

The Battle of the Book's Derivative – an Exploration of Emerging Literary Adaptations

Wednesday, May 6, 2026, 12:00 – 1:00pm ET | Live Webinar

Program Description:

As new formats emerge, the exploitation of literary works is expanding beyond traditional film and television adaptations. This panel will explore how evolving formats, such as full-cast audio productions and vertical shortform adaptations, fit within the existing rights framework. Our panel will also discuss the intricacies of book-based merchandising, which has seen renewed interest as a valuable avenue for exploiting literary properties. Panelists will discuss how these formats differ from traditional exploitations, what rights may be implicated, and how emerging opportunities are shaping the negotiation and structuring of subsidiary rights deals.

Panelists:

- **Amy Mellman** (Moderator)
Solo Practitioner
- **Jamie Coghill**
Partner | Surpin, Mayersohn & Coghill
- **Cecilia de la Campa**
EVP Global Licensing and Media | Writers House
- **Joshua Greenberg**
Counsel | PRYOR CASHMAN LLP
- **Suemyra Shah**
Head of Content Legal Affairs | Audible

Agenda:

5 mins - Introductions

- **Amy Mellman** introduces panelists and provides a broad overview of how the exploitation of literary works is expanding beyond traditional film and television adaptations, and that the panel will explore how evolving formats (graphic novels, full-cast audio, short-form video, and merchandising) fit within the existing rights framework.

10 mins - Module 1: Setting the Stage – The Rights Framework for Literary Works

- **Cecilia de la Campa** provides an overview of how subsidiary rights are structured in a standard publishing agreement, which rights authors retain versus grant to publishers, and how those decisions affect downstream licensing opportunities.
 - o Overview of subsidiary rights categories in a standard publishing agreement (print, audio, dramatic, graphic novel, merchandising, etc.)
 - o How agents and publishers negotiate over retained vs. granted rights, and the downstream significance of those decisions
 - o Role of the literary agent in licensing subsidiary rights to third parties
- **Joshua Greenberg** provides an overview of a standard film/television option and acquisition agreement and how film deals address — or fail to address — adjacent formats.
 - o Structure of a standard option/purchase agreement (option period, purchase price, turnaround, credit)
 - o Scope of rights granted/frozen and how film agreements define — or leave ambiguous — formats like graphic novels and short-form video

Sources:

- Dinah Perez, The Literary Option & Purchase Agreement (Dinah Perez Law), <https://www.dinahperezlaw.com/articles/Literary-Option-Purchase-Agreements.pdf>
- Authors Guild, Model Trade Book Contract – Section 6: Subsidiary Rights, https://go.authorsguild.org/contract_sections/6

20 mins - Module 2: Emerging Formats – Full-Cast Audio and Vertical Short-Form Adaptations

- **Suemyra Shah** provides an overview of the full-cast audio market and how platforms like Audible are acquiring and producing immersive audio adaptations of literary works.
 - o How do full-cast audio productions differ from traditional audiobooks? Are they “audiobook” or “dramatic” rights under publishing agreements?

- What rights are needed (performance, music, sound design) and how are they cleared?
- How do these rights conflict, if at all, with the rights typically granted to a film studio?
- **Cecilia de la Campa** responds with the agent's perspective on how audio adaptation deals are negotiated and what authors and publishers are pushing for.
 - How do agents approach audio rights in publishing and film option agreements today vs. five years ago?
 - Key sticking points: royalty rates, exclusivity windows, approval rights over casting and production
- **Jamie Coghill** provides an overview of vertical short-form adaptations (e.g., Reels, TikTok, Snap Originals) and the rights landscape for book-based content in these formats.
 - Do existing publishing and film agreements contemplate vertical short-form rights?
 - What rights do vertical producers seek?
 - How do these deals interact with existing film/TV option agreements?

Sources:

- Neil J. Rosini & Michael I. Rudell, *Contract Provisions Cause Conflicts for Authors*, Franklin Weinrib Rudell & Vassallo LLP (Dec. 27, 2013), <https://www.fwrvc.com/news-articles/contract-provisions-cause-conflicts-authors/>
- Thomas A. Crowell, *From Printed Page to Silver Screen: A Legal Primer on Taking Comics to Hollywood in 2019*, NWSidebar (Feb. 19, 2019), <https://nwsidebar.wsba.org/2019/02/19/from-printed-page-to-silver-screen-a-legal-primer-on-taking-comics-to-hollywood-in-2019/>
- Mathew Scott, *Filmart: How the China-Led "Vertical Film" Movement Wants to Upend the Way We See Cinema*, Hollywood Reporter (Mar. 17, 2025), <https://www.hollywoodreporter.com/movies/movie-news/filmart-vertical-film-movement-china-cinema-1236164730/>

10 mins Module 3: Book-Based Merchandising – A Renewed Frontier

- **Cecilia de la Campa** discusses the renewed commercial interest in book-based merchandising and how agents and publishers are approaching these opportunities.
 - What has driven renewed interest in book-based merchandising (BookTok, fandom culture, screen adaptations)?
 - How are merchandising rights characterized and allocated in publishing agreements?

- **Suemyra Shah** offers a platform perspective on how content acquisition agreements, including audio deals, address ancillary and merchandising rights, and what audio platforms seek to reserve or exclude to protect their core product.
 - o How do audio acquisition agreements address ancillary rights that might intersect with merchandising, such as character likeness, title branding, or promotional tie-ins?
 - o What rights do platforms like Audible typically seek to carve out or restrict to prevent conflicts with downstream licensing?
 - o How is the negotiation of these provisions evolving as literary IP becomes more commercially valuable across formats?
- **Jamie Coghill** discusses how book-based merchandising rights interact with film/TV deals and the conflicts that arise when multiple parties claim character and title IP.
 - o How film/TV agreements handle merchandising: studio claims vs. author/publisher retained rights
 - o Character rights, trademark considerations, and clearance issues
- **Joshua Greenberg** provides a practical overview of how book-to-merchandise deals are structured and the key considerations for attorneys on either side.
 - o Standard licensing deal structure: royalties, approval rights, quality control, term and territory
 - o Common pitfalls and negotiating leverage points

Sources:

- Irene Calboli & Gabrielle Armstrong, *Character Merchandising Licensing Agreements* (May 25, 2024), in *Research Handbook on Intellectual Property Licensing* (Jacques de Werra & Irene Calboli eds., 2d ed. forthcoming 2025), Texas A&M Univ. Sch. of Law Legal Studies Research Paper No. 25-05, available at SSRN: <https://ssrn.com/abstract=4991406>
- Madeline Diamond, *The Merch-ification of Book Publishing*, Esquire (July 11, 2023), <https://www.esquire.com/entertainment/books/a44449495/book-publishing-influencer-merch-explained/>

10 mins - Module 4: Reserving Graphic Novel Rights – Where Publishing and Film Rights Collide

- **Cecilia de la Campa** discusses how graphic novel rights are treated in publishing agreements and the growing importance of reserving them strategically.
 - o Are graphic novel rights typically retained by the author/agent or granted to the publisher, and how is that changing?
 - o What market value does graphic novel editions of existing books have?
 - o How the characterization of graphic novel rights (as “print,” “dramatic,” or a standalone category) affects negotiating leverage and downstream deals

- Practical strategies agents use to carve out and protect graphic novel rights in publishing agreements
- **Joshua Greenberg** discusses how graphic novel rights interact with and can conflict with film and television option agreements.
 - Do standard film option agreements grant, freeze, or reserve graphic novel rights? How are they typically defined, if at all?
 - Is there a risk of a studio claiming that a graphic novel adaptation falls within their optioned “story” or “character” rights?
 - How studios and producers are increasingly seeking to include graphic novel rights as part of film packages, and how practitioners push back
- **Jamie Coghill** discusses the practical deal-making tension between publishers, agents, and producers over graphic novel rights, and how attorneys are structuring around these conflicts.
 - Where the real friction arises: Competing claims between a publisher’s print rights, a studio’s option, and a separate graphic novel licensor
 - Deal structures that protect graphic novel rights while still closing film and publishing deals
 - Key language attorneys should look for — and push for — in both publishing and film agreements to avoid downstream conflicts

Sources:

- Rex Ogle, *Why Reimagining Classic Literature as Modern Graphic Novels Is So Important for Young and Reluctant Readers*, Publishers Weekly (June 3, 2025), <https://www.publishersweekly.com/pw/by-topic/childrens/childrens-industry-news/article/97935-why-re-imagining-classic-literature-as-modern-graphic-novels-is-so-important-for-young-and-reluctant-readers.html>

5 mins - Q&A