Copyright, Exclusive Licence and Online Publishing

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As part of the publishing process, journal authors are often asked to assign 'copyright' or 'an exclusive licence to publish' their article to the publisher (or society if a journal is owned by a society). This usually happens on acceptance of a paper by a journal editor and before it is typeset and published in print and online.

Recently many publishers have reviewed their copyright policies in response to the growing debate over Open Access to primary research literature. This debate includes ongoing reviews by the National Institutes of Health, the United Kingdom Research Councils, and the Wellcome Trust.

With so much information on copyright and exclusive licence, authors may be confused about what they are assigning to the publisher and what rights they retain. Also, with the increasing literature on Open Access, it may not be easy to decipher what the current Open Access policies are and the response of publishers. This paper aims to give a general overview on:

- copyright and exclusive licence to publish;
- what rights the author retains;
- the Open Access debate and
- the response of publishers.

Further information on any journal's copyright policy can usually be found in the corresponding author guidelines (located on the journal’s website or in the print version of the journal). Detailed responses from publishers on copyright and Open Access can normally be found on company websites.

What is Copyright?
The general purpose of copyright is to provide the holder with rights to control the way in which the material they 'own' can be used. Traditionally, publishers have required authors to assign copyright of their article in order for the publisher legally to distribute the article as widely as possible in print and online, and to carry out the traditional publisher functions such as rights administration, protection against copyright infringement etc.

A Copyright Assignment form, which is a legal document, is generally used to transfer the copyright of journal articles from one party to another. Moreover, once signed, the signatory (i.e. the author) is contracted to the rules governing the agreement. In most cases, this means that the author is not permitted to submit or publish the same material in more than one publication, without explicit permission.

By definition, what constitutes the same work can be a subjective area; however, anything that uses the same research study as the basis for a paper could be a breach of copyright. If in any doubt, authors are strongly advised to speak with the relevant journal editor. Breach of copyright is taken very seriously and, with there being ever-more sophisticated ways of tracing the origin of articles (particularly online), there is a fair chance that those breaching copyright will be caught and
reprimanded.

**What is an Exclusive Licence form?**
Many publishers, including Blackwell Publishing, have moved away from Copyright Assignment forms and have implemented Exclusive Licence forms. The general purpose of an Exclusive Licence form is that the author retains copyright in their material and gives the publisher an exclusive licence to publish their material. The rules governing the agreement are similar to the rules of a Copyright Assignment form.

**Why is it important to sign a Copyright Assignment form or Exclusive Licence form?**
It is a legal requirement for publishers such as Blackwell Publishing to receive either a signed Copyright Assignment form or an Exclusive Licence form before publication of an article can proceed. There are a number of reasons why Copyright Assignment or Exclusive Licence forms are sought; not least the fact that under European copyright law we must have explicit authority from the copyright holder to post an article online. If we did not have this authority for all articles, it would prevent us from being able to easily disseminate them in electronic format and consequently would limit the amount of exposure that articles receive. The policy also has the following advantages:

- it facilitates international protection against infringement, libel or plagiarism;
- it enables the most efficient processing of licensing and permissions in order that an article can be made available to the fullest extent both directly and through intermediaries, and in both print and electronic form;
- it enables publishers to maintain the integrity of an article once refereed and accepted for publication by facilitating centralised management of all media forms including linking, reference validation and distribution.

**What rights do authors retain?**
In keeping with most publishers, the essential features of the Blackwell Publishing Copyright Assignment form or Exclusive Licence form are that you retain the copyright in your article if you sign an Exclusive Licence form, or you assign copyright to the publisher if you sign a Copyright Assignment form. In both cases you retain your moral rights. This means that after acceptance of your article for publication:

- you will be identified as the author whenever and wherever your article is published;
- you may share print or electronic copies of the article with colleagues;
- you may use all or part of the article and abstract, without revision or modification, in personal compilations or other publications of your own work, including works of scholarship for which you may receive a royalty;
- you may use the article within your employer’s institution or company for educational or research purposes, including in course packs;
- after a specified time interval, you may post an electronic version of the article (but not the journal’s PDF) on your own personal website, on your employer’s website/repository and on free public servers in your subject area. Electronic versions of the accepted article must include a link to the published version of the article.

For full notes on copyright or exclusive licence, please refer to each journal’s specific guidelines.
The Open Access debate
The growth in online publishing and discussion over opening access to journal content online has resulted in funding bodies such as the National Institutes of Health, the UK Research Councils and the Wellcome Trust issuing Open Access policies. One of the main policies is that their funded authors should retain copyright rather than assign it to a publisher or society.

Alongside the principle that authors should retain copyright, the National Institutes of Health are also recommending authors post their finished article on PubMedCentral within a year of publication. The UK Research Councils are recommending authors to deposit their articles with institutional repositories* at the earliest opportunity in accordance with copyright and licensing arrangements, while the Welcome Trust will be requiring grantholders to deposit copies of their articles with PubMedCentral or PubMedContent within 6 months of publication from October 2005. The Wellcome Trust are prepared to fund authors so they can pay-to-publish their articles to achieve Open Access.

The response of publishers
As a response to these reviews by the major funding bodies, many publishers such as Blackwell Publishing are allowing authors to retain the copyright of their articles while granting the publisher exclusive rights to publish it (as described above). The author may also self-archive the final version of their article (sometimes after an embargo period) on personal websites, institutional repositories*, or other free public servers like PubMedCentral, while providing a link to the definitive published version for users to refer to and cite.

In addition, some publishers are now offering an Open Access service. This offers authors the opportunity to make their article open access and available free online. This is facilitated through the payment of an author fee.

Blackwell Publishing launched its new Online Open service in 2005 and there are similar services being offered by other Publishers such as ‘Open Choice’ from Springer and ‘Oxford Open’ from Oxford University Press.

In addition to the above services, many publishers offer free or low cost access to libraries in the poorest countries through the participation in the HINARI, AGORA, INASP and related initiatives.

For specific information on the response of a publisher to open access, please refer to their company website.

*an institutional repository holds content including peer reviewed papers written by authors within that institution