

# Elizabeth Gadd

IPR issues facing  
open-access



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

**Project  
RoMEO**

Funded by the UK Joint Information Systems Committee (JISC)

# Overview

- The RoMEO project
- The self-archiving process
- The rights issues
- What's to be done?



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

## Project RoMEO

# The RoMEO Project

- Academic author survey
- Journal publisher survey
- Data & Service Provider surveys
- Journal Copyright Transfer Agreement analysis



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# RoMEO solutions

- Rights metadata
- Metadata protection solution



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# The self-archiving process

- Academic writes a paper
- Academic self-archives preprint
- Academic sends to publisher
- Publisher referees and accepts
- Academic self-archives postprint
- Repository (DP) creates metadata
- Service (SP) harvests metadata
- End-user access paper



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# Academic writes a paper

- Who owns copyright?
  - Technically the HEI
- Does the academic know?
  - No. 61% thought they owned



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# Academic writes a paper (ii)

- Are there multiple copyright owners?
  - Yes in most cases.
- Is there third-party ownership?
  - Yes, in 25% of cases.



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# Academic self-archives preprint

- How will the work be protected under law?
  - Very strictly
- How will the work be protected under licences?
  - Even more strictly



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# Academic self-archives preprint

(ii)

- How do they **want** the work protected?
  - More liberally
- Are they aware of alternative copyright regimes?
  - Not really.



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# Academic sends to publisher

- Will the publisher see self-archiving as 'prior publication' and refuse to publish?



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# Publisher referees & accepts

- Will the publisher ask for © assignment?
  - In 90% of cases
- When is © assigned?
  - 69% pre-refereeing
  - 15% of cases don't revert © to author if paper rejected



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# Publisher referees & accepts (ii)

- What if the employer owns copyright?
  - May get a better deal than an individual author
- What if a Government owns copyright?
  - 57.5% have US Govt clause
  - Such works are in the public domain...



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# Publisher referees & accepts (iii)

- How will the academic respond?
  - 49% assign © reluctantly
- What will the academic get in return?
  - 28.5% - no rights to use own work



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# Publisher referees & accepts (iv)

- Will the publisher allow self-archiving?
  - 50:50
- Under what conditions?
  - No standards



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# Academic self-archives postprint

- Will the author self-archive regardless of agreement?
  - Possibly
- Will publisher allow self-archiving of PDF?
  - Rarely
- Will the postprint be a separate copyright to the preprint?
  - Unlikely



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# DP discloses metadata

- Are there rights in a metadata record?
  - Yes. © in each record and Database right in a collection
- If so, who owns them?
  - DPs and depositors



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# DP discloses metadata (ii)

- Do DPs think there are rights in metadata?
  - No
- Do DPs wish to protect their metadata?
  - Yes!
- If so, what & how?



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# SP harvests metadata

- Do they check if they can harvest metadata?
- Do they enhance metadata?
- If so, do they think there are rights in the enhancements?
- If so, do they want to protect those rights?
- How?



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# End user access paper

- How does the end-user know what they can do with the paper?
  - RoMEO Rights Metadata
- How are end-users likely to use such papers?
  - Less liberally than academics-as-authors were prepared to allow



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# A redistribution of rights?

- IR's may archive employees' work
- Authors may publish where they like
- ...and use their work how they like
- ...and specify how others' can use their work



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# A redistribution of rights? (ii)

- Publishers have the right to definitive journal publication
- ...and a means of generating income from the value they add



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# The RoMEO Studies

1. Impact of © ownership on author self-archiving
2. How academics wish to protect open-access papers
3. How academics expect to use open-access papers



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# The RoMEO Studies

4. The author-publisher bargain: journal CTA analysis
5. IPR issues faced by OAI Data and Service Providers
6. The RoMEO Solutions



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# RoMEO extras

- List of publishers self-archiving policies
- “How you can self-archive” flow chart (see RoMEO Studies 1)



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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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