

What is new about the Model Publishing Contract for Long-Form Digital Scholarship?

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What we'll cover today

- ❖ Overview of changing scholarly digital publishing landscape
- ❖ Overview of Model Publishing Contract
 - ❖ See www.modelpublishingcontract.org
- ❖ How librarians may potentially use the Model Publishing Contract

What is new in scholarly digital publishing?

New platforms:

- ❖ Fulcrum Publishing Platform from University of Michigan
 - ❖ <https://www.fulcrum.org/>
- ❖ Manifold from Minnesota University Press
 - ❖ <https://manifold.umn.edu/>

Both with support from the Andrew W. Mellon Foundation

What is new in scholarly digital publishing?

New fully digital long-form scholarship from university presses:

- ❖ Stanford University Press publishing digital scholarship with peer review to confer the same level of academic credibility to digital projects as print books (<http://www.sup.org/digital/>)
- ❖ Enchanting the Desert by Nicholas Bauch (<http://www.sup.org/books/title/?id=25726>)

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What is new in scholarly digital publishing?

Recommendation of 2 Mellon planning grants:

- ❖ Michigan, in partnership with Indiana, and Emory each separately made similar recommendations:
 - ❖ Open Access Distribution
 - ❖ University-funded model of subventions

Recognize part of an ecosystem, and changes by faculty authors, universities and university presses essential

What is new in scholarly digital publishing?

AAU/ARL/AAUP Open Access Monograph Publishing Initiative
launched March 2017

- ❖ Open access digital monographs
- ❖ University-funded subventions
- ❖ Published by university presses
- ❖ Core university mission to create and transmit knowledge

<http://www.arl.org/focus-areas/scholarly-communication/open-access-monograph-publishing-initiative>

Questions?

How do these digital publications challenge us?

Authorship, ownership, and credit

Financial planning

Discovery & acquisition

Preservation

Versioning

Why a new publishing contract?

Current book contracts don't address the anticipated changes in business models and publication models

- Institution subventions
- Digital long-form scholarship
- Open access distribution

The Model Publishing Contract for Long-form Digital Scholarship

Mellon-funded initiative between Emory and University of Michigan

Collaborative process involving presses, authors, lawyers and librarians



Goals of Model Publishing Contract

- ❖ Fundamental building block of transition to works published as long-form digital scholarship (released with CC0 license)
- ❖ Balanced between author and publisher
- ❖ Easier for authors to read and understand (e.g. less legalese)
- ❖ More flexible (core contract is 4 and a half pages, with a series of schedules)

Process to develop Model Publishing Contract

1. Meeting to discuss the elements of the Model Publishing Contract
2. Create an outline and hire an attorney
3. Attorney creates first draft
4. Group reviews the first draft and provides feedback to attorney
5. Attorney creates draft for public comment
6. Public comment received, incorporated and final draft created
6. Second attorney reviews final draft
6. Final contract and supporting documents available

www.modelpublishingcontract.org

Elements of model publishing contract

TRADITIONAL BOOK CONTRACT

- Print distribution + eBook
- Print runs
- Royalties
- Author delivers a text

MODEL PUBLISHING CONTRACT

- Long-form digital scholarship
- OA distribution with CC license option
- Institution or other funder subvention
- Likely a team contributing

Elements of a Model Publishing Contract

Authorship, ownership, and credit

- Defining the “Work” (Schedule A)
 - Technical requirements, responsibilities for hosting, preservation, revising, etc.
- Distribution and Re-Use of the Work (Schedule B)
 - If CC license, authors re-use not more restricted, consideration of commercial uses and royalties
- Contributors to be Credited or Acknowledged (Schedule F)
 - Who should get credit, and for what (ex. Project CRediT)

Elements of a Model Publishing Contract

Versioning

- Content Not Original to Author (Schedule G)
 - Permissions, content included as a fair use, etc. and rights transfer or license
- Publication Schedule (Schedule D)
 - Milestones and timeframe for completion of Work, delivery to Publisher, peer review, etc.
- New version (Clause 7)
 - Defined in model as 30% new content, but can be changed

Elements of a Model Publishing Contract

Financial planning

- Funding and Stakeholders (Schedule C)
 - Identification of funders or others, and place for cost estimate if subvention
- Royalties and Revenue Sharing (Schedule E)
 - For works which are commercialized
- Marketing Efforts of Author and of Publisher (Schedule H)
 - Joint effort, publisher marketing plans and author's responsibility

Elements of a Model Publishing Contract

Additional clauses:

- ❖ Accessibility in 5.8 and 6.10
 - ❖ Expectations of publisher and author to facilitate access to the digital version for persons with print disabilities
- Schedule G includes the author providing captions as part of the metadata

A suite of tools available

- ❖ Model Publishing Contract
- ❖ Guide to the Model Publishing Contract
 - ❖ How to modify it to fit different situations
- ❖ Sample permissions letter for open access digital work
- ❖ Glossary of Legal Terms

A suite of tools

Model Publishing Contract for Digital Scholarship

Generously supported by the Andrew W. Mellon Foundation

HOME

PROJECT OVERVIEW

CONTRACT DOCUMENTS

GLOSSARY OF LEGAL TERMS

CONTACT US

www.modelpublishingcontract.org

Questions?

What can librarians do with the MPC?

- ❖ Alternative contract language for your faculty authors
- ❖ Since this was a collaborative project between librarians, lawyers and presses, it gives you a sense of options that could or should be acceptable in scholarly publishing

What can librarians do with the MPC?

- ❖ If you have a digital scholarship center, you could pare down the core of the agreement and number of schedules for faculty produced works (see the Guide for example situations)
- ❖ If you have agreements in place, you can compare the approaches taken in each

Example for digital project

- ❖ Modified core agreement
 - ❖ removing references to unused schedules and other irrelevant clauses
- ❖ *Schedule A: The Work*
- ❖ *Schedule B: Distribution and Re-Use of the Work*
- ❖ *Schedule D: Publication Schedule (could be incorporated into B)*
- ❖ *Schedule F: Contributors to be Credited or Acknowledged*
- ❖ *Schedule G: Content Not Original to Author*

What can librarians do with the MPC?

- ❖ You can use the additional tools, even if you don't need the MPC, like the permissions letter for open access distribution or the glossary of legal terms

What can librarians do with the MPC?

- ❖ If you are considering participating in the Open Access Monograph Publishing Initiative (OAMPI), the Model Publishing Contract is being adapted for that initiative

What can librarians do with the MPC?

A final word of advice –

If you adapt the Model Publishing Contract for your purposes, have your contract reviewed by a capable attorney.

Learn more

Model Publishing Contract

www.modelpublishingcontract.org



Happy Open Access Week!