



"Practical Problem-Solving Advice for Publishers"
Content Considerations for the Association of the Future

By

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Executive Summary

Jack McHugh and Liz Novak discuss considerations for associations as they plan their content strategies for the future. The

authors encourage associations to consider the intellectual property (IP) aspects of content, as well as the scope of what is considered content, such as social media, which would have IP issues and potential legal risks.

Introduction

The content landscape is changing rapidly, thanks to advances in technology. We even have new terminology that you wouldn't have heard 20 years ago. Someone who once may have identified herself as a writer is now a "content producer." Yesterday's subject matter expert is today's "thought leader." This new terminology is even creeping into the C-suite, with titles such as Chief Content Officer. Many traditional print publications are being augmented by – or even replaced with – digital versions. As production costs climb for traditional publications and advertisers increasingly want the type of usage statistics only possible with digital ads, our jobs as association writers and publishers (translation: content creators) are changing with it. Association professionals are well aware of the value our content brings to our membership, but are we keeping up with the changing content landscape? Are we prepared to produce and deliver content in

ways that remain vital to our future members?

ASAE Committee on the Future of Content

The American Society of Association Executives (ASAE) Committee on the Future of Content was established in July 2016. ASAE recognized the changing content environment that presents challenges to ASAE members and also to all those who serve the association community such as attorneys, communication specialist, editors, designers, marketers, technical consultants, social media consultants, web specialists, and writers. For these reasons and more, the ASAE Publishing/Communication/Media Research Advisory Group was tasked with addressing the following:

1. Exchange ideas on the future of content and what associations need in order to prepare for more change in the content sphere.
2. Review and suggest revisions to the request for proposal (RFP) to be sent to a wide variety of vendors.
3. Review and rate the proposals submitted by firms responding to the RFP.

Those tasks were accomplished in June 2017.

The result of the group's work will be a valuable insight into what associations are doing with content; what other, forward-looking industries are doing with their content; and tools and strategies for developing a future-friendly approach to content creation and distribution. The expected release date of this ground-breaking research study is yet to be determined. ASAE may also release "early findings" at various milestones in the project, to share the information with the community as soon as possible. <https://foundation.asaecenter.org/>

Content and Members

Providing content to member(s) and other customers is a major reason for the existence

of associations. For members, content is viewed as a significant benefit and for the association it is a major source of income and an attraction that can turn customers into members. Content includes books, eBooks, magazines, journals, newsletters, professional development, conference proceedings, webinars, online research tools, and social media networks. Looking back 25 years, most content was delivered to readers in print format. Today it is delivered both in print and electronically. Online delivery is growing exponentially. The transition is presenting associations with an array of opportunities, challenges, and risks.

How to Think About Content

For the most part, much of content production is about basic, solid *publishing processes* and *proven business concepts* with attention to the management of intellectual property combined with awareness of copyright issues.

Content is an asset. It has value and brings in revenue. This is a basic tenet of the publishing business. Products such as books, eBooks, magazines, journals, seminars, and conferences all produce income. Associations create these products as mainstays and associations have great expertise in producing them.

Content Is Intellectual Property

Intellectual property (IP) is the subject material of copyrights, trademarks, trade secrets, and patents dealing with intangible property, which must be safeguarded from infringement. Associations also must be aware of their potential legal exposure in copyright and trademark matters. Likewise, associations should be aware of other potential publishing law considerations such as libel, confidentiality, privacy, and publicity.

Ideally, all associations would have one staff member with expertise in IP and publishing law who can:

- Advise the organization on these matters.
- Protect the organization's IP interests.

- Take the lead in licensing content to vendors and other content aggregators.

This staff member need not be an attorney; someone with paralegal training would be desirable. Nevertheless, many who fulfill the role start in a junior position and work with a mentor to learn on the job. Associations must always be aware of potential IP problems and know when to call a qualified attorney for advice.

Creating Content: Who, What, Why, Where, and How

Associations and societies, in partnership with volunteers, have successfully produced a wealth of content serving the organization's members, fulfilling the mission statement, and generating revenue. Staff members and volunteers are content-producing resources and associations possess many advantages as publishers because of this relationship.

In a world where so many other forms of publishing (such as newspapers, consumer magazines, etc.) are shrinking or disappearing, association publications are still a valued benefit of membership. Although today's association magazine may evolve in the years to come, we expect the productive partnership of staff and volunteers when it comes to content creation to continue well into the future.

Ownership of Content

A key issue to consider in connection with the creation of content is ownership of the copyright in that content. Content that is created by an employee of an association, as part of that employee's duties as an employee, will be work made for hire, and the association will automatically own the copyright in that content. This means that the association will be free to use and license use of that content.

Content that is created by any person other than an employee, including a volunteer, a freelance writer retained by the association, or an outside subject matter expert, will be work made for hire only if the association and the content creator have entered into a

written work made for hire agreement and the content fits into one of nine specific categories listed in the U.S. Copyright Act. Otherwise, the creator of the content will own the copyright in that content, and the association will need to obtain an assignment of copyright from the creator, or at least get a license from the creator that will allow the association to use the content (and, if desired, to license the content to others).

Associations need to ensure that they own the copyright in content or that they have a license covering the relevant rights in that content before using the content and before licensing the content for use by others.

The same concepts apply to any third-party copyrighted material included in content created by or for an association. For example, if the content created by or for an association includes song lyrics, photographs or excerpts from a book, the association will need to obtain permission from the holder of the copyright in those lyrics, photographs or excerpts before it can publish them as part of the association's content.

Barriers to Content Creation at Associations

Association professionals can be experts in their fields (publishing, event planning, membership, etc.), but aren't always subject matter experts in the industries served by their associations. Since the responsible association publications editor wants to ensure that the content the association publishes is accurate, timely, and useful to members, the staff person relies on association volunteers for much of the content creation, as mentioned above.

Although the association often relies on the voluntary willingness of a member to write material for the association's publications, some members may be reluctant to share what they consider their "secret sauce" – the differentiators that they feel give them a competitive advantage in the marketplace. While there are options to "neutralize" any details that might be seen as proprietary, sometimes these opinions won't sway the potential author.

A savvy association publishing professional must continually develop relationships with not only potential authors but also with marketers or communications professionals who have a relationship with their potential authors. By promoting the value of free publicity their authors will receive from being published, very often objections can be avoided or overcome.

Looking inward, departmental siloing is a huge barrier to content creation and exists in most associations. We urge association leaders to knock down departmental walls and encourage information sharing among teams. Interdepartmental information sharing and strategic planning are great first steps toward developing a better content strategy.

Content Creation: Some Suggestions

As an organization plans the future of its publishing and content endeavors, consider the following:

- Understand your members' preferences for print vs. digital delivery of content.
 - Involve membership in exploring alternative models of publishing.
 - Educate members on the true cost of digital publishing (namely, costs can be higher than print publishing) and secure membership buy-in for any new models of publishing.
 - Protect the organization's intellectual property in digital content against the numerous infringers capable of piracy.
 - Price the content so that it is competitive, fair, and protects your profit margins so the original developer of content (aka publisher) can recover costs and earn a respectable margin.
 - Forecast sales from all respective income streams from digital and print sales.
 - License content to third parties to fully exploit the income potential and maximize distribution while protecting the organization's intellectual property.
- Recognize that there are questions of preservation, archiving, perpetual access, and "buy vs. rent," particularly with library customers.

Why Social Media Networks Are Important

We are of the opinion that social media networks, hereafter social media, also provide valuable content to members of associations. According to Harvey Kane, a *McHugh Co-Author and Advisor*, there are other reasons why social media is important to associations. Harvey writes:

"Social media is a valuable outreach tool to attract members to an association. By posting, sharing and commenting on the content created by their contacts, the association expands its reach to the contacts of their contacts. By creating and offering useful content, then sharing it on social media, an association's contacts will very often promote it to their contacts, once again expanding your association's reach. Short of any investment required in the development of this content, this is an excellent, free way to market the association to a well-qualified audience. It's reasonable to assume that your contacts' networks may have some interest in what your association is doing, simply because they include your contact in their network.

Social media also provides the means for uniting members who have a common interest. It's a valuable community-building outlet, when done correctly. It provides instantaneous communication, although the association staff must take care to balance the promotional nature of their posts with value-added content, celebrating the achievements of others, interesting factoids, and other information your audience might be interested in hearing. When done well, social media is a great way to generate excitement about your offerings to a qualified, receptive audience.

Social media is also a great way to drive traffic to your website. After all, there is only so much information you can include in a 140-character Tweet. Ideally, an association will use their social media outlets to drive readers to its website. Thus, it expands the

association's reach to the corners of the world. By using association controlled and monitored media sites, the association can present items of interest to its members (exclusive passwords) and for those items of general interest to the general population.

Social media is a two-way street, though. An association may not always appreciate the feedback it receives on social media. However, as they say, the worst problem is the one you are unaware of. An important part of social media is monitoring what your audience is saying and being responsive to negative comments. The association can learn of member concerns. In short, it provides a public forum. With careful management, the association can float trial balloons, make policy known, and present issues to both members and the public. Many association websites are open to advertising and in this manner enhance print advertising to an audience beyond the mailing list. Job openings can become an attractive feature to members only and enhance new member recruitment. It is for the aforementioned reasons that associations are building and utilizing websites."

Social Media and Legal Exposure

We urge association executives to understand that many intellectual property issues are wrapped around social media. For example, consider the content on social media platforms such as Facebook, Google Plus; blogging sites, and micoblogging sites such as Twitter, Wiki; content sharing sites such as Flickr and Instagram; and online forums. Associations need to have an awareness of their legal exposure when it comes to social media as content.

For example, making a libelous statement is easier and more pervasive on social media than on traditional print outlets. Such troublesome social media posts can go viral and can have legal consequences. Likewise, copyright infringement and a host of other legal issues can be serious and expensive to remedy.

To protect your organization, we suggest you develop a comprehensive social media

policy, which is the best insurance to protect the organization from legal problems in the future. We suggest that you also assign one staff member the "gate keeping" responsibility of monitoring staff use of social media to ensure that posts are consistent with the image the association wants to portray and that the posts do not create legal exposure for the association.

Content in a Changing World

Some industries are ahead of the curve when it comes to how and where they use and share their information. For example, IT has always been cutting edge when it comes to new technologies and early adopters. Other industries are a bit slower to catch up. Granted, all associations have their differences, including varied comfort levels when it comes to change, but all associations are a collaboration involving people: leadership, volunteers, members, and staff. Because of this dynamic, change can seem to go at a glacial pace at times. However, as writers morph into content producers and subject matter experts into thought leaders, the world of association publishing is going to change, too. It's up to us to make sure we grow, adapt, and embrace the new ways in which our members want to consume the content we produce.

About Our Reviewers

Harvey Kane

Harvey Kane is a semiretired STM publishing executive, having worked for American Pharmacists Association, American Chemical Society, Springer, Academic Press, and CRC Press, now part of Taylor and Francis. Early in his career he worked for Macmillan Publishing Company and acquired college level textbooks in various fields. Harvey has collaborated with me on a variety of assignments. He is a top contributor to our LinkedIn™ group ***Association and Nonprofit Publishing***.

In his career, Harvey has held these positions: Director, Book Publishing ACS; VP Publishing, American Pharmacists Association; Publisher, CRC Press;

Consultant, American Home Builders Press, and Senior Editor at Humana and Springer. Harvey has published books, journals, newsletters, e-books, and a free circulation newspaper. Lastly, Harvey has extensive experience in the electronic delivery of scientific information. Harvey shares his high-level experience at leading STM publishers in this paper.

Legal Advisor: Attorney David Koehser

David Koehser is a Minneapolis-based lawyer. Dave's website contains articles on the following topics: Publishing Law, Merchandise Licensing, Copyrights and Trademarks, and Theater and Performing Arts. Request a copy of Dave's informative newsletter, *Publishing and Merchandise Licensing Law Update*. (**Disclosure:** Dave is my legal advisor and I recommend him to clients.) <http://www.dklex.com/> **Contact Information:** dklaw@cognisinc.com; 612-910-6468

At McHugh's Website

The 42 free papers are available at Jack McHugh's website on these topics:

- Association Publishing
- Book Publishing
- Executive Recruiting
- Management
- Networking
- Periodicals and Journals
- Product/ Content Development
- Rights and Permissions
- Social Media

<http://johnbmchugh.com/>

About Liz Novak

Liz Novak began her publishing career in the early 1990s at *PC Magazine*. After enjoying 17 years as a magazine editor for various

technical magazines, and seeing the impact of the internet on the publishing industry, she returned to school and earned her MBA. After graduation, her freshly minted MBA landed her a job as magazine editor for the flagship publication of the International Association of Plastics Distribution (IAPD). Six months into the job, she added Marketing Director to her title and has relished the opportunities that combining the association's publishing and marketing departments have afforded her. Contact: www.linkedin.com/in/lnovak

About John B. McHugh

John B. "Jack" McHugh is a 40-year veteran of the publishing business. Jack has worked as an executive for Houghton Mifflin, Wadsworth, and Saint Mary's Press. Jack is also an experienced association publishing executive. For seven years, he was Publisher and Director of Programs at the American Society for Quality and for a two-year period, he served as the Interim Publisher at the Project Management Institute. He is a member of the ASAE Advisory Board for Publishing, Communications, and Media Issues and Practices.

Jack's specialties include association/nonprofit publishing, book publishing, executive recruiting, journal publishing, rights and permissions, new ventures, organizational design, and social media strategy and policy. McHugh is also the manager of the LinkedIn™ group, **Association and Nonprofit Publishing**.

McHugh and Liz Novak, of IAPD, are co-authoring a series of papers on **Networking Techniques**.

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