PSP

Members of the Professional and Scholarly Publishing Division of AAP publish books, journals, looseleaf, and electronic products in technology, science, medicine, business, law, humanities, the behavioral sciences and scholarly reference.

**Professional/
Scholarly
Publishing
Bulletin**

Volume 8, No. 2, Summer 2009

Bigger, Better & Online: The 2009 PROSE Awards Declares Submissions Open! _____

by **Kate Kolendo**, *Project Manager, Professional & Scholarly Publishing*

It's that time of year again—when PSP publishers from across the country compete for the distinguished R.R. Hawkins Award and prizes in more than 40 categories. The American Publishers Awards for Professional and Scholarly Excellence (PROSE) re-launched in 2008, and what followed was a year of many firsts – debut of an exclusive Awards website, *www.proseawards.com*, extension of eligibility to Association of American University Press (AAUP) members, highest number of entries in PSP Awards history, and presentation of more prizes than ever before. Additionally, the PROSE Awards Luncheon featured two major firsts – the premiere of the first film ever produced for the Awards, *The Mind of the Judge*, and the presentation of the R.R. Hawkins Award by Priscilla Hawkins Burns, daughter of its namesake, Reginald Robert Hawkins, former head of the New York Public Library Science and Technology Division. Also for the first time, PROSE extended its reach beyond the Awards Luncheon guests and PSP community by posting *The Mind of the Judge*, along with the other multimedia presentations shown at the Awards Luncheon and videos of the entire Awards Ceremony (taped for the first time), on the PROSE website and YouTube.

Now entering its 34th year, the 2009 PROSE Awards will continue to build on its success and secure its status as the premier awards for outstanding professional and scholarly publishing in the U.S. This year, PROSE offers a new and more convenient feature in its submissions process: the 2009 Call for Entries and entry form will be available online only at *www.proseawards.com*. Rather than mailing the

Call for Entries, a wide-reaching viral marketing campaign will be used to drive traffic to the site, supported by a postcard mailing piece.

The 2009 PROSE Awards Luncheon Ceremony will again feature the debut of another specially produced film, another series of multimedia presentations surveying all the 2009 entries as well as the Awards winners, new special guests presenting top prizes and the Hawkins winner speech. Again, PROSE will post these presentations online at *www.proseawards.com* and on YouTube, which means increased exposure for entry titles and PSP member presses.

The 2009 Awards will again extend eligibility to AAUP members. The 2009 Awards offers publishers an increased chance of winning a prize, by setting no limit on the number of submissions per publisher in any category, expanding the categories to encourage publishers to submit both print and electronic products and adding six new electronic product

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categories. To further increase chances of winning, publishers are encouraged to provide more information about their submissions, including published reviews; reader reports; and editor, publisher or writer endorsements.

In addition PROSE is still offering publishers the benefit of price. The 2009 PROSE entry fee is staying at the same low 2008 price of $85 per entry.

The rationale for PROSE remains very practical. "As a publisher, I want to sell books," explains PROSE chairman John A. Jenkins, president and publisher of CQ Press. "I want to reach the broadest possible audience of potential buyers, and I want to create a 'buzz' about the very best work we do. That's one of the reasons I signed on again this year as chairman of the PROSE Awards: to get the word out about great books. And it's happening! I've heard feedback from last year's PROSE winners about the positive effect their wins had on sales. We've had great books in the past, but there are more out there. That's why I want to tell all of my PSP and AAUP colleagues to submit to the PROSE Awards. Don't miss out on this exciting opportunity!"

Further details on judging criteria and eligibility rules, as well as the Awards entry form, can be found on the PROSE website at *www.proseawards.com*. Please contact Kate Kolendo at *kkolendo@publishers.org* 212.255.0200 ext. 226 with any questions.

The 2009 PROSE Awards submissions period opens Tuesday, September 8, 2009 and closes Monday, November 2, 2009. Winners of the 2009 PROSE Awards will be announced at an Awards Luncheon Ceremony on Thursday, February 4, 2010 at the PSP Annual Conference at The Mayflower Hotel in Washington D.C. Visit *www.proseawards.com* to submit!

From the PSP Executive Director's Desk:
Best in Show – The Spring 2009 Conference Season _____

by **John Tagler**, *PSP Vice President & Executive Director*

Spring is a dizzying time for library and publishing conferences. Attendees approach them with a mix of expectation and déjà-vu. But a lot is happening in scholarly publishing today, and speakers at this year's conferences offered many strong opinions mixed with advice, warnings and propaganda.

Having sat through seven conferences in a ten-week span, certain themes emerged and some speakers were on rerun by July. The season was launched in late April with the STM Conference in Cambridge, Mass. One advantage of the STM spring conference is that it's concise (1 ½ days) and offers only plenary sessions so all attendees hear the same presenters. Entitled "What Keeps Scholarly Publishers Up at Night?" the program focused on two main areas: (day one) open access and surrounding governmental and legislative issues and (day two) Web 3.0: the Semantic Web. Patrick Ross of the Copyright Alliance opened the first day's program. Although not steeped in scholarly publishing, he was very insightful in his overview of copyright in creative industries and challenges faced by IP rights holders trying to maintain a standard of quality amidst pressures from free access zealots and online piracy. Amy Brand, (Harvard Office of Scholarly Communication) followed, giving a somewhat guarded presentation, perhaps expected for someone advocating open access and university repositories in a room of about 100 publishers. A session chaired by Eric Massant (Elsevier) effectively brought together three scholarly communication players – a librarian (Karen Butter, UCSF), a publisher (Reed Elfenbein, Wiley) and a scientist (Dr. George Strawn, NSF). Butter and Elfenbein gave solid, balanced overviews of the perspective of the constituencies they represented. Strawn called for publishers to exploit new technologies in imaginative ways so as to provide "less expensive" solutions.

Strawn's discussion dovetailed nicely with the Web 3.0 session the next morning which provided insights into new and imaginative technologies. Most thought-provoking (and admittedly somewhat intimidating) was the keynote speaker (Mills Davis, founder and managing director of Project 10X) who discussed next-wave semantic technologies, solutions and business models. When he likened it to climbing Mt. Everest, he wasn't joking.

Many of the same themes were echoed at the SSP Conference where Web 3.0 and metadata factored significantly in two concurrent sessions – "When Metadata Is the Content: How Publishers Are Adding Value to their Content" and "Publishing 2.0: Tools and Technologies Shaping the Future of Publishing." Jabin White (Wolters Kluwer Health) opened the former session with a helpful explanation of metadata from the publisher's perspective – how it provides a grasp of content holdings, gives control on how content may be used (and re-used) and drives business relationships through better analysis of how content is actually being used. He also set many minds at rest when he debunked some of the distinctions between buzzwords – taxonomy, ontology, vocabulary,

From the PSP Executive Director's Desk___

(Continued from page 2)

thesauri – by indicating that these and related terms are so commonly interchanged that distinctions that once existed are now almost irrelevant. Darrell Gunter (Collexis) introduced the concept of "exploring" rather than "searching" and explained how data-mining extends beyond editorial content by helping to identify experts in a field and make connections based on co-authorship, grant funding, institutional affiliations, etc. His examples of author disambiguation and the complexities involved in this process rang true to anyone who has ever plunged into this area.

In the second session, ("Publishing 2.0 . . .") Thane Kerner (Silverchair) set the stage by saying that the Semantic Web involves turning documents (Web 1.0) into data (Web 3.0) for people (Web 2.0). He cautioned that "STM publishers must have a semantic strategy to stay in business," adding that the value proposition of bringing content to your audience is measurable: usage = value. He continued by saying that publishers need to add semantics to the workflow as an investment in enriching the data to stay competitive.

For sheer enjoyment, a session at the CSE Conference addressed "How to Make Science Interesting and Why It's Important." Speakers were Bruce Lewenstein (Cornell University) and Chris Mooney (science writer and author of *The Republican War on Science*) who provided a look backward (Lewenstein) and a look forward (Mooney) at patterns in scientific research, science policy and the impact on science to society as a whole. A plethora of images (funny, ironic, disturbing) in both presentations made the session entertaining while offering some thought-provoking insights on how traditional science policy may influence the emerging digital environment.

The NASIG conference had a lot to offer this year with a solid program, especially among the plenary speakers who were informative and balanced. The opening presentation given by Peter Morville (Semantic Studios) got things off to an invigorating start. Morville sees us at a crossroads of content and functionality where the user experience is spiraling out of control and discoverability is what will really determine successful publishing going forward – echoing talks at the STM and SSP conferences. He talked about the importance of findability and how different channels – mobile devices, search algorithms, findable objects, information shadows, digital libraries – all impact on discoverability. Carol Tenopir (University of Tennessee School of Information Sciences) opened the second day with a report "Measuring the Value of the Academic Library: Return on Investment and Other Value Measures." Among the projects she reported on is an Elsevier study on ROI released in 2008 and conducted in conjunction with the University of Illinois. That study has

been expanded to a three-phase project involving university libraries in eight different countries expected for release in late 2009. Tenopir focused on the research methodology itself for the expanded study and key points relative to determining the value and contribution of libraries to parent academic institutions. In a wrap-up, Geoff Bilder (CrossRef) gave a stimulating presentation about what he deemed "The Internet trust problem." He discussed how authority is judged in a world where content is abundant, provenance is vague and identity is cheap. He called for librarians and publishers to cooperate to create a new infrastructure for identifying trustworthiness on the Web.

Panels at two other conferences – AAUP in June and ALA in July – seemed conceived at the same drawing board. Both had impressive rosters of speakers, all of whom were advocates of free public access to research articles. The AAUP session, "Direction for Open Access Publishing," included presentations by Ivy Anderson (California Digital Library), Eelco Ferwerda (University of Amsterdam), Michael Jensen (National Academic Press) and Stuart Shieber (Harvard University Office of Scholarly Communication). While the virtues of open access were extolled throughout the 75-minute program, there was recognition that there is a cost to publishing and the matter of long-term funding remains unresolved. In a world of reduced library and research budgets, declining university endowments, funding agency cutbacks, staff reductions, etc., the speakers acknowledged that it is going to be difficult to transition the costs for supporting publication away from the subscription model, but they saw it as their mission to make this shift happen. A number of experiments were discussed (e.g., Anderson's discussion of SCOAP3 and CDL's open access pilot with Springer) but no substantive way forward was really presented. Anderson made an interesting comment, which she echoed in the ALA panel, that the so-called "Big Deals" have reduced the unit cost of articles and expanded the availability of resources to users. But she warned that overall costs have continued to rise and may not be sustainable, despite the publishers' incentives. Jensen's presentation was thought-provoking and has generated controversy. It is available in text and video on YouTube (*http://www.nap.edu/staff/mjensen/scarcity.html*). He sees the survival of scholarly publishing as a social responsibility, equating the shift to open access publishing with reducing the CO_2 explosion in the environment. Whether you agree or not, Jensen provides plenty of food for thought and a visit to the site is worthwhile.

A SPARC/ACRL forum at ALA, entitled "Rough Waters; Negotiating hard times in the scholarly communication marketplace" offered presentations by Charles Lowry (ARL), Ivy Anderson (as noted above), Emma Hill (Rockefeller University Press) and James O'Neal

From the PSP Executive Director's Desk___

(Continued from page 3)

(Columbia University Libraries). Session moderator Kim Douglas (Caltech Library) opened with praise for the recently-introduced FRPAA legislation and advocated pro-active programs for faculty and students to highlight the importance of FRPAA passage. To this end, SPARC is offering a series of scholarly communications workshops, underwritten by ACRL, that are being offered on college campuses.

Lowry provided statistics derived from responses from 56 ARL libraries to a spring 2009 survey about budgets and collections management, cautioning publishers, "There is close to zero tolerance for price increases in the year ahead."

Anderson mentioned the CDL's Spring 2009 open letter to vendors and mentioned that some publishers have frozen prices while others have reached out for special dialogues. In discussion of the publishers' value-add she said that pricing of for-profit journals should acknowledge academic input and that institutions should charge publishers for faculty peer review services. She conceded that the long-term sustainability of the open access (author pays) model is still undetermined but advocated, among several other things, that universities become publishers in their own right and pointed to UC's eScholarship Repository as a viable publishing platform.

Hill seemed to view her role as bashing other publishers – especially the commercial sector. She delivered a presentation that pandered to the least-informed and most closed-minded in the audience, and she proffered five strategic recommendations to librarians concluding with the rallying cry, "If you don't like it, don't buy it; 123 librarians of ARL would be a powerful collective."

Closing speaker O'Neal restored balance to the program, talking about how the concepts of information value and economic relationships are undergoing change. He outlined 12 suggestions, some familiar and some not, but all presented with insight and provocative spin. His two concluding points were a refreshing perspective on the session's rhetoric: (1) economic gravity will win out and eliminate laws and practices that tend to price-out access to information and (2) introduce collective action through sanctioning unresponsive providers, coercing vendors to adopt good practices and applying moral pressure to embrace values and principles that serve the overall goals of scholarship.

Perhaps these are sensible take-home messages from all these conferences.

# PSP Electronic Information Committee (EIC) Seminar Series _____

by **Sara Pinto**, *Director, Professional & Scholarly Publishing*

The PSP Electronic Information Committee (EIC) launched the first installment of the **Seminar Series on Selected Topics in Electronic Publishing** this spring, featuring four talks on electronic publishing. The program was targeted to PSP member organizations' staff new to electronic publishing. Each attendee registered for the entire set of four talks; space was restricted to 18 people, in order to create an intimate environment for learning and discussion. Each presentation was 45 minutes followed by a 45-minute Q&A. The talks were all given by EIC members affiliated with organizations that have a breadth of experience in digital innovation in many subject disciplines and publication formats.

The series was kicked off in late February with a provocative talk by Kent R. Anderson, Executive Director, International Business & Development, *The New England Journal of Medicine*, on "Cultivating Innovation and Agility in Customer-focused Culture." The talk emphasized innovation and agile development as fundamental to the survival of the scholarly and research publishing industry in a world of rapidly growing and evolving technologies. The second talk on "Electronic Publishing Project Organization and Management" was given in March by Caroline Rothaug, Director of Project Management, Wiley InterScience, who walked the audience through the complete lifecycle of an electronic publishing project. Starting with the business planning and approval stage and finishing with the post-launch, Caroline highlighted how to develop, test and launch a project. "New & Emerging Technologies" was the topic of the third seminar talk given in May, by Terry Hulbert, Director, Business Development, American Institute of Physics, and Barbara Lange, Director, Publications Product Line Management & Business Development, IEEE. Terry explained how global growth, the Internet and
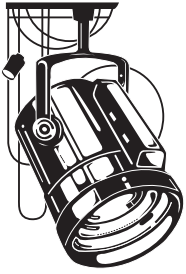
Spotlight On…

With this bulletin, we are introducing a new feature – *Spotlight On…* We will be inviting organizations that work with and provide services to the scholarly and professional publishing industry to provide an update on their activities and services. We are happy to have the Copyright Clearance Center as our first invited guest for *Spotlight On…*

CCC: Innovator, Advocate, Licensing Partner

For more than 30 years, CCC has been a trusted partner in licensing print and digital content between publishers and their customers. Through its diverse portfolio of licensing services, the company manages more than 300 million rights for all forms of content – books, journals, newspapers, magazines, blogs, videos and images – representing publishers and other rightsholders from nearly every country in the world. Every day, more than 20 million corporate employees worldwide, as well as faculty, staff and librarians at over 1,000 colleges and universities, rely on CCC to use and share content with confidence.

CCC has been actively involved in the publishing community, anticipating rightsholder requirements and ensuring that its products and services evolve with market needs. Recent initiatives include joint copyright education training sessions with PSP, exclusive online informational events around the proposed Google/AAP settlement, opening the Big Ideas Conference with a panel on the Future of Content Licensing at Book Expo America and teaming up with Research4life and ITOCA (Information Training and Outreach Centre for Africa) to sponsor a training session held at the African Institute for Capacity Development.

CCC's suite of licensing services – pay-per-use, subscription and point of content – enable publishers to outsource permission requests and create custom offerings at their own or partners' web sites. CCC is integrating licensing services on content platforms like HighWire and Ingenta, making it easy for users to license content wherever it resides. Publishers track their royalties and content usage via CCC's online publisher portal where they can also access tools to manage their titles, rights and fees.

Licensing your content through CCC is easy. Enroll in CCC's pay-per-use and subscription licensing services that best meet your business needs. Then set your prices and terms for your content's use. Through CCC's services, customers identify the content they want to reuse and pay for that use. CCC collects royalties and distributes revenue back to publishers. The result is an efficient exchange of rights between publishers and their customers that generates high-margin revenue. In the past 15 years, CCC has distributed more than $1 billion in royalties to the rightsholders it represents.

Whether it's through education, supporting primary or secondary licensing of content, or helping to develop emerging markets, today's CCC is creating opportunities for professional and scholarly publishers to generate revenue for all their content.

> For more information visit, *www.copyright.com/publishers* or visit CCC at the Frankfurt Book Fair where they'll be in the Digital Marketplace Hall 4.2 – Stand H430 and presenting at the Forum Innovation on *Licensing Solutions to Monetize ALL Your Digital Content* on October 14th and 15th.

Book Review _____

Reviewed by **Ed Barnas**, *Barnas Consulting, New York*

Publishing Forms and Contracts, by Roy S. Kaufman. Oxford University Press, New York, 2008. 462 pp. + xviii + CD-ROM. Price: US$145.00 (softcover).

Compendia of contracts and legal forms are very dry reading. But they are an essential resource if you negotiate agreements or handle any of the myriad bits of paperwork associated with the publishing process. Even if your Press already has a set of model contracts and standard forms in place, not everyone you work with will be willing to accept wording dictated by a Publisher, and it is good to have alternative terms that still satisfy your needs.

In the past many of us built up a file of "sample" contracts and forms which we would dip into for alternative phrasings more acceptable to authors, editors, etc. Now Roy Kaufman, Legal Director at Wiley-Blackwell, has simplified the task with a comprehensive selection of sample forms and contracts culled from a variety of sources. In reviewing them I found a number of points and phrasings that I would have liked to introduce into the materials I had worked on over the years. (As Tom Lehrer noted in his lyrics to Lobachevsky, "Let no one else's work evade your eyes.")

The forms are nicely divided by topic and many include introductory comments. Chapters deal with books (educational, trade & professional), periodicals (journals & newsletters), electronic publishing (software, programmers, bloggers, licenses, …), permissions & subsidiary rights (copyright transfer agreements, requests & grants, translations, …), litigation (and litigation avoidance), and the catchall "miscellaneous" (confidentiality and nondisclosure, ghost writers, …). In addition, all the forms are included on the accompanying CD in ".doc" format ready to be adapted for use. I was pleased to note that some of the minor typos I noticed in the printed text were absent from the files on the CD. However, I do wish the CD would show up on my desktop labeled with the book's title and not with the Roxio3 software name.

The book+CD package is a useful resource to have on the departmental shelf, especially when entering into an unfamiliar area of publishing. However, this is not a basic text in contract or copyright law. As part of Oxford's program in practitioner law, it is intended for lawyers, agents and publishers with a basic knowledge of contract and copyright law. While it does provide a number of good drafts as starting points, it will not displace the need for competent legal advice at the appropriate point.

I am not a lawyer, but I have negotiated and drafted a number of agreements and forms over the years as well as developed journal contract templates in both the for-profit and not-for-profit environments. As such, most of my comments will bear on the material related to journals, a major segment of the PSP world. While the forms included are comprehensive, there are some omissions which I feel should be addressed in the next edition.

My first area of concern was in the chapter on periodical publishing. Sample contracts were included for the Journal Editor, the Associate Editor and a Society Affiliation, but nothing to cover publishing a journal on behalf of a Society owner. This type of "contract publishing" comprises a significant part of many publishers' lists and generates some unique issues that need to be addressed. A major concern in recent years has been the need for detailed conversion and termination clauses relating to the electronic edition of a society-owned journal as it moves from one publisher to another. A sample agreement with discussion of the TRANSFER Code of Practice would have been quite useful. Also, while royalty arrangements have tended to dominate most recent agreements, a number of society contracts feature a profit-share arrangement; again, sample wording would have been useful.

Next, in the chapter on electronic publishing, I was surprised by the lack of a sample consortium agreement or license. With the continuing shift by institutional customers to consortium-mediated licensing of online access to journal packages, I would consider it helpful to include some discussion of terms and definitions (as well as reference to the ICOLC guidelines).

Copyright Transfer Forms are an essential element of journal publishing and several versions appear in the text. While it is not possible to create a form covering all government authors, given the number of scholarly articles generated by UK government authors, a sample UK Crown Copyright form would have been useful (a "relevant form" is mentioned in Form 2.7 but not included). The proliferation of online journal manuscript submission systems would also warrant inclusion of some viable sample click-on copyright transfer agreements. And the continued expansion of Open Access initiatives, both as fully OA and hybrid journals, would suggest a need for some sample OA forms with comments.

PSP EIC Seminar Series _____

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mobile phones are driving publishers to explore new avenues to capture audiences, including social tagging, scrapbooking, social networks, microblogging, e-books, cloud software and OpenID. Barbara spoke about how to track emerging technologies in scholarly publishing and showed websites that are using technology to create visual views of media, enhancing text with live video and creating highly interactive documents. The spring seminar series wrapped up in July with Mark Licker, VP/Publisher – Science, McGraw-Hill Professional, and Stephen Sterns, Managing Editor for Reference and Electronic Publishing, Columbia University Press, addressing "Managing Content: The Why and How of Managing Digitally Captured

Assets." Stephen gave attendees background on markup, XML and metadata. He explained the differences between GML, SGML, HTML and XML, clarifying when and where they are used. Mark Licker then outlined the progression of electronic publishing, beginning in the 1980's with CD-ROMs to the use of SGML and XML today.

The EIC will be holding a fall seminar series beginning in September. Only 18 slots are available for the course and will be offered to PSP members on a first come-first served basis; participants will be asked to commit to the full series of four sessions. A small fee ($100 for each four-part series) will be charged to ensure participant commitment.

To register for the fall series visit: *www.pspcentral.org*

Seminar Series on Selected Topics in Electronic Publishing

Fall Semester

Association of American Publishers
71 Fifth Avenue (between 14th & 15th Streets)
New York, NY
12:00-1:30pm

Monday, September 21st
Case Study: Author Profiles and Publication Metrics
Bernard Rous, Deputy Dir., Publications, ACM

Bernie will continue from the spring series on the theme of metadata mark-up and explain how text mining may be used to complement it in an author profiling application presented as an evolving, value-adding feature of a Digital Library with interactive components.

Wednesday, October 21st
Accessibility
Rick Bowes, Bowes & Associates & **Natalie Hilzen**, Director/Editor-in-Chief, AFB Press

This talk will introduce the class to accessibility issues in electronic publishing. Special requirements of content preparation and web site design will be addressed, with concrete illustrations of what works and what does not.

Tuesday, November 10th
Indexes -- Aggregated Content Online
Barbara Chen, Director of Bibliographic Information Services and Editor, MLA International Bibliography
Everyone has used online indexes in college to help them with their research papers. With search engines like Google, are databases still relevant to searchers? Where does the information come from? How are they created? What role, if any, do publishers play in their creation? How do indexes fit into the business of electronic publishing?

Tuesday, December 15th
Open Access and Institutional Repositories
Jack Ochs, VP, Strategic Planning & Development, American Chemical Society
Tony Sanfilippo, Marketing and Sales Director, Penn State Press
The final seminar session will take a step back from the specific case studies that precede it and address the grand challenge of Open Access in the era of electronic publishing. Tony will start by depicting the specific challenges that institutionally mandated Open Access presents his Office of Digital Scholarly Publishing. Jack will cover thorny issues in order to stimulate what promises to be a free-wheeling discussion. All EIC members may wish to engage with the class in this final session.

To register for the fall series visit: *www.pspcentral.org*

LEGISLATIVE UPDATE

Publishers Voice Strong Opposition to FRPAA Legislation

AAP joined with DC Principles Coalition members and other publishers in a letter of strong opposition to S.1373, the Federal Research Public Access Act, which would require that final manuscripts of peer-reviewed, private-sector journal articles reporting on federally-funded research be made freely available on government-run websites no later than six months after publication.

The bill, introduced on June 25th, in effect extends the NIH mandatory-deposit requirement to other federal agencies and federally-funded research, with the added burden of reducing the NIH twelve-month window to six months.

The letter, sent to the Chairman and Ranking Member of the Senate Homeland Security and Government Affairs Committee, protests that the legislation, which is both unnecessary and ill-considered, "would undermine copyright and adversely impact the existing peer review system that ensures the high quality of scientific research in the United States" and would impose "costly new mandates on federal agencies."

Among the serious unintended consequences, the letter points out that "By depositing articles in databases with no access controls, federal agencies would be asking the American taxpayer to subsidize the dissemination of information to anyone in the world with access to the Internet—including those governments and corporations around the world that now purchase peer-reviewed research articles reporting on U.S.-funded research."

The full text of the letter can be found on the PSP website at: *www.pspcentral.org*.

The Higher Education Opportunity Act's Section 133 Textbook Provisions

On July 1, 2010, the Higher Education Opportunity Act (HEA) takes effect. Signed into law by President George W. Bush on August 14, 2008, HEA sets provisions for textbook publishers and institutions of higher learning in Section 133.

Focusing on enhancing transparency in the textbook adoption and purchase process, Section 133's stated purpose is to ensure students have access to affordable course materials and to encourage all stakeholders – publishers, bookstores, institutions, faculty and students – to work together to decrease student spending while protecting academic freedom and educational quality.

College textbooks are subject to the law's provisions, to the maximum extent practicable, as are custom textbooks. Custom textbooks enable faculty to build their own textbooks – essentially determining the price – by choosing content (e.g., chapters from one or more textbooks, newspaper articles, instructor lecture notes, white papers), art, photos and visuals, and any instructional aids or student learning technologies they feel are best for their class and their students.

Books used as course materials, but not published as textbooks, are not subject to the law, nor are integrated books. (Integrated books are college textbooks that are combined by third-party contract stipulations or combined with other materials that are so interrelated with the content of the college textbook that the separation of the college textbook from the other materials would render the college textbook unusable for its intended purpose.)

The HEA disclosure provisions require federally funded post-secondary institutions to include in their students' course schedules, to the maximum extent practicable, the International Standard Book Numbers (ISBNs) for textbooks and other course materials, and the campus bookstore's retail prices for those items. Schools are also encouraged to disseminate information about their rental programs, guaranteed buy back programs, alternative content delivery systems and any other institutional cost-saving strategies.

The Higher Education Opportunity Act's Section 133 Textbook Provisions

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Regarding the provisions for publishers, HEA focuses on ensuring faculty members have: wholesale price information, retail price information, if it is available, information on the array of formats of course materials available and their prices, copyright dates for the previous three editions of a textbook, if any, and descriptions of substantial content revisions made between the current edition of a textbook and the previous edition, if any.

The law also requires that college textbooks and supplemental materials be made available as separate items, each separately priced. Publishers are to make the materials available separately but may continue to deliver course materials as ordered by faculty, separately or bundled.

The Government Accountability Office must report back to Congress on the implementation of the Section 133 provisions no later than July 1, 2013.

For more information on HEA Section 133 please contact your legal counsel or Bruce Hildebrand, Executive Director, Higher Education Division, AAP, at 202.220.4542 or bhildebrand@publishers.org.

Announcements _____

PROFESSIONAL, SCHOLARLY & ACADEMIC BOOKS: THE BASIC BOOT CAMP

Friday, October 30th, 2009
9:00am-5:30pm
Pearson Offices, Boston, MA

Moderated by:

Beth Schacht, *Director of Marketing, McGraw-Hill*

Speakers:

Gregory M. Britton, *Publisher, Getty Publications*

Matt Conmy, *Sales Director, Books, Americas, Springer*

John Cronin, *Design and Production Manager, Johns Hopkins University Press*

Mark Heineke, *Promotions Director, University of Chicago Press*

John A. Jenkins, *President and Publisher, CQ Press*

Molly Venezia, *Assistant Director and CFO, Rutgers University*

Topics to be addressed include: Acquisitions, Production, Marketing, Sales, Finance

FUNDAMENTALS OF COPYRIGHT FOR TODAY'S DYNAMIC PUBLISHING ENVIRONMENT

Tuesday, October 27th
10:30am-3:00pm
Prudential Plaza
130 East Randolph Street
Chicago, IL 60601

This session provides an overview of fundamental copyright concepts, with a focus on concerns primary to the publishing industry in today's dynamic, digital environment. This session is intended to provide participants with an understanding of basic copyright principles and enable them to begin to apply that learning to their daily activities. Specific topics to be covered in the session include:

The purpose of copyright law

A copyright holder's rights and obligations under the law

What actions may require permission

Copyright infringement and the remedies available to the copyright holder under U.S. law

Fair use and other limitations on the copyright holder's exclusive rights

Current copyright issues and key changes in legislation

Announcements _____

Format:

Four-and-a-half hour, interactive workshop
Lecture with PowerPoint presentation
Participants will receive handouts

Presenters:

Fred Haber, *Copyright Clearance Center*

Eric Slater, Manager, Copyright Permissions & Licensing, *American Chemical Society*

THE NEW REALITY: DISRUPTION, INNOVATION, RELEVANCE

2010 PSP Annual Conference

February 3rd-5th, 2010
Renaissance Mayflower Hotel, Washington, DC

Opening Keynote Speaker:

James J. O'Donnell, *Provost, Georgetown University*

Session topics include:

What Riches to be Gained from Enriching Content?

E-Books: The Market Matures

Oxford-style debate of the proposition: "Current US Copyright Law Excessively Restrains the Development of Intellectual Property."

Social Marketing 101

Publishing Model Innovation: The Author Pays Model

How Technology is Influencing Traditional Publishing

The Services Report: What's Available to Publishers Now and What the Future Holds

Social Media and Scientific Research

10 Annual PSP Conference Planning Committee:

PSP Executive Council Chair, **Michael Hays**, McGraw-Hill Higher Education, PSP Executive Council Vice-Chair, **Glen Campbell**, Elsevier, Inc., **Dan Duncan**, The McGraw-Hill Companies, **Patrick J. Kelly**, John Wiley & Sons, Inc., **Thane Kerner**, Silverchair Science+Communications, Inc., **Richard Kobel**, American Institute of Physics. AAP: **Sara Pinto**, **John Tagler**

FOR MORE INFORMATION ON ALL EVENTS:

Email **Sara Pinto** at *spinto@publishers.org*

Visit the PSP website at *www.pspcentral.org*