

Don't Give Away Your Copy Rights

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- How did we get here?
- Why do librarians care about copyright?
- Why should you care about copyright?
- What you can do once you start to care?

NO JOKES?!

Boy Scouts Merit Badge



Copyright in the U.S.

- “To promote the progress of science and useful arts by securing for limited time to authors and inventors the exclusive right to their respective writings and discoveries”

Copyright Background

- Four Basic Ideas:
 - Promote Learning
 - Protect Author's Rights
 - Provide Order in Publishing Trade
 - Prevent Harmful Monopoly
- Copyright secures the right to
 - Print (and reprint)
 - Publish
 - Sell

Access Tension

- Author rights and promotion of learning (libraries) vs profit in the publishing trade
- David vs Goliath
- Balancing act



Photo courtesy of Christoph Haenggeli.
Source: <http://www.haenggeli.ch/>

Librarians and Copyright

- Information promotes learning
- Preservation and Access
- Institutional Repository
 - <http://ir.utah.edu>
- Open Access
 - PubMed Central
 - BioMed Central, PLoS, Nucleic Acids Research
 - Library memberships give discounted author fees

Questions?

Why should you care about your copyright?

- Preservation of access to your work
- Tax dollars > research > you write the grant, do the work, write the papers, do the peer review, don't get paid
- Publishers takes control and charge so much your own institution can't afford to buy it back
- Access for the public and fellow scientists exists only if they can pay
- Permissions is greatest barrier to archiving
- Current system is unsustainable

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- American J Medical Genetics
 - \$11,825
- Eur J Pharmacology
 - \$10,656
- J of Neuroscience Research
 - \$10,258
- Gene
 - \$10,053
- Toxicology
 - \$6,030

Your Rights as an Author

- You are the copyright holder until you sign on the dotted line
- The copyright holder controls the work
- Transferring copyright doesn't have to be all or nothing
 - The publisher's agreement can be altered / negotiated
 - You can use an addendum to ask for the rights you need

Balanced Approach

Authors



- Retain the rights you want
- Use and develop your own work without restriction
- Increase access for education and research
- Receive proper attribution when your work is used
- If you choose, deposit your work in an open online archive where it will be permanently and openly accessible

Publishers

- Obtain a non-exclusive right to publish and distribute a work and receive a financial return
- Receive proper attribution and citation as journal of first publication
- Migrate the work to future formats and include it in collections

From SPARC's: [Author Rights](http://www.arl.org/sparc/author/addendum.html) <http://www.arl.org/sparc/author/addendum.html>

Flavors of license agreements

- Standard publisher copyright transfer
- Publisher + Sparc Addendum 
- Creative Commons / Open Access 
- Publisher "Open Choice" - caution

Standard Publisher Form

"The Contributor assigns to ..., during the full term of copyright and any extensions or renewals of that term, all copyright in and to the Contribution, including but not limited to the right to publish, republish, transmit, sell, distribute and otherwise use the Contribution and the material contained therein... and in derivative works throughout the world, in all languages and in all media of expression now known or later developed, and to license or permit others to do so."

Typical retained rights

- Share preprints
- Preprints posted on internal or secure institutional websites
- Patent rights
- Right to make oral presentations of material from the Contribution
- Right to republish... in print format, all or part of the material... in a book written or edited by the Contributor

Standard Publisher Form Negotiated

- You can alter / edit their form
- You can attach an addendum
 - A form used to amend the publisher's document"This addendum hereby modifies and supplements the attached Publication Agreement..."

SPARC Addendum

Author's Retention of Rights

In addition to any rights under copyright retained by Author in the Publication Agreement, Author retains:

- (i) the rights to reproduce, distribute, publicly perform, and publicly display the Article in any medium for non-commercial purposes;
- (ii) the right to prepare derivative works from the Article; and
- (iii) the right to authorize others to make any non-commercial use of the Article so long as Author receives credit as author and the journal in which the Article has been published is cited as the source of first publication of the Article.

... and may post the Article on personal or institutional Web sites and in other open-access digital repositories.

http://www.arl.org/sparc/author/docs/AuthorsAddendum2_1.pdf



Other Addenda

- ScienceCommons 
 - <http://sciencecommons.org/projects/publishing/scaa-openaccess-delay-1.0.pdf>
- OhioLINK 
 - <http://www.ohiolink.edu/journalsist/into/forprodsaug06.pdf>
- MIT Libraries 
 - <http://libraries.mit.edu/about/scholariv/solutions.html>
- License to Publish 
 - <http://www.lboro.ac.uk/departments/is/disresearch/poc/pages/pub-copyrighttoolkit.html>

Using the addendum

- Complete the addendum
- Print a copy and attach to the publisher's agreement form
- Note in a cover letter to the publisher that you have included an addendum

Open Access / Creative Commons Licenses

- Open Access 
 - Freely available to all for non-commercial use
 - Proper attribution to author / copyright owner
 - Archived on a publicly accessible site
- Creative Commons Attribution License 
 - <http://creativecommons.org/licenses/by/2.0>
 - Permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.
 - BioMed Central, PLoS, HEAL, Institutional Repository, etc.
 - Create your own license <http://creativecommons.org/>
 - ... "a flexible range of protections and freedoms"

Open Choice Licenses

- "Everybody Pays" model?
- Primarily institutional subscription/site licensed-based, but authors can opt for "open access" for a fee
- Good versions and questionable ones
 - Caution: read the license carefully – Who gets the copyright ?
 - \$3000 per article, and ... "Open Choice fee does not replace any existing journal policies on author-borne publication costs, which are billed separately."
 - Color images in the print version

Strategies?

- Authors request the publisher's PDF for IR & PubMed Central
- Libraries include a retention-of-rights statement for university authors in site license negotiations
- Universities / departments require authors to retain rights= leverage with publishers
- Societies keep the copyright rather than a corporate publisher – ability to move the journal
 - Many already do
 - May be better for member authors, maybe not for libraries
- Authors move articles and editors move journals to "friendlier" publishers that provide "free" access > 6 – 12 months
 - Not true OA, but satisfies public and scientific access & meets scientific organizations' need for income and branding
- Identify & guide vulnerable society journals
- "U.S. Government work" model?

Questions?

Contacts & Info

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- Marriott Library Copyright Info Page
 - <http://www.lib.utah.edu/services/copyright/index.html>
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 - reference@lib.med.utah.edu
- Scholarly Communication Page
 - <http://library.med.utah.edu/km/scholarcomm.php>
- Institutional Repository
 - <http://ir.utah.edu/>
- SPARC: Scholarly Publishing and Academic Resources Coalition
 - <http://www.arl.org/sparc/>
- U of Utah Intellectual Property Policies: TCO
 - <http://www.business.utah.edu/display.php?pageId=1287>