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Understanding the Rights Provisions of a Book Contract

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Understanding the Rights Provisions of a Book Contract

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University of Arkansas Libraries

A Virtual Presentation
for the
Kraemer Copyright Conference
2023



Welcome!





Publisher & Author – The Business Partnership



- Copyright ownership
- The copyright package
- Open access and open licenses
- Contract termination

A scenic background image of a beach at sunset or sunrise. The foreground is filled with numerous white seashells of various sizes. The ocean extends to the horizon under a blue sky with scattered white clouds. A large, solid orange rectangle is centered on the image, containing the text 'Copyright Ownership' in a teal, serif font.

Copyright Ownership

**Does the author
have the authority
to sign a
publishing contract?**



Copyright Act – U.S.C. 17

<https://www.copyright.gov/title17/>

Automatic Copyright Ownership

- Original work
- “Fixed in any tangible medium of expression” [§102(a)].





Exceptions to Copyright Ownership

- **Work produced under contract or as work -for -hire**
- **Work produced as part of regular job duties**



Who owns copyright if there
are multiple authors?

Co-Author Agreement

- Order of co -authors' names
- Division of royalties or other payments among the co - authors






Copyright:
A Package of
Rights

Rights in a Publishing Contract

- Reproduction
- Distribution
- Adaptation/Modification





The author can retain copyright,
and, at the same time, transfer
specified rights to the publisher.

Exclusive or nonexclusive rights?

Exclusive = only the owner of a right may exercise it

Nonexclusive = the owner of a right allows multiple parties to exercise it



What rights does the author retain?

Can they use the work for professional purposes?

Rights in a Publishing Contract

The background of the slide is a photograph of a sandy beach with various seashells scattered across it. The image is overlaid with a semi-transparent reddish-orange filter. The shells include a large white scallop, a dark brown shell, and several smaller shells in various colors and patterns.

- Reproduction
- Distribution
- Adaptation/Modification

Rights in a Publishing Contract



- Reproduction - the right to make multiple copies of the work
- Distribution
- Adaptation/Modification

Rights in a Publishing Contract

- **Reproduction** - the right to make multiple copies of the work
- **Distribution** – the right to sell, rent, loan, or give away copies of the work
- **Adaptation/Modification**

Rights in a Publishing Contract

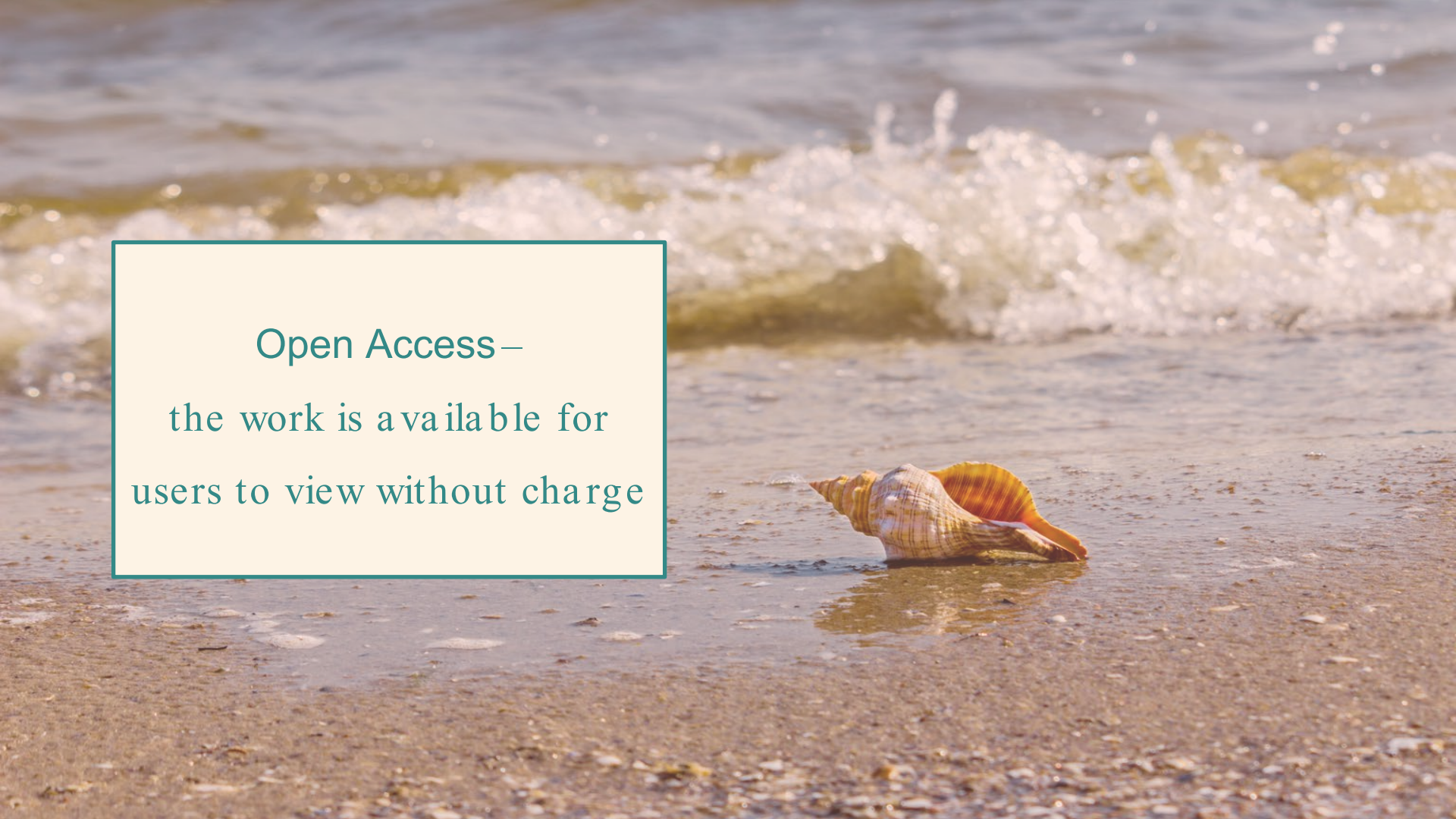
- **Reproduction** - the right to make multiple copies of the work
- **Distribution** – the right to sell, rent, loan, or give away copies of the work
- **Adaptation/Modification** – the right to “prepare derivative works” (e.g., translations, film adaptations, anthologies)

Royalties –
Compensation due the
author for rights
transferred to the publisher





Open Access
&
Open Licenses

A photograph of a beach scene. In the foreground, a large, multi-colored seashell with yellow, orange, and white stripes lies on the wet sand. In the background, gentle waves with white foam are washing onto the shore. The overall lighting is bright and natural, suggesting a sunny day.

Open Access –
the work is available for
users to view without charge



Open license –

A license that grants
nonexclusive rights to use
the work in specified ways

Open access does not automatically entail an open license.

But a work issued under an open license is **always** open access.



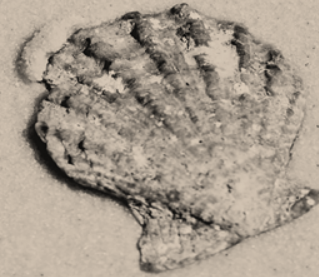
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<https://creativecommons.org/licenses>

A scenic background image of a beach at sunset. The foreground is filled with numerous white seashells of various sizes. The ocean extends to the horizon under a sky with scattered clouds, illuminated by the warm light of the setting sun. A large, semi-transparent orange rectangle with a thin dark border is centered over the image, containing the text.

Exclusive
&
Nonexclusive
Rights

**Selecting the
Creative
Commons License**



A scenic background image of a beach at sunset. The foreground is filled with numerous white seashells of various sizes. The ocean extends to the horizon under a sky with scattered clouds, some of which are illuminated by the setting sun. A large, semi-transparent orange rectangle with a thin dark border is centered over the image, containing the title text.

Terminating the Publishing Contract



Can the author get
back rights transferred
to the publisher?

Can the author
terminate a
Creative Commons
license?



“Once something has been published under a CC license, licensees may continue using it according to the license terms for the duration of applicable copyright and similar rights. [The author] may stop distributing under the CC license at any time, but anyone who has access to a copy of the material may continue to redistribute it under the CC license terms.”

<https://creativecommons.org/faq/#what-if-i-change-my-mind-about-using-a-cg-license>

Thank You!

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- Publishers who provided examples of book contracts
- Jessica Kelly
- Kraemer Copyright Conference 2023 organizers

Credits:

- Presentation template by [SlidesGo](#)
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Additional Information

United States Copyright Act – U.S.C. 17

<https://www.copyright.gov/title17/>

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Melody Herr, “The Rights Provisions of a Book Publishing Contract,” *Journal of Librarianship and Scholarly Communication* , 6(1) (2018);

<http://doi.org/10.7710/2162-3309.2273>

Melody Herr, *Writing and Publishing Your Book: A Guide for Experts in Every Field*, Greenwood, 2017.

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