

Nurse Author & Editor

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Copyright Transfer Basics

A Primer on the Copyright Transfer Form

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When you submit a manuscript to a scholarly journal, you will be asked to sign a “Copyright Transfer Form” (CTF) at some point in the submission/review/acceptance process. An article will not be published without this form on file. Many authors ask why they should “give up” their copyright for publication. That’s a good question. In this article, I’ll provide a brief primer on the specifics of the CTF and issues that authors need to be aware of. Note that copyright law is vast and complex—herein I am providing information on just a small sliver that focuses on a specific situation that authors face every time they submit a manuscript for publication.

SCHOLARLY (NON-FICTION) WRITING AND COPYRIGHT

When you have an article published in a scholarly journal, you receive a suite of services from the publisher that you would not be able to accomplish on your own as an individual. This includes making your article *visible*, obviously in the journal but also in other databases, such as Ovid, and making it *discoverable*, by indexing, again in databases such as MEDLINE and CINAHL (Nicoll & Chinn, 2015b). The publisher must have legal rights for distribution of the content of your article, which is accomplished through the transfer of copyright.

When you transfer copyright to a publisher, yes, it is true that you do not “own” the content anymore. You must ask for permission to use the content that is now protected by the publisher’s copyright, such as making multiple copies of the article to distribute at a conference. However, publishers are considerate of authors and generally give permission without any fuss or fees.

If you have something unique in the article that you have created—such as an illustration of a conceptual model—then you can ask that you retain copyright to that item. In my experience with *CIN: Computers, Informatics, Nursing*, this is a common request that is usually honored, although every request is considered on a case-by-case basis. Note that you cannot copyright data or facts.

You should ascertain that you are the correct person to sign the CTF. In some cases, if you have written the article as part of your job, then the signer of the CTF might be your supervisor. This may be the situation if you are working as a nurse in a hospital. For faculty at schools and colleges of nursing, scholarly writing is an expectation of the job and so the author of the article—you—is probably the appropriate person to sign the CTF, rather than your Dean. But you may want to double-check and ask this question, just to be safe.

FICTION WRITING AND COPYRIGHT

Fiction writing, such as novels, is completely opposite in terms of copyright. In this case, the author retains copyright to the work, even when it is published. In essence, the publisher has permission from the author to publish and distribute the work, even though they do not own the copyright. During the time the publisher has that permission, the author cannot distribute the work through another outlet or publisher. For example, say you write a novel, find an agent, and have it accepted by Gold Bond Publishers. Gold Bond agrees to publish and distribute the work and keep it in print for 3 years. If, at the end of that time, the book has not become a huge bestseller, Gold Bond may opt to take it out of print. When that occurs, all rights revert back to you. As the author, you would be free to find another publisher or consider other options, such as self-publishing.

You may remember there was a controversy a few years ago when Harper Lee, author of *To Kill a Mockingbird*, supposedly signed over the copyright of the book to her lawyer. *Mockingbird* has never been out of print since it was first published in 1961, which tells you what a valuable asset the copyright is for this book. Although it turned out that the story was not true, it is a good illustration of the value to an author of the copyright for a fiction book.

PREDATORY PUBLISHERS AND COPYRIGHT

Predatory publishers present a special case. Although they purport to be publishing scholarly journals with peer review, they handle copyright through the fiction model and say that the author retains all rights. While you may take this to mean that you are free to distribute or share your article, your rights are limited while it is published by the journal. Similar to a novel, you have given the publisher permission to use your content. Until the publisher returns that content to you, by discontinuing publication and taking the article off its journal website, you cannot re-publish the article.

Interestingly, you may be asked to sign a CTF which in fact transfers copyright to the publisher, even they may say the opposite on their website (Beall, 2016), further adding to the confusion with these nefarious journals. This is yet another reason to carefully assess the journal you are considering for publication and understand their policies.

I have been in touch with several authors who have had articles published in predatory journals and now regret the decision. The common scenario is that the author did not realize the journal was predatory at the time of submission and learned this fact too late. Some of them asked to have the article withdrawn before publication but this was not done. Others refused to pay the article processing charge, thinking that this would halt publication—but it did not. Whatever the case, the article is published on the journal website and as long as it remains there, the author, in spite of “having copyright,” cannot publish it elsewhere.

Thinking deviously—if you are in this situation, could you just pretend the article didn't exist in the predatory journal? One of the complaints of predatory journals is that they are poorly indexed, making it difficult for articles to be discovered (Nicoll & Chinn, 2015a). Could you use this to your advantage to approach a traditional scholarly journal as a publication venue?

This would be a serious mistake, for two reasons. One—most journal editors now routinely use a plagiarism checker to assess manuscripts they receive for review. Even though predatory journals are not indexed in traditional sources, such as MEDLINE, plagiarism checkers identify all manner of context, not just indexed articles. Thus it is likely that your published article would be discovered. Two—when you sign the CTF, you are asserting that you have the right to assign copyright to the publisher. If your article is published in a predatory journal, even though you still have copyright, it is not unencumbered for transfer. Signing the CTF under this circumstance would be an act of fraud. If this was discovered after

publication (if you managed to get that far in the process), then your article would be retracted—a blemish on your professional CV and a more severe transgression than having a predatory publication.

CONCLUSION

Assigning copyright to a publisher for scholarly articles is routine and expected of authors. When you are asked to sign the CTF, this should not raise a red flag. Even so, you need to keep the following questions in mind:

- Are you the appropriate person to sign the CTF? If you are not sure, consult with someone at your place of employment, or talk to the editor at the journal where you are submitting your manuscript.
- Do you have the right to assign copyright? Be certain that the article is not published elsewhere or encumbered by another journal or publisher. The latter includes having a manuscript under review at another journal—not just publication.
- Is there is a copyrighted element in your article? This could be a figure or illustration from another source. If so, make sure you have documented permission for its use.
- Is there is something unique in your article that you created—such as an illustration of a model or flow chart? If yes, consider asking to retain the copyright to that item.

Last, but not least, be sure to carefully vet the journal that you are considering for manuscript submission—I suggest you use the “journal due diligence” process to be thorough and organized (Nicoll, 2012). A reputable publisher will provide the necessary services to make sure your article is visible, discoverable, and archived for the long-term. Do not fall prey to a predatory publisher and find yourself “caught in the trap” (Nicoll & Chinn, 2015a)!

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