.

Released *Understanding Rights Reversion*, a guide that arms authors with the information and strategies they need to know when, why, and how to regain copyright and make their books more available.

## YEAR TWO

02 Released *Understanding Open Access*, a guide that helps authors understand whether open access makes sense for their works and how to release works under open terms.

Successfully petitioned for an exemption to allow authors to make fair use of film clips in nonfiction ebooks.

## YEAR THREE

03 Launched our Termination of Transfer Tool with Creative Commons to help authors learn how to evaluate if a work is eligible for termination and released guidance and templates for providing notice of termination to rightsholders and recording a termination.

Supported a permanent exemption to improve access to copyrighted works by people with print disabilities.

## YEAR FOUR

04 Released *Fair Use for Nonfiction Authors*, a guide that helps nonfiction authors make confident fair use decisions when incorporating source materials into their writings.

Spoke out in favor of fair use in the Georgia State case, arguing that the limited use of copyrighted content in a nonprofit educational setting enhances academic authors' incentives to write and publish.

Advocated for authors' non-economic rights, including attribution, integrity, and the rights to revive and revise one's work.

Recommended ways to modernize copyright recordation in order to improve records and reduce the number of works likely to become orphans.

## YEAR FIVE

05 Released *Understanding and Negotiating Book Publication Contracts*, a guide that helps authors negotiate for publication terms that meet their needs.

Issued a report promoting the role of creators in making digital works more widely accessible to people with disabilities.

Pushed for international limitations and exceptions to copyright for education, sharing how they can benefit authors and encourage the diffusion of knowledge.

Urged policymakers in South Africa and in Canada to support termination of transfer provisions in their national laws.

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