

2017-10-18

Model Publishing Contract for Digital Scholarship

Macklin, Lisa; Watkinson, Charles; Kahn, Meredith; Kowalski, Melanie

<http://hdl.handle.net/2027.42/138828>

Model Publishing Contract for Long-Form Digital Scholarship

A joint project of Emory University and the University of Michigan,
with generous support from the Andrew W. Mellon Foundation

For Emory University:

Melanie T. Kowalski
Lisa A. Macklin, Principal Investigator

For University of Michigan:

Meredith Kahn
Charles Watkinson

July 2017

Introduction

As authors incorporate an increasing number of digital tools and methods into their work, and university presses pursue new opportunities to maximize the impact of that scholarship in a networked environment, both parties will need a publishing agreement that meets their needs.

With the generous support of the [Andrew W. Mellon Foundation](#), Emory University and the University of Michigan seek to develop a model author-publisher contract and relevant addenda optimized for the publication of long-form digital scholarship.

In order to ensure this contract meets the needs of both authors and publishers, we completed a process of soliciting feedback from authors, publishers, and other interested stakeholders. The final documents are included here.

Project Overview

As authors incorporate an increasing number of digital tools and methods into their work, and university presses pursue new opportunities to maximize the impact of that scholarship in a networked environment, both parties will need a publishing agreement that meets their needs.

With the generous support of the [Andrew W. Mellon Foundation](#), Emory University and the University of Michigan seek to develop a model author-publisher contract and relevant addenda optimized for the publication of long-form digital scholarship.

This project is a natural extension of two previous Mellon Foundation-funded initiatives at Emory and Michigan, respectively: “[The Future of the Monograph in the Digital Era](#)” and “[A Study of Direct Author Subvention for Publishing Humanities Books at Two Universities](#).” In creating a model publishing contract for digital scholarship, we seek to make actionable certain recommendations of both projects, which explored questions about the funding, value, costs, and future of long-form scholarship in the humanities.

While we hope that university presses and scholarly publishers will be interested in adopting this contract for their use, it is not meant to replace existing contracts in use by most publishers. Rather, we offer it as a tool publishers can employ, and we recognize that it might not be appropriate for all publishers, authors, or scholarly works. We hope this model contract will assist publishers in preparing for a future in which new forms of scholarship, new business models, and new relationships between scholars and their readers will emerge.

We see the model contract as having several distinguishing features:

- **Modularity:** the contract and its accompanying documents are meant to be both flexible and legally sound, able to accommodate a range of projects from an open access monograph in a traditional book form to innovative born-digital objects of scholarly merit, and will be distributed under a [CC 0 license](#), which explicitly allows those adopting the contract to adapt it to their needs.

- **Modernity:** the contract and associated documents are grounded in the publishing workflows of the present, rather than a print-dominated past, and seek to accommodate anticipated future changes in the landscape of academic publishing, including institutional funding, long-term preservation needs, and the benefits of open access.
- **Author friendliness:** the contract is shorter, easier to understand, and offers authors more rights in their own work, while still allowing publishers sufficient rights for commercial uses and sales.

Contract drafting was provided by [Susan M. Kornfield of Bodman PLC](#). A final review of the revised contract was provided by [Andrew Pequinot of The Moore Firm LLC](#).

A team of library and university press professionals contributed to the development of the draft, ensuring that it took into account the needs of a variety of stakeholders:

- Doug Armato — Director, University of Minnesota Press, University of Minnesota
- Jack Bernard — Associate General Counsel, University of Michigan
- Susan Doerr — Assistant Director, Digital Publishing and Operations Manager, University of Minnesota Press, University of Minnesota
- Gary Dunham — Director of Indiana University Press and Digital Publishing, Indiana University
- Michael Elliott — Dean, Emory College of Arts and Sciences & Professor of English, Emory University
- Mary Francis — Editorial Director, University of Michigan Press, University of Michigan
- Mick Gusinde-Duffy — Executive Editor for Scholarly and Digital Publishing, University of Georgia Press, University of Georgia
- Meredith Kahn — Women’s Studies & Open Access Librarian, University of Michigan
- Chris Kellner — Associate General Counsel, Emory University
- Melanie Kowalski — Copyright & Scholarly Communications Librarian, Emory University
- Melissa Levine — Lead Copyright Officer, University of Michigan
- Lisa Macklin — Director, Scholarly Communications Office, Emory University
- Nancy Maron — Founder, BlueSky to BluePrint
- Nazareth Pantaloni, III — Copyright Program Librarian, Indiana University
- Nancy Sims — Copyright Program Librarian, University of Minnesota
- Allen Tullos — Co-Director, Emory Center for Digital Scholarship & Professor of History, Emory University
- Charles Watkinson — Associate University Librarian for Publishing & Director, University of Michigan Press, University of Michigan

Documents

This Model Publishing Contract for Digital Scholarship has been prepared to facilitate the publication of open access books, including accommodating new types of long-form, multimodal digital scholarship. In order to ensure this contract meets the needs of both authors and

publishers, we completed a process of soliciting feedback from authors, publishers, and other interested stakeholders.

These final documents reflect the input of multiple participants and stakeholders, and we are grateful for the time and feedback which so many knowledgeable people provided to this project. The final decisions on changes were ours, and reflect what we believe to be appropriate approaches at this time. These documents are released with a CC0 license so that you may adapt and adopt them as you see fit, so please create your own customized version which meets your particular circumstances or requirements for your institution.