

# Key issues

Having a legal form is not always necessary from day one – for example, [punctum books](#) grew organically and only started to consider issues such as governance or legal form once its brand became established. However, for many presses becoming legally established is a key early priority. Being legally established will often be needed to do business with other companies, to set up a bank account and, potentially, to limit the liability of individuals within the press.

It is possible to distinguish several broad types of organisational structure, including types with clearly distinct or mixed forms (e.g. a charitable company) ([Cookbook](#), p. 28). Most obviously, there are distinctions between not-for-profit organisations, in which surpluses are reinvested in the organisation's activities, and commercial, profit making companies. Many Open Access presses are, in line with the values that motivated their establishment, non-profits.

Whether a non-profit or a company, one key consideration for new publishers may be the potential benefits that can come with becoming an "incorporated" organisation. Incorporated organisations are usually registered with a national body, which allows the organisation to have its own, independent identity, separate from the individuals that run it. A key function served by incorporation is often to limit the liability of those that run the organisation. This may be important for many reasons – in relation to liability for employees' wellbeing, financial liability or to suppliers, for example. For publishers, this might also relate to the extent to which individuals running a press are themselves liable for the publisher's output.

The Cookbook (Section 3.10.1) has some tips useful in the German context, including costs of setting up a company. A helpful piece of advice for projects involving several countries is to compare regulations and requirements in the different relevant national contexts, as registering a company in one country might be easier and more affordable than in others.

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