

# Book Royalty Reckoning: The Impact of Digital Technology on Author and Publisher Rights

Timothy Omobude<sup>1</sup> & Zekeri Ikelebe Alasa<sup>2</sup>

<sup>1</sup>Department of Mass Communication, Edo State Polytechnic, Usen

<sup>2</sup>Department of Mass Communication, Edo State University, Iyamho, Edo State

Received: 20.08.2025 / Accepted: 04.09.2025 / Published: 07.09.2025

\*Corresponding Author: Zekeri Ikelebe Alasa

DOI: [10.5281/zenodo.17073904](https://doi.org/10.5281/zenodo.17073904)

## Abstract

## Review Article

This study explores the evolving landscape of book royalty management in the digital era, analyzing how advancements in digital technology has transformed the rights, revenue models and contractual frameworks for authors and publishers. By examining contemporary shifts such as e-book royalties, digital rights management and online distribution channels, the study highlight opportunities and challenges faced by both authors and publishers in ensuring fair compensation and rights protection. Being a position paper, library or desk research methodology was employed to gather secondary data. The findings underscores the need for adaptive legal and contractual mechanism to ameliorate the complexities introduced by digital innovation, ultimately shaping the future of author and publisher rights in the publishing industry. The paper recommends inter-alia that Publishing industry should adopt a fair and transparent royalty system that ensures authors and publishers receive fair compensation for their work. This can be achieved by implementing a standardised royalty structure, providing clear and detailed royalty statements and ensuring that authors and publishers have access to accurate and timely information about their royalty earnings, as authors and publishers should prioritised the protection of their intellectual property rights in the digital age.

**Keywords:** Book Royalty, Digital Technology, Author- Publisher Right, Digital Distribution, Revenue Model, Rights Management.

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## INTRODUCTION

The advent of digital technology has revolutionised the publishing industry, transforming the way the way books are created, disseminated and consumed (Gabler, 2013). The rise of e-books, audiobooks and online platforms has opened up new opportunities for authors and publishers to reach a wider audience, but it has also raised critical questions about intellectual property rights, royalties and the balance of power between creators, publishers and digital intermediaries (Kling & Mezriz, 2015). Historically, authors and publishers operated within well-defined contractual frameworks that dictated the allocation of revenues generated from book sales (Hesmondhalgh, 2013). However, the emergence of e-books, online distribution platforms and digital rights management (DRM) systems has introduced new problems and opportunities, challenging existing rights regimes and contractual norms.

Before the advent of digital publishing, authors and publishers have relied on print-based royalty systems

which have been well-established and relatively straightforward (McGowan, 2013). With advent of digital publishing, Bhattacharjee and Ho (2016) note that there is a shift to digital publishing which has created new challenges for royalty accounting as digital sales data can be easily tracked and manipulated, as it various digital platforms and formats have different royalty structures and payment schedules. In the face of this, Hesmondhaigh (2017) explains that authors and publisher are having difficulties in tracking and claiming their rightful royalties, leading to a growth concern about the transparency and fairness of digital royalty systems. Consequently, Association of American Publishers (2019) averred that authors' royalties have been declining in the digital age with some author earning as little as 10-15% of the net sales revenue from e-book sales. This has led to concerns about the sustainability of authors' livelihoods and the impact on literary creativity and diversity (Cizmar, 2018).

Digital technology has enabled authors and publishers to reach global audiences more efficiently, but it has also complicated the process of accurately tracking

sales and royalties. For instance, digital sales can be fragmented across multiple platforms, each with its own reporting standards, leading to issues of transparency and accountability (Jenkins & Carpentier, 2018). Moreover, the ease of copying and sharing digital content raises concerns over copyright infringement, unauthorized distribution, and the erosion of traditional revenue streams (Lessig, 2004). O'Neill (2016), emphasizes that digital transformation necessitates a reevaluation of rights management systems to ensure fair compensation. The introduction of digital rights management (DRM) technologies aims to protect intellectual property, but often at the expense of user rights and accessibility. Additionally, the rise of self-publishing and open-access models has further democratized content creation, complicating the contractual landscape and rights negotiations between authors and publishers (Baker, 2020).

Furthermore, the legal frameworks governing digital rights, such as the Digital Millennium Copyright Act (DMCA), have been pivotal in shaping industry practices, but debates continue over their adequacy in addressing the nuances of digital content distribution (Samuelson & Fisher, 2004). As digital technology continues to evolve, understanding its impact on rights management and royalty accounting remains critical for stakeholders aiming to foster sustainable and equitable publishing ecosystems.

## Statement of the Problem

The rapid integration of digital technology into the publishing industry has enormously altered traditional frameworks for managing author and publisher rights, raising critical questions about the accuracy and fairness of royalty reckoning (Jenkins & Carpentier, 2018). While digital platforms have expanded access and distribution channels, they have also introduced complexities in tracking sales, enforcing copyright and calculating royalties, often leading to disputes and financial discrepancies (Lessig, 2004). Even in the face of the technological advancements, many authors and publishers face challenges related to transparency in sales reporting, the enforcement of digital rights, and equitable revenue sharing (Hesmondhalgh, 2017). The lack of standardized digital rights management and the proliferation of multiple digital sales channels complicate the process of royalty calculation, potentially resulting in underpayment or delayed payments to rights holders. Furthermore, emerging digital distribution models, such as self-publishing and open-access, challenge traditional rights regimes, raising concerns about contractual clarity and fair compensation structures.

Despite the increasing reliance on digital technology, scholarly understanding of its impact on rights management and royalty reconciliation remains limited, highlighting the need for comprehensive studies to inform policy and industry practices. Addressing these issues is vital for safeguarding the economic interests of authors and publishers while fostering innovation within the digital publishing industry.

## Conceptual Review

### The Concept of Book Royalty

Book royalty refer to the payment made by a publisher to an author for the use of his work, typically in the form of a percentage of the book's revenue. According to Alozie (2004), royalty in book publishing is the payment made to the author of a book and marketed by a commissioned publisher. Finkelstein (2012), avers that the concept of book royalty dates back to the 18<sup>th</sup> century, when authors began to demand payment for their work. Prior to this, authors were often paid a flat fee for their work, as publishers retained all the profits. The first recorded instance of book royalty was in 1710, when the British author and poet, Daniel Defoe negotiated a 10% of his book, "Robinson Crusoe".

As explained by Alozie (2004), the payment of book royalty always depend on author's and publisher's agreement. Royalty may be paid as percentage of total annual sales or proceeds from the book or the author could be paid an agreed some of money once and for all. In this case, once he has been paid the full royalty, the rest of the book belongs to the publisher in terms of their sales and proceeds. He note that:

In some cases, an author may be entitled to an annual or bi-annual percentage of the proceeds from the sale of his book as his royalty. .. an author may also pay the publisher the full amount for publishing his work and then collect and market all his books.

### Digital Technology

Digital technology refers to the use of digital systems particularly computers and other electronic devices to store, process and communicate information (Borgmann, 1999). According to Kitchin (2014), digital technology entail the use of digital systems including computer, mobile phones and other electronic devices to store, process and communicate. Digital technology is a type of technology that enable people communicate and interact with one another in new ways and that has created new opportunities for social and economic innovation (Benkler, 2006). It encompasses a broad range of innovations, including computers, software, digital media, the internet, and mobile devices, which collectively facilitate the digitization of information and the automation of processes (Manovich, 2001). Digital technology fundamentally transforms traditional practices by enabling instant access to vast amounts of information, fostering interactivity, and supporting the creation of digital content (Castells, 2010). In the context of the publishing industry, digital technology has revolutionized content production, distribution, and consumption, leading to new challenges and opportunities, particularly in rights management and intellectual property (Benkler, 2006).

As explained by Kitchin (2014), digital technology represents information as a series of binary digits (0s and 1s) which can be easily stored, processed and transmitted. With the digital technologies, complex



calculations and operations can be performed at high speed enabling tasks such as data analysis, simulations and modelling (Ceruzzi, 1998). In the same vein, Castells (2000) note that digital technologies enable rapid communication and exchange information over long distances, facilitating global connections and networks.

Digital technology has streamlined the entire publishing process from manuscript submission and peer review to distribution and archiving. Electronic workflows facilitate faster turnaround times and reduce costs associated with printing and distribution (Hemmer, 2014). With this, electronic submission systems and online peer review platforms have improved efficiency and transparency in scholarly publishing (Tenopir et al., 2017). Digital technology has also enhance accessibility and democratization of content, interactivity and multimedia integration (Rivas, 2019; Burgess et al., 2019). However, disparities in internet and digital literacy can limit equitable access, perpetuating the digital divide, while interactivity fosters engagement and facilitates deeper understanding, especially in educational and scholarly contexts.

## Author and Publisher

The author is an individual or group of people or group responsible for creating original content, whether in the form of literary, scholarly, or artistic works. The author holds intellectual property rights over their creation which can include copyright, moral rights and licensing agreements (Lessig, 2004). In contemporary discourse, the concept of authorship also involves questions of agency and ownership, especially in collaborative or digital contexts where multiple contributors may be involved (Gordon & Vollmer, 2015). The author's role encompasses not only the act of creation but also the attribution of intellectual property rights, which historically have been protected through copyright law to incentivize innovation and dissemination (Lessig, 2004).

Authors can be classified into different types that include traditional, collaborative, digital or user-generated content creators and ghostwriters (Hesmondhalgh, 2013; Klein, 1990; Jenkins, 2006; Rosenfeld, 2014). Traditional authors according to Hesmondhalgh (2013), are those who create original works independently or under the auspices of a publisher, often following conventional publishing processes. They typically retain rights through formal publishing contracts and are recognized for their individual creative efforts (Hesmondhalgh, 2013). They include literary writers, academic scholars and journalists. Collaborative authors are authors who work collectively on a single work, such as co-authors of scientific papers, anthologies, or multi-author books. Collaboration can enhance the depth and breadth of a work, often involving interdisciplinary or multi-institutional efforts (Klein, 1990). Jenkins (2006) note that digital or user-generated content creators are new category of authors has emerged users or consumers who generate content online, such as bloggers, social media influencers, and contributors to open-source projects. Their authorship challenges traditional notions of originality and ownership (Jenkins,

2006). Rosenfeld (2014) explained that ghostwriters produce works that are credited to another person, often celebrities, executives, or academics. Their role raises questions about authorship and attribution, especially regarding intellectual property rights.

On the other hand, the publisher is an entity who is often a company, organization or individual that facilitates the production, dissemination of an author's work. Publishers play a crucial role in editing, marketing, rights management and ensuring accessibility to audiences. They act as intermediaries between the author and the public, often wielding enormous influence over what gets published and how (Baker & Harnad, 2009). According to Hesmondhalgh (2013), Publishers act as intermediaries between authors and the public, managing the processes of editing, formatting, marketing, and rights management. The publisher's role has evolved with technological advances, especially with digital publishing, which has expanded the scope of publishing activities and challenged traditional models of control and distribution (Baker & Huber, 2001).

Overtime, the roles of the authors and publishers were clearly defined, with publishers controlling the production process and authors providing the creative content. However, the digital revolution has transformed this relationship by enabling authors to publish independently and participate more actively in the process, particularly through open access and self-publishing platforms (Suber, 2012). However, the relationship between author and publisher is central to the publication process, governed by contractual agreements that delineate rights, royalties, and responsibilities (Kane, 2014). While the author creates and owns intellectual property, the publisher facilitates its dissemination, often assuming rights to reproduce, distribute, and sometimes adapt the work.

## Types of Book Royalty

Royalty arrangements in publishing constitute the compensation mechanisms through which authors earn income from their work. However, various scholars have identified and explained different types of book royalty (McGowan, 2018; Thompson, 2020; & Berne, 2019). The primary models are traditional publishing royalties, self-publishing royalties and advance and royalties. They have distinct structures, advantages and challenges:

1. **Traditional Royalty:** According to McGowan (2018), this is the most common type of royalty where the author receives a percentage of the book's revenue, typically ranging from 10% to 15%. In traditional publishing authors typically sign a contractual agreement with publisher, granting rights to publish their work in exchange for royalties. These royalties are usually expressed as a percentage of the gross or net income generated from sales, commonly ranging from 10% to 15% for print books and higher for digital format (Baker & Harnish, 2014).



2. **Self- Publishing Royalty:** With the rise of self-publishing, authors can now publish their books independently and earn up to 70% royalty on their books revenue (Thompson, 2020). As explained by Weller and Chang (2016), royalties in self-publishing are usually higher, often ranging from 35% to 70% of sales, depending on platform policies and pricing strategies. Perkins (2016), note that self-published authors retain full control over their rights, pricing and marketing strategies which can lead to higher per-unit royalties and greater revenue potential. Nevertheless, self-publishing requires rigorous effort in editing, cover, design, marketing and distribution which often demand a steep learning curve and investment of time and resources.
3. **Advance and Royalty:** With regards to this type of agreement, Berne (2019) explains that the publisher pays the author an advance on their royalty which is deducted from future earnings. In some cases, the author may be paid a lump-sum of money by the publisher as “advance royalty”. This shows good will and persuades the publisher to sign the contract with him instead of any other competitor. The author may also be paid additional amount after delivering the manuscript to the publisher. Popularly called “advance against royalty”, the advance payment is usually charged against the author’s royalty account. No other payment will be made to him until the royalty which his book earns has repaid the publisher for that advance. If the author in the long run fails to deliver the manuscript, the amount will be recovered by the publisher (Alozie, 2004).

## Author - Publisher Rights and Grant of Right

The relationship between authors and publishers involves interwoven rights management primarily concerning the ownership, licensing and distribution of creative works. Understanding these rights is crucial for safeguarding intellectual property and ensuring proper dissemination of scholarly and creative content. However, successful collaborations depend on mutual understanding of rights and responsibilities. In this regard, Baldwin (2012) highlights that authors often seek to retain rights to their work to ensure dissemination and potential future use, whereas publishers aim to secure rights that allow for profitable distribution and long-term preservation. However, authors, publishers and grant right are explained as follows:

### Author Rights

Authors generally hold the initial rights to their works unless they transfer or license these rights to publishers through contractual agreements. These right include moral rights (e.g., attribution and integrity) and economic rights (e.g., reproduction, distribution, adaptation). Moral rights are recognized in jurisdictions like France and other civil countries, emphasizing the personal connection of authors to control their work

(Berger, 2010). Economic rights enable authors to control how their work is used and profited from.

Aside from moral rights and economic rights, authors possess various rights over their works, primarily rooted in intellectual property law, particularly copyright. Lessig (2004) note that these rights typically include the right to reproduce, distribute, perform, display, and create derivative works based on the original creation. Copyright grants authors control over how their works are used, enabling them to authorize or restrict certain uses and to receive compensation through licensing or royalties (Kwall, 2010). However, in publishing contracts, authors often transfer or license some or all of these rights to publishers, which can limit their control unless negotiated carefully. The rise of open access and self-publishing has also shifted some rights back to authors, allowing greater control and dissemination options (Suber, 2012).

### Publisher Rights

Publishers typically acquire certain rights from authors through licensing assignment and this allow them to publish, distribute and monetize the work. The scope of these rights depends on the contractual terms and can include exclusive licenses or non-exclusive licenses. Publishers often seek exclusive rights to maximise their control over the work’s destination and revenue (Hagedorn, 2017). Publishers acquire rights from authors through contractual agreements, enabling them to produce, distribute, and market the work. These rights often include copyright transfer or licensing, which grants the publisher the authority to reproduce, display, distribute, and adapt the work within specified territories and media (Kane, 2014). Publisher rights are essential for commercial exploitation and are typically protected through contractual clauses that specify duration, scope, and territorial extent.

In scholarly publishing, publishers also hold exclusive rights to ensure the integrity, peer review, and dissemination of academic content. These rights can influence access, licensing, and the ability of authors to share their work openly (Bakan, 2010). However, the balance between author and publisher rights is a complex legal and ethical issue. Authors seek to retain control and maximize the reach of their works, while publishers aim to protect their investments and ensure profitability. Recent trends, such as Creative Commons licenses, facilitate more flexible rights arrangements, allowing authors to specify permissions and retain certain rights while enabling broader dissemination (Lessig, 2004).

### Grant of Rights

The “grant of right” refers to the legal transfer or licensing of specific rights from the author to the publisher. This grant is usually formalized through a licensing agreement or an assignment of rights. Specifies the rights granted, the duration, territory and scope of the use (Hirtle et al., 2014). In publishing, grant of right is a publishing right granted to the publisher by the author and this is done “under the contract condition”. For example, a grant may be limited to print publication within a specific region or



may include digital right. As explain by Alozie (2004), a good example is Chinua Achebe, a Nigerian author of the first order who granted publishing right to his publishers to publish his famous book, “Things Fall Apart” in more than 30 languages in many parts of the world. An author may also restrict the publishing right given to his publisher to publish a particular edition of his book to some part of the world only.

## Book Royalty Payment in an era of Digital Publishing: Prospects and Challenges

Despite the fact underscored by Albers (2017) that the rise of e-books, audiobooks and online platforms has created new opportunities to reach wider audience and increase their revenues, Towse (2012) note that digital transformation has also raised fundamental questions about book royalty payments, particularly with regards to the circulation, payment and circulation transparency of royalties.

### Prospects

Digital publishing has opened up new avenues for authors and publishers to monetize their works. Some of the prospects of digital publishing include increased reach, new business models and real time data (Gaines, 2014; Hocking, 2016; Bury, 2017). According to Gains (2014), digital publishing allows authors and publishers to reach global audiences by transcending geographical boundaries. With regards to new business models, Bury (2017) note that digital publishing has enabled the development of new business models, such as subscription-based services, pay-per-view and online advertising. However, there are several royalty payment models in digital publishing, which one of the model is percentage-based royalties. According to freeman (1984), authors and publishers receive a percentage of the revenue generated from books sales, typically ranging from 10% to 70%. With flat fees model, some digital platforms pay authors and publishers a flat fee for each book sold or downloaded (Barney, 1991). With regards to subscription-based model, some digital platforms pay authors and publishers a share of the revenue generated from subscription-based services (Albers, 2017).

Moreover, real-time data cannot be disparege from one of the prospects of digital publishing as it provides real-time data on sales, readership and engagement by enabling authors and publishers to track their performance and make data-driven decision( Hocking, 2016).

### Challenges

Despite the prospects of digital publishing, there are several challenges associated with book royalty payment in the digital era. One of the primary challenges in digital publishing concerning royalties, according to Morris et al., (2016), is the opacity of sales data, as digital platforms often standardized reporting mechanisms, making it difficult for authors to verify sales figures and corresponding royalties. This opacity can lead to disputes over accurate royalty calculations. Corroborating, Rosen

(2014), digital publishing has made royalty calculation more difficult, with multiple platforms, formats and pricing models to consider. In the same vein, Gervais (2017) avers that lack of transparency in digital publishing contracts and royalty statements has raised concerns about fairness and accuracy. Digital publishing has also increased the risk of piracy and copyright infringement which can impact royalty earnings (Grefe, 2001).

Licensing and rights management is another challenge to book royalty payment in digital era. As observed by Houghton et al., (2014), the proliferation of licensing m platforms may take models-such as pay-per-view or subscription-based access raises issues about which parties are entitled to royalties and how they are calculated, often leading to legal and contractual ambiguity. With platform dependency and revenue distribution, authors often depend on third-party platforms (e.g., Amazon Kindle, Apple Books) that control distribution channels. These huge commissions and their opaque fee structures can diminish authors’ earning, complicating the calculation and distribution of royalties (Liu, 2017).

Moreover, digital platforms frequently offer free samples or promotional content which can distort sales metrics and royalties. Determining what constitutes a paid sale versus free promotion can be complicated, affecting authors’ earnings (Fitzgerald & Evans, 2018). In the face of all these challenges, Baker and Floyd (2019) note that existing contractual frameworks may not adequately address digital rights and revenue models, leading to legal uncertainties and potential disputes over royalty entitlements in the digital environment.

### Theoretical Framework

This study adopts the Transaction Cost Economic (TCE) theory. Developed by Ronald Coase (1937) and Oliver Williamson (1979), the theory explains the cost associated with economic exchanges and how these influence organizational structures and contractual arrangement. It posits that firms and markets are governed by the need to maximise transaction cost expenses incurred in the process of buying and selling, such as search and information costs, bargaining costs, enforcement costs and adaptation costs. TCE explains why firms exist, why they expand or contract and how governance mechanism evolve. It suggests that firms internalise transaction high asset specificity and uncertainty to reduce cost associated with opportunism and bargaining (Williamson, 1985). It also informs the design of contracts, corporate governance and vertical integration strategies.

As explained by Williamson (1979), the core concepts of transaction cost economics include transaction costs, asset specificity, uncertainty and frequency as well as bounded rationality and opportunism. With regards to transaction costs, he note that they are the costs related to identifying trading partners, negotiating, monitoring and enforcing agreement, emphasizing that these costs are fundamental in determining whether a transaction will be conducted within a firm or through the market. Williamson explains that asset specificity entails the degree to which



investments are tailored to a particular transaction costs. While high uncertainty and transaction frequency can increase transaction cost, impacting contractual arrangements and organizational boundaries, recognizing cognitive limitations and opportunistic behaviour shapes the design of governance structures to mitigate these issues (Williamson, 1985).

In the context of digital technology and royalty reckoning, TCE can be applied to analyse the cost and challenges of managing authors and publishers rights in the digital age. The theory highlights the importance of negotiating fair and efficient royalty rates that they reflect the value of digital rights (Geist, 2011).

## Conclusion

Book publishing royalty is a motivating factor that encourage authors to write and publish their work. However, book royalty payments in the digital era of digital publishing present both prospects and challenges. While digital publishing has opened up a new avenue for authors and publishers to monetise their work, it has also raised fundamental questions about royalty calculations, payment and transparency. By resorting to agreement that bothers on clear contracts, accurate reporting and audit rights, authors and publishers can ensure fair and transparent royalty payments in the digital era.

However, the study has also highlighted the challenges and concerns arising from the digital transformation, the need for a fair and transparent royalty system, the importance of intellectual property rights and the evolving role of authors and publishers in the digital publishing landscape.

## Recommendations

Based on the findings of this study, the following recommendations are made:

1. Publishing industry should adopt a fair and transparent royalty system that ensures authors and publishers receive fair compensation for their work. This can be achieved by implementing a standardised royalty structure, providing clear and detailed royalty statements and ensuring that authors and publishers have access to accurate and timely information about their royalty earnings.
2. Authors and publishers should prioritized the protection of their intellectual property rights in the digital age. They should also invest in developing their digital skills and knowledge to effectively function in the digital landscape.
3. Publishing industry should foster collaboration and partnerships between authors, publishers and digital platforms to create new opportunities and revenue streams. While government and regulatory bodies should develop and implement policies and regulations that support the growth

and development of the digital publishing industry.

4. This can be achieved by developing innovative business models such as subscription-based services and by exploring new distribution channels such as social media and online marketplace, while government and regulatory bodies should develop and implement policies and regulations that support the growth and development of the digital publishing industry.

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