



UC BERKELEY * FACULTY CONFERENCE ON SCHOLARLY PUBLISHING

Taking Back Control: Managing Copyright and Intellectual Property

How does copyright affect me?

As the author of an article published in a scholarly journal, you may be asked to sign away your copyrights, in full or in part, to the publisher as a condition of publication. When you transfer copyright you:

- lose the right to post copies of your *own* work on your *own* website without permission of the publisher.
- you cannot legally make copies of your own work for distribution to students or colleagues.

How does copyright affect my publisher?

When you surrender your copyright you also surrender control of your work. You give up your scholarly output to publishers for free and the publishers, in turn, sell your intellectual property back to our institutions for increasingly unreasonable subscription rates. This business model has made science, technology and medicine (STM) publishing a highly profitable sector of the publishing industry.

What *is* copyright?

Copyright gives the author or creator of an original work, exclusive control of how that work is reproduced, distributed or performed. When you transfer copyright, you no longer have control of how your work is distributed.

Why would an individual relinquish copyright to a corporation?

One reason for surrendering copyright is that corporations may have better capabilities for marketing and distribution of that work. In the recording industry, for example, an artist might transfer copyright to the record label in exchange for royalties. The record label, in turn,

would then ensure that the recording is marketed and distributed widely in order to maximize the artist's royalties.

Why should I retain copyright?

By retaining copyright for articles you submit to commercial or society publishers, you are taking back control of your own scholarly output.

When you own the copyright of your own work, you have the freedom to disseminate your work as you please whether this means posting a copy of your article on your own website, distributing copies to students and colleagues or posting it to a repository such as the eScholarship Postprint Service. Widespread dissemination of your work, in turn, means that your work can be read by more people and thus has greater potential impact.

How do I retain copyright?

- The easiest way to retain your copyright is to modify the agreement supplied by the journal publisher. SPARC (the Scholarly Publishing and Academic Resources Coalition) has created an author's addendum that can be attached to the journal publisher agreement. For a copy of this addendum and more information on retaining copyright go to: <http://www.arl.org/sparc/author/>.
- Alternatively, you can submit your articles to publishers with enlightened copyright policies. The SHERPA Publisher Copyright Policies and Self-Archiving page <<http://www.sherpa.ac.uk/romeo/>> summarizes publisher policies. "Green" publishers have the least restrictive copyright policies allowing authors, among other things, to submit to both pre- and post-print servers.

Seven Points to Understand About Copyright[Ⓔ]

(Why managing your copyright can help to influence scholarly communication.)

1. U.S. copyright law establishes the exclusive rights of authors and other creators of original works.
2. Copyright is a bundle of rights. They can be transferred in their entirety by the author to a third party, such as a publisher, or the author can transfer only narrowly-tailored (e.g. non-exclusive) rights, or can instead license a third party to make specific uses of the work.
3. You do not have to surrender your copyrights when you publish, though it is traditional in academic publishing that publishers require the transfer of all copyrights as a condition of publication. They sometimes, but not always, then transfer certain rights back, such as the right to use the work in your classroom.
4. The transfer of copyrights to the publisher can lead to unintended consequences. For example, a course instructor may be unable to make copies of her own work to distribute to her students or colleagues without permission of the publisher/copyright owner.
5. The transfer of copyrights to the publisher also confers enormous market power on the publisher, as the exclusive owner of the rights to the scholar's work. This can be problematic when the interests and incentives of the publisher (e.g. profit and market share) diverge from the interests of the scholars and the University (e.g. the widest possible dissemination of the work).
6. By academic tradition and University of California policy, for most works created by faculty in the course of their teaching and research, copyrights belong to the faculty author. See the UC policy on copyright ownership <<http://www.universityofcalifornia.edu/copyright/systemwide/pcoi.html>> and the policy on ownership of course materials <<http://www.universityofcalifornia.edu/copyright/systemwide/pocmdi.html>>.
7. It therefore falls to the faculty as individuals to manage the copyrights of their scholarly works in ways that foster academic goals.

[Ⓔ] From the *Reshaping Scholarly Publishing* website, University of California, Office of Scholarly Publishing.
osc.universityofcalifornia.edu/manage/seven_points.html