

Elizabeth Gadd

The impact of
copyright ownership
on open access



Romeo and Juliet, 1884 by Sir Frank Dicksee (1853-1928) Southampton City Art Gallery, Hampshire, UK / Bridgeman Art Library

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Introduction

- The copyright ownership issue
- The serials crisis
- The open access solution
- Strategies
 - Open access ejournals
 - Author self-archiving



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The RoMEO Project

- Investigating all the IPR issues relating to author self-archiving
- Rights metadata
- Metadata rights



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Overview

- The claim on copyright ownership
 - Universities
 - Academics
 - Publishers
- Copyright ownership models
- Recommendations



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University © ownership

- Employers own rights in employee's works
- Patents
- Teaching & Learning materials
- Research outputs?



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Why Universities waive rights

- Academic freedom
- No financial gain
- IPR management responsibilities



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Encouragement to retain rights

- AAU/ARL
- JISC paper
- SURF
- No response



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Academics & © ownership

- Authors think they own copyright
- Why?
- Multi-authored papers
- Third-party material



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Academics & © assignment

- 90% of academics assign ©
- 49% do so 'reluctantly'
- 54% of those that don't, sign exclusive licences
- Academics more interested in the *intellectual* than the *property*



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Publishers & © ownership

- © Law protects authors rights rather than publishers
- International convention in journal publishing is one publication only, one time only
- Allows publishers an economic monopoly



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Publishers & © assignment

- 90% ask for copyright assignment
- Has been no problem with this to date
- However academics' views are changing



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Publishers' response

- Exclusive licences
- Call for protection for publisher added-value
- Explanatory notes



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Why publishers require © assignment

- 45% gave an explanation
 - Protection against infringement
 - Effective third-party permissions
 - Wide dissemination
 - Legal reasons



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When © cannot be assigned

- Work-for-hire
- Government-owned works
- What rights do publishers actually need?



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Publisher self-archiving policies

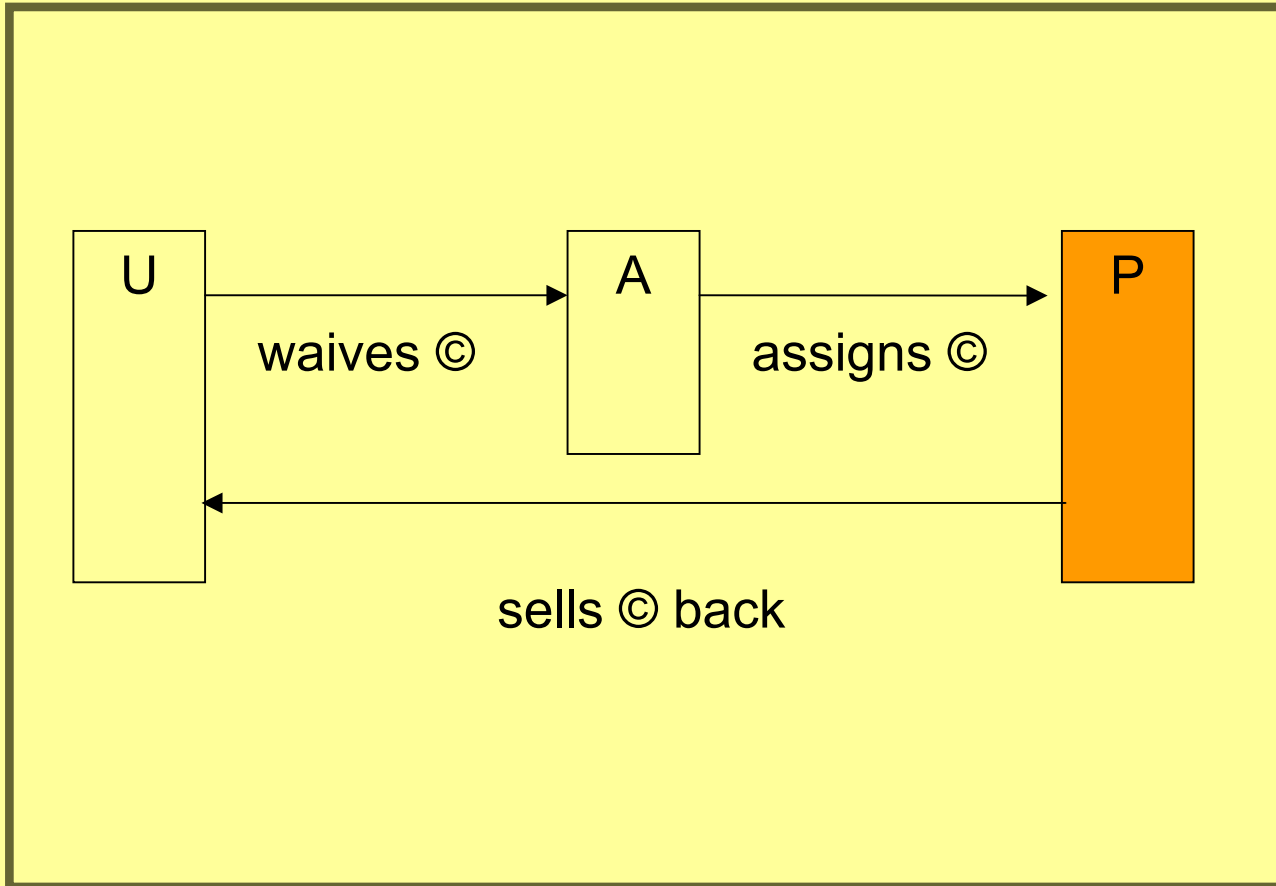
- 42.5% of publishers allow self-archiving
 - 49.1% of journals
- (Incidentally, 28.5% gave authors no rights at all)



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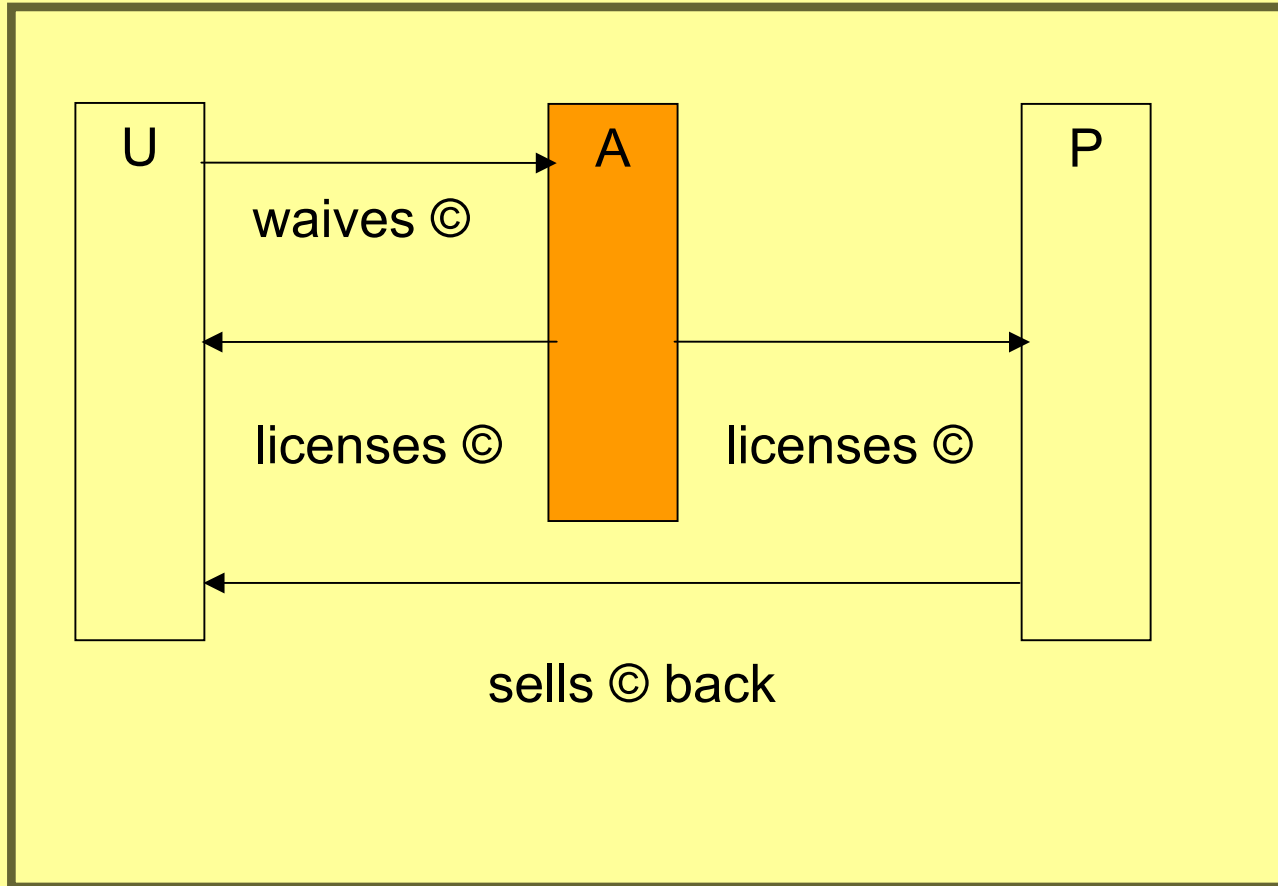
Publisher © ownership



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Academic © ownership

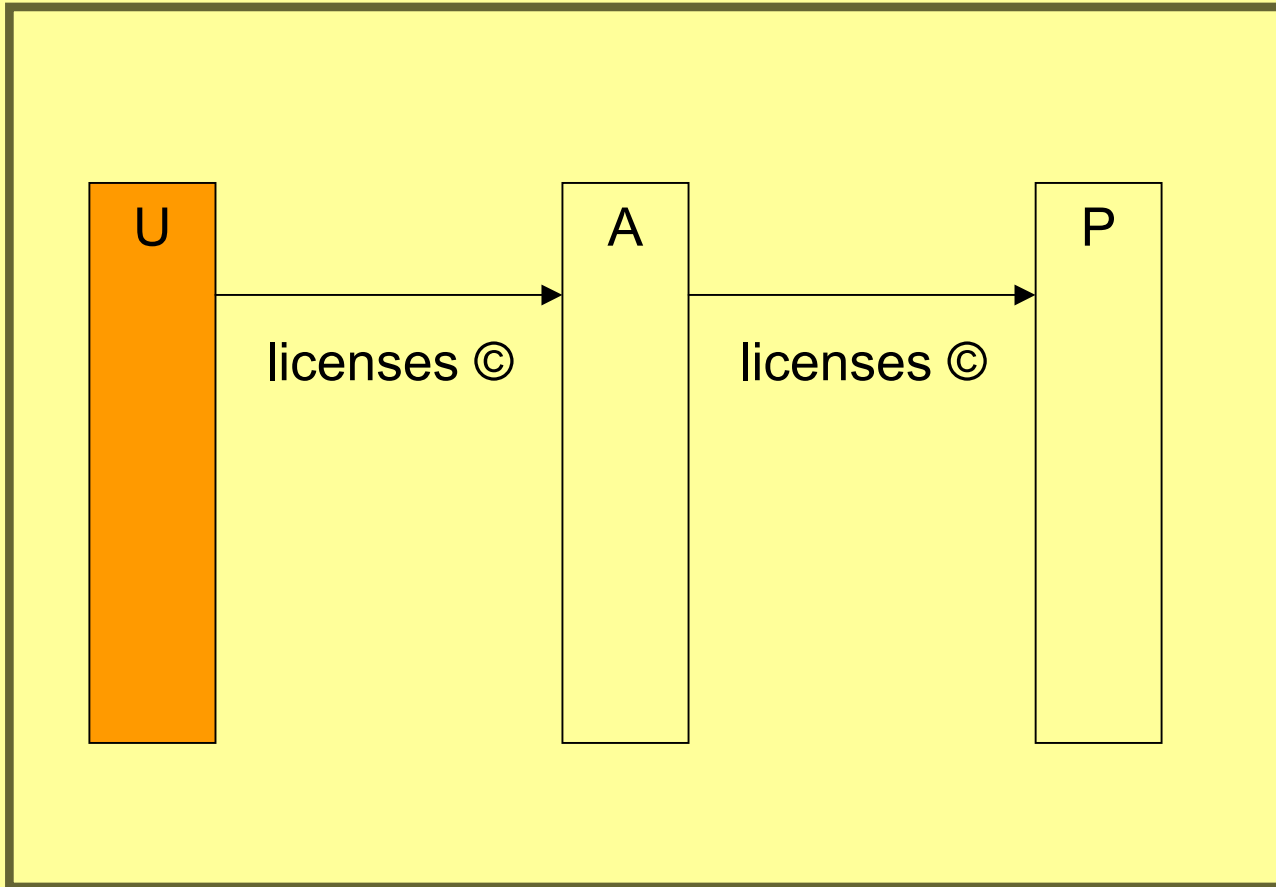


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HE © ownership

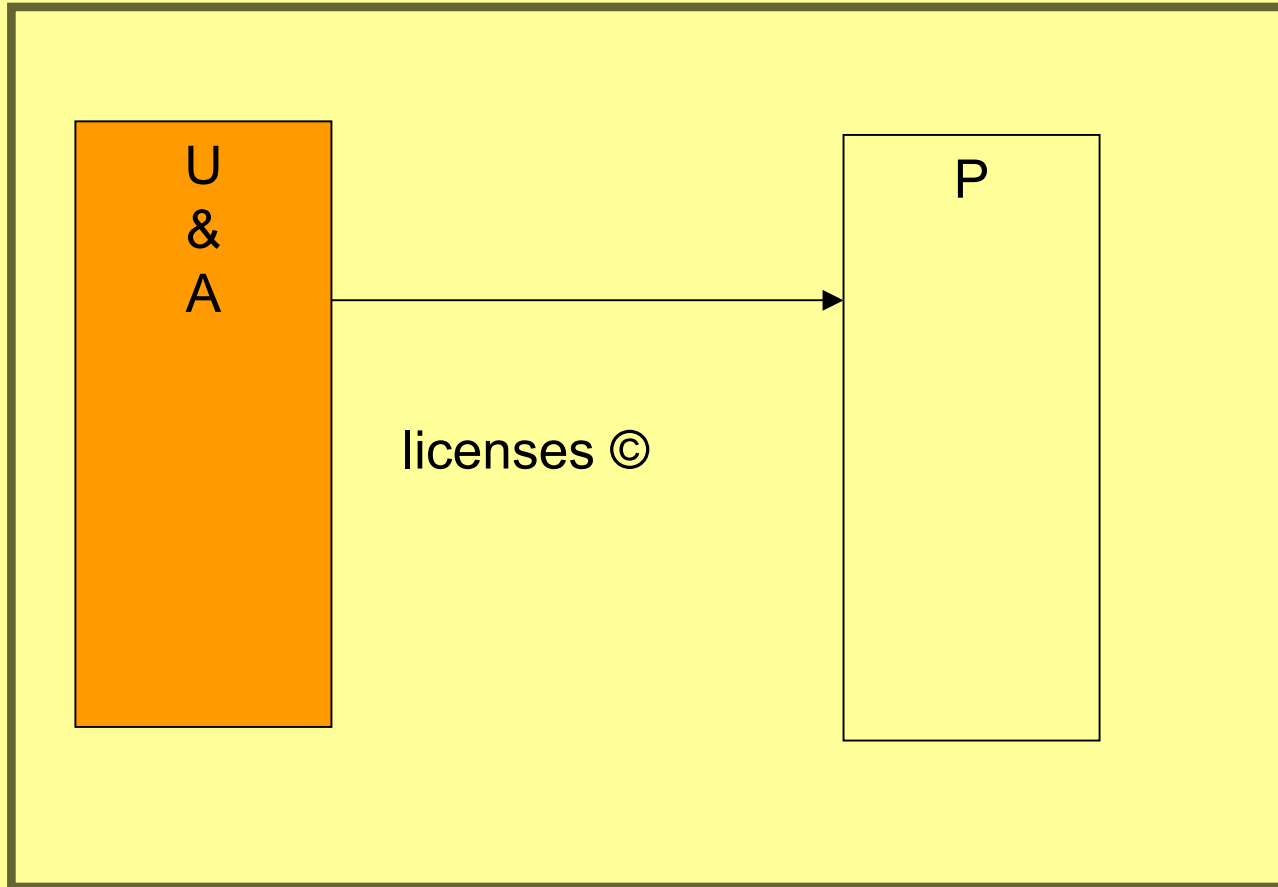


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Joint HE/academic model



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Recommendations for universities

- Assert © ownership even if it is waived
- Educate and advise staff on © assignment and licensing options
- Encourage and facilitate the retention of © by academics



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Recommendations for academics

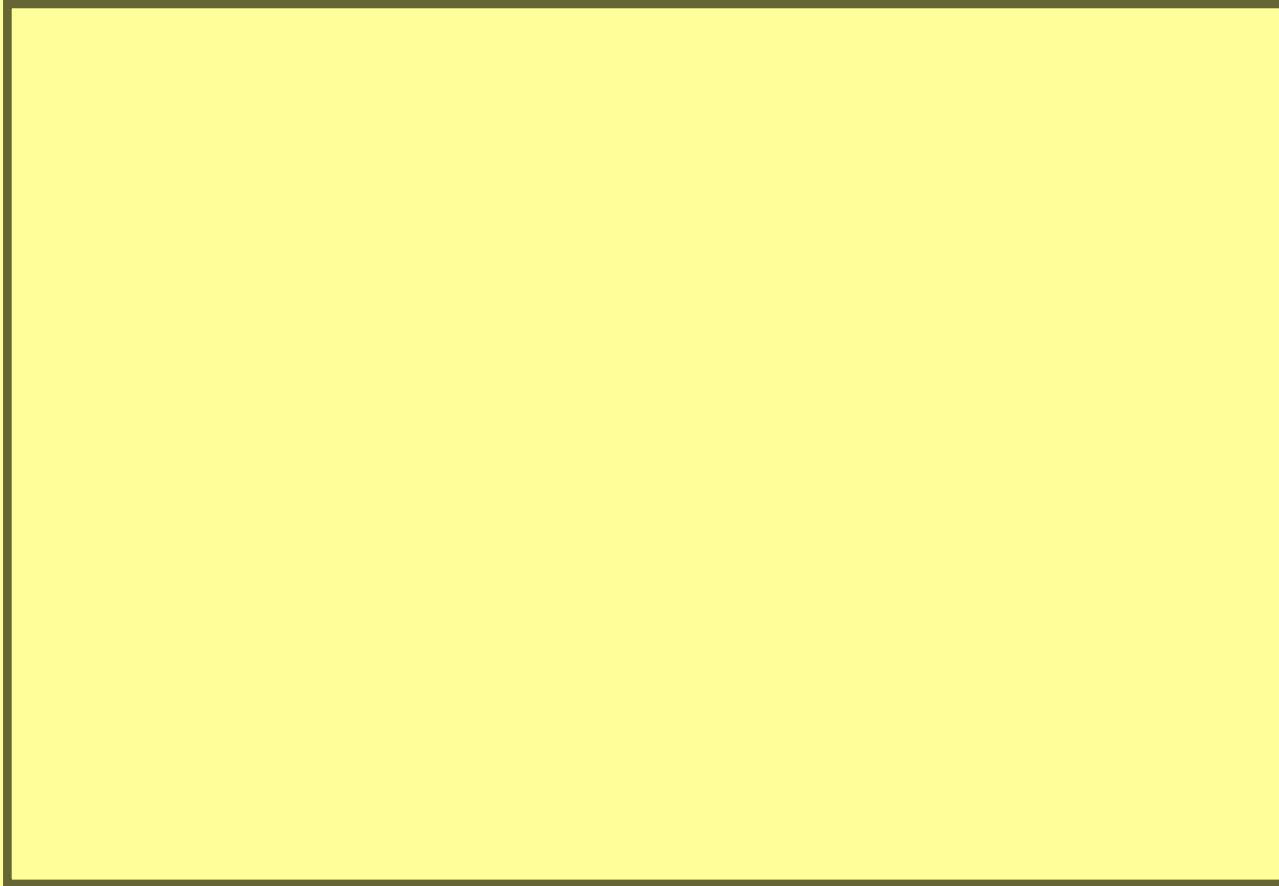
- Beware of exclusive licences
- Self-archiving options depend on:
 - Pre or postprint?
 - © assignment required pre or post refereeing?
 - Publisher allowing self-archiving of pre or postprint or both?



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Self-archiving options diagram



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Recommendations for publishers

- Use non-exclusive licences
- If not, licence academics to the rights they need...
- AND the rights they want to allow end-users to have
- Protect their added-value in another way



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The RoMEO Project

Project web pages

<http://www.lboro.ac.uk/departments/dis/disresearch/romeo/index.html>

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