

10 FAM 360 AMERICAN PUBLICATIONS IN TRANSLATION

(TL:PEC-010; 06-07-2002)

10 FAM 361 GENERAL

10 FAM 361.1 Purpose

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The American Publications in Translation Programs of the Office of International Information Programs (IIP) support U.S. foreign policy objectives by encouraging translation and reprinting of key works in U.S. politics, economics, law, history, and literature for foreign audiences. These books and articles help Foreign Service posts bring a U.S. perspective on issues of bilateral and global concern to decision-makers and opinion-makers abroad. By working cooperatively with foreign publishers and translators, IIP publications translation and reprint programs also promote observance of intellectual property rights and foster the growth of publishing industries as vital components of civil societies in developing countries.

10 FAM 361.2 Headquarters Support

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The American Publications in Translation Program is supported in Washington, DC by IIP's Geographic Liaison Teams of the Office of Geographic Liaison (IIP/G) and Copyright and Print Publications Team (IIP/TCP) of the Office of Thematic Liaison. Because of the long-term effect of books in building mutual understanding and the non-partisan character of the program, it is located in the Coordinator for International Information Programs (IIP) and subject to the legislative mandate that governs IIP programs.

10 FAM 361.3 Scope

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a. The program may include full-length books, condensed versions, special adaptations, excerpts, short stories, poems, plays, articles, pamphlets and titles already translated into languages other than English. Such materials may be published in book form and as serializations or supple-

ments to newspapers or magazines. Appropriate publication rights must be obtained for all publishing projects.

b. In developing the program, considerations are high quality translations, good technical standards for book design and manufacture, and thorough planning of promotion and distribution in developing the program.

c. Availability of translated editions and English reprints for post promotional and direct program use, and Information Resource Centers (IRCs), is an important spin-off of the program. University audiences and indigenous libraries are especially important potential recipients of books. Any direct presentation use should take into account the effect on commercial sales.

10 FAM 362 GUIDELINES

10 FAM 362.1 Project

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a. Translated U.S. publications publishing projects are undertaken either as a country program activity or as a regional activity. Translated publishing projects require careful and continuing attention at the post or regional office level and coordination with and support from IIP. Public Affairs Officers should direct initial project requests and questions about funding to the IIP Office of Geographic Liaison (IIP/G), with a copy to IIP/T. Requests for publication rights and questions about thematic material, project management, and training should be directed to the IIP Office of Thematic Programs (IIP/T), with a copy to IIP/G. Each project typically involves a chain of communication between the U.S. rights holder, IIP, post or regional book office, and foreign publisher(s) and distributor(s).

b. Country Public Affairs Officers, Regional Program Officers, and the American Publications in Translation Program Coordinator should keep in mind the following general guidelines as projects are developed:

(1) Encourage publishers to publish translations or English reprints insofar as possible without post financial assistance, by providing samples of saleable program books and information on rights holders for direct negotiations. When the foreign publisher does not obtain rights, requests for them should be sent to IIP/G, with a copy to IIP/TCP; and

(2) Where financial assistance is necessary, explore the most effective way to assist local book publishers and/or to assist dealers in expanding distributions to much wider audiences. Estimate financial support needed on individual titles, and, when feasible, develop with publishers promotion and distribution plans for each title selected or for series of titles.

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c. For titles requiring financial assistance, posts should:

(1) Carefully select publishers and (when applicable to local circumstances) printers, distributors, and translators and assure that contracts with them are to the best advantage in terms of quality, performance, and cost, and that contracting procedures and terms adhere to applicable procurement regulations;

(2) Encourage publishers to obtain rights directly from the copyright owner whenever possible. Request IIP/TCP to procure rights on the publishers' behalf for books which meet program criteria, if the publisher is unable to negotiate directly because hard currency is difficult to obtain or direct communication between the foreign publisher and the U.S. rights holder would cause undue delay;

(3) Check to assure that copyright clearance has been obtained directly or through IIP/TCP and that the copyright notice is published as requested and other requirements under existing international conventions have been met. Neither payment nor work on translation or editing a book should commence before evidence of copyright clearance has been obtained. Any contract that the post enters into with a foreign publisher should include an "escape clause" permitting its cancellation if copyright permission is not obtained from the rights holder in conformity with internationally accepted practices and applicable copyright law;

(4) Make certain that translations are complete and accurate, faithful to the original, and of good literary quality;

(5) Verify that contractors perform services as agreed, with special attention to certification of size of print run, when applicable, and accomplishment of effective promotion;

(6) Coordinate each post's publications translation program with other posts using translated publications in the same language and with other U.S. Government book publishing activities at the embassy;

(7) Maintain complete records of publications translated with post assistance in each country; and

(8) Forward to IIPP/TCP the required reports and copies of translated publications.

10 FAM 362.2 Responsible Officers

10 FAM 362.2-1 Country Public Affairs Officers (PAOs)

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Country PAOs are responsible for the design, quality, administration, and results of one-country publishing programs. They assess the utility of such programs in the context of country objectives and the circumstances of the local publishing industry and identify the long-term benefits, which a country-publishing program should aim to produce. Because publishing programs are not “turnkey” operations, they require sustained commitment from any post which undertakes them. Staff time and attention are needed for the success of even the smallest of book translation publishing programs.

10 FAM 362.2-2 Regional Program Officers (RPOs)

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Regional Program Officers (RPO) are assigned to Geographic Liaison Teams (IIP/G) in Washington, DC. They manage the funds and approval of initial project requests for the individual and multi-country programs in their geographic areas, and coordinate with regional book offices offering titles already in translation. RPOs solicit regional bureau policy guidance. Projects requiring technical or thematic support are passed to IIP/TCP upon approval.

10 FAM 362.2-3 Program Coordinator

(TL:PEC-010; 06-07-2002)

The American Publications in Translation Program Coordinator is assigned to the Office of Copyright and Print Publications (IIP). The coordinator manages:

- (1) Research for thematic material for Foreign Service posts needing a central resource;
- (2) Reference development for details of project management such as technical aspects of publishing, IIP standards and requirements, and negotiating publishing contracts;
- (3) Training newly-assigned FSOs and FSNs;
- (4) Communications regarding the timely acquisition of publication rights;

- (5) Representation of the overall program to Washington, DC headquarters management;
- (6) Periodic field inspection visits; and
- (7) Comprehensive annual reports on the overall program.

10 FAM 363 POST PUBLISHING PROGRAMS PROCEDURES

10 FAM 363.1 Responsibilities

(TL:PEC-010; 06-07-2002)

The Office of Copyright and Print Publications develops procedures for the American Publications in Translation Program.

10 FAM 363.2 Objectives, Context, and Planning

(TL:PEC-010; 06-07-2002)

a. **Rationale for a post publishing program**—Any post that conducts a publishing program should have a clear rationale for what public diplomacy objectives such a program serves and how they are being served by it. The rationale may be revised whenever circumstances or context change appreciably, in the judgment of the PAO.

b. **Support to local publishers**—To have U.S. books published locally, posts may need to offer support at various levels, depending on local conditions. The foreign publisher should have a strong enough monetary stake in the success of the book to be committed to undertake effective promotion and distribution. Publishing houses with good reputations for quality of work and effective marketing are preferred.

c. **Book series agreements**—At the discretion of the post and with the approval of IIP, general agreements with local publishers for production of a series of books in specified subject areas may be undertaken. Such agreements would normally be made only when local conditions present significant promotional and marketing advantages that would be more advantageous to the U.S. Government than arrangements on a single title-by-title basis. Problems of availability of rights to specific titles are often a limitation on development of these kinds of agreements, unless the post and local publisher specify general subject matter and a liberal policy for substituting titles as dictated by rights availability.

d. **Special purchases**—Sometimes posts have the option of buying large numbers of copies of a book that is about to be published or reprinted

at a favorable discount. If the post foresees opportunities for widespread direct distribution of the book in support of its mission performance plan, it may wish to negotiate such an arrangement with the foreign publisher who is planning to publish or reprint the book.

e. **Oversight responsibility**—Whichever of the above combination of options posts employ, it is the PAO's responsibility to assure that all legally binding commitments are made in conformity with U.S. Government regulations concerning contracting, grant-making, or other applicable instruments that may be employed at the post level, and that the agreements entered into are in the interest of U.S. foreign policy goals and the post's program.

10 FAM 363.3 Mission Performance Plan Process

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Posts should include descriptions of publishing programs in the rationale and operational sections of their mission performance plan proposals as appropriate. Specific support needs for title suggestions, copyright clearance support and other forms of book program assistance should normally be included in mission performance plan proposal submissions.

10 FAM 363.4 Contracting for Book Publication Projects

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a. Volume 6, General Services, of the Foreign Affairs Manual (FAM) sets forth the principles and techniques for negotiating contracts. It contains instructions that apply directly to the American Publications in Translation Program and should be consulted at all times in the development of book publication contracts with foreign publishers.

b. All essential items (contract details) should be included in the contract with the publisher. This will help avoid misunderstandings.

10 FAM 363.5 Selection Process

10 FAM 363.5-1 Choosing Titles

(TL:PEC-010; 06-07-2002)

a. Titles selected for the book publishing program should:

(1) Clearly support worldwide, regional, or country program objectives;

(2) Appeal to specific target audiences in content, treatment of subject matter, reading level, and style;

(3) Have sufficient reader appeal to justify printing the quantity publisher and post agree to print; and

(4) Still be relevant by the time a foreign edition can be published.

b. Of the tens of thousands of books published each year in the United States, only a few will be quite useful in supporting program objectives. At the other end of the spectrum are those that may have marginal use or may even be counter-productive in the host country. Careful examination of books to be supported is essential.

c. **Post responsibility**—Titles selected for post support should fulfill program needs that are not being met, and are unlikely to be met, through normal commercial channels.

d. **Clearance**—Although the final selection in a one-country book publishing program is the PAO's decision, the responsibility for the book selection process is shared with IIP.

10 FAM 363.5-2 Sources for Titles

(TL:PEC-010; 06-07-2002)

The post and IIP/TPC are expected to consult frequently about possible titles, through an interactive process that involves review of mission performance plan objectives, analysis of the rationale that sustains the publishing program, identification of new titles being published in the United States, assessment of rights availability, and general feasibility of publishing projects.

10 FAM 363.5-3 Books by Indigenous Authors

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a. Under some circumstances, books written by non-U.S. authors may have high program value. The PAO has full responsibility in determining the suitability of the content and the author of such books to be purchased for use in that country.

b. Nothing in this section precludes the post from providing assistance, such as documents and resource materials, to a local author writing independently.

c. Send requests for books needed for review for possible use in the translation program to IIP/G, with a copy to IIP/TCP.

d. Obtaining rights for illustrations not owned by the rights holder of the text is difficult and alternatives should be found whenever possible. Illustrations in original editions may be obtained in various ways and in various

formats, either directly or with the assistance of IIP/TCP. Substitutions may be possible but need to be negotiated. Local publishers that have negotiated directly for language rights are also expected to negotiate directly for the illustrative material and permission to use it.

10 FAM 364 COPYRIGHT CLEARANCE

(TL:PEC-010; 06-07-2002)

The writings of authors are their property and permission must be obtained from them or their agents to use their works as long as the material remains copyrighted. It is also basic policy to promote worldwide adherence to copyright law.

10 FAM 364.1 Negotiations Between U.S. and Foreign Publishers

(TL:PEC-010; 06-07-2002)

Rights may be negotiated directly between foreign publishers and U.S. rights holders, or through IIP/TCP. When IIP/TCP acquires the rights for a publishing project, it normally assigns them directly to the cooperating foreign publisher with whom the post or regional book office is contracting for the project.

10 FAM 364.2 Inspecting Publisher-to-Publisher Agreements

(TL:PEC-010; 06-07-2002)

When the foreign publisher and the copyright holder directly negotiate rights, the post must inspect the agreement to determine that rights have been properly obtained before any payments to the foreign publisher can be made.

10 FAM 364.3 Rights Obtained by IIP/TCP

(TL:PEC-010; 06-07-2002)

a. IIP/TCP requests rights to material on behalf of book, magazine, and newspaper publishers who have difficulty acquiring rights by direct negotiations or when IIP/TCP acquisition of rights contributes to better control of a publication project.

b. **At the request of the post**—Except as noted above, at the request of the post, IIP/TCP negotiates volume or serialization rights to books, ex-

cerpts from books, short stories, plays, and pamphlets. Special attention will be paid to the following:

(1) **Publishing details**—Complete publishing details are required by copyright owners and should be included in requests to IIP/TCP;

(2) **Permission to abridge, adapt, excerpt, or make other changes**—If the publisher plans to make changes in the text, detailed information, including exact material to be used and the publication in which it will be issued, must be included in the rights request;

(3) **Anthologies or collected essays**—Obtaining rights for anthologies or collected essays is complicated and time-consuming given details of the source of each selection, as well as author and title of the material selected;

(4) **Introductions or other new material**—Post's request should indicate the author and title of the basic work, the author and title of the introduction or the editor of the edited work and the date and publisher of the U.S. edition in which the introduction or edited material appeared;

(5) **Second and subsequent printings**—Additional authorization from the rights holder is required when rights are requested beyond the maximum number of copies specified in the original agreement;

(6) **Termination of rights agreements**—At the time rights are granted, post will be notified of the date the rights agreement will expire and this information should be added to the post's record on the title;

(7) **Need to report rights used, or whether they are to be licensed to a different publisher or to be returned**—After rights are granted, post should promote publication as soon as possible, report completed editions, and inform IIP/TCP if it becomes necessary to license the rights to a different local publisher.

10 FAM 364.4 Copyright Notice, Renewal, and Credit

(TL:PEC-010; 06-07-2002)

a. **General**—A sample copyright notice, a renewal, and other information that should appear on the copyright page are available to posts from IIP/TCP.

b. **Copyright notice**—In order to comply with the requirements of the Universal Copyright Convention, the copyright notice must include the following three elements. The:

(1) Symbol c:

(2) Name of the copyright proprietor; and

(3) Year of first publication.

c. **Translation**—The foreign publisher should copyright its translation in accordance with local law. Even if the original work is in the public domain, the translation will nevertheless need to carry a local copyright notice to protect the translation.

d. **Location of copyright notice**—The notice must appear in specific locations in books, pamphlets, anthologies, newspapers, or periodicals.

e. **Additional material on copyright page**—The local publisher should print in English the title of the original work, the author's full name, and the name of the original publisher. The post should check the title and especially the author's name for accuracy.

10 FAM 364.5 U.S. Government Publications

(TL:PEC-010; 06-07-2002)

U.S. Government publications and official state publications are usually in the public domain. Publications of some Government institutions and agencies are sometimes copyrighted. If a copyright notice appears in such a publication, it will be necessary to obtain rights. Should excerpts of copyrighted material and illustrations not in the public domain be included in a Government publication, rights to such material must be cleared with the copyright owners. If a Government publication reprints material from another source, there can be no presumption of "public domain," even if no copyright notice is used, and regular copyright clearance procedures as described above should be followed.

10 FAM 364.6 Maximum Copyright Protection Observed

(TL:PEC-010; 06-07-2002)

a. **General**—Adhere to the regulations that give a book the longest protection, whether they be U.S. or host country regulations. In countries that are not signatories of any copyright convention or any agreement that protects U.S. works, the policy is to treat the work as though it had maximum U.S. copyright protection. Copyright clearance should, therefore, be obtained for translated editions and English reprints of copyrighted books supported by the post, even though it is recognized that such clearance is not always required by the letter of the local law. Because of the complexities of the various copyright regulations, the post should check with IIP/TCP if there is any doubt about whether copyright clearance is required.

b. **Copyright protection in International Copyright Union (Berne Convention) countries**—In 1989, the United States became a member of the International Copyright Union. As a result, U.S. books gained all the

protections accorded works of authors and publishers of member countries. In a Berne Convention country, protection is granted during the author's life-time plus 50 years.

10 FAM 364.7 Regulations Under International Copyright Conventions

(TL:PEC-010; 06-07-2002)

The regulations under international copyright conventions are complex and subject to variation in interpretation in different countries. Questions about application and interpretation should be referred to IIP/TCP. Resolution of specific copyright problems is subject to the general cognizance and guidance of legal counsel. IIP/TCP will consult with legal counsel about special difficulties and unusual situations in copyright matters pertaining to books that are encountered by posts.

10 FAM 364.8 Regional Book Offices

(TL:PEC-010; 06-07-2002)

In addition to translated titles, some regional book offices also offer posts pre-selected U.S. titles already translated into languages other than English. Under the American Publications in Translation Program, posts may also order titles distributed by these regional book offices for use with target audiences.

10 FAM 365 REGIONAL BOOK OFFICES

10 FAM 365.1 Records

(TL:PEC-010; 06-07-2002)

Records maintained by posts:

(1) **Supported Books**—The post should maintain a file for each book it supports, including the data specified by IIP/IT;

(2) **Books recommended to publishers without financial assistance**—Pertinent information on books recommended to publishers that do not receive financial assistance should also be recorded; and

(3) **Rights granted**—A record of pertinent rights obtained by IIP/IT for the post's program is required. A notation must be made in the file when unused rights are returned to the rights holder upon request or upon expiration of a publication agreement.

10 FAM 365.2 Summary Reports to IIP

(TL:PEC-010; 06-07-2002)

Summary reports to IIP:

(1) **Annual report**—A statistical and narrative report on post and regional book publishing programs is submitted to IIP/TCP by November 1 of each year;

(2) **Semi-annual statistical report**—Posts receiving funds for book publishing projects are required to submit to IIP/TPC on May 1 and November 1 of each year a report of the use of funds for the fiscal year in which the May 1 report occurs; and

(3) **Statement of rationale**—Any post with an ongoing book publishing program is required to maintain a rationale for the objectives of the program, and updated whenever the program changes significantly.

10 FAM 365.3 Transmitting Copies and Publishing Data

(TL:PEC-010; 06-07-2002)

Copies and publishing data are transmitted by the following methods:

(1) **Reporting publication to IIP/TCP**—The post should notify IIP/IT within 30 working days after a translated version or English reprint has been published, or after the first installment of a serialization has been started. Report detailed publishing data;

(2) **Types of publications to be reported**—Full-length books, condensations, special adaptations, student editions, excerpts from books, short stories, plays, and U.S. Government publications including IIP books such as the *Outline* series;

(3) **Copies of books**—Copies of translated books should be transmitted to IIP/TCP immediately after publication, in numbers specified in the contract with the rights holder; and

(4) **Second and subsequent printings**—IIP/TCP must be notified of publication of second and all subsequent printings in order that payments due for language rights may be made and records maintained, with the same details as required for the first printing. Do not send copies.

10 FAM 366 THROUGH 369 UNASSIGNED