

OA and copyright



Rights in & rights out

Empowering
Knowledge

Mark Seeley
13 August 2014

Publishing & rights (traditionally)

- Rights emanate with authors (employers)
- Journals need rights to offer
 - Subscriptions, individual article transactions, abstracting services
- Journal Publishing Agreements (JPA) addresses flow of rights
- JPA also deals with author warranties (publishing ethics)
- RIGHTS IN, RIGHTS MANAGEMENT & RIGHTS OUT

Balance in rights management

- Rights should be managed appropriately
- Commercial sustainability (FP and NFP)
- Research setting for authors/institutions
- Rights transfers: limitations re new technologies

BALANCE:

- Author's further academic work (teaching)
- Author self-posting (Green OA)
- Preprints, institutional mandates, social networks

Open Access (Gold)

- Funders & employing institutions providing support for OA:
 - Changing business model to up-front funding
 - Enabling immediate online access to funded articles
- Implications for RIGHTS model?
- JPAs revised to focus on:
 - Funder identification
 - User license choice (CC BY frequent mandate)

Early OA rights models

- Many journals have facilitated some form of OA at different time-scales for years
 - BioMedCentral/Springer; Cell Press/Elsevier
 - Well before Wellcome Trust & other agency announcements/ support
- Using variety of bespoke online user licenses, sometimes Creative Commons licenses

Current OA rights environment

- Funding agencies such as WT clearly connecting OA funding with specified user license form (CC BY)
- Journals recognize they must move to user licenses that are clear & consistent
- Some reluctance re CC BY among some researchers (commercial use, control over derivative rights)

Publishing is still publishing

- No matter the underlying business model, journals need to understand:
 - Does the “rights in” model need further change?
 - Copyright transfer vs license
 - Other issues to address in JPA?
 - Publishing ethics, authors’ academic uses
- Who is managing the “rights out” issues?
- CC BY: all uses by any party permitted (with attribution, no distortion)
 - CC BY means the journal can make commercial use as well

STM approach OA user licenses

- Industry association providing OA user models:
 - “Stand-alone” models
 - More precision on commercial use definition
 - Including associating advertising with free content
 - Models that can supplement other OA licenses including CC
 - Focus on permitting TDM & translation including commercial option

Recent criticism of STM approach

- Described as “anti-open” because of options for commercial restrictions
 - But CC itself has non-commercial options
- Criticism assumes CC BY is implicit in OA
 - Is it?
 - Are some researcher-authors and some societies right to be concerned re commercial re-use?

Observations

- Important transitional moment
- But publishing still a business of rights
- Journals must decide which rights they will need in the economic model they are using
- Hybrid journals probably most complex (multiple business models in same journal)
- How to communicate
 - Rights needed
 - Choices for authors
 - User rights



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Questions?

m.seeley@elsevier.com

STM association site on OA licenses:

<http://www.stm-assoc.org/open-access-licensing/>