NEGOTIATING AN ACADEMIC BOOK CONTRACT

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CONGRATULATIONS!

WHAT NOW?

“I finally got the draft contract from [a major press]! I don’t know what to make of it, though.”
MY BOOKS

- Three contracts
MY BOOKS

• Three contracts
• Teachers College Press (2)
• Co-authored books
• 108-year-old press – selective, highly ranked university press in education
• A few hundred new books per year
• Mainly U.S. market
MY BOOKS

- Three contracts
- Routledge (1)
- Co-edited book
- Commercial press
- International market
- Thousands of new books per year, increasingly publishes academic work
WORKSHOP GOALS

• General lessons that I’ve learned
• Things to consider for your contracts
• Goals:
  • To help you feel knowledgeable
  • And therefore empowered
  • To understand key issues
  • And ask good questions
DISCLAIMERS

• What I can’t do:
  • Give you legal advice
  • Interpret your contracts
  • Help you negotiate them
  • Provide you with example contracts
  • Provide information that will apply across all contracts
DISCLAIMERS

• Good topics that I won’t cover:
  • E-books
  • Non-book formats
  • On demand publishing
  • Reprints with other publishers
  • Negotiating with multiple publishers
  • Whether to get/how to deal with agent
TOPICS TO COVER

• Time and money
• Negotiation in theory and practice
• Understanding your leverage while following negotiation etiquette
• Overcoming intimidation
• Knowing your resources
• Q&A period
TIME

• Do you have time to negotiate?
  • Can take months
  • What is your timeline (tenure clock?)
  • Consider other people connected to your book project
  • Move quickly if you need to, but don’t feel pressure to do so
  • Can have multiple rounds of revisions
MONEY

• Considerations:
  • Royalties
  • Advances/stipends
  • Subvention costs
  • Expenses (e.g., cover art, copyrighted images, indexing, changes to proofs)
  • How will money change hands?
  • Talk about it! Ask mentors, colleagues
OTHER MAJOR POINTS

• Length, delivery date of manuscript
• Number of gratis author copies
• Cover art and title
• Cost and when it goes from HB to PB
• Blurbs and other marketing material
• Rights of 1st refusal
• Registration of copyright
• Non-compete clauses
EVERYTHING ELSE

• General contract language that eases the burden of administration for the publisher or allows the publisher to protect itself

• Often not negotiable, but don’t let these clauses keep you up at night
NEGOTIATION IN THEORY

• In theory, everything is negotiable in a contract
• But only some things are in practice
• It’s good to justify what you’re asking to change or revise
ETIQUETTE

• Be professional
  • Forge good relationships!
  • Your contact person is not your adversary
  • Don’t overstay your welcome with negotiations
  • Staff can have multiple roles
  • Your time crunch is not necessarily theirs
LEVERAGE

• Understand your leverage (but don’t overstate it)
  • Balance a sense of gratitude for being offered a contract with the understanding that your specific work product has value to the press
  • A second book may increase your leverage
LEGAL JARGON

• Still feeling intimidated?

• Strategies:
  • Academic jargon of a different type
  • Think of it like bad student writing
  • Read slowly and carefully
  • Black’s and Barron’s Law Dictionaries
  • Use your resources
  • Ask questions!
YOUR RESOURCES

• Your contact(s) at the press
• Colleagues and mentors
• Forums on The Chronicle
• Books on academic publishing
• Black’s and Barron’s Law Dictionaries
• Friends/colleagues in law or publishing
• University legal counsel
Q&A

• It’s up to you going forward!
• Time for Q&A