

The Magazine of the ABA Section of Intellectual Property Law **Guidelines for Authors**

The new magazine of the American Bar Association (“ABA”) Section of Intellectual Property Law (“ABA-IPL”), debuting in September (the “Magazine”) is published six times a year. The Magazine offers analysis, news, and commentary about the law of patents, trademarks, copyright, trade secrets, and related subjects. It also keeps readers current on ABA-IPL news and events.

The Magazine is dedicated to the sharing of intellectual property knowledge and experience acquired on the frontlines of practice, business, and the arts and sciences. It explores national and international arenas and tracks intellectual property law as it gathers momentum in response to the technological, economic, and political transformations of the day.

The Magazine reaches an audience of highly specialized professionals and all those interested in the field of intellectual property law. The Magazine is distributed to all Section members (approximately 21,000) as a membership benefit and to approximately 350 law libraries across the country.

1. *Format*

Generally, main feature articles are between 2,000 and 4,500 words (including endnotes). Unless you have received special instructions, the page length of your manuscript should be about 15 typed (double-spaced) pages (minimum 10 and maximum 20).

Essay/opinion articles, which are generally shorter than main feature articles, are about 6 to 9 typed (double-spaced) pages (or about 1,750 to 2,500 words) and do not include citations. Please submit your article to the Editor as a MS Word file or an RTF file via e-mail.

2. *Type, Form, and Style of Article*

The Magazine is not a law journal, although main feature articles will be based on legal analysis and should contain endnotes. If possible, endnotes should be limited. Articles written as promotional pieces of an individual or organization will not be accepted unless express permission is given to the contrary by the Editor.

Introductions and conclusions are strongly encouraged. Short paragraphs and sentences are preferred. Short subheads are suggested in longer articles. When an article includes tables, charts, or forms, these should not be included within the body of the article but should be submitted on separate sheets (see also #3). Except when referring to a specific individual, articles should be gender neutral. Generally, they should also be written in the third person.

3. *Citations, Graphs, and Charts*

When formal citations are used, they should be presented as endnotes. Citations should conform to the latest edition of *The Bluebook (A Uniform System of Citation)*, published by the Harvard Law Review Association. Please use only one cite; parallel cites are not necessary.

Relevant charts, tables, photographs, illustrations, and sample language are desirable and will be included as space permits, at the discretion of the Editor. The use of graphs and charts to illustrate points discussed within the article can be accepted only if the author of the article for the Magazine is the original author or has been granted permission to use the graph or chart.

4. *Acceptance Policy*

No single member of the Editorial Board has the authority to commit to the publication of any article before it has been submitted, even when the article has been specifically solicited by a member of the Board. Authors are notified by the Editor of the acceptance or rejection of articles. In its discretion, the Editorial Board may withdraw an article previously selected for publication, delay publication of a selected article, or reschedule a selected article.

The Editor of the Magazine reserves the right to refuse to publish any article. Your submission of an article does not constitute official acceptance for publication. An article may not be accepted for publication for a number of reasons. An article may overlap the content of other articles or cover content reserved for a future issue. Wherever possible, we will work with authors to rectify such problems.

5. *Writing & Editing*

The Editor of the Magazine reserves the right to edit submissions as necessary, including clarity, substance, conciseness, style, and length. Because deadline pressures make it impossible to submit page proofs for your review, major editorial revisions affecting the substance of an article will be cleared with you before the article is submitted for production. Prior to publication, if major changes occur in legislation, regulation, or judicial interpretation, you will be allowed to update the article if time permits.

6. *Author Credits*

Authors will receive bylines and credit lines. Generally, the credit line will include only the author's name, title, firm, company or school, city and state, Section committee memberships or other Section activities, and, if applicable, the ABA-IPL committee or group of which the article is a project. No biographical sketches, names of those who inspired or assisted in preparing the article, or other information will be included.

7. *Multiple Authors*

When more than one person has written an article, one person should be designated as the contact for editorial changes. The authors named should be only those who have actually written the article and should not include persons who have assisted with research or in other ways.

8. *Committee and Group Projects*

If the article is the project of a committee or group of ABA-IPL, the author (if a single author) or person designated as the editorial contact (if multiple authors) should so indicate at the time of

submission. Only individuals may be authors; the committee or group itself may not be an author.

9. Disclosure

Each author should disclose any relationship he or she may have with a firm, company, or person producing any product or providing any service referred to in the article and any financial or other interest he or she may have in any product or service discussed in the article. The author should make full disclosure even when the relevance seems remote. Full disclosure will allow the Editor to judge the objectivity of the author, to determine whether a real or apparent conflict of interest exists and to determine whether disclosure should be made in publishing the article.

10. Warranty and Representation

By submission of an article to the Magazine, the author warrants and represents that he or she **has included no material in the article in violation of any rights of any other person or entity**, that he or she has disclosed to the Magazine all relationships with any person or entity producing any product or providing any service referred to in the article and that he or she has disclosed any financial or other interest in any product or service discussed in the article.

11. Copyright/Publication Agreement

When submitting an article to the Magazine, the author grants the ABA an irrevocable option to acquire certain property rights in his or her article. Specifically, the author grants the ABA the exclusive right of first publication, among other nonexclusive rights, in accordance with the standard ABA publication agreement.

Authors of accepted articles are required to sign a publication agreement, which includes the author's warranty **that the work is original** and does not infringe on the rights of others. Publication agreements will be sent to all authors for each issue upon acceptance of each article. A signed agreement for each author must be in the ABA files prior to publication of the issue. The ABA will not publish an article without a signed agreement.

An author retains the copyright in the article, but the ABA and the Magazine, on acceptance of the article for publication, shall have:

- a. first publication rights (unless the article is submitted and identified as a reprint);
- b. subsequent, multiple reprint rights and the right to publicly display in any ABA publication in any medium;
- c. the right to grant access to the article, its title, and other bibliographic citation material stored electronically in public databases and to distribute printed copies requested through public databases; and

- d. the right to authorize others to reproduce or reprint the article, subject to the author's consent.

12. Multiple Submissions

If an article is submitted or accepted for publication elsewhere before acceptance by the Magazine, the author agrees to notify the Editor immediately. As a general rule, the Magazine does not accept articles that have been published elsewhere. **The submission of previously published material is not allowed unless express permission is granted by the Editor.**

13. Reprints/Complimentary Copies

Because of the time and costs of production, authors will not be provided reprints of articles. However, authors will be given five copies of the Magazine in which an author's article appears. Additional copies are available at bulk-rate prices through the ABA Service Center, 800/285-2221. Please provide as much notice as possible to ensure availability.

14. Payment for Articles

Neither the ABA nor the Magazine will pay for articles.

If you have further questions, please communicate with:

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Style Tips

1. Explain why technical issues are important. Make your reader care about the outcome.
2. Be concrete. Give examples of the application of legal concepts. Relate theory to practice. War stories can be educational.
3. Concrete is not always best; strings of quotations or examples are not instructive without a general lesson. Relate practice to theory.
4. Avoid convoluted prose, antique legalisms ("hereinafter referred to as...") or other gobbledygook. Use the active voice. Avoid promiscuous capitalization. Use gender-neutral language. We are lawyers not "attorneys."
5. Use of the first person is OK, but avoid self promotion. If you want to publicize your firm or company, call our advertising department.
6. Try to place parts of your article -- such as technical definitions; statutory text; a list of sources -- in "sidebars" accompanying the main article.
7. Discuss a statute or statutory scheme concept by concept, not section by section. Do not discuss a large number of cases (e.g., four) seriatim. Give factual background for key cases. Use parties' names -- "Widgomatic claimed that..." rather than "defendant claimed that...."
8. Avoid string cites and unnecessary citations.
9. Include a sidebar with a few pertinent Web addresses.
10. Favor short words over long ones.
11. Write in an active, rather than a passive, voice (e.g., "Congress passed the law" instead of "The law was passed by Congress").
12. Do not use legal jargon if there is a clear conversational equivalent.
13. If it seems appropriate, use anecdotes and/or humor to make your points.
14. Do not use contractions (e.g., Do not use contractions vs. Don't use contractions).
15. Language should be gender neutral.

Summary of Key Manuscript Preparation Requirements

1. Place the article title, name(s) of author(s), and biographical information at the top of the first page. Put names of coauthors in the order that they are to appear in the article. Remember the article title should be short and descriptive.
2. Unless you receive special instructions, a main feature article should be approximately 15 typed (double-spaced) pages (minimum 10 and maximum 20) or 2,000 to 4,500 words. An essay/opinion article, should be approximately 6 to 9 typed (double-spaced) pages, or about 1,750 to 2,500 words.
3. Biographies must be short. Include only the name of your employer or firm, position held, and city of employment. If past government experience is relevant you may mention your prior affiliation. If you are a professor, include your title, school, and city. You may include your e-mail address if you wish.
4. Add an "Editor's note" if further information must be included (e.g., acknowledgment of a colleague's input or an employer disclaimer).
5. Convert all citations to endnotes.
6. Submit electronic manuscript via e-mail to Lisa Comforty, Staff Editor, at comfortl@staff.abanet.org and the Editorial Board Member who solicited the article from you.
7. Provide a head shot for all authors. When submitting your photo electronically, send a high resolution/300 dpi (dots-per-inch or pixels-per-inch) TIFF or JPEG, preferably in 4-color. Electronic photographs must be at least 1.75" high and at least 1.361" wide. If it is not possible to meet the specifications for the electronic photos, send an old-fashioned glossy photograph (firm photos are ideal). Note: most firm website photos do not work well in print: they are low-resolution (72 dpi) and will reproduce as a very grainy image.
8. Remember to return your signed copyright agreement to the Staff Editor prior to publication.



THE ABA SECTION OF
Intellectual Property Law