

The Academic Author

For Creators of Academic Intellectual Property

2005:4

September 2005

Google print position 'backwards'

TAA Immediate Past President Michael Sullivan called Google's plan to give publishers and other copyright holders the option of opting out of the company's Library Print Project, "backwards" and in conflict with both the spirit and the law of copyright. Google's project involves scanning a significant portion of five major libraries and placing them on searchable servers around the world.

"One of the tenets of copyright law in the United States is to serve as a protection for unauthorized reproduction and distribution of an author's intellectual work product," he said. "The authority to grant reproduction or distribution rights lies with the copyright holder, not with the person or organization seeking to exploit the work."

Google is putting the burden on publishers and other copyright holders to opt-out of having their works digitized and placed in the online library, an "onerous requirement" said Richard T. Hull, TAA's executive director, for authors of textbooks and academic works, many of whom hold copyright to at least some of their works, to have to contact Google in order to restrict unauthorized exploitation of their copyrighted works for Google's private benefit.

If Google wants to make these copies, said Hull, it should seek permission and pay a reasonable fee as anyone else would. "Authors and publishers have economic interests that should not be circumvented," he said. "While we applaud the general idea behind increasing access to our work, Google must respect the interests of authors and publishers while pursuing its own. The use that Google proposes is not an excused fair use in any recognized sense of the doctrine."

Sullivan said that while TAA supports access to copyrighted works, it firmly upholds the position that only the copyright holder can authorize the type of access that Google seeks.

TAA's position on this issue was issued as a press release in late August.

**2006 TAA Convention
La Pavillon hotel
New Orleans, LA
July 7-8, 2006**

President's Message: John Wakefield

TAA to Google: Let negotiations begin

Google Inc. has contracted with five research libraries to digitize their entire collection of books so that users of Google's search engine can locate information and learn where it can be found and/or purchased. Google is supposed to receive increased advertising revenue, publishers of books in print are supposed to receive income from increases sales, and authors are supposed to receive increased royalties. But there's one giant problem with Google's plan: The company has not requested permission from copyright holders to digitally scan (or copy) their works for the project.

Opposition to the Google Print Library Project has come from the largest copyright holders: publishers. The Association of Learned and Professional Society Publishers, the Association of American University Presses, and the Association of American Publishers have all now publicly expressed their opposition to the Project in its current form.

Publishers invited Google Inc. to discuss the issue of copyright.

Google's response was to postpone the digital scanning of copyrighted works until November to give publishers the opportunity to opt-out of the project. Publishers maintain that this is not a solution, but instead poses a new problem: they should not have to opt-out to protect their works from being copied.

TAA is standing alongside publishers on this issue. Last year, the U.S. Copyright Office registered 661,469 claims to copyright. Many of the registrants were not publishers but authors, photographers, illustrators, and other artists. Anyone who has sought permissions knows how difficult (and expensive) the process can be of contacting each copyright owner for permission to use material from their work.

Google is seeking to circumvent this process by claiming that its copying falls within fair use. It is clear that the company can't afford to ask permission of anyone because the gigantic scope of their Library Project makes it impractical and unaffordable to ask permission of everyone.

At this time, it is not clear whether the outcome of the issue will be litigation, negotiation, or legislation. Litigation seems to excite some reporters, but in reality, lawsuits are expensive and often take years to resolve. Further, recent court decisions on intellectual property issues do not favor the shallow-pocketed inventor or artist as they often did in the past. Legislation as an alternative



TAA agrees with publishers that the Google Print Library project should not require copyright holders to opt-out in order to protect their works from being copied, said TAA President John Wakefield.

implies updating copyright law to account for new technology. Works may need to be protected from unlicensed copying when copying is an intermediary stage in a process rather than an end product. Legislation may seem more desirable than litigation, but educating the public is also expensive and takes a long time. Negotiation, which is the approach favored by the publishers and ourselves, begins with communication.

We have very recently been contacted by Google and look forward to developing a conversation that at least in part can be made public. In the dialog, we hope to examine whether or not making a digital copy of an entire work without permission and/or compensation is fair to the copyright owner. Under Google's interpretation of copyright law, why couldn't anyone make a digital copy of an entire work for any use other than direct sale? At what point does such unconstrained copying undermine the sale of the work to libraries? To researchers? To other individuals? What is the effect of such copying on copyright law?

This last question may cause us greatest pause. To uphold copyright law, and to protect our rights as copyright owners, unconstrained digital scanning of works in copyright may have to end. There are limits to what we can agree to in negotiation, but let the negotiations begin.

TAA hires Richard T. Hull as new executive director

Richard T. Hull has been hired as TAA's new executive director. He replaces Ron Pynn, who served as executive director for nine years. "I'm very excited, stimulated by the challenge, and eager to get to work," said Hull. "I'm also honored by the trust that comes with election to such a post, and I look forward to working with the Executive Committee and the Council, as well as all the other individuals involved in the organization." He began June 22.

Hull, who recently moved to Tallahassee, Florida, was an independent fundraising consultant for the Center of Inquiry in Amherst, New York and Tampa, Florida. Prior to that, he was a visiting distinguished professor of philosophy at the Institute of Medicine and Humanities, a joint program of St. Patrick's Hospital and the University of Montana. He retired from his position as professor in the Department of Philosophy at SUNY at Buffalo after thirty years to become executive director of the Texas Council for the Humanities in 1997.

The second edition of his textbook, *Ethical Issues in the New Reproductive Technologies*, first published by Wadsworth, is now being published by Prometheus Books. Hull has also published a number of edited academic texts, including *Presidential Addresses of the American Philosophical Association*, and *History and Addresses of Philosophical Societies*. He has also published many articles, chapters, and reviews.

In the last stages of the hiring process, Hull

was asked to prepare a five-year plan for TAA. In that plan, he outlined several strategies for increasing membership, including increasing services to members. "To increase membership substantially, services must be effectively offered to a wider potential membership, and services must be added that will continue to provide service to individual initial members that inspire annual renewals," he said.

Hull proposes reaching out to graduate students by providing seminars appropriate for those beginning graduate study and for those both facing writing dissertations and seeking academic employment. "For the former, a seminar on making the professional turn that focuses on difference between writing for an individual professor and writing for the presentation in print or at a conference, and presents tips, strategies, and ways of identifying and improving the student's writing dynamic, might be attractive to graduate departments and first-year students," he said.

Hull said his first order of business as TAA's new executive director will be to do a thorough review of TAA's seminars and workshops to see how they can be restructured to better serve the professional development needs of members in an ongoing way; and to call as many first-year members who joined through the workshops as he can, asking them about their experience and requesting their suggestions for further presentations.



Richard T. Hull was hired as TAA's new executive director. He started June 22.

TAA has many strengths, said Hull, including its ability to address issues of considerable concern to authors. "Textbook authors often lack experienced guidance in seeking and negotiating publishing contracts," he said. "Neophytes often flounder around in getting their journal publications ready for publication and placed appropriately. TAA offers guidance that is independent of the faculty member's institution and that can expose participants to a wider range of individuals dealing with similar issues of professional development than can be found in the member's institution."

News, Notes From Richard T. Hull, Executive Director

The first two months of my new appointment as Executive Director have passed, and I thought a brief report to TAA members might be of interest and might give a sense of the various things the organization is doing.

One project I've undertaken is to digitize all the back issues of the *TAA Report* and its successor, *The Academic Author*, to make them available in an online archive to TAA members. I've been impressed, reading these documents, with the quality of the articles and the range of topics, and much of their news and advice remains of value today. As we turn increasingly to a digital mode of service to members, it seems wise to make these issues accessible to all who join. The scanning is slow, but the full set should be available sometime this autumn.

Several news items have commanded my attention, along with that of executive committee members. The Google Print Library Project, undertaken by Google to scan the contents of the Stanford, Michigan Oxford, Harvard and New York City Libraries, has substantial potential for copyright violation. Google has taken the

position that fair use under copyright law permits it to digitize these collections, including works still under copyright, and make "snippets" or short sections of the works available on line, without explicit permission of copyright holders. Some publishers have been approached and have given permission; but works whose copyright is held by authors, and works whose publishers have not been contacted, are being digitized unless the copyright holder explicitly opts out by November 1 of this year. TAA takes the position that copyright law is being turned on its head, and that it should be the responsibility of Google to request permission, and not the copyright holders responsibility to take the initiative. A press release has stimulated several articles, a sampling of which may be found at www.TAAonline.net in the Media Room.

Various operations matters have commanded considerable attention these past months. Most notable is the need to reduce the amount of staff time, estimated at 65 percent, that must be spent on Texty and McGuffey Awards. We have considered

various ways of streamlining the process, and have begun to experiment with a couple. Referees for the awards are being asked to commit to three years of reviewing texts for the awards in their fields; hopefully that will cut down on the amount of time needed for recruiting judges each year. We have explored ways of speeding the delivery of nomination volumes to the judges by their publishers. We hope that these measures will make it easier for staff to fulfill the duties associated with these worthy awards while assuring high quality evaluations.

We have also streamlined the telephone and computerized operations of the organization, with potential savings in telephone costs of several thousand dollars each year resulting from switching to Vonage, an internet-based long distance service that provides unlimited long distance calling for a flat monthly fee.

All this, on top of the excitement of the Convention and concerns over our members and convention site for next year in New Orleans has kept me well occupied!

Richard Hull
TAA Executive Director

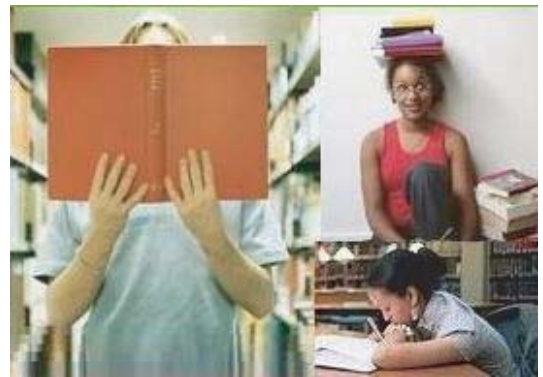
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In Jure: Multiple Submissions by Michael Lennie

Following years of silence, we are going to resurrect the *In Jure* column which some of you may remember from earlier days of TAA. The organization is doing exciting work of late, and has a new and enthusiastic executive director with a long and distinguished academic career. So this seems like a good time to brush up on contracts and contract negotiations.

Nothing fancy mind you, just a few tips here and there that you might find helpful when lining up against house counsel for the largest publishers in the world.

So, where to start? With the basics my dear Watson, with the basics.

Basic Lesson # 1:

Q: Who stands the better chance of negotiating a fair contract, the author who has received one offer to publish, or the author with two?

A: Elementary! As any veteran of car purchases can tell you, it is geometrically advantageous to have multiple parties bidding for your business. Simply follow the law of supply and demand. You have the supply. Your book is unique. It has all kinds of features the competitors don't have. Now you need to develop the demand. In our business, one publisher has a monopoly, two have a competition for your work, and three have a bidding war (and four or more have an auction, but let's stick with reality).

Q: How do I develop the interest of multiple bidders?

A: Of course you do it with multiple submissions. You can't seek a new publisher

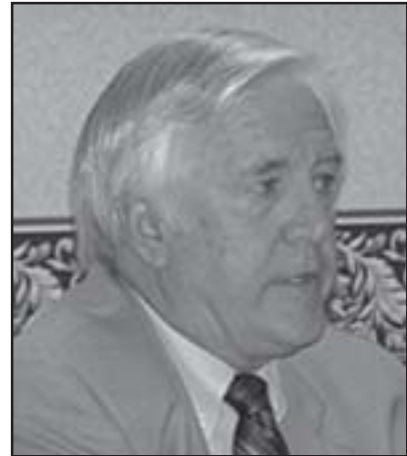
if you are negotiating a contract for a subsequent edition of your book, but absent such contractual or copyright restrictions, multiple submissions should be your default modus operandi.

Q: How should I select publishers?

A: It requires some research to put together a list of most-likely publishers. Take the time to see which major and mid-sized publishers have a presence in your field. Are their books well respected? If it is a mid-sized publisher, are they able to compete reasonably well with the major publishers? Does the mid-sized publisher currently, or through the acquisition of your book, have the opportunity to capture a large segment of a niche market the majors may have neglected? Even if the publisher already publishes what could be a competing book, if yours is taught to a higher or lower level, or with a different pedagogy, or with a unique emphasis, a major publisher may be able to sell both books without *direct* competition by marketing the differences and/or by staggered publication dates.

That's all for now. We'll keep the *In Jure* columns short and focused and a regular feature.

Caution: The suggestions provided here are of a general nature only. They are not intended as a substitute for the advice of an attorney familiar with all the circumstances of your situation including the contents of existing contracts that might be applicable or affected. Michael R. Lennie is an attorney licensed in California and New York. He devotes all of his practice to the representation of authors in both



Michael R. Lennie, authoring attorney and literary agent for Lennie Literary Agency

contract negotiations and litigation. In addition, he is the principal literary agent in Lennie Literary Agency representing both text and trade authors. He may be contacted at his offices at the F.W. Kellogg Building, 2nd Floor, Suite 7b2, 2255 Avenida de la Playa, La Jolla, CA 92037; by phone at (858)456.0138; or by e-mail at michael@lennieliterary.com

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Prolific grant writer shares his advice on landing grants

The key element in grant writing is attitude, said Kenneth Henson, distinguished professor at the Citadel's School of Education, and author of a new book by Allyn & Bacon, *Grant Writing in Higher Education: A Step-by-Step Guide*.

"You have to believe that you can take it as far as you want to as long as you're willing to work hard," said Henson, during his TAA Convention presentation, "Grant Writing in Higher Education," in Las Vegas, June 22. "If you don't have a belief in your ability to succeed, it's not going to happen."

Henson, whose grant writing has brought in more than \$100 million, said that pursuing grant writing in an organized, controlled way will eventually lead to success. Start with your goals, he said. Decide where you are going professionally and then choose grant topics that will get you there. Identify the people who will be making decisions on your tenure and then go after those projects important

to those people in their decision making, said Henson. For example, Henson's first grant was based on a statement he overheard about 85 percent of physics teachers working out of field. He wrote a grant that would provide summer seminars to help teachers gain certification as physics teachers. The grant was not only funded once, it was refunded several times.

"When you get a grant, you want to get it refunded and refunded," he said. "It's not only easier to get the second and third grants, it looks good to those whom you are requesting additional funding."

Henson shares some of the lessons he learned from his first grant:

- Do it yourself. It might not get done if you don't do it yourself.
- You've got to do it. Don't talk about it, do it.
- Be flexible. Don't be rigid with your project. If you see another possibility during your meeting with the proposal reviewers, go with it.

"Grant proposal reviewers look for unique features," he said. "Include something in your grant that is different." For example, when he

wrote his second grant proposal for the summer seminars, Henson said that if the grantor gave him a car and gas money, he would visit the teachers who took the summer seminars every fall to see how they were using what they learned in the classroom. "The reviewers look at this as 'he's doing all this and then wants to visit these teachers in the fall?' I just wanted to see the results of my work. I asked the teachers all the same questions ('What did you bring back from last summer's institute and use?' and 'What might the institute have offered that you could have used?') and I used their answers to write the next year's proposal."

There are a whole lot of inexperienced people out there writing grant proposals, said Henson, yet there are also a lot of opportunities for grants. "So if you have some knowledge of grant writing, you can have success," he said. "You can be as successful as you're willing to work to be."

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Michael Lennie Authors' Attorney Literary Agency

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Policies and politics of textbook adoptions

Christopher Stream, assistant professor of Public Administration at the University of Nevada, Las Vegas, took attendees through the history, policies and politics of textbook adoptions during his TAA Convention presentation, "Beyond the Three R's: The Policies and Politics of Textbook Adoptions."

Stream was hired by TAA to write a grant to research textbook adoptions and policies.

"When I began my research, I thought you just chose a textbook among a selection of books available and that was it," he said. "I learned very quickly that I was wrong."

Stream said the textbook adoption process is totally the opposite of what you might think it is: "The textbook adoption process doesn't work like a market. El-hi schools cannot adopt a book outside of those adopted by the state. If they do, they have to pay for it on their own."

Learn more about the textbook adoption process by viewing Streams' PowerPoint presentation and his transcript from the presentation.

Download them at www.taaonline.net/membersonly/membernews/index.html#110membonly

Advice on getting scholarly articles published

Don't get discouraged because your journal article is rejected, said Jay Black, editor of the *Journal of Mass Media Ethics* and professor of journalism ethics at the University of South Florida during a TAA Convention panel, "An Insider's Guide to Getting Your Scholarly Articles Published."

"Your correspondence with editors should be enough to let you know where to go with it next," he said. "Even worse is to shelve a 'revise and resubmit' request from an editor. The fact that they asked you to resubmit means that they see quality there and want to work with you."

Black said he has received his own journal articles for resubmit practically bleeding red ink. "I made it a point to fix every error and work with the editor to resubmit the article," he said. "The editor is supposed to be nurturing scholars. I tend to think young scholars need more nurturing. If there's hope for a revision, we do that."

The ones that don't eventually make it are those that don't revise the areas

that reviewers suggest, he said.

Black also recommended writing a cover letter in response to the revisions. The letter should tell which changes you made and why and which changes you declined to make and why. "Editors then recognize that you care and listen," he said. "It also shows that all the work done by the volunteer reviewers is being respected."

Black shared some additional advice for scholarly journal authors:

- Don't put all of your efforts into a long shot. Aim high, but wide. Write for a regional journal. You can impress a tenure committee with these types of journals as well.
- Review the reviewers. Send a review of the comments done by the reviewers of your work to tell what was really helpful.
- Humanize your manuscript by calling, e-mailing or writing the editor to ask whether they would be interested in the topic. "It's a lot easier to reject an anonymous person than it is to reject a human," he said.

Visit the TAA website to download Black's tip sheet from the convention: www.taaonline.net/membersonly/membernews/index.html#13membonly



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Google coverage. Information Week: <http://informationweek.com/story/showArticle.jhtml?articleID=170102359>
Marketing Vox: www.marketingvox.com/archives/2005/09/01/google_expands_book_search_faces_more_publisher_backlash/
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TechWeb: www.techweb.com/wire/ebiz/170102334
CNET News: http://news.com.com/2060-10803_3-0.html?tag=nefd.bl

Hurricane help. Any TAA member that needs help in the wake of Hurricane Katrina, please contact TAA headquarters at (727) 563-0020 or TEXT@tampabay.rr.com and TAA will do its best to assist you. TAA Executive Director Richard Hull has offered to rent his three bedroom, two bath house, located in Tallahassee, Florida, to a TAA member in need of temporary housing. Please contact him directly at rhull62@hotmail.com or (850) 893-6539. If any other TAA members own property in areas that could be accessed by Katrina victims for temporary housing, or can offer their assistance in any other way, please contact Hull or TAA headquarters. At least nine TAA members live in Louisiana, Alabama or Mississippi, the states hit hardest by Hurricane Katrina. Please visit the TAA website for updates on additional help being offered to TAA members: www.TAAonline.net

Lost power. TAA President John Wakefield, who lives in Florence, Alabama, said his home and university lost power when Hurricane Katrina came through his area (300 miles from the coast, but a bull's eye for the passing tropical storm). Everything is now up and running again.

Online renewal. TAA has just launched a new online member form that will allow members to renew online using a secure server.

19 Tips for first-time textbook authors

Four authors, three from TeachingPoint, a publisher of course specific materials for el-hi and college instructors, shared their advice for first-time authors during a TAA Convention panel on "Writing for the First Time".

Marilyn "Winkie" Fordney, author or co-author of more than 50 books in three different medical career fields, many of which were the first in the field:

1. Spend time researching technical material by getting to the "real" source. Current newsletters are good but if it is a federal mandate go the federal website and find it.

2. Use the material with your students to discover any areas that need clarification.

3. Network with other educators and let them see your work and get input on its value as an educational tool, asking for comments for improvements.

4. Research competitive books to see what is out there. Make note of their strengths and deficiencies.

5. Rewrite after evaluations from your peers.

6. Research the names and addresses of publishers pertinent to your subject matter (i.e., Internet, bookstores, libraries). Go to a book store, find books by these publishers, and evaluate the quality and how the publisher does marketing, production, cover design, paper, etc. Decide which publishers to contact.

7. Send letters to publishers. Keep them to one to two pages.

Bruce Hughes, author of *Physics Through Inquiry*, and subject area editor for Teaching Point:

8. Five steps to selling a book: 1) Write proposals; 2) Finish your proposals; 3) Submit your proposals to publishers; 4) Continue submitting the proposal until you have a contract offer; 5) Don't revise until you have a contract offer with specific editorial requests.

9. If you intend to be a professional writer, you are better off writing new material then redoing old material.

10. If you are writing a textbook written with an unusual approach, and you feel strongly about the textbook proposal you have made, agree to make changes to the proposal only if they are reasonable and if they are spelled out in the contract. If your material is good, it will find a market.

Carol Matthews, author of *Environmental Science and Marine Biology and Oceanogra-*

phy:

11. The more you can do to get your materials camera ready, the more marketable you will be to the publisher.

George Burson, author of *Advanced U.S. History* and *IB History of the Americas* and IB coordinator for Teaching Point:

12. Write the book for your students first. That way you will know what works.

13. Know your subject area and market.

14. Find a niche market that fills a need.

15. Write short material first. "I had written 12 articles before I wrote my first book," he said.

"Write articles first to get your name out there and to get experience in writing for publication."

16. Publicize your book. "I have contacted every IB (International Baccalaureate) Coordinator of an English speaking school in the world via e-mail and posted to the AP (Advanced Placement) listserv, to explain how my material will help teachers and their students," he said. "Let everyone know how good your material is and what faculty and students can gain from it. I want to tip my material over so when someone from the IB or AP community asks what is a great resource, they will say George Burson's books, *Advanced U.S. History*, or *IB History of the Americas*."

Doug Matthews, president of Teaching Point, an academic publisher, had these tips:

17. Start with a road map through your work. If your work includes a teacher manual and student instructional material for a specific course, create the elements in the following order: Standard Alignments (where applicable if doing el-hi writing), Syllabus, Pacing Guide (or Curriculum Map), detailed daily lesson plans, class notes, student activities, labs (where necessary) and assessments.

18. Be willing to work with the publisher's requests for format compliance as you write your work.

19. Honor the publisher's deadlines.

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Briefs

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The form can also be used by new members. Check it out in the TAA Member Center: www.taaonline.net/membcenter/index.html

Used books. A pilot project spearheaded by wholesale used book distributor MBS Textbook Exchange will offer e-books alongside print textbooks in 10 college bookstores this fall. Books from eight major textbook publishers will be sold in downloadable form for 33 percent less than a print copy. This is the first time e-books have been sold in college bookstores. Previously, e-books were sold directly from the publisher. Small credit card-size cards will be placed next to print texts at the bookstore, offering a discount for purchasing the e-book version. Once students purchase the cards they are encoded to allow them to download the e-book onto their computer. Anti-piracy protections, such as the ability to download the book to only one computer, and an expiration date, prevent them from being resold into the used textbook market.

Copyright protection. CyberKey Corporation has created a new industry-specific marketing division, Giga-Books "USB" Division, that will focus on the electronic delivery of text and software. They have initiated discussions with several publishers interested in distributing their books via Giga-Books' secure USB flash memory device, which has a proprietary 18 digit encoded serial number that provides publishers with the means to identify authorized e-book owners and "lock" lost or stolen CyberKey devices. Publishers can selectively withhold updates and access to video portions of an e-book based on the serial number assigned each CyberKey, protecting their copyright. Read more about CyberKey at www.cyberkeycorp.com

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Author diversity. The TAA Foundation is asking for donations from members towards a \$15,000 matching grant from TAA. For every \$1 you donate, TAA will match it. For example, your donation of \$25 will become \$50. All gifts are tax-deductible. To make a donation to the TAA Foundation, contact Janet Tucker at TAA headquarters at (727) 563-0020 or mail your donation to TAA Foundation c/o TAA, P.O. Box 76477, St. Petersburg, FL 33737-6477.

TAA Convention receives high marks

The majority of those attending the 2005 TAA Convention in Las Vegas this June gave the convention high marks. Most of the sessions were given an excellent or good rating. One attendee called it "a very good convention for newbies and veterans."

Another attendee said "I learned a lot at this conference both from the sessions and from talking to experienced authors."

One attendee said he enjoyed the banquet: "It was nice to meet authors whose books I had used or reviewed." Many had suggestions for future topics. They include:

- Academic journal/grant writing
- Authoring and commercial publishing opportunities in non-traditional media
- Growing fault lines in the publishing vertical market: authors-publishers-resellers-customers
- Contracts and amendments addressing electronic publishing

- Co-authoring do's and don'ts
- The future of textbook publishing
- Electronic publishing models and Digital Rights Management (DRM)
- Techniques of working with co-authors from first edition to retirement
- Examples of digital ancillary materials

One attendee said the convention should always be in big, popular cities. Some suggestions for future convention sites: Seattle, Portland, Orlando, San Antonio, Philadelphia, Albuquerque, Denver, San Francisco, San Diego, Washington DC, New York, and Tuscon.

Visit the TAA website at www.taaonline.net/membersonly/membernews/index.html#16membonly to download executive director Richard Hull's convention evaluation data.

New fax #. TAA headquarters switched its phone system over to a new broadband system. The phone number will remain the same, but the new fax number is (727) 230-2409.

Members-only access. To view items in the Members-Only section, the password is member and the username is author.

Broadview acquisition. Broadview Press, Inc., an internationally-oriented Canadian-based publisher of books aimed at the higher education textbook market, has acquired Garamond Press Ltd., a small, privately-held Canadian publisher, the first independent Canadian company to publish exclusively for the post-secondary market. This is Broadview's first acquisition of another publishing company. "Garamond's books are a great match for Broadview because they are aimed at the higher education market, and because they are largely aimed at courses in Sociology, one of the six core disciplines for which Broadview currently publishes, and related subjects such as Communications Studies, Women's Studies, Political Economy and Social Work," says Broadview President and CEO Michael Harrison. Garamond Press publisher Peter Saunders is also pleased with the sale: "It's been a privilege to publish these excellent authors over the years, and I am delighted they are now in good hands at Broadview." The acquisition is effective retroactively to May 1, 2005.

Signed on. Four scholarly publishers have signed on with Cadmus Communications Corporation for the Cadmus ArticleWorks content on demand delivery system. They include the American Society for Clinical Nutrition, American Society for Biochemistry and Molecular Biology (ASBMB), The Endocrine Society, and Pharmacotherapy Publications. ArticleWorks is used by publishers to support individual article sales in both electronic PDF and print on demand formats.

Individual article sales are an increasingly important component of the STM publishing model to support non-subscriber sales, commercial sales programs, educational course packs, and other uses. Articles purchased in electronic PDF format are protected using ArticleWorks' RapidRights (TM) solution which secures articles from unauthorized access. Readers may also purchase high-quality, digitally printed copies of the articles which are delivered within two days of placing an order.

Science blogs. Although still rare in the science world, blogs, short for web logs, are popping up on the Web. They are allowing scientists to share their findings with other scientists in an informal format and even receive feedback. Here is just a sampling of the science blogs currently available:
<http://bioinformatics.org>
www.biologynews.net
www.scienceblog.com/cms/index.php
www.scienceboard.net/community/blogs.asp
[/www.ubcbotanicalgarden.org/research/weblog/cat_genomics.php](http://www.ubcbotanicalgarden.org/research/weblog/cat_genomics.php)
<http://alifeinscience.blogspot.com>
www.biotechblog.com
<http://homepage.mac.com/femtobio/plexus>
 Set up your own free web log at www.blogger.com

Member contributions. With the goal of getting 100 percent participation from members, TAA will begin asking members to make a \$5 tax-deductible gift to the TAA Foundation when they renew their membership. TAA plans to add a line for making the donation to its member renewal forms. One hundred percent member participation is an important factor in foundations' decision making process when making grants to nonprofits, said Richard T. Hull, TAA's new executive director. "The amount of support from each member is not as important as the percentage of support by members." The TAA

GAO study of textbook pricing 'incomplete'

The Government Accountability Office (GAO) study of textbook pricing overlooks two student-centered facts that have contributed to the increase in textbook costs in recent years, said Richard Hull, TAA's executive director: Students don't keep their textbooks, seeking to gain returns on them by selling them back to bookstores and co-ops for resale; and students are increasingly poorly prepared to learn from straight text-only materials.

The GAO study lays responsibility for the increase in textbook prices at the door of publishers who package textbooks with supplemental materials, said Hull, but overlooks significant external forces driving up the publisher's costs. "As publishers and authors are bypassed by the sale of used books, the cost of getting a new edition to press must be spread across a smaller and smaller number of copies in the life of any

edition," he said. "If students would keep their textbooks for future reference, publishers could lower their prices because they would increase the volume of sales of a given edition; and authors of textbooks would receive royalties roughly approximating the number of students benefitting from their books."

Hull said supplemental materials are a necessity for most students, many of whom come to college unable to learn from traditional textbooks: "The generations of students who have spent many hours daily watching television or other visual media lack the facility, skills, and attention span for absorbing information from the written word. Hence, graphics, CD-ROM, and study guides are needed by students to increase their comprehension of material which, a generation or two ago, students readily mastered. As well, more open admissions are bringing students into

college who are comparatively poorly prepared for college work, again necessitating supplemental learning aids. Preparation of such additions drives up the cost of textbooks."

One additional factor to the increase in textbook prices, said Hull, seems to be the politicization of textbooks by state textbook boards: "The cost of dealing with the state adoption process adds a sort of 'non-creative overhead' to the publishing process that increases the costs borne by publishers for a process that is not justified by a corresponding improvement in the resulting texts."

All these factors need to be given due weight by the GAO in reaching recommendations to help guide the textbook industry, said Hull: "Our changing cultural lifestyles have costs; increased textbook prices are one of them."

Foundation is in the process of writing grant proposals to foundations to support a TAA-sponsored project to increase diversity among textbook authors. To make a tax-deductible gift to the TAA Foundation, contact Janet Tucker at TAA headquarters: (727) 563-0020 or TEXT@tampabay.rr.com

New books. The market for textbooks and other materials sold into the college market in 2004 grew 3.5 percent to \$5.57 billion, despite escalating growth of used textbooks and returns of unsold books, according to a newly released College Publishing Market Forecast 2005-2006, the latest strategic market report from Simba Information, a leading media industry forecast and analysis firm. The report also shows that electronic textbooks are receiving a cool reception on college campuses. Read the entire article at www.taaonline.net/news/index.html#3

Free text. Submitted by Lyle C. Brown, Professor Emeritus, Department of Political Science, Baylor University (clarence@usawide.net) — The authors and publishers of more than a dozen Texas politics textbooks have some new competition. For the fall semester 2005 the University of Texas at Austin offers a free online textbook (<http://texaspolitics.laits.utexas.edu>) that can also be used by students and instructors at other colleges and universities. Eight chapters ranging from 11,000 to 13,000 words are available now, and others will be added soon. Developed by faculty, staff, and graduate students in the Department of Government at UT-Austin, this virtual textbook is expected to save \$300,000 annually for about 5,000 UT-Austin students who enroll for American Government 310 L. Due to the legislative requirement that all students in Texas's public community colleges and state universities take a course on Texas politics, there are more than a dozen Texas Politics textbooks on the market. Each major publisher offers one or more.

GAO report. The Association of American Publishers endorsed the conclusions of a Government Accountability Office (GAO)

study on college textbooks that note textbook prices have been largely driven by publishers' investments in additional instructional materials and new technologies. Those investments were made, said the AAP, in response to faculty needs and to enhance student success. The AAP did, however, express continuing concern that pricing analyses in the study do not provide a balanced picture of the actual costs to students, the range of materials available to students, or the added value those materials offer to faculty and students. AAP wrote a letter to the GAO expressing its continuing concerns about the report's data and how it is presented. It can be found at www.publishers.org/highered/topics.cfm?topicid=5

Desk copies. John Wiley & Sons has partnered with VitalSource Technologies, a provider of digital content solutions for education, to deliver key Wiley textbooks as Wiley Desktop Editions using the VitalSource P2(TM) publishing platform. Wiley Desktop Editions will be available this fall for more than 80 of Wiley's best selling titles in science, math, business, social sciences, engineering, and computer science, and will be priced at 60 percent off of the list price for the printed book. The program will allow students to own the digital version of their book for future use and reference.

Digital content. A report by Eduventures, which provides research and analysis on the education market, found that nearly 50 percent of college faculty are strongly interested in using digital media in the classroom, showing a high demand that publishers are working to fulfill. Digital Learning Technologies and Instructional Impacts, one of the first reports to focus on the faculty point of view, was based on a survey of faculty from 112 institutions, and found that professors, assistant professors and associate professors

Attorney advises authors on e-rights

Michael Lennie, an authoring attorney and agent for Lennie Literary & Author's Attorneys, compared the items on a publishing contract to a bunch of asparagus and said authors can either give all their rights away in one bunch, or negotiate them one by one.

"Electronic rights is just one of those spears of asparagus," he said. "And on that one spear are many different e-rights elements. The author is in the enviable position of owning all of those spears."

The publisher, said Lennie, will want them all, and the author has to decide whether to give those rights to the publisher or retain them. If your publisher wants all of your e-rights, he said, here are a few things to consider: What has the publisher done with e-rights in the past? Do they have the technical expertise to do it or will they license those rights to a third party? "The publisher may give you 50 percent of the rights of third party sales, but that may only be seven percent of the publisher's 15 percent from the licensed third party," he said.

Lennie cautioned authors against giving away their e-rights in haste: "We are on the early cusp of e-technologies. Don't shut the doors to e-rights for the long term. E-rights will gain authors more money from publishers in the future."

Electronic products have no paper costs, no storage costs, no inventory costs, no shipping costs and no returns, he said, thus e-products offer a lot to the publisher and author: "Because they don't cost too much, they provide a benefit to all of us."

Lennie said a lot of electronic products are being sold without e-rights permission because the accounting structure at publishing companies hasn't caught up with publishing capabilities: "The ability to make electronic products is way ahead of our ability to account for them."

Authors Asking: Answers to Member's Questions About Authoring

Q: "I am in the process of negotiating my second contract to write a test bank. The first contract was for a flat fee. I wrote a total of 490 multiple choice, true/false and fill in questions for a 14 chapter criminal justice book. The book was going into its 3rd edition and I think it is a big seller."

This second book is also a criminal justice textbook. It will be 18 chapters, 800 pages, it is going into its 9th edition and I am sure it is a big seller. We haven't yet agreed on how many questions I will write. I asked the editor if it would be possible for me to receive royalties for this test bank and she told me that because the test bank is a free supplement they can't offer royalties, it has to be a flat fee.

I have four questions:

1. Should I push harder for royalties?
2. If I ask for royalties what amount should I ask for?
3. What should a flat fee be based on?
4. What is a reasonable flat fee in this case?"

A: Ron Pynn, former TAA Executive Director and political science author: "It is true that royalties for a test bank are rare, if ever given. I have seen them for student manuals, workbooks, etc., but not for test banks. The publisher is correct, they are freebies, in the language of publishers, 'throw aways.' You can try for a royalty but I suspect you will get nowhere. As an author, I would not agree to give up 1 percent of my royalty on a book for a test bank. When faced with a \$3,000 to \$4,000 fee for having someone write the test questions, I opted to do it myself. The point is, the author will need to sign off on any agreement effecting the royalty income from the book."

As for the flat fee, it is usually a dollar total based on past experience with the publisher. \$3,000 to \$4,000 is about right. There is no science to that number that I am aware of. Your best argument is you have done it before and have a track record of writing good questions. Believe me, my own experience is that people contracted to write test questions do not know what they are doing in terms of learning objectives, or making easy, and then difficult, questions. They just come up with questions, most of which I would never use to evaluate my students. So if the publisher was happy with your work, use that as leverage for more money.

You could ask for money based on the number of questions (multiple choice or fill in the blank); essay questions are more tricky. But an intro book is likely to have a large multiple choice bank. My guess is the publisher would agree to this but end up with a dollar figure ending at the \$3,000 range: 1,000 questions at \$3 a piece.

Bottom line: Push for a flat fee that you think is fair and can live with. Stress your past experience and stress that writing good, educationally meaningful questions is difficult and time consuming. Thus a good

test bank will enhance the selling of the book."

A: Mike Sullivan, Former TAA President and math author: "Publishers utilize work-for-hire agreements for supplements because they are not-for-sale items for them. Therefore, they generate no revenue, and, as a result, no royalties. Compensation for doing test banks can vary widely from discipline to discipline. In math, for example, \$5,000 to \$10,000 for doing Solutions Manuals is not uncommon. You may want to check with people in your field who do this to see what they are getting paid."

I also suggest you calculate the time spent on the first work you did, to see what the hourly rate was. Then estimate the time you expect to spend on the new project and apply a reasonable hourly rate to get at the price you should charge."

Q: "Many other professions receive residuals for their intellectual property. Why not textbook authors and publishers?"

A: Michael Lennie, authoring attorney and agent, Lennie Literary Agency & Authors' Attorneys: "The key is in setting up a mechanism for collecting fees from used-book sellers. TAA and textbook publishers should band together to lobby Congress to pass a bill that requires academic used-book sellers to distribute a percentage of their sales to the appropriate publishers, who in turn reimburse authors based on the book resold. This system should require used-textbook sellers to track and report sales to ensure compliance."

Q: "My question concerns my coursepack for my lecture, which is sold at our college bookstore. I created it at my home office using my own computer. It contains my own original illustrations, graphics, and charts. I contend that this is my intellectual property while the bookstore has recently made an attempt to copyright all coursepacks in the name of my college. I am quite sure that my college is taking liberties that it has no right to legally. What is the best method for me to proceed to prevent the college from stealing my intellectual property?"

A: Steve Gillen, authoring attorney, Greenbaum Doll & McDonald PLLC: "As a general rule, you have a copyright in any original work of expression prepared by you and that right vests automatically the instant your work is recorded in a tangible medium. Provided the illustrations, graphics and charts in your course pack were created by you and not copied or adapted from some other source, this default rule would vest ownership of the copyrights in you. An important exception to this default rule is known as the work-for-hire doctrine. This doctrine provides that if you are an employee and if the creation of copyrightable works is within the scope of your duties, then ownership of the copyrights in works created within the scope of your job duties

vests in your employer rather than in you.

Although application of this principle in your case will depend upon the precise nature of your job duties as a professor at your college, it is entirely likely that the creation of materials in support of the courses you teach would be characterized as work-for-hire and would be owned by the college. However, many colleges have adopted formal written policies regarding ownership of the various forms of intellectual property that might be created by professors in the course of their teaching and research activities. Often, these policies cede ownership of the academic and educational articles and writings to the professors (in contrast to patents, which are generally owned by the college).

Thus, you should look first to see if the college has a written policy concerning the ownership of writings prepared by professors. If not, you should look to see if there is a job description or contract that makes it clear that writing original support materials for your courses is a part of your duties as a professor. If there is no formal policy and there is no provision in your job description or any contract or in the past practices of the college providing that writing is a part of your job duties, then you might very well take the position that the college has no ownership interest in your work.

That said, however, it is generally not a prudent course of action to take a position adverse to your employer without first carefully weighing all of the potential consequences, legal and otherwise, of such a course."

Q: "I am authoring several elementary school English workbooks for a small press, and I want to make sure that I use vocabulary words that are proper to each grade. I have at my disposal several published workbooks, and I want to know if I can use, for instance, the vocabulary in a published Grade 4 workbook to write my own exercises for my own Grade 4 workbook. Is this just research, or am I plagiarizing the efforts of the companies that have compiled these words as appropriate for this grade?"

A: Jay Black, Poynter Jamison Endowed Chair of Media Ethics and Press Policy, University of South Florida, St. Petersburg: "I applaud your sensitivity in recognizing the potential for plagiarizing someone else's work. Your instincts are good. It strikes me that if you can refer to this and several other sources (see any fourth grade-level textbooks) to get the general gist of appropriate language, rather than rely on a single source, you'd be on far safer ground. Even if you do 'revise' the work of another and incorporate it into your own text, you're probably relying much too heavily on the other author's intellectual efforts. You'll have more satisfaction from creating your own stuff from scratch, or from a multitude of sources, won't you?"

Have questions? E-mail TAA at TEXT@tampabay.rr.com

TAA ad structure changes

TAA announces changes in its advertising structure for fiscal year 2005-2006, which runs from July 1 to July 1. TAA will no longer be accepting full page ads for the print newsletter. The largest ad size will be a half page. Advertisers who commit to a half page ad for four issues will become a Featured TAA Sponsor on the TAA home page for three months (see our current Featured Sponsor at www.TAAonline.net). Their ad will then be moved to one of three places on the TAA website: the TAA Notes page; the TAA Industry News page or the TAA Member Center for an additional three months. These pages are the most visited.

The TAA Notes page and the TAA Industry News page will only contain three ads each. The Member Center will contain a total of six ads at any one time. TAA is now offering ad space on the TAA Notes, Industry News and Member Center pages at the following rates: 3 months - \$400; 6 months - \$450; 9 months - \$500; 12 months - \$525. Advertisers will not have to commit to a year's worth of print ads to advertise on the TAA Notes, Industry News or Member Center pages — only to appear on the home page as a Featured TAA Sponsor.

If you have any questions about TAA's new advertising structure, please contact Lisa Thorsell, Advertising Manager, at (608) 687-9525 or lisamt321@yahoo.com

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BRIEFS**Continued from Page 9**

are motivated to use digital content in the classroom for a variety of reasons, including student demand, university demand and a greater availability of content. According to the report, this relatively high demand for digital content could signal a shift in the publishing market away from traditional textbook-based content and towards emerging digital content.

Notable authors. TAA will be bringing back its popular Notable Author series in the December issue of *The Academic Author*. The Notable Author series profiles accomplished text and academic authors.

Promote TAA. Help spread the word about TAA — add TAA's website URL to your e-mail signature: Member of the Text and Academic Authors Association
www.taaonline.net

Sound off. TAA is always looking for columns on issues related to text and academic authoring (plagiarism; used books; comp copies; contracts; royalties; journal submission guidelines, etc.) for publication on the website www.taaonline.net or in *The Academic Author*. 400-word maximum. Please send your name, title, school, college or university affiliation (if any), phone number and e-mail address along with your column to Kim Pawlak, Editor, kmpawlak@hbcu.com or mail it to S2874 Spruce St., Fountain City, WI 54629 or call (608) 687-3106.

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Janet Tucker, Office Manager (TEXT@tampabay.rr.com)
Margaret Matson, Program Assistant
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Paula Heimbecker, Production Editor, *The Academic Author*
(pheimbecker@winona.edu)
Lisa Thorsell, Advertising (lisamt321@yahoo.com)
Tammy Seidick, Webmaster (seidick@ptd.net)

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