

COPYRIGHT LAW CHANGE IN 1989

Joining the Berne Convention Mandated Change

The United States, on March 1, 1989, joined an international treaty called the *Berne Convention for the Protection of Literary and Artistic Works*. The U. S. copyright law had to be amended so that the U. S. could fulfill its obligations under the treaty. Some highlights of the change are as follows:

1. U. S. authors now have copyright protection in all 79 of the signatory countries. Authors from those countries are likewise protected in the U. S.

2. Notice of copyright is no longer mandatory. An author automatically owns the copyright of any work even though notice is not given and though the copyright is not registered. Notice is to be in the form © 1990 John Doe.

3. Registration must be accomplished before any infringement suit is brought for a work of U. S. origin. Registration within five years of first publication gains the benefit of a legal presumption of copyright validity. If a work is registered within three months of publication, or before infringement, the owner is eligible for an award of attorney's fees and statutory damages.

4. Copyright owners must deposit two complete copies or phonorecords of the best edition of a work that is publicly distributed in the United States, whether or not it contains a notice of copyright.

More complete information on the Berne Convention can be obtained by consulting Circular 3 of the U. S. Copyright Office.

lishers, or publishers must reform themselves. It is, I conclude, anybody's guess which if either of these scenarios is likely to occur in our lifetime. Of this much I'm sure though. It isn't the authors who created the problem.

TAA MEMBER HELPS PUBLICIZE TAA

Writes an Article for a Professional Journal

TAA member Rockwood (Rocky) Ross (TAA #152), writing in *Sigact*, has told its readers about writing texts and given them information about TAA. As a result, several readers have become members of the Textbook Authors Association. *Sigact* is a publication of a special interest group of the Association for Computing Machinery, a group interested in automata and computability theory.

Ross is a professor of computer science at Montana State University. His computer orientation shone through in the article when he explained with a computer-like program how to write a text. That program is reprinted here, with permission.

```
begin {write_textbook}
```

```
{Contemplate writing a book}
```

```
loop indefinitely
```

```
    Get fired up about writing a book
```

```
    Put it off
```

```
endloop
```

```
{Sign a contract}
```

```
Discuss the book with an editor
```

```
Sign a standard contract in a giddy and festive atmosphere of food,  
spirits, and a blur of activity
```

```
Toast your coauthors, the editor, and everyone else in sight to the  
success the venture and the close bonds of friendship that will be  
formed over the next months
```

```
Count your advance on royalties, and dream about more royalties
```

```
Lay awake nights worrying about the fine print of your standard  
contract, which seems to bind you forever to the publishing  
company and fix you to an ironclad manuscript delivery date
```

```
{write the book}
```

```
finished:=false
```

```
loop
```

```
    Choose a large random number, n
```

```
    loop n times
```

```
        write a portion of the textbook
```

```
        iron out differences with coauthors (preferably with a hot  
        cattle branding iron)
```

```
        choose a random number m between 1 and 365
```

```
        nondeterministically choose one of the coauthors, X
```

```
        Let X go on leave for sabbatical, leave of absence, leave of  
        senses for m days
```

```
        reduce your estimation of your coauthors' writing skills
```

```
        revise what you have written
```

```
        reduce your estimation of your writing skills
```

```
        get angry with your coauthors for not doing their share
```

```
    endloop
```

```
if writing is complete
```

```
    then finished:=true
```

```
    elseif deadline is near
```

```
        wrangle with editor over extending deadline
```

```
        breathe easy for a while
```

continued

ask spouse just how it was that another of your kids graduated without your knowing

endif
until finished
send manuscript to editor

{Read copy editor's corrections}

Read the manuscript as returned to you by the editor with the grammatical and stylistic changes of the copy editor

get angry at copy editor when you discover that not only were grammar and style changed, but so were meaning and content

get sick of reading the same words over and over and over ...

get angry at coauthors for not doing their share

send copy edited manuscript with your corrections back to editor

stay angry on general principles for a while

{Read galley proofs--the results of typesetting but not yet paginating your manuscript}

if you don't think you could ever read that stupid book again then

read the publisher's galley proofs of your manuscript anyway else

read the publisher's galley proofs of your manuscript endif

get angry at coauthors for not doing their share

send galleys with your corrections back to editor

{Read page proofs, the "final" paginated form of your textbook}
if you will literally die if you have to read the book again then

read the publisher's page proofs of your textbook anyway else

read the publisher's page proofs of your textbook endif

find a major error that requires retypesetting a substantial part of the book

listen to the editor scream, cry, and throw a tantrum

get angry at coauthors for not doing their share

send page proofs with your corrections back to editor

{Create an index}

if you have already died then

read the final page proofs and create an index anyway else

read the final page proofs and create an index endif

get angry at coauthors for not doing their share

send the index to your editor

{Write the preface and acknowledgments}

Lie about how much fun it was to write the book

Lie about how well your spouse and children took your prolonged absences of mind, body, and spirit

Lie about the close, friendly relationship you developed with your editor, who is already talking to you about the second edition and instructor's guide with solutions to exercises

Lie as you thank all of those kind people who worked with you on the book, and whom you've grown to detest

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NEED TO FIND AN INDEXER ?

The *Register of Indexers* is an annual publication of the American Society of Indexers. Over one hundred indexers are listed by specialty areas, geographic areas, and other useful divisions. Order directly from ASI for \$15.

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NEW COMPANY SELLS STUDENTS LISTINGS OF USED BOOKS

Bypasses Bookstores

The Textbook Exchange (TBE), based in Huntsville, Texas, is offering a service that is designed to allow students to buy and sell textbooks among themselves, bypassing bookstores. The recently formed company is to release, in November, a listing of books wanted and books for sale by students. The listing contains names and phone numbers of students who wish to buy or sell books and the titles. Students are to negotiate their own price agreements and arrange shipment. Each student who purchases a minimum of five listings at \$1 each receives a copy of the master list. The company hopes to solicit listings through student organizations.

ON SELLING COMPLIMENTARY COPIES OF TEXTS

By Bill Bompert TAA #1067

Bill Bompert is Vice President for Academic Affairs at Augusta College, Augusta, Georgia and he writes in the area of mathematics. This article is a memo that the author sent to the faculty for their information prior to considering a resolution relative to comp copies. It is printed by permission of the author and it does not necessarily express the views of TAA. To date, the faculty has taken no action.

Ed. Note: TAA has taken the position that, since traffic in comp copies has increased despite extensive efforts to stop the practice, the only way the problem will be solved is for publishers to stop giving away books unsolicited. So far, publishers have firmly refused.

We have been asked to review the practice of selling complimentary textbooks and to consider adopting a statement regarding the practice.

Although I agree with some of the argument, I think the information we have received is very one-sided. In the interest of fairness, I think the points below should be considered before we take any action. I do not agree with all of these, although I do with many.

1. The material to be reviewed has been written by the publishers. Their primary interest is profit, as well it should be. However, sales of

college texts were over \$1.5 billion in 1987, up 7.9 percent over 1986. Profits from college texts in 1987 were \$261 million, an increase of 22 percent over 1986 (far greater than other increases). Total sales of textbooks, workbooks, and standardized tests came to \$4.2 billion in 1988, a gain of more than 23 percent over 1987. This gain is apparently due to increased prices, because there has been no gain in unit sales.

2. The Alabama Ethics Commission, in a hearing on August 26, 1988, amended their original statement to indicate that only solicited copies are not to be sold for financial gain. They agreed that unsolicited copies become the sole

property of individual faculty members and may be disposed of in any legal manner (to prohibit the sale of unsolicited copies would violate U. S. Postal regulations if sent through the postal service).

3. To suggest that publishers and authors lose \$90 million per year is nonsense. They simply increase their prices to cover their losses. This is the way industry has always covered losses. Their profit figures show that they are successful at this. Why not accept this as a legitimate business expense and let it go at that?

4. Publishers are not primarily concerned about their authors (though there are exceptions). The royalties they pay are at most 15 percent, and many times, they are even less. If they were really concerned about the authors losing royalties, they would not publish two or more texts in the same area at the same time. The newsletter of the Textbook Authors Association is full of horror stories about how publishers have mistreated authors or would-be authors. I can show you the materials and even give you some personal experience.

5. Suggestions for disposing of copies not needed are not sensible. They suggest giving them to the library, but our library sells all duplicate copies of books at the end of the year for an average of 25 cents. They suggest giving them to some institution, but then they would lose sales to that institution. Someone else suggested throwing them away, but that is downright wasteful. Some suggestions, such as putting the copies in departmental libraries, have merit, although we have very little room to do that. It is also wasteful to let a book sit on my shelf if I will never have any use for it.

6. Students do lose when prices are raised, but they get some of that back by buying used books.

7. The publishers are trying to get someone else to do their job. If a professor solicits more than one copy of a given text, there should be records to prevent such a request from being granted. Publish-

continued

To Write a Text

(continued from page 8)

```
{invest your royalty payments}
loop
  await royalty payment
  cash:=(royalty payment) - (advance on royalties)
  advance on royalties:=max(((advance on royalties)-
    (royalty payment)),0)
  if cash > 0
    then
      nondeterministically execute:
      possibility 1: put the money into savings
      possibility 2: blow the whole wad on an ice cream
        cone at Baskin-Robbins; go ahead, you deserve it!
      end nondeterministic choices
    endif
  until royalty payment < epsilon
  {restart the cycle}
  write textbook
end {write_textbook}
```