STRATEGIC PLAN 2007-2010
LINE N. 2

2. 2009 INTELECTUAL PROPERTY GOALS

TUTORIAL:

DO YOU KNOW YOUR RIGHTS AS AN AUTHOR?

THE ROLE OF COPYRIGHT IN OPEN ACCESS TO SCIENTIFIC PRODUCTION

Goal: The aim of this tutorial is to make researchers aware of the role of copyright in relation to open-access publication and the advantages derived from self-archiving scientific production in institutional repositories.

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1. What is open access?

By open access we mean free availability on the internet, allowing any user to read, copy, print or distribute it, or make any other legal use of it, without any financial, technical or other barrier.

2. Why publish in open access?

Open-access publication of your work:
- raises the impact and visibility of the work, allows access to the research by everyone, including assessors,
 - increases the number of citations to raise the visibility of the work,
 - and guarantees the collation, analysis and preservation of the results of your research.

3. How to publish in open access.

The Budapest Open Access initiative sets out two ways of ensuring open access:

The Gold Route: publication in Open-Access Journals. You can view a list available in the Directory of Open-Access Journals (DOAJ) – http://www.doaj.org/

The Green Route: distribution of work in institutional or subject repositories (e.g. arXIv, RePEc, etc.). You can view a list available in the Directory of Open-Access Repositories (DOAR) – http://www.opendoar.org/

Some publishers aid open-access publication with models for which the author, or their institution, pays for publication. This is the so-called Open-Access Option.

When submitting scientific production to a repository, there is the possibility of self-archiving, where it is the author who submits their work or sends the work to the department in charge of the repository for its publication.

4. Rights and needs of researchers.

- Publication and dissemination
- Use for teaching and/or research purposes
- Personal use
- Future reuse
- Preservation
- Copyright protection

5. What is copyright?

A series of rights automatically assigned to the author by law.

These rights are subdivides into:

- *Moral rights* (attribution), which are non-transferable
- *Economic rights* (or usage rights): reproduction, distribution, public communication and transformation, which may be transferred to third persons.

Copyrights is no hindrance to open-access publication, unless it has been transferred exclusively to the publisher.

6. What can I do with my rights?

- Keep them

- Share them (e.g. Using a Creative Commons license)

- Assign them (in full or in part)

7. Why is it important to retain rights?

• Because this way, the author has more control over their work, both for their own part and for that of others.

• For the publisher to be able to make commercial use of the work, there is no need for copyright to be transferred.

8. Ways of retaining rights:

- Carefully read agreements and contracts before signing them
- Contact the publisher if you feel that their agreement is very restrictive and negotiate an exception.
- Amend the agreement that you have to sign.
- Actively support the journals that have made more open rights agreements.
- If you are the publisher of a journal or member of a publishing committee, study the author's rights assignment policy.   – Add an addendum to the publisher's license. Remember that a contract is always a two-way thing (see Appendix 1.)

9. Tipes of publication contracts.

There are two types of publication contracts for authors:

Exclusive licenses
The usage rights are transferred exclusively to the publisher. Reuse by others is limited or depends on the publisher's permission.

Non-exclusive licenses
The author keeps the usage rights, but it is the publisher who gives the permission for the dissemination of the work.

Rights are transferred through the signature of agreements called *Copyright Transfer Agreements (CTA)*.

10. Conditions and restrictions

Initially, the conditions need to be a hindrance to shelf-archiving. Restrictions more problematic because they can prevent the author from self-archiving their work in the long term.

11. What authors want from copyright:

- The author keeps the rights to reuse the article for teaching, research and commercial purposes.
- Readers and users can reuse the article for teaching and research purposes but not for commercial lends.
- Most authors feel that permitting the right to education is more important than limiting the commercial uses.

12. Documents for self-archiving:

Pre-print: The first version of the work before peer review.
Post-print: The final version of the work, after the review, which has been accepted for publication and for which the CTA or licenses have been signed. These may be:

> **The author's version:** produced by the author, with comments and notes in the text.
> **The publisher version:** edidet, formatted and normally in PDF with the publisher's logos and copyright.

Since it is rare for the publisher to permit the use of its version to be included in the repository, it is very important that the authors keep the definitive copy of their work.

13. The colours for self-archiving: RoMEO colours

We have used different colours to help highlight the self-archiving policies of publishers. These colours are a development of the original RoMEO list project and distinguish four categories of archiving rights:

RoMEO colour	Self-archiving policy
Green	Pre-print and post-print can be archived
Blue	Post-print can be archived (e.g. the final version)
Yellow	Pre-print can be archived (e.g. The final version before peer review)
White	Shelf-archiving not formally supported

Appendix 1: Examples of Addendum documents:

Science Commons Addendum
<http://sciencecommons.org/projects/publishing/scae/> [Accessed: 01/09/09]

SPARC Author Addendum <http://www.arl.org/sparc/author/addendum.shtml>
[Accessed: 01/09/09]

SPARC Canadian Author Addendum instead http://www.carl-abrc.ca/projects/author/EngPubAgree.pdf [Accessed: 01/09/09]

Copyright Toolbox: JISC and Surf Foundation
<http://copyrighttoolbox.surf.nl/copyrighttoolbox/authors/licence/> [Accessed: 01/09/09]

Canadian Model Publication Agreement:
<http://www.openaccesslawcanada.ca/model.php>
[Accessed: 01/09/09]

Appendix 2: Examples of commercial contracts (Copyright Transfer Agreements / Journal Publishing Agreements

Example of CTA from a commercial publisher, Wiley: <http://www3.interscience.wiley.com/homepages/central/cta/UKscta.pdf> [Accessed: 01/09/09]

Example of publication agreement in the commercial publisher, Elsevier: <http://www.elsevier.com/framework_authors/pdfs/JPA_example.pdf> [Accessed: 01/09/09]

You can consult the conditions for self-archiving with other publichers at: Sherpa http://www.sherpa.ac.uk/romeo.php> and Dulcinea <http://www.accesoabierto.net/dulcinea/> [Accessed: 01/09/09]

More information and links of interest

About copyright tutorials

- Author Rights <http://www.arl.org/sc/authors/index.shtml> [Accessed: 01/07/2009]

- Authors Rights and Copyrights <http://www.acrl.ala.org/scholcomm/node/8> [Accessed: 01/07/2009]

- Bailey, Charles W. Author's Rights, Tout de Suite. Digital Scholarship. Houston, Texas. <http://www.digital-scholarship.org/ts/authorrights.pdf> [Accessed: 01/07/2009]

- Greater Reach for Your Research: Resources for Authors. <http://www.carl-abrc.ca/projects/author/author-e.html> [Accessed: 01/07/2009]

- Guide For Academics—Know Your Rights as an Author. <http://www.lboro.ac.uk/departments/dis/disresearch/poc/pages/academicguide-rights.html> [Accessed: 01/07/2009]

- Know your copyrights.
  <http://www.knowyourcopyrights.org/resourcesfac/kycrbrochure.shtml> [Accessed: 01/07/2009]

- Copyright Toolbox – SURF Foundation.
  <http://copyrighttoolbox.surf.nl/copyrighttoolbox/> [Accessed: 01/07/2009]

- Sherpa-ROMEO. <http://www.sherpa.ac.uk/romeo/> [Accessed: 01/07/2009]

- Sherpa-JULIET. <http://www.sherpa.ac.uk/juliet/index.php> [Accessed: 01/07/2009]

- Dulcinea <http://www.accesoabierto.net/dulcinea/> [Accessed: 01/07/2009]

About Open Access

- Budapest Open Access Initiative. "Budapest Open Access Initiative." 14 February 2002. <http://www.soros.org/openaccess/read.shtml> [Accessed: 01/07/2009]

- "Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities." 22 October 2003. <http://www.zim.mpg.de/openaccess-berlin/berlindeclaration.html> [Accessed: 01/07/2009]

- Bethesda Statement on Open Access Publishing. <http://www.earlham.edu/~peters/fos/bethesda.htm> [Accessed: 01/07/2009]

- Create Change <http://www.createchange.org/> [Accessed: 01/07/2009]

- Open Access Bibliography <http://www.digital-scholarship.org/oab/oab.pdf> [Accessed: 01/07/2009]

- European Research Advisory Board. "Scientific publication: Policy on Open access". <http://ec.europa.eu/research/science-society/pdf/scientific-publication-study_en.pdf> [Accessed: 01/09/2009]

- Petition for guaranteed public access to publicly-funded research results <http://www.ec-petition.eu/> [Accessed: 01/09/2009]

- Communication from the Comission to the European Parliament, the Council and the European Economic and Social Committee on scientific information in the digital age: access, dissemination and preservation" COM (2007) 56 final <http://ec.europa.eu/research/science-society/document_library/pdf_06/communication-022007_en.pdf> [Accessed: 01/09/2009]

- ERC Scientific Council Guidelines for Open Access (2007) <http://erc.europa.eu/pdf/ScC_Guidelines_Open_Access_revised_Dec07_FINAL.pdf> [Accessed: 01/09/2009]

REMEMBER:

Open Access:

 - Helps make research accessible to everyone.
 - Increases the number of citations.
 - Is increasingly popular thanks to the rise in OA policies and initiatives made possible by technological advances.

MANAGE YOUR RIGHTS to ensure that your research has greater impact and encourage others to do the same.

For more information, contact the administrators of your institution's repository.