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
Questions?

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STM association site on OA licenses:
http://www.stm-assoc.org/open-access-licensing/