

AAP 2019 PSP Conference Summary
Publishing and the Dissemination of Knowledge
February 6-8, 2019

“An incredible few days of inspiring conversations.”

“A great conference to attend and a privilege to be part of...Thanks again for supporting small SSH publishers.”

“It was a pleasure to be a part of the fabulous program you put together.”

“A program filled with so much insight. Thank you for a memorable day.”

“The difference in the conference this year was palpable, a meaningful upgrade all around. I look forward to attending next year.”

Overview

It was all hands on deck for AAP’s talented team in producing an important Professional and Scholarly Publishing Conference at the Ritz-Carlton in Washington’s West End. The conference, which was held on February 6-8, 2019, focused on high-caliber discussion, subject matter expertise, and thought leadership covering the theme of “Publishing and the Dissemination of Knowledge.”

President and CEO Maria Pallante and Vice-President of Public Policy Matt Barblan shared the planning and emcee duties; they were joined by Executive Vice-President Allan Adler, Vice-President of Global Policy Lui Simpson, and Assistant General Counsel Sofia Castillo, with all five lawyers working together to lead discussions and moderate panels throughout the program. The conference dove-tailed with the opening of the U.S. government, ensuring that the city and airports were fully-functional, and permitting several government officials to join the gathering of distinguished guests. AAP was bolstered by strong support from the Board of Directors, as well as a number of PSP members who contributed a variety of ideas and presentations throughout the planning process and two-day conference. AAP’s communications and administration teams provided invaluable contributions, not only for the conference but for the 2019 PROSE Awards and luncheon.

The conference benefited from the generous support of sponsors, including: Copyright Clearance Center (Platinum), Impelsys (Platinum), ACS Publications (Gold), McGraw Hill Education (Gold), Silverchair (Gold), Cenvo Publisher Services (PROSE Silver), Crossref (Silver), Aries Systems (Bronze), Atypon (Bronze), CBRE (Bronze), Impact Management Group (Bronze), Michael Muse (Bronze), RedLink (Bronze), and SPi Global (Bronze).

WEDNESDAY, FEBRUARY 6, 2019

Pre-Conference Sessions—Continuing its commitment to training, AAP offered a new session on “The Legal Basics” of copyright, licensing, and current law and policy developments. AAP’s policy experts Matt Barblan and Lui Simpson ran the session, which attracted early career professionals, CEOs, and people in between who were eager to catch up on the complicated policy terminology and legal framework of publishing. Barblan and Simpson followed this session with a members-only policy

meeting for c-suite and policy professionals in which AAP staff and members exchanged valuable information.

THURSDAY, FEBRUARY 7, 2019

Distinguished Guest: The Hon. Judy Chu – Following opening remarks by AAP’s President and CEO Maria A. Pallante, the first speaker of the conference was Congresswoman Judy Chu. A Democrat who was the first Chinese-American woman elected to Congress and has served as the U.S. Representative for California’s 27th congressional district since 2009, Rep. Chu noted that, during several years as a member of the House Judiciary Committee and its Intellectual Property Subcommittee she developed a great friendship with then-Register of Copyrights Maria Pallante as the Judiciary Committee was conducting a series of hearings to comprehensively review U.S. copyright law. She noted how that process helped her to understand a variety of legal and policy issues from the different perspectives of numerous stakeholders and praised the creativity of the millions of individual “creators who are not Taylor Swift” but endeavor to earn a living generating works of original expression.

Rep. Chu briefly indicated the importance she attached to modernizing the Copyright Office, and particularly its IT infrastructure, while also expressing her determination to continue to support the creation of a “small claims” tribunal to enable creators to pursue low-value infringements of their works that are too expensive to pursue in federal court. As an original co-founder and still co-chair of the Creative Rights Caucus, she urged continued efforts to “educate lawmakers” about the contribution that copyright makes to our economy and culture, and invited AAP and its members to seek assistance on related legislative issues from the Caucus, with its 50 members covering 17 States. She explained that copyright law incentivizes publishers to invest in content curation and in the infrastructure for the dissemination of knowledge. Finally, she noted that those present at the conference represented the “gold standard” of publishing academic research, without which researchers would not be able to share their work.

Author Keynote: Brian Greene – A renowned physicist, best-selling author, and NOVA TV host, who also serves as Editor-in-Chief of the *Annals of Physics* journal (published by Elsevier) and as Director of Columbia University’s Center for Theoretical Physics, Brian Greene delivered a tour de force presentation regarding how the evolution of theories about the nature of gravity and scientific observations pertaining to “black holes” offered examples of the critical “generational hand-off of knowledge” that is essential for progress—aided by publishing—to energize “fearless young minds ready to push into the unknown.” Greene noted that when he wrote his first general knowledge book, there was skepticism from his colleagues as to the utility of such an endeavor, “taking precious time from research to write a general knowledge book about physics.” He underscored his desire to do so as being fueled by the mission to disseminate knowledge to the broad public, “to expand the human spirit,” with a sense of how each generation hands off research to the next, precipitating “leap frogs in human knowledge.”

With only occasional use of spectacular audio-visual illustrations, Greene traced the fascinating exploration of this aspect of science from Newton through Einstein, and then through the recent work of researchers funded by the National Science Foundation and able to utilize the modern technology of superconducting super colliders to find direct proof of Einstein’s theory of “gravitational waves rippling across the universe.” He spoke enthusiastically about dedicated scientists searching for “observational patterns” that can produce the “kind of stories that excite the next generation if they are accessible, compelling, and speak to who we are by the process of discovery.” Noting how “ideas that transcend the

local moment” are what matter to him, Greene again emphasized his key assertion that “we explore, try to understand and find coherence—what we do as human nature—to inform the collective understanding of who we are.”

Greene graciously took a few questions from a rapt audience, offering his views on ways to encourage kids who are interested in math and science, and addressing the issue of openness in research. Greene endorsed having “live human beings explaining and discussing” matters of interest through “scientific cafes and labs open to the public,” noting the replicable example of the World Science Festival in New York. As for whether traditional scientific papers and articles were the best way to communicate science, Greene opined that, while he was aware of those who “seek to eliminate human verbiage that may be distorting,” he favored allowing “more of the human side to come through.” “Openness is OK,” he suggested, “because I don’t care who makes a discovery – it’s the journey of discovery that matters.” Greene closed to loud applause as he confirmed that he would continue to spread his work through popular trade books and disclosed that he is doing a sequel to his popular work of children’s science fiction, “Icarus at the Edge of Time.”

Panel: “Law and Policy Roundup” – On the Law and Policy Roundup panel, the discussion served to brief the audience on key law and policy developments in 2018, with a look to challenges that either continue into or might arise in 2019. The discussion was framed by an enumeration of the continuing challenges publishers face in the copyright arena, including: 1) attempts to introduce broad exceptions and limitations in ongoing efforts to weaken copyright protections; 2) inadequate legal and enforcement frameworks that fail to provide publisher-rights holders with the necessary tools to protect and enforce their rights against online piracy; and 3) market access issues and policies that would hinder the ability of publishers to engage and invest in publishing activities.

The five panelists opened with their view as to the key developments of 2018. Allan Adler (AAP Executive VP and General Counsel) began by pointing to the change in how policy makers view technology companies, which have been allowed to operate effectively unregulated for years, noting that there is now the sense that some regulation of technology giants is in order. On the question of whether the government might finally take steps towards regulation, Mr. Adler noted that while review of current law and policy is certain (and already underway before the FTC, for example), regulation seemed unlikely. Stephen Lotinga (Chief Executive of the UK Publishers Association) pointed to several developments in Europe that are of keen interest: 1) Britain’s oncoming exit from the European Union, 2) the “trilogue” negotiations on the Directive for a Digital Single Market, and 3) the recent announcement of the so-called “Plan S” by several funding bodies in Europe. Robert Clarida (Partner, Reitler, Kailas & Rosenblatt) provided a brief summation of two cases of importance to the publishing industry: the Georgia State University Case (going back on remand to the district court following the 11th Circuit’s second rejection of the district judge’s finding of fair use), and the ReDigi case (where the 2nd Circuit affirmed the lower court’s finding of infringement against ReDigi). Daniel Marti (Head of Global Government Affairs-RELX) likewise noted the change in perception of technology platforms, with the backlash against big tech in 2018. Data breaches, misinformation, and fake news have all contributed to turning the dialogue towards how technology platforms should be regulated. Shira Perlmutter (Chief Policy Officer and Director of Policy Affairs, U.S. Patent & Trademark Office) highlighted the successful renegotiation of NAFTA, now the U.S-Mexico-Canada Trade Agreement, which she noted achieved gains for the content industries, such as the inclusion of an online enforcement framework.

Continuing her government perspective, Ms. Perlmutter also described for the audience the government’s policy setting process, noting the importance of engagement with industry stakeholders

and dialogue with the various agencies and departments tasked with developing and implementing government policy. Ms. Perlmutter noted that unfortunately there do continue to be efforts to promote an international instrument on exceptions and limitations at the World Intellectual Property Organization, though the U.S. government is opposed. She also noted that there is some discussion of principle and policies with respect to exceptions and limitations to copyright, but not in terms of legally binding treaty language.

Both Mr. Lotinga and Mr. Marti provided additional insights into Plan S, with Mr. Lotinga noting that the so-called plan does not have government imprimatur, and is instead simply an attempt by 13 European national funding institutions to speed up open access. Mr. Marti agreed, noting that in some cases, it is not at all clear that it is the national funding body that has endorsed Plan S. While there is uncertainty, Mr. Marti cautioned that the industry needs to remain vigilant against Plan S making any inroads into the U.S., even if such chances are slim.

With respect to the EU's Digital Single Market, Mr. Lotinga noted that the trilogue discussion continues with no clarity into where the text of the directive may end up. Should an agreement not be achieved, Mr. Marti noted that the proposal will likely come back, though there is also the possibility of certain provisions or proposed exceptions making their way into other proposals where copyright protection would not be the primary objective. On Brexit, Mr. Lotinga stated that the UK publishing industry is well situated to handle the challenges that will arise should there be no deal with the EU regarding the terms of the UK's exit by March 29, 2019.

Distinguished Guest: Jerry Sheehan – As Deputy Director of the U.S. National Library of Medicine (NLM), Jerry Sheehan shares responsibility for direction, development and coordination of all NLM activities and, in particular, for implementing the NLM's 2017-2027 Strategic Plan. During a previous 16-month detail to the White House Office of Science and Technology Policy, where he served as Assistant Director for Scientific Data and Information, he helped advance open science policies across the Federal Government through implementation of the February 2013 Holdren "public access to government-funded research" memorandum.

Most of Sheehan's presentation concerned implementation of the NLM's Strategic Plan, which he characterized as a "ten-year vision into the future, and the possibility of achieving it in the next five years." Although he nodded to the forum by referencing a theme of "how we best can partner with publishers," Sheehan signaled that his real focus was on "libraries" as represented by his revision of the conference title to address "Mission Critical: *Libraries* and the Dissemination of Knowledge." Sheehan explained that "data is part of the new currency of communications," and noted the Strategic Plan's emphasis on "data-driven research" with a goal to accelerate data-driven discovery and data-powered health." He noted that, as part of the Strategic Plan, he is working to "foster open science policies and practices," including to "preserve and make more accessible more of the scholarly record" through an "article-centric approach" using cloud services.

Data sharing, already a main activity promoted through both PubMed Central and PubMed, will increasingly focus on what Sheehan called "discovery data" through the use of PubMedCentral's Associated Data Box, which exposes data-related content available in full-text articles. Asked for NLM's perspective on U.S. prospects of adopting the European-originated Plan S and "flipping" traditional commercial journal publishing business models to offer immediate open access with open licensing capabilities, Mr. Sheehan stated that the NLM "already collaborates with PubMedCentral Europe consistent with Plan S," but declined to speculate on what a "Plan U.S." might look like. He closed his

presentation promising that there would continue to be “lots of communication with our partners,” and that the NLM would “engage with stakeholders in the library community” and others.

Publisher Keynote: Drake McFeely – The Publisher Keynote for the Conference was delivered by AAP Board member and Chairman of W.W. Norton & Company, Inc., Drake McFeely, who wryly noted that although his company publishes trade books and textbooks rather than PSP fare, he was happy to more broadly discuss publishing and the dissemination of knowledge with his company’s science and textbook program being the closest to a PSP output. Echoing a theme from Brian Greene’s talk, Mr. McFeely told how Norton convinced theoretical physicist Richard Feynman (best known for his work in quantum mechanics and particle physics) to publish a trade book for general readers, and then explained how another Norton science author, astrophysicist Neil DeGrasse Tyson, used a TV appearance on Stephen Colbert’s Late Night program to turn his book on astrophysics for general readers into a best seller. McFeely offered these as examples of “how to seduce and entertain a paying audience” with science.

He then traced the fascinating story of how Norton came to publish a commercial print version of the Federal Government’s 9-11 Commission Report, a public domain work which the Commission wanted to be a best seller that would reach the American people simultaneously with the President and Congress – a task, McFeely explained, that “required the skills of a trade book publisher.” The Commission required a guaranteed first run of 600,000 copies in 6 days, which Norton successfully completed.

Mr. McFeely explained that the “not so secret sauce” for PSP publishers, as for trade publishers, is making it clear that “the book matters.” Commenting on his “new competitor,” open educational resources (OER), Mr. McFeely asserted that notwithstanding the attraction of prices much lower than for commercial textbooks, there are “real substantive differences” that between OER and traditional textbooks that depend on success in synthesizing the professor’s work, finding the best authors, and the integrity of the material support package.” In the end, he stated his belief that professionally published commercial textbooks “are a better way to disseminate knowledge,” and that society should not want a system of public universities that use OER and private universities that use commercial textbooks.

Asked about the future of publishing over the next 10-20 years, Mr. McFeely said that, for trade, “the book would still be the book,” and it would still be about “story-telling.” Although he predicted “plenty of change” in the retail markets and technology with respect to educational content, he admitted that “the crystal ball is cloudy” on the details. And, when asked what Norton was doing to win students away from OER, he suggested that perhaps “using the model of online games to explore exercises” would be productive, and then emphasized that the preferred means of dissemination was not just a choice for students but also for faculty and instructors.

Panel: “Technology, Ideas, and Expression: How Machines Learn and What it Means for Legal and Business Paradigms” – This panel reviewed the basics of artificial intelligence (AI), how publishers are using AI, and some of the issues that arise from such use. Jule Sigall (Associate General Counsel, IP Policy & Strategy at Microsoft) used the product “Seeing AI” —a device which looks for identifiable patterns of data to help blind people identify the composition of their surroundings—as an example both of how machine learning operates and how such capabilities can be incorporated into useful products. With respect to the detection of such data patterns in a copyrightable work, he explained the “transformative nature” of machine learning in terms of using the work as data rather than as an expressive work, suggesting that the issue concerns not simply whether a copy is made, and instead require focusing on the line between an idea and its expression. He briefly noted a “global trend” in the treatment of copyrighted works for AI use, posing the expectation that AI as “art’s next medium” would

raise fundamental questions about authorship and originality, along with ethical issues and questions about fairness, reliability and safety, privacy and security, inclusiveness, transparency, and accountability.

John Behrens (Vice President, AI Product Development, Pearson) told the audience that Pearson was creating a “prototype environment for students to explore, relying on patterns of recognition,” which he illustrated with a brief audio visual at a museum. He noted the prevalence of “business shifts,” including from content delivery to interactive creation, product to process, and data as output to “everything as data.” Carlo Scollo Lavizzari (Advocate and Partner at Lenz Caemmere) briefly echoed some of Mr. Sigall’s comments and broadly described the ultimate “opportunity” presented as the ability “literally, to publish for machines as readers and AI users.” The panel discussed how publishers can protect their rights in relation to AI and machine learning, the development of standards, and the importance of addressing privacy, “bias” and “diversity” issues in the context of “feeding data” into machine learning processes.

Distinguished Guest: Kathleen Hall Jamieson – Publisher Niko Pfund (Global Academic Publisher, Oxford University Press and President, Oxford University Press, USA) was on hand to introduce Kathleen Hall Jamieson, a long-time Oxford University Press author and a Professor of Communication at the University of Pennsylvania’s Annenberg School for Communication (as well as Director of the University’s Annenberg Public Policy Center). Ms. Jamieson in turn opened by underscoring the value of publishers to authors and the public, stating that they are often “co-creators” of the “knowledge” that is finally published and disseminated.

Ms. Jamieson, the author of *“Cyberwar: How Russian Hackers and Trolls Helped Elect a President,”* which received two PROSE awards during the Conference, summarized the conclusions she reached based on exhaustive analyses of “troll” posts on social media, a variety of polling data, media use of hacked content, and news coverage of multiple federal investigations (among other data), to argue that Russians “probably” helped elect the 45th president of the United States. She delved into questions about the scope of the troll messaging; the specific characteristics of social media that the Russians exploited; and the reasons why the mainstream press failed to “source” the troll posts to the Russians or Wikipedia’s Julian Assange, failed to inform readers they had not independently verified the hacked content in their reporting, and took hacked content out of context and failed to assess its newsworthiness.

Jamieson advocated for “book-length argument availability” as “preserving something very important” in the face of the insufficiency of other formats “where others can come in and tamper without your knowledge.” After detailing the disclosures in her book, she emphasized to the audience how all of it demonstrated the “need to figure out how to protect what publishers do.”

FRIDAY, FEBRUARY 8, 2019

Panel: “Licensing as Vision: Disseminating Knowledge Through the Modern Marketplace” – This panel explored how publishers seek to shape new business models and practices to get content to customers in increasingly more creative, convenient, and useful ways. Deidre Silver (Associate General Counsel, Global, VP of Legal, Research, John Wiley & Sons) began by noting how “open access” publishing proponents question the value that publishers add to journal content. She then explained how Wiley had “bridged the divide” with OA based on having shared goals for the science ecosystem and, with a view of its customer “as its North Star,” consciously working to satisfy “unmet customer needs.” Ms.

Silver noted Wiley's commitment to OA data and its experimentation with "open peer review" as examples of the latter effort, and explained how collaborative initiatives like Projekt DEAL—a partnership with 700 German institutions affording full access to Wiley journal content, with researchers having the option to publish OA in all of Wiley's journals, together with a framework for a new OA journal, author development program, and early-career researcher symposium—point to the future direction of such efforts.

Vivian Berghahn (Managing Director, Berghahn Books) then offered a "small scale" publisher's perspective, based on her company's focus on anthropology books and journals. She talked about the *challenges* of obtaining visibility, marketplace recognition and subscriptions, along with the *opportunities* for novel licensing models, DRM-free publication, and demand-driven acquisition. She also offered examples of "collaborative collective OA initiatives" in the form of *Knowledge Unlatched* and *Libraria*—a universal OA model for anthropology.

Cathy Wolfe (President & CEO, Health Learning, Research and Practice, Wolters Kluwer) then noted how publishers are criticized more than acknowledged for their positive contributions, explaining how her company and its "health learning" subsidiaries approach their mission "to help clinicians be prepared." Ms. Wolfe explained the broad impact of her company's "footprint" across the health continuum as points of learning, reference, and care. Addressing customer challenges, she noted that "innovation in licensing content begins with user needs to learn, keep up, conduct research, and teach," and offered examples of the evolution of the sometimes difficult-to-use Ovid Medical Research Platform toward Ovid Discovery, where simpler searches utilizing indexed resources with ever-increasing amounts of metadata have developed by "getting closer to customers and allowing them to help figure out where the real value is."

Tracey Armstrong (CEO, Copyright Clearance Center) closed out the panel presentations with numerous examples of how CCC focuses on being a "publisher partner" on copyright and innovation, relying on collective licensing models for "removing friction from the market" and serving the unmet user needs that constitute a "huge force driving market description and experience." She emphasized that there wasn't a choice between "doing things differently and doing different things" because both were integral to innovation and diversification in the development of market-based solutions. Ms. Armstrong summarized the evolutionary process from CCC's development of RightsLink through its work on text-and-data mining issues and the RA 21 Initiative in the licensing space, and then tackled some of the issues associated with "data as the new currency," including the need for creating "smart data" for analytics, mapping data, and developing sharing mechanisms for the market.

Panel: "The Legacy and Future of PSP Publishing: Insights from the C-Suite" – This panel closed the Conference and provided the audience with a broad range of observations from commercial, non-profit society, and university press executives. In brief opening remarks, YS Chi (Chairman, Elsevier and Director of Corporate Affairs, RELX Group) offered general comments about heading an ambidextrous company engaged in every aspect of publishing and repurposing content as research tools, and the other panelists briefly described their publishing houses.

The moderator, AAP President & CEO Maria Pallante, then asked the panel how publishers find and recruit students for industry jobs, asking whether they have the skillsets needed for the publishing workforce. Jasper Simons (Chief Publishing Officer, American Psychological Association) noted that there is a common misunderstanding about what publishers do, i.e., provide added value, and said he looked for people who are "comfortable and competent with ambiguity" while having a "passion for content."

Christie Henry (Director, Princeton University Press) opined that university presses enjoy unique opportunities to find the right students because such publishers are on campus and can teach students as interns and teaching assistants while also “sourcing” from larger populations people who are “excited about ideas.”

Mr. Chi noted that, over the past fifteen years, there were changes in the kind of people the industry needs and looks for, adding interest in technology as it applies to content. The jobs, he said, require purpose and relevance, along with competitive compensation, in order to compete with tech companies and get the diversity the industry needs. Brian Crawford (President, Publishing Division, American Chemical Society) also emphasized the importance of people who can apply technology to content in various settings, noting the onrush of AI and machine learning. But he noted that “passion” for a variety of different skills is desirable. Jennifer Crewe (Associate Provost & Director, Columbia University Press) referenced an earlier speaker’s emphasis on the continued need and appreciation for “long-form narratives,” and Mr. Simons said it was mostly about “people who like to collaborate” and are passionate about particular subject areas as well.

Ms. Henry noted that data helps in these efforts “to determine if our intuitions are correct and asserted that the emergence of the current “counterfactual culture” makes what publishers do even more important, and requires them to “amplify” even more. Mr. Chi mentioned his own “passion for people,” and explained how having come to his position through the business, rather than editorial, side of publishing gave him an appreciation of those who are “deeply committed to the long-form for the long game,” not just for personal gain. Mr. Simons added that attention also had to be paid to international perspectives.

The panelists then responded to questions about career highlights and whether they would choose to be a publisher if they could revisit earlier career choices, with all reaffirming their devotion to the business and both its collaborative and competitive aspects. Asked about dealing with disruption and whether we should be concerned about small publishers or anyone else, Ms. Henry mentioned her concern about “shallow reading undercutting the long-form;” Mr. Chi stated that PSP “should be realistic about its audience” and focus on the scholarly and research community “without worrying about what trade or education publishers worry about.” Mr. Simons noted that the constantly growing “research output” puts pressure on small societies and could lead to consolidation to improve scale, as it did in the 1970s, to which Mr. Chi replied that “outsourcing and alliances,” rather than consolidation, were more likely consequences. Ms. Crewe observed that the journals and monographs which are the “reputational bread and butter” for PSP publishers were significant as “discipline-changing,” but often lost money that then needs to be made up elsewhere. Ms. Henry responded by saying that her press “knowingly experiments at a loss” because it is necessary to evolve. Mr. Crawford noted that societies were moving away from the subscription and member service models, and more toward trade models.

Asked about their “global mission and responsibility” to spread knowledge, even where censorship is rampant, the panelists generally agreed that “knowledge does not stop at borders,” publishers “cannot focus on being politically correct, and should never ignore the task of reaching the non-wealthy countries.” Furthermore, aiding professionals in developing countries is important because most usage of their publications and related revenues comes from outside North America. On some publishers’ “mindset of being a tech company,” Mr. Chi opined that being a publisher was “too restrictive” in describing them in terms of their investments in technology, and “boxed us in” with “the perception of being too book-centric.”

The panel closed with advice for those in mid-level publishing careers about “moving up” in their current house, including through the support of mentors, or changing companies in order to grow, acquire different skills, and “reflect different levels of ambition at different stages of their lives.”