

TAKING BACK CONTROL:

MANAGING AUTHOR'S RIGHTS & INTELLECTUAL PROPERTY



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LIBRARIES

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What rights do I have as an author?

You as the author or creator of an original work automatically have copyright for it, which gives exclusive control of how the work is reproduced, distributed or performed. If you transfer copyright, you no longer have control of how your work is distributed.

Why should I pay attention to author's rights?

As the author of an article to be 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. These rights affect the potential reach and impact of your work as well as your ability to use your own work, including whether you could legally distribute copies of your article to colleagues and students.

Why does my publisher request transfer of copyright?

When you transfer copyright, you give up your scholarly output to publishers for free. The publishers sell your intellectual property back to our institution for increasingly high subscription prices. This business model has produced high profits for the publishing industry in science, technology, medicine, and other scholarly areas.

Why would an author relinquish copyright to a publisher?

One reason for surrendering copyright is that publishers 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 would then ensure that the recording is marketed and distributed widely, which maximizes the artist's royalties.

Why should I retain my rights as an author?

It's your work—you should own it. By retaining copyright for articles and books you submit to publishers, you are keeping control of your own scholarly output. When you own the copyright of your own work, you have the freedom to disseminate it as you please, whether this means posting it on your own website, distributing copies to students and colleagues, or adding it to an online repository such as the University of Minnesota Libraries' University Digital Conservancy. Widespread dissemination means that your work can

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be read by more people and thus has greater potential impact. You also keep the right to use your work in future works, such as new editions or follow-up studies.

How do I retain my rights as an author?

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) provides an author's addendum you can attach to the journal publisher agreement: <http://www.arl.org/sparc/author/> More choices for an author's addendum are available from Science Commons: <http://sciencecommons.org/projects/publishing/>

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.php> summarizes many publisher policies. "Green" publishers have the least restrictive copyright policies, so you could, for example, post your articles to both pre- and post-print repositories.

SEVEN POINTS TO UNDERSTAND ABOUT AUTHOR'S RIGHTS

WHY MANAGING YOUR COPYRIGHTS 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 rights such as the single right of first publication, 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, you as a course instructor may be unable to distribute copies of your own work to your 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 Minnesota policy, copyrights belong to the faculty author for most works created by faculty members in the course of their teaching and research. See the UMN Regents Policy on Intellectual Property <http://www.umn.edu/regents/policies/academic/IntellectualProperty.pdf>

7. Therefore faculty members as individuals may want to manage the copyrights of their scholarly works in ways that foster academic goals.

For more information, contact UMN Copyright Information & Education (CIE) <http://www.lib.umn.edu/copyright/> 612.624.6536
copyinfo@umn.edu

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