



TOP 10 TIPS FOR NEGOTIATING A PUBLISHING CONTRACT

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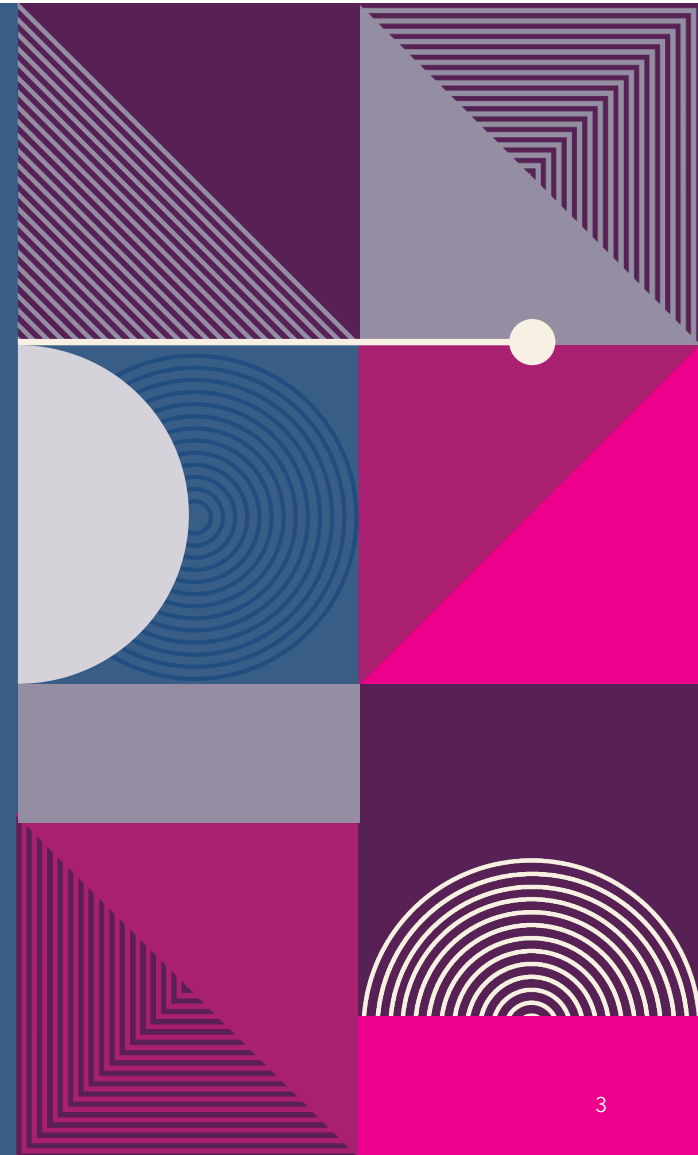
1. KNOW YOUR RIGHTS

- Any contract or amendment can be negotiated.
- You own copyright in your work until/unless you grant rights in it to someone else.
- What is the scope of the grant of rights?
- Is it an “assignment”? It is a “Work made for Hire”?
- A contract will override more general copyright principles.

If you already have a contract, remember you have the right NOT to amend.

2. BE PREPARED

- New contract: Gather up notes and email exchanges about the terms with the publisher. These should be reflected in the language of the contract.
- Update or amendment:
 - Have all the prior contracts and amendments in your possession – ask the publisher for copies if you don't have them.
 - All notes/emails reflecting negotiated terms – make sure these are reflected in the contract.
- External guidance from TAA or similar groups – educate yourself about the process





ARE WE DONE NEGOTIATING?

The best contracts flow from good negotiations.

The worst contract negotiations are when the proposed contract precedes the negotiation.



3. THIS CONTRACT WAS NOT WRITTEN FOR YOU



4. ASK QUESTIONS

Don't sign something you don't understand.



5. READ THE FINE PRINT.

- Royalties
- Subsidiary licenses.
- Stepdown clauses.



6. EXAMPLES ARE NOT ONLY USEFUL IN TEXTBOOKS

- How royalty payments and splits are calculated on sales.
- How royalties are calculated on subsidiary products and licenses.
- Stepdown clauses.



7. THE FUTURE IS UNCERTAIN: HOW TO HANDLE THE UNKNOWN.

Flexibility

Control

Transparency



**ARE WE STILL
NEGOTIATING?**



**8. IF IT'S NOT IN THE
CONTRACT, IT'S NOT
IN THE CONTRACT.**



**9. THE PLAYERS MAY CHANGE
BUT THE CONTRACT REMAINS
THE SAME.**



10. KNOW WHEN TO ASK FOR HELP



FINAL TIPS & TAKEAWAYS

It's what you would tell your students:

- Don't rush!
- Read for comprehension.
- Ask questions.



QUESTIONS?

THANK YOU

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