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For Creators of Academic Intellectual Property

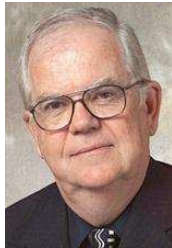
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September 2010

EXECUTIVE DIRECTOR'S MESSAGE:

By Richard T. Hull

Reporting on actions at the TAA annual conference is always an important task, particularly as perhaps 95 percent of our membership are unable to attend. The TAA Council, the governing body of TAA that are elected by the membership, usually makes some significant changes to the organization; this year was no exception. As Paul Harvey would put it, here's "the rest of the story."



TAA receives the largest bulk of its funds from reprographic fees charged for copying in Europe articles and books written by American authors. These funds come to us with the requirement that we use them to promote academic, textbook, and nonfiction writing by U.S. authors.

One of the ways we have done so in the past is to set aside amounts to fund the costs of producing academic print and electronic materials the publication of which has already occurred or is assured. A number of you have made use of those funds, which heretofore have been restricted to TAA members who have renewed their memberships at least once. By action of the TAA Council at its annual meeting last June, these grants are now open to all U.S. academic and textbook authors, whether members or not. The Council believes that a part of its obligation to our funders is to make our services available as widely as we can. So now academics and text authors may apply, using our online application, for TAA funds, whether members or not.

The tricky part of this arrangement is that our funding depends on our membership and their publication genre. So, the worry goes, if we give everything away for free, why would anyone become a member? And if this were to become the dominant reasoning, we'd have no members; and with no members, no funding. And with no funding, we'll have no services to give away for free.

Communities support community efforts through volunteer giving of what is asked for but not required. Consider the American church: membership is voluntary, and no church tells its members what they must contribute. They nonetheless put their

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Submit presentation proposals for 2011 conference

TAA is currently seeking proposals to present at its 2011 conference, "Let your writing SOAR!", June 24-25, at the Hotel Albuquerque in New Mexico.

Proposals will be accepted by October 15, 2010 or until all slots are filled. TAA invites the submission of proposals of three types:

1. 30 or 60 minute individual presentations that would appeal to textbook authors (both print and electronic), academic authors (authors of journal articles, dissertations, grants, scholarly books, etc.), or both groups.

2. 30 or 60 minute panel presentations (2 or more presenters) that present divergent perspectives and information about a common topic. The presenter may submit a proposal that includes his or her own panelists or indicate that other presenters with similar topics may be added as panelists at the association's discretion.

3. 60-minute small group moderated "roundtable" discussions that focus on a specific topic.

Suggested topics (but not limited to):

General sessions: The writing process—how to get started, stay on track, fit writing into a limited time schedule, etc.); Developing collaborative relationships with other authors; e-rights royalties; copyright and permissions issues; open resources; how to promote

yourself and your writing through websites; writing groups, both in-person and online, and how they can assist you with your writing.

Textbook Track sessions: the future of textbooks; new and emerging technology for authors; electronic publishing; the textbook authoring/publishing process; author-publisher relations; how to write a crossover book (one that can sell in the trade market and/or in different disciplines); textbook author websites; and contract negotiations.

Academic Track sessions: all aspects of journal article authoring (choosing a research topic, single or coauthorship, doing the research, organizing notes and literature review, choosing a journal, working with reviewers, etc.); how to create an edited book; turning your dissertation into a book (step-by-step approach).

The TAA annual conference is a two-day event that provides educational sessions and networking opportunities for new and veteran textbook authors, academic authors, attorneys specializing in textbook and academic publishing, editors, literary agents, and other professionals.

Presenters volunteer their time and pay

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8. Two DMCA exempt classes benefit education, authors

NOTABLE AUTHOR: LAURIE BOSWELL

Math author translates classroom experience to the textbook

by Leanne Silverman

Laurie Boswell, a math teacher and headmaster of the Riverside School in Vermont, says “if you really listen to the kids, you *will* become a better teacher and, I think, a better writer.” In

Boswell’s case, that advice certainly holds true: her outstanding teaching garnered the Presidential Award for Excellence in Mathematics Teaching, and the three-book middle school series, *Big Ideas Math*, she co-authored with Ron Larson received a 2010 Textbook Excellence Award from TAA.

“I’ve known since 5th grade that I would be a math teacher. I’ve never had a doubt,” said Boswell. After high school, she pursued her B.S. and M.Ed., then plunged into a 30-year career in teaching. Will she ever leave the classroom? “If I didn’t have the enthusiasm or the energy, or if I feel like I’m not being effective any longer. But right now, I’m still having a great time with the students. They inspire me! I’m always getting ideas for my writing.”

Boswell often draws her classroom experiences into her writing. “There are times when I’m actually thinking about a particular student or a particular lesson,” she said. “It might have been ten years ago, but I remember the kids’ reactions and the questions that they asked.”

She uses those moments to uncover students’ assumptions and misconceptions, and makes them an essential part of a special feature called “Laurie’s Notes” in the teachers’ edition of *Big Ideas Math*. Unlike the typical teachers’ edition, every page from the student edition has a corresponding page where Boswell “talks to the teacher about how you teach this in the classroom: What would you do with this example? How do you motivate the kids? How do you close the lesson?” The “Laurie’s Notes” feature has received rave reviews, said Boswell, “because it’s essentially professional development for teachers.”

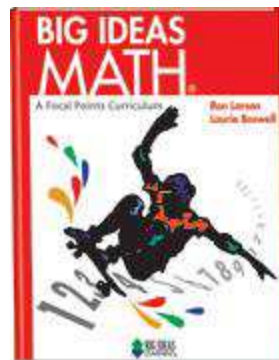
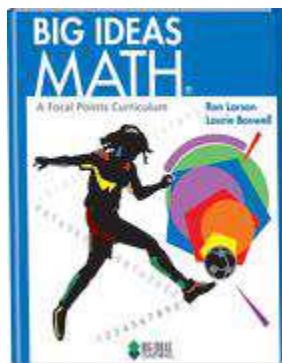


Boswell

Another innovation of the series also ties back to Boswell’s teaching experience: each lesson is designed to be taught over the course of two days. The first day focuses on “an activity or an investigation that helps the student make sense of the concept” before moving into the formal lesson on the second day. “Instead of teaching into a void, the lesson combines a hands-on investigation with the mathematics itself, all built right into the book,” she says.

Boswell has written with Ron Larson for 20 years; together with Lee Stiff and Tim Kanold, they are a formidable textbook-writing team. Their many co-authored texts include *Pre-Algebra*, *Algebra 1*, *Algebra 2*, *Geometry: An Integrated Approach*, *Middle School Math*, and

Passport to Mathematics. But when it came time to work on *Big Ideas Math*, their publisher went through a merger, and the project no longer seemed like the best fit for the publisher’s list.



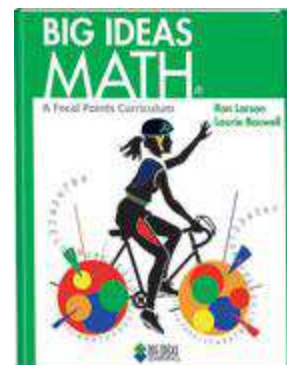
Larson believed so strongly in the books that he started his own publishing company, Big Ideas Learning, and asked Boswell to work on the series with him. “I couldn’t say no, so we struck out and did it ourselves,” chuckled Boswell. Initially, the pair released an edition of *Big Ideas Math* tailored to Florida’s standards. “They were extremely successful,” said Boswell, “so then we did a national edition.” The books have done so well, in fact, that Harcourt Holt ultimately contracted with Big Ideas Learning to market and sell the series for the next four years.

State support of national education standards—“the third rail of education” as Secretary of Education Arne Duncan put it—is growing, but the lack of a single national

standard still proves challenging for textbook authors. As Boswell explained, “Every state has its own framework. The challenge is that while a particular math standard might be a 5th-grade topic in Kansas, it might be a 6th-grade topic in the neighboring state of Nebraska.”

She continued, “You have to make sure that your book covers the greatest numbers of standards without becoming redundant.” Traditionally, math teachers cover all four operations (add, subtract, multiply, divide) each year at the middle school level: “You do it all in 6th grade, and then you do it again in 7th grade because some kids didn’t get it and you have this repetition of standards.”

With *Big Ideas Math*, Boswell and Larson chose to base their books on the National Council of Teachers of Mathematics Focal Points, which outlines the central ideas in every



grade level from kindergarten through 8th grade. “What we need to do is focus on one topic. Teach it once and teach it well, then use that content in subsequent years instead of re-teaching every year.” Besides, laughed Boswell, “who wants to do long division three years in a row?”

Between teaching, running a school, pursuing a Ph.D. in Educational Leadership and Policy Studies, and spending time with friends, her husband, and her two children, Boswell has a very full schedule. She advised would-be authors that writing texts “takes a tremendous amount of time” and sometimes “it is hard to find balance. You really have to protect and pay attention to all aspects of your life. Including getting enough physical exercise!” That, and “it all revolves around deadlines.”

Leanne Silverman hung her shingle as a freelance writer and editor in Denver, CO after leaving a 12-year career in academic publishing.

Faculty success: Developing a research and publication agenda

By Dr. Kathleen P. King

Anyone associated with higher education will acknowledge that tenure track faculty have to perform a fantastic balancing act. Compared to an administrative or line role in an organization, higher education faculty have tremendous autonomy and freedom. However, they face competing demands of many different (and good) opportunities, and for them the stakes are always high. Help is here! This article introduces a powerful strategy for staying on track in the research strand of this competitive journey.



Building a Research Agenda

Strangely enough, when entering their first tenure track position, often the only research faculty has pursued is their one dissertation. Yes, that is one project over the course of years, with one massive “publication”. Nonetheless, once on the tenure track, faculty have the demand looming over them to publish or perish- and they are solely responsible for their success or failure.

Research Topics

The first step in taming this unruly situation is to consider the natural extensions or additions to your prior research. Or, if your

research is not directly related to your department, the first step is to access a topic which bridges the two and will be respected by your colleagues.

I like to use a large piece of paper and start writing topics in various areas of the sheet. This activity becomes the process of throwing your research ideas down on paper and seeing if there is a logical concept map among your prospective endeavors. Alternatively, one might have a pattern in mind from the start. If so, begin the concept map as a base structure and see how more activities would be connected to this established core or set.

Publication Goals

Many faculty think that each research project results in a single publication: but seasoned researchers realize there are, in fact, many publishing opportunities to be extracted from each project. Hopefully the pre-tenured faculty learned to present at professional conferences during their doctoral studies. As an extension of this experience, faculty can use conference opportunities to field test and gain feedback on their evolving manuscripts. While conference presentations might not be as highly esteemed in tenure and promotion as refereed journals, they can be a powerful proving ground for young academics of theory, model building, data analysis and interpretation.

It is important that once faculty identify

what they will research and what they will publish that they also begin looking at highly reputable peer reviewed journals. I suggest my faculty clients identify 2-3 potential journals as primary and backup journals for each writing project. The reason is, regardless of how brilliant the scholar, sometimes our work will be rejected. Having the next destination on deck minimizes the delay of having that published article listed in your vita. In fact, we use manila folders to write the name of the topic, article and three journals on the front and keep all the related documents inside.

Putting it All Together

Now that the topics and publications have been identified, we begin to develop a timeline which will assign them to appropriate time slots. I suggest using a Gantt chart which you can make in Microsoft Excel®, on graph paper or plain paper.

Columns. At the top of the columns write the months, beginning with the current one. Leave 4 columns empty and then write in the next month to label that column. Following this sequence continue across the page.

Rows. The name of the research activity goes on the row in sequence where they are allocated. That would mean labeling a row Project A and then placing an “R” in all 4 boxes in September to allocate time to work on

Continued on page 4

Michael R. Lennie

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FACULTY SUCCESS Continued from page 3

its research. Then in the next 3 boxes, which represent 3 weeks, write in a "W" for "Writing." Next mark the estimated dates (spread across 4 weeks) where you should receive the results of the review, edits and moving to the In Press status and mark them "P" for publishing.

As one works down the page in this fashion, it becomes apparent that while one cannot work on too many projects at once, there are different phases of activities. This pattern can be maximized by alternating work across the projects. Therefore while conducting research on one project, one can be writing another, and/or beginning new research while waiting for reviews.

One of the tricks for maximizing success in research and publications is to have a constant flow of organized activity. Two major benefits of this approach to research and publication agenda mapping which my faculty clients discover are welcomed by most pre-tenured faculty:

1. The tracking system reduces the sense of overwhelming commitments as faculty tame their schedule.
2. It also allow faculty to be accountable for their time and see if they need to make different choices, or change their expectations.
3. It helps faculty realize they need to schedule time to get their research and writing accomplished. Neither of these are discrete tasks, they are processes.

There is an adage which says "If you want to get something done, find a busy person." But it is not always true that such busy people earn tenure: sometimes, they are just "used up" with many good and great opportunities and burn out before anything truly becomes accomplished. Don't let his be your future: take control of your research and publication agenda with the simple strategies shared above.

Wishing you all success in your quest for tenure, promotion, and beyond.

Dr. Kathleen P. King (EdD), Certified Coach, Author; Keynote Speaker, Professor of Education (www.facultyspeaker.com) is an award-winning author of 17 books.

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contributions in the collection plate and make their pledges because they realize such voluntary contributions are essential to the church continuing.

Voluntary TAA membership is like membership in a church. You get nothing you would not get otherwise by being a member; but you recognize that for TAA and its

Interactive online textbook publisher seeks authors

Interactive online textbook publisher Amelox Incorporated (www.amelox.com) is looking for freelance online textbook, 'how-to' book, and instruction/technical manual writers on various subjects for its *College Tutor* series of digital instructional materials.

The company was founded in 1989 and entered the education market in 1993 with its first digital textbook, *College Tutor for Real Estate Agents*, in response to the need for help with the challenging community college course, "Real Estate Principles."

Their second online textbook was the *College Tutor for Real Estate Brokers and Mortgage Lenders*. They have since produced an online textbook for a psychiatric mental health nursing course and three medical terminology courses for doctors, dentists, nurses and billing/insurance coders. They are currently working on offering online textbooks for algebra-3 and world history.

In addition to the online, interactive *College Tutor* textbook series, Amelox provides the infrastructure needs for teachers and their students with separate programs for exam generation, exam taking and evaluation, plus privileged communications between students and their teachers.

Amelox uses the latest online interactive textbook technology, 'cloud computing,' so that all their content resides on the web, and requires no software to install. Updates and revisions are automatic.

Amelox offers its authors generous royalty rates based on a book's academic level and additional cash incentives for multimedia content upon completion. Authors can proofread and edit each topic in its final form as they complete their work.

"We pay on the upper range of the national average for academic writing," says Amelox CEO Rolf Seebach.

Their royalty payments are adjusted to study levels: high school/vocational/general, community college, first two years college/university, last two years college/university, graduate school. The royalties, he said, are based on payments (less returns/adjustments, taxes and shipping fees) received from customers.

"Usually, textbook writing is a never-ending

job," says Seebach. "Students do not want to pay for a textbook that is two or three years old. Therefore, as soon as the first edition is completed the author has to start anew. The Amelox *College Tutor* eliminates this drudgery. Update some text; add a new page, spruce it up with multimedia and the job is done. These updates can be inserted within a month and appear for all students simultaneously, even in the middle of a semester."

Online textbooks have several benefits over traditional print textbooks, he said:

- Sales of used books by school bookstores eat into profits. The bookstore makes money on the resale, while the publisher and author, receive nothing.
- Books are bought directly from previous students, with the money again completely bypassing the author and publisher.
- Textbooks always remain new since revisions can be made on-the-fly. Amelox textbooks are operational for 175 days (one semester). The new user has to buy his/her own copy. If a student wants to share his purchase with another student he may, but the original total number of permitted usages and the time frame in which they can be used remains the same. "This kind of 'sharing' is good advertising and it is to be encouraged," said Seebach.

- Backup copies are not required. Each user receives a unique product key that is used for very strong secure encryption.

- Free evaluation copies. Publishers are distributing large numbers of free evaluation copies to prospective teachers—often one copy for the professor, plus one extra copy for the teaching aid. "These free books do not earn any revenue for the publisher or for the author," he said. "However, in most cases they are sold(!) at discount prices to students. Our evaluation copies are programmed for limited time use, say six to eight evaluation sessions, then they cease to function. Both, you the author and we the publisher, are protected from complimentary evaluation copies being resold in the used book market."

To obtain a feel for what Amelox is doing with its copy protected *College Tutor*: www.amelox.com/jobs.htm

services to continue, the dues contributions you have previously been asked to pay are essential to the continuation of the organization and its services. Simple as that.

A second action of the Council this year was to constitute a number of committees on which Council members, staff, and members from our organization are asked to serve. These committees will address the organization's needs in membership recruitment, outreach, strategic planning, and conference planning,

with other committees empanelled as the need arises. So, as these committees are formed, you will have opportunity to provide your experience and time in service to the organization, thus helping it to remain healthy and responsive to its members' needs.

So recruit your colleagues! TAA is wide open. And encourage them to join for the pure joy of sustaining an organization that seeks to sustain them.

TAA seeks volunteers to serve on committees

The TAA Council seeks volunteers to serve on five new committees:

Membership, Governance, Marketing/ Outreach, Finance, Personnel and Conference.

To volunteer, contact TAA Headquarters at (727) 563-0020 or TextandAcademicAuthors@taaonline.net

Membership

Initiates and monitors membership recruitment and retention for TAA; periodically surveys members concerning satisfaction with TAA services.

Governance

Evaluates the composition and performance of TAA committees; publishes notice of vacant positions; solicits and receives nominations for TAA election of officers and Council positions; and prepares the election ballot.

Marketing Outreach

Promotes increased visibility of programs and activities reflecting TAA's

mission; oversees a marketing strategy and reviews TAA communications.

Finance

Works with the TAA Treasurer to oversee the financial well being of the association, including consideration, adoption, and oversight of the budget; makes reports and recommendations to the Council concerning the finances of TAA.

Personnel

Works with the Executive Director to identify and plan staff development and training activities; conducts a performance review of the Executive Director; makes recommendations on staff salary and benefits; and seeks to resolve conflicts among staff that may arise.

Conference

Working with staff, the committee recommends dates and locations for future TAA conferences; reviews and oversees the conference budget.

Upcoming TAA Audio Conferences

September 14 @ 2:30 p.m. EST

Motivational Techniques: 'Professional Nag' Uses Creative Tricks, Tools & Techniques to Motivate Authors

Presented by Rachel Z. Cornell, Accountability and Productivity Consultant, "Professional Nag" (<http://pronagger.com>)

Listen to a sneak preview on [blogtalkradio: www.blogtalkradio.com/textacademicpodcast](http://blogtalkradio.com/textacademicpodcast)

September 23 @ 10 a.m. EST *The 10 Worst Legal Mistakes a Textbook or Academic Author Can Make*

Presented by Zick Rubin, Publishing Lawyer and Textbook Author, The Law Office of Zick Rubin (www.zickrubin.com)

Listen to a sneak preview on [blogtalkradio: www.blogtalkradio.com/textacademicpodcast](http://blogtalkradio.com/textacademicpodcast)

Free for members. Register online at www.taaonline.net/TAATeleconferences

Listen to an archive of more than 50 podcasts at: www.taaonline.net/TAAteleconference/past_teleconferencespublic.html

'Virtual book' on Google Seminar Series from CCC

The Copyright Clearance Center (CCC) is offering a "virtual book" that gathers together the transcripts from six of its programs on the proposed class action settlement between Google, the Authors Guild and the Association of American Publishers. The programs were presented from April 2009 to February 2010 and featuring Lois Wasoff, Esq. Download the PDF at www.taaonline.net/news/CCC_GoogleSeminarSeries_2.pdf

 COPYRIGHT CLEARANCE CENTER

A Resource on the Business of Writing and Publishing



Beyond the Book®



Copyright Clearance Center and TAA are pleased to be working together to podcast programs from the 2010 TAA Conference at www.beyondthebook.com.

You do not need an iPod or MP3 player to listen. Programs may be played directly at your PC, or downloaded and burned to a standard audio compact disc. Transcripts are also available.

Beyond the Book programs cover a variety of topics about the business of writing and publishing to help creative professionals realize the full potential of their works, while encouraging respect for intellectual property and the principles of copyright. We encourage you to subscribe to the free ongoing Beyond the Book series!

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 **TAA**

TEXT AND ACADEMIC AUTHORS ASSOCIATION

Reflections on the 2010 TAA Conference

by Rosalie del Valle

The conference was a once in a lifetime opportunity that was given to me, and I am so glad that I did not miss it. It was a culminating event that affirms the hard work that we have put in our research a year ago. At that time, the award, the probable publishing of our work if chosen, and the trip to Minnesota seemed unreal; as if the opportunity doesn't really exist and we were all just going through the motions of completing one of the requirements of MSI. After the work submission, the judging period, and the announcement of winners, it was still not as real to me as it should. It was exciting, yes, but because it was still a year away, the event did not become of high importance to me. It was when we actually arrived in Minnesota and met published authors, academic scholars, faculty and accomplished people did the occasion really sink in. I was blown away!!! What an honor, what a privilege, to be in the presence of the brightest people alive. These were the people who actually wrote the textbooks and journals that I have been reading!!! And to be considered a member of their association was something that still dazzles me; and to be recognized, praised, and encouraged for our published articles in a monograph was very rewarding.

The sessions were interesting although sometimes the topics don't really apply to us as students. However, it is noteworthy to learn about the life, the work, the hard issues and concerns that surround an author. I appreciate them more after learning about what the authors go through in writing textbooks. The sessions also gave a sneak peek of what issues and concern that I might encounter should I pursue academic writing. It is also a good opportunity to establish connections and networks with already accomplished authors. Who knows the benefits that it will afford me in the future.

There were also sessions that deal about the sad, hard fact of royalties, copyright, and book pirating. Actually, this is one "giant" issue that concerns authors. I learned about the legal implications of these issues, but the more interesting part was when I voluntarily gave information about communities of

students who share textbooks online to save money in college. Although, some have heard of it, some were surprised and shocked to hear of it. My intention was to provide them with the points of view of a student who is trying to finish a course with less or minimal resources. For all their hard work, I agree that textbooks should be sold at a fair price, but for a student who cannot afford them, it will be very difficult. Knowing these concerns from students, the authors were given insights as to how to address such a problem and probably meet the students halfway.

The session about the open textbook as an option to provide affordable books to students was very promising. This option is even cheaper than e-textbook and I am looking forward to this being adopted. However, I've spoken to some authors who clearly expressed their opposition to digital libraries and textbooks. After hearing out their reasons for not considering this, I respectfully gave my opinions about the matter in the point of view of a student. It was such a rewarding and memorable conversation between a student and an author. It was something worth writing in a journal.

There were other highlights in the conference like the sessions about finding your way in the internet to find media, pictures, programs, and other cool software that I have not encountered before in order to create presentations, lectures, power points, and projects. These were my favorites and these sessions were conducted by an author who writes and creates Microsoft programs. The best part of it was she was actually excited to have students around to show her work and she even tutored and answered questions after her sessions.

Overall, the conference was an amazing event. I look forward to future conferences and future networking with our "peers."

Editor's Note: Rosalie del Valle, a full-time RN student in the Honors College at Palm Beach State College, Palm Beach, Florida, participated in the TAA Foundation's Mentor Academic Authors Project, Collective Works of Young Promising Authors of Diversity. Her journal article, "Bio-SurgTX: An Advanced Wound Care Product Alternative to Maggot Therapy and Conventional Methods Using Recombinant DNA Technology," was published in the TAAF Mentor Academic Authors Project Monograph #1.

Nominate your book for a 2011 Texty, McGuffey Award

TAA is now accepting nominations for 2011 Textbook Excellence Award and McGuffey Longevity Awards. The nomination fee, which can be paid by the author or publisher, is \$300.



The deadline for sending the nomination form and fee for the 2011 awards is October 15, 2010.

The deadline to receive books for judging is November 15, 2010. (These deadlines can be somewhat flexible according to publication dates.)

The Textbook Excellence Award, open to members and non-members, was created in 1992 to recognize current textbooks and learning materials. To be nominated, a work must carry a copyright date for the previous or current year.

The McGuffey Longevity Award, open to members and non-members, was created in 1993 to recognize textbooks and learning materials whose excellence has been demonstrated over time.

To be nominated, a work must have been in print 15 years and still be selling.

Download nomination forms at www.taaonline.net/awards/index.html

View past award winners at www.taaonline.net/awards/winners.html



TAA Podcasts available at blogtalkradio

- **State of the Textbook Indexing World** (Seth Maislin)
- **Professional Nag' Shares Creative Tricks, Tools & Techniques to Get Motivated** (Rachel Cornell)
- **Worst Legal Mistakes a Textbook or Academic Author Can Make** (Zick Rubin)
- **How Recent Changes in the Textbook Publishing Industry Could Affect Authors** (Michael Lennie)

Open to members and non-members.
Listen at: www.blogtalkradio.com/textacademicpodcast

PROPOSALS

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their own travel and lodging expenses. Acceptance of a presentation assumes presenter will pay conference registration fee and participate in the full conference.

How to submit a proposal: Fill out the attached 2011 TAA Conference Presenter Proposal Form and include as a Word document a 150-200 word bio of EACH presenter and a 200-250 word description of the presentation.

Submit proposal, attachments and a high-quality .jpg photo of each presenter electronically to: Paul Siegel, Conference Committee Chair, psiegel@hartford.edu and cc Kim Pawlak, Associate Executive Director, kim.pawlak@taaonline.net

Questions? Contact Paul Siegel, Conference Committee Chair, psiegel@hartford.edu Phone: (860) 550-0719.

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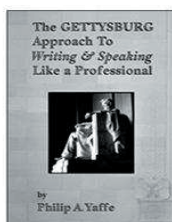
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Two DMCA exempt classes benefit educators, authors

Two of the six classes of works determined by U.S. Copyright Librarian of Congress James H. Billington as not being subject to Digital Millennium Copyright Act (DMCA) provisions that would make it unlawful to attempt to break or bypass their technological copy protection schemes, are of particular interest to educators and authors, said attorney Stephen E. Gillen, of Wood, Herron & Evans, L.L.P.

Two classes of works include, he says:
1) Video programs protected by the Content Scrambling System (CSS). The Librarian has continued and expanded the exception for educational fair use of video programs protected by CSS. It is not a violation of the DMCA anticircumvention provisions for educators and students to disable or bypass CSS to extract excerpts from copyrighted DVDs for any educational use that would qualify as a fair use.

2) Literary works distributed as e-books with access controls that disable read-aloud or screen-reader functions. The Librarian has continued the exception for these literary works. It is not a violation of the DMCA anticircumvention provision to bypass those access controls in order to provide access to the protected content for the visually impaired.

"These are narrow but important exceptions to potent protective legislations," said Gillen. "But they are limited to particularly defined circumstances and they are also limited in time - the exceptions are granted for the three-year rule making period and revisited and reviewed every three years.

Billington's determinations are a result of a 2009 rulemaking proceeding, which the DMCA requires the Librarian of Congress and the Copyright Office (in conjunction with other agencies) to engage in every three years as a way to consider and identify classes of works that should be exempted from the anticircumvention provisions of the DMCA that interfere with lawful access or use.

The rulemaking proceeding is public and interested parties can petition to have classes added or expanded or they can oppose addition or expansion.

View Billington's full statement:
www.copyright.gov/1201/2010/Librarian-of-Congress-1201-Statement.html

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