



## **LANDSLIDE™**

### **The Magazine of the ABA Section of Intellectual Property Law**

#### **Guidelines for Authors**

*Landslide*, the new magazine of the American Bar Association (“ABA”) Section of Intellectual Property Law (“ABA-IPL”), debuted in September, 2008. *Landslide* is published six times a year and 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.

*Landslide* 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.

*Landslide* 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 24,000) as a membership benefit and to approximately 350 law libraries across the country.

## Quick Checklist for Authors

- **Word Length:** 2,000–5,000 words (generally: 10–20 double-spaced, typewritten pages)
- **Format:** Law-review article format (not the format used in legal briefs)
  - Place citations in endnotes (not within your text and not in footnotes).
  - Citations must be complete (ABA Staff Editor does not have access to LexisNexis or West Law). Strive for good *Bluebook* style.
  - Use simple text formatting: Times New Roman, 12 point, double-spaced.
- **Images:** Images that accompany articles must be submitted in a high-resolution format. They are researched, licensed, and paid for by the ABA.
  - If you would like to recommend use of particular images, work with the ABA Staff Editor to research licensing options and costs.
- **How to Submit Your Article:** Email.
  - Attach your article in a Word document and send it to:
    - ABA Staff Editor Lisa Comforty (comfortl@staff.abanet.org) and
    - Editor-in-Chief Lisa Dunner (ldunner@dunnerlaw.com) and
    - Your Editorial Board contact, if you have one.
- **Title and Author(s)**
  - Provide a title.
  - For each author, provide a byline (full name, including middle initial) and a 3–4 line bio which includes an email address.
  - You may decline to include your email address; inform the ABA Staff Editor.
- **If the law changes prior to publication:**
  - Contact the ABA Staff Editor ASAP; submit a 1–3 paragraph “news update.”
- **If editors request revisions:**
  - Prepare for timely, efficient rounds of review.
- **Warranty:** Submission to the ABA warrants that your article does not infringe on rights of others.
- **No Publishing Guarantee:** Acceptance does not guarantee placement in a particular issue.
- **Author Agreement:** Sign, date, and return your Author Agreement by scanning it and emailing it to the ABA Staff Editor. You may also fax or mail it.
- **Complimentary Copies:** 5
- **Using Your Own Work:** After publication, you may republish your own work in accordance with ABA policy, the terms of which will be supplied upon publication.

## **1. Format and Style**

The length of feature articles may run from 2,000 to 5,000 words (including endnotes). Unless you receive special instructions to the contrary, the length of your manuscript should be 10 to 20 double-spaced pages.

Essay and opinion articles, which are generally shorter than feature articles, may be about 6 to 9 typed (double-spaced) pages (or about 1,750 to 2,500 words) and need not include citations.

*Landslide* articles are formatted as law review articles. However, *Landslide* is a magazine, rather than a law review or journal. Thus, the tone need not be as formal as those found in scholarly publications—i.e., it may be more conversational. Articles may, though, be scholarly and/or analytical and, where necessary, they should contain endnotes (not footnotes). Citations should not be embedded within the main text but, rather, must be placed in endnotes. If possible, the number of endnotes should be limited. Short headings and subheadings are desirable.

When an article includes tables, charts, or forms, these should not be included within the body of the article but should be submitted in separate files for formatting by the ABA.

Articles written as promotional pieces for an individual or organization will not be accepted unless express permission is given by the Editor-in-Chief.

## **2. Citations**

Citations should be placed in endnotes and 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.

Note that the ABA staff members do not have access to LexisNexis and WestLaw. Complete and correct citations, therefore, must be provided by authors.

## **4. Graphs, and Charts**

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

## **5. Images**

ABA Publishing is very careful to use only those images for which it has permission. In most cases, use involves licensing and payment therefore. Occasionally, we are given permission on a more informal basis and/or we are permitted to use the image for free. Permission is always confirmed in writing. If you have images that you would like to use in conjunction with your article, notify the ABA Staff Editor and provide assistance in the researching of licensing options and costs. Note that all images used must be provided to ABA Publishing in a high resolution format.

## **6. How to Submit your Article**

Please submit your article as a Word file attached to one email addressed to the ABA Staff Editor Lisa Comforty (comfortl@staff.abanet.org); Editor-in-Chief Lisa Dunner (ldunner@dunnerlaw.com), and your Editorial Board contact, if you have one.

## **7. 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 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.

## **8. Editing**

The ABA Staff Editor reserves the right to edit submissions as necessary for clarity, substance, conciseness, style, and length, and for ABA, *Bluebook*, and *Chicago Manual of Style* requirements. 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.

More substantive revisions may be requested by Editorial Board members or by the ABA Staff Editor. Rounds of review must proceed as quickly and efficiently as possible.

## **9. Updates**

If major changes occur in legislation, regulation, or judicial interpretation prior to publication, you may update the article *if time permits*, but such updating will be the exception, rather than the rule. Mostly: time does not permit this kind of rewrite. "Breaking news" types of short side-bars, however, are highly desirable.

## **10. Author Credits**

Authors will receive bylines and a 3-to-4-line biography. Generally, these short bios 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.

Authors are requested to include their email contacts. However, authors may feel free to decline to include their email contact information.

## **11. 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 research assistants.

## **12. 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; a committee or group may not be an author.

## **13. 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 editors 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.

## **14. Warranty and Representation**

By submission of an article to *Landslide*, 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.

## **15. Copyright/Publication Agreement**

When submitting an article to *Landslide*, 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 and other nonexclusive rights in accordance with the standard ABA publication agreement.

However, on occasion, *Landslide* may publish articles that have been published in similar form elsewhere. Please consult with the ABA Staff Editor to determine whether publication may proceed.

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 *Landslide*, 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.

### **16. 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.**

### **17. 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 *Landslide* issue 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.

Authors may also request pdf files of published articles. Because of licensing and cost concerns, these copies will *not* contain images that have accompanied articles in the print publications. However, the pdf files will provide articles essentially as they have appeared in *Landslide*, minus accompanying images.

### **18. Payment for Articles**

Neither the ABA nor *Landslide* will pay for articles.

If you have further questions, please communicate with:

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## A Few Style Tips

- Write for a mythical “general IP practitioner.” If your topic is not likely to be encountered by many in the field, supply the background information that will clarify your presentation to most people involved in IP law. For example, if you are a patent attorney writing about a point of patent law, communicate so that trademark and copyright attorneys will be able to follow your line of reasoning.
- On the other hand, there is no need to provide background information for the non-lawyer or even the non-IP practitioner.
- Be concrete. Give examples of the application of legal concepts. Relate theory to practice. War stories can be educational.
- Avoid convoluted prose and antique legalisms (“hereinafter referred to as”).
- Use of the first person is acceptable but avoid self promotion.
- Try to place certain parts of your article, such as technical definitions, statutory text, a list of sources, in “sidebars” that can accompany the main article.
- Avoid string cites and unnecessary citations.
- Consider including a sidebar with a few pertinent Web addresses.
- Write in an active, rather than a passive, voice (e.g., “Congress passed the law” instead of “The law was passed by Congress.”).
- If it seems appropriate, use anecdotes and/or humor to make your points.
- Avoid contractions unless your article is meant to be conversational in tone.
- Use gender-neutral language when possible. Try switching to the plural to avoid frequent use of “he.”
  - E.g.: “If constituents wish to complain, they may.”, rather than “If a constituent wishes to complain, he may.”
  - E.g.: “Representative” instead of “Congressman” or “Congresswoman”; “members of Congress” rather than “Congressmen.”

