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aap
monthly report

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ANNUAL MEETING

2010 AAP General Annual Meeting to be Held in Washington, D.C. March 3

This year, for the first time, the AAP 2010 General Annual Meeting is being coordinated with the Annual Meeting of the AAP School Division. The meeting will be held in Washington, D.C., which will give publishers a unique opportunity to press their case with members of Congress on a range of important issues including copyright, domestic and international piracy, reading and literacy initiatives, the impact of the open source movement and the 2010 outlook for K-12 publishing. Wednesday, March 3, 2010 is the day; the Hyatt Regency on Capitol Hill is the location.

The School Division sessions will take place over the course of the morning, followed by a joint luncheon. The afternoon will be devoted to a full General Annual Meeting program, with an early closing reception, to accommodate travel schedules for New York attendees. The following day, March 4, AAP member publishers will have an opportunity to meet with key members of Congress and Congressional staff to discuss some of the industry's major concerns.

In addition to a luncheon keynote and the Annual Business Meeting, the program for the General Annual Meeting will include sessions on The 21st Century Landscape of Academic Learning, The Future of Copyright, Publishing and Early Childhood

Development and Navigating Changes in Business Models in the Emerging Digital World. Details regarding speakers will be announced in the coming weeks.

A block of rooms at a special AAP rate is being held at the Hyatt Regency. Reservations can be made by calling the Hyatt Regency Washington on Capitol Hill at 1-800-233-1234.

NEWS FROM WASHINGTON



Capitol Hill, Washington, DC. Photo by Wally G.

Stay on CPSIA Testing Provisions Extended for another Year

On December 17, 2009, the Consumer Product Safety Commission voted to extend the current stay on enforcement of the lead content testing and certification provisions of the Consumer Product Safety Improvement Act (CPSIA) for another year. AAP, Printing Industries of America and the Book Manufacturers Institute, which have

focused on CPSIA's applicability to children's books and other printed materials, petitioned for extending the stay in light of the confusion that still surrounds the testing and certification requirements and the fact that several key rulemaking proceedings necessary for implementing those requirements are not expected to be completed until August of this year. The current stay on enforcement, originally imposed on February 9, 2009, was expected to expire after a year.

In response to a series of highly publicized toy recalls due to lead contained primarily in toys manufactured in China, CPSIA was enacted in the summer of 2008 requiring that all products intended for children under the age of 12 be certified not to contain lead over certain statutorily prescribed levels. AAP has been lobbying to have paper-based books and other paper-based print materials excluded from the testing and certification requirements, since they have never posed a threat of lead exposure to children.

INTERNATIONAL COPYRIGHT PROTECTION

Publishers Welcome WTO Appellate Body Ruling in China Market Access Case

AAP welcomed the decision by the Appellate Body of the World Trade Organization upholding the earlier ruling of a WTO panel in a case brought by the United States, which found that barriers imposed on the importation of books and other

copyrighted works violated China’s obligations as a WTO member. The December 21 ruling is the final word from the WTO dispute settlement system and is not open to appeal.

Responding to the ruling, AAP President and CEO Tom Allen issued the following statement:

“We welcome the Appellate Body’s findings that certain measures employed by China to restrict the importation and distribution of reading materials are incompatible with its WTO obligations. The decision is a significant development for the U.S. publishing industry and we hope that it will pave the way for further liberalization of the Chinese market. Increased access to China’s market will benefit U.S. and Chinese creators and will offer Chinese consumers a greater variety of copyrighted works.

“We thank the USTR team for their outstanding work and congratulate them on a victory that reflects the skill and dedication they brought to this endeavor. We encourage the Chinese government to move quickly in implementing the reforms required to comply with the decision.”

HIGHER EDUCATION

AccessText Network Now Has More than 800 Members

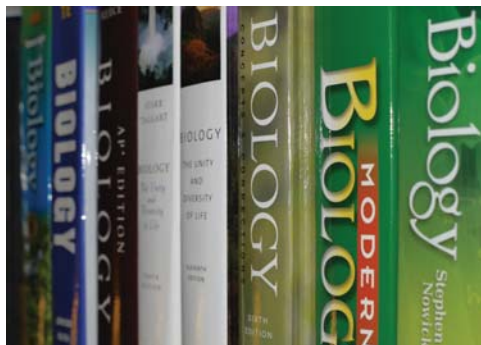
As reported previously in the Monthly Report, AccessText

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Network is an initiative of the AAP Higher Education group comprising a national online database system that will make it easier and quicker for students with print-related disabilities, such as blindness, to obtain the textbooks they need for their college courses.

AccessText is the result of an agreement between AAP and the Alternative Media Access Center (AMAC), an initiative of the George Board of Regents and the University of Georgia. The AccessText Network is being funded through donations from AAP member publishers Bedford/St. Martin’s, Cengage Learning, CQ Press, McGraw-Hill Education, Pearson, Reed Elsevier Inc., John Wiley & Sons, and W.W. Norton.

There are currently more than 800 beta members of AccessText in 48 states. The most represented states include: New York, Georgia, California, Washington, Pennsylvania, Ohio, Tennessee, and Minnesota.



Bound, hardback textbooks are no longer the only option for students. Photo by timuiuc

Cost-Effective Solutions for Student Success

AAP’s Higher Education group has created a new outreach campaign,

Cost Effective Solutions for Student Success, to promote a broader and more informed discussion among academics, policymakers, media and publishers about course materials and the benefits they offer for:

- Improving students’ grades, pass rates and retention;
- Lowering students’ costs for course materials;
- Lowering per-pupil instruction costs for postsecondary institution.

Cost Effective Solutions for Student Success will be presented in three format options: in person presentations at schools; a 45-minute webinar; and a 6-minute video.

The in-person presentations will offer an opportunity for AAP staff and member publishers to connect directly with school leaders and policymakers, to provide answers to common questions, and to encourage in-depth discussions among the participants. Educators and policy makers will be able to hear directly from publishing experts regarding the cost-conscious options available to support their educational and cost-containment goals. Participants in the in-person presentations will include representatives from textbook publishers Bedford, Freeman and Worth, Cengage Learning, John Wiley and Sons, McGraw-Hill and Pearson, along with CourseSmart and AAP.

AAP has also developed a 45-minute webinar that will enable faculty and other school decision makers, conveniently participating from their own computers, to hear from representatives of member publishing houses about their products.

A 6-minute video on *Cost Effective Solutions for Student Success* is available at textbookfacts.org/cost.

AAP Higher Ed Group Highlights Wealth of Textbook Choices

AAP's Higher Education group is getting the word out that the addition of e-books, no-frills and low-cost printed texts, rentals and customized curriculum options are giving students returning for the 2010 spring semester a wider choice and greater opportunities to economize than ever before.

An informational advisory sent out on January 4 points out that students can save an average of \$60 per title by purchasing e-textbooks. Students also have the option of shopping around for books in different formats, such as unbound, black and white, audio, paperback and three-hole punched binder editions. Students can search publishers' web sites to find the available format options or they can discuss a custom textbook option with their instructor. Students can even purchase their books one eChapter at a time. Some publishers are beginning to offer rental options for print textbooks.

In addition to multiple formats, savvy students can now go directly to publishers' web sites to purchase supplemental materials and homework solutions in various formats, and often find discount codes and coupons and perks such as free shipping and returns.

The complete advisory can be found online at: <http://www.textbookfacts.org/a-wealth-of-choices-for->

returning-students/

TRADE PUBLISHING

AAP and Bowker Host Webinar on Consumer Book Trends

On December 16, 2009, AAP and Bowker joined in hosting a highly successful hour-long webinar to give industry professionals a first look at consumer book buying trends for the first three quarters of 2009. The webinar included a breakdown of book-buyer demographics within top outlets, cross-selling at these outlets, and a look at purchase behavior and shopping visit behaviors. Attendees were able to follow the audio presentation and ask questions in real time. The presentation was done by Kelly Gallagher (Bowker), which the virtual Q&A facilitated by AAP vice president Tina Jordan.

The December 16 event was the second webinar the two organizations hosted. "The Big Picture on U.S. Consumer Book Buying" was held in October.

***Books Are Great Gifts* Campaign Rolled Out for Second Year**

Book publishers and retailers joined forces for the second year in the *Books Are Great Gifts* campaign, carrying the message to holiday shoppers that the most entertaining, loving and thoughtful gift is a good book.

An industry-wide initiative coordinated by AAP, the campaign was built around three promotional videos featuring some of the

country's best known authors sharing their reasons why books make great gifts. Among the authors featured in this year's campaign were Dan Brown, Neil Gaiman, Nick Hornby, Elmore Leonard, Danielle Steel, and Mo Willems. This season's campaign received broad, unprecedented retailer support, and the author videos were highlighted on the Indiebound, Amazon, Barnes and Noble, and Borders websites.

The campaign was also featured in the holiday gift books round-up on ABC's Good Morning America on Monday, December 21. Check out the segment with host George Stephanopoulos, or you can watch all three videos in their entirety on the *Books Are Great Gifts* homepage.

The campaign more than doubled its number of Facebook fans with a weekend-long contest asking the general public for their views on why books make great gifts. Inspired consumers shared dozens of heartfelt and clever responses on the *Books Are Great Gifts* fan page wall. The 10 best received prize packages of books from AAP member publishers who donated copies of their newest releases from popular authors.

Adopt-a-School Program Completes another Successful Year

In partnership with the Children's Book Council, and with the help of the New York City Department of Education, AAP's Adopt-A-School Program marked its fourth successful year with 14 publishers providing authors to 28 schools, grades K-12, in all five boroughs. Each year Adopt-A-School matches AAP member publishers with New York

public schools to schedule author visits during Children's Book Week to encourage students to read, and to foster an appreciation of books. Participating schools were all recipients of REACH grants awarded for their libraries' commitment to literacy by the NYC Fund for Public Schools.

COPYRIGHT

Fairness Hearing on Amended Google Settlement Agreement Set for February 18

After AAP, the Authors Guild and Google filed a revised Google Books Settlement Agreement on November 16 designed to address some of the concerns raised in filings by the Department of Justice and others, U.S. District Judge Denny Chin issued a preliminary order accepting the amended settlement agreement and setting February 18 as the date for the fairness hearing.



Several key dates leading up to the hearing: January 28 is the deadline for filing supplemental opt-out notices and for filing objections to the amended Settlement Agreement (Judge Chin will only consider objections relating to the changes made in the agreement); February 4 is the deadline for the Justice Department to file its Statement of Interest, and for those who intend to be represented by counsel at the Fairness Hearing to so notify the court; February 11 is the deadline for class counsel to file the notice program certification of compliance,

the deadline for plaintiffs' motion for final approval of the Amended Settlement Agreement, and for their motion regarding attorneys' fees and reimbursement of costs.

An overview of the amended agreement can be found at: http://www.publishers.org/main/PressCenter/Archives/2009_November/documents/SettlementModificationsOverview.pdf

Copyright Industry Groups File Comments on Proposed World Blind Union Treaty

Pursuant to a Notice of Inquiry and Request for Comments by the U.S. Copyright Office, AAP joined with four other organizations representing U.S. creative copyright industries in filing comments on a proposed international treaty drafted by the World Blind Union dealing with access to copyrighted works for the blind and others with disabilities. The draft treaty has been submitted to the World Intellectual Property Organization (WIPO) for consideration.

The filing strongly urges the U.S. government to oppose consideration of the draft treaty by WIPO's Standing Committee on Copyright and Related Rights, and to encourage other WIPO members to take the same position. Noting that they strongly support and endorse "reasonable efforts to increase the practical and functional access of blind and visually impaired persons to works protected by copyright," the five groups assert that the draft treaty takes a completely wrong approach, one that would "begin to dismantle the existing global treaty structure of

copyright law." Such an approach, the filing maintains, is "among the strategies least likely to advance the goal of increased access..." The filing, in which AAP was joined by the Independent Film and Television Alliance, the Motion Picture Association of America, the National Music Publishers Association and the Recording Industry Association of America, urges the U.S. government to "take a clear stand against the draft treaty, and instead to advocate for more constructive and collaborative WIPO initiatives to address the real problem of improving access..."

A copy of the full November 13 filing can be found on our website.

Publishers Participate in Capitol Hill Copyright Exposition

For the second year, AAP participated in the Copyright Alliance EXPOential on Capitol Hill, with publishers displaying digital products and participating in a panel discussion of "Copyright, Innovation and the New Consumer Experience." The panel and exhibit were designed to underscore for members of Congress and Congressional staff the importance of the creative copyright industries to the U.S. economy and their essential role in the nation's educational and social life. The eight AAP members who participated and exhibited innovative digital products were: American Chemical Society, Columbia University Press, Houghton Mifflin Harcourt, Johns Hopkins University Press, John Wiley & Sons, McGraw-Hill, Modern Language Association and John Wiley & Sons.

FREEDOM TO READ

Campaign for Reader Privacy Lobbies for House Version of Patriot Act Reauthorization

With three provisions including Section 215 due to expire at the end of 2009, AAP and its partners in the Campaign for Reader Privacy (ALA, ABA and PEN American Center) lobbied throughout the fall for meaningful revisions to the Patriot Act to protect library and bookstore records from unwarranted government snooping.

The Campaign endorsed H.R. 3845, the USA Patriot Amendments Act of 2009, which was approved by the House Judiciary Committee on November 5. The bill would effectively ban the government from using Section 215 to engage in “fishing expeditions” in libraries and bookstores to identify books that patrons are reading. Section 215 allows the FBI to secretly obtain business records that it says are “relevant” to an investigation, including the records of people who are not suspected of any crime. H.R. 3845, would extend Section 215 for another four years but prohibit searches of library or bookstore customer records unless there are “specific and articulable facts” to show that the person is a “suspected agent of a foreign power” or someone in connected to the suspected agent.

However, caught up in the health care reform debate and other issues, Congress was unable to act on a permanent Patriot Act reauthorization bill and instead adopted a temporary

measure extending the expiring provisions until February 28, 2010.

Second Circuit Upholds CIA Right to Censor Plame Memoir

The U.S. Court of Appeals for the Second Circuit affirmed a lower court ruling that bars former CIA operative Valerie Plame Wilson from referring in her memoir to her status as a CIA employee prior to 2002. The CIA had ordered all pre-2002 employment reference redacted from her book *Fair Game: My Life as a Spy, My Betrayal by the White House*, prior to its publication in 2007, notwithstanding the fact that the information was contained in an unclassified letter she received from a CIA benefits officer which had been introduced at House hearings, published in the Congressional Record and was widely available on the Internet.



Valerie Plame at BookExpo America. Photo by Ron Hogan

In February 2008, AAP took the lead on an amicus brief to the Second Circuit supporting Wilson and her publisher, Simon & Schuster, in a lawsuit claiming that the government’s demands constituted a prior restraint of speech in violation of the First Amendment. The appellate court held that Wilson remained bound by the secrecy

agreement she had signed as long as the information was not officially disclosed, and that while the Agency may have been negligent in sending her personnel information without proper classification, it was she, not the CIA, who had made it public.

Plaintiff Wins Libel-in-Fiction Case in Georgia

A Georgia jury has awarded \$100,000 in damages to a woman who claimed she was the model for a character in the best-selling novel *The Red Hat Club*, and who said that actions and traits attributed to the character were false and defamatory. The jury, however, declined to award attorney’s fees or punitive damages, and found no invasion of privacy.

In the summer of 2008, AAP filed a brief asking a Georgia appeals court to dismiss the case against author Haywood Smith and her publisher, St. Martin’s Press, arguing that the plaintiff needed to show that a reasonable reader who knew her would confuse her actions with those of the fictional character. Finding evidence that the fictional character might be based on the plaintiff, the appellate court refused to dismiss and sent the case to trial.

Meetings with Senate Staff Urge Support for Libel Tourism Bill

AAP, working with other concerned First Amendment advocates, participated in a series of meetings with Senate staff in December to press for strong federal libel tourism legislation. Freedom to Read Director Judy Platt met with the staff of Judiciary Committee member Al Franken (D-MN) and AAP Vice

President Allan Adler met with staff members of Senator Dianne Feinstein (D-CA) and Judiciary Committee Chairman Pat Leahy (D-VT). The talks centered on the need for a modified version of the Free Speech Protection Act of 2009 (now pending before the Judiciary Committee) which would allow U.S. courts to grant personal jurisdiction over foreign libel plaintiffs “to the extent permitted by the U.S. Constitution” and would allow American authors and publishers to recoup actual expenses incurred as a result of foreign libel judgments that would never pass First Amendment muster in the United States.

SCHOOL DIVISION

Final Regulations on “Race to the Top” Fund Respond to AAP Concerns

The Obama Administration has announced regulations governing its “Race to the Top” competition for states seeking funds from the new \$4.35 billion federal education grant program.

Last fall, AAP’s School Division submitted comments to the Department of Education supporting the initiative, but expressing concern that a requirement in the draft regulations directing states to make any new educational materials developed with RTTT funds “freely available” would compromise the intellectual property rights of third-party providers. The final regulations issued on November 12, 2009 addressed these concerns with revisions to protect proprietary work developed with RTTT funds.

The final rule and other information about the RTTT program can be found here: <http://www.ed.gov/programs/racetothetop/index.html>.

CALENDAR

January

Tuesday, January 19th
Trade Executive Committee
12:30 – 2:00 pm, Rms. 1 & 2

Wednesday, January 20th
PSP Journals Committee
12:00 – 2:00 pm, Rms. 1 & 2

Thursday, January 21st
AAP Board Meeting
12:15 – 2:30 pm, Rms. 1 & 2

Friday, January 22nd
PSP Annual Conference Prep
9:00 am – 5:00 pm, Rms. 1 & 2

**Monday, January 25th &
Tuesday, January 26th**
PSP Annual Conference Prep.
9:00 am – 5:00 pm, Rms. 1 & 2

February

**February 3rd through 5th
(Wednesday through Friday)**
PSP Annual Conference
Mayflower Hotel, Washington, DC

Thursday, February 4th
Libraries Meeting
1:00 – 5:00 pm, Rms. 1 & 2

Wednesday, February 10th
Freedom to Read Committee
12:00 -4:00 pm, Rms. 1 & 2

Wednesday, February 17th
PSP/EIC
11:00 am – 3:00 pm, Rms. 1 & 2

Monday, February 22nd
OPWG
10:00 – 11:45 am, Rms. 1 & 2

Copyright Committee
12:00 – 2:00 pm, Rms. 1 & 2

Tuesday, February 23rd
IFTP
12:00 – 2:30 pm, Rms. 1 & 2

Friday, February 26th
PSP Book Committee
11:00 am – 3:00 pm, Rms. 1 & 2

March

Monday, March 1st
International Sales
3:00 – 5:00 pm, Rms. 1 & 2

Tuesday, March 2nd
PSP Journals Committee
12:00 – 2:00 pm, Rms. 1 & 2

**Wednesday, March 3rd –
Thursday, March 4th**
AAP Annual Meeting
Washington, DC

Wednesday, March 10th
Freedom to Read Committee
12:00 – 4:00 pm, Rms. 1 & 2

Thursday, March 11th
Copyright Seminar
11:00 am – 3:00 pm, Rms. 1 & 2

Friday, March 12th
PSP Executive Council
12:00 – 3:00 pm, Rms. 1 & 2

Tuesday, March 16th
Trade Executive Committee
12:30 – 2:00 pm, Rms. 1 & 2

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