Seven Points to Understand About Copyright

- U.S. copyright law establishes the exclusive rights of authors and other creators of original works. Protection is granted automatically once a work is fixed in a format.

- Copyright is a bundle of rights. These rights 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, or can instead license a third party to make specific uses of the work.

- You do not have to surrender the entire bundle of copyrights when you publish though it is traditional in academic publishing.

- The transfer of copyright to the publisher can lead to unintended consequences. For example, a course instructor may be unable to make copies of his/her own work to distribute to his/her students or colleagues without permission of the publisher/copyright owner.

- The transfer of the bundle of copyrights to the publisher confers enormous market power on the publisher as the exclusive owner of the scholar's work.

- At the University of Northern Iowa by academic tradition and university policy, for most works created by faculty in the course of their teaching and research belongs to the faculty author.

- It therefore falls to the faculty as individuals to manage the bundle of copyrights of their scholarly works in ways that foster academic goals.
What is Copyright?

Copyright gives the author or creator of an original work, exclusive control of how that work is reproduced, distributed, or performed. As the author of a work, you are the copyright holder unless or until you transfer your rights.

Copyright is a bundle of rights, which may be given away (in writing only) in whole or in part. Specific rights include: to reproduce, to distribute, to make derivatives (adaptions), and to publicly perform or display.

What Are the Typical Steps?

In the typical situation, the path from creation of an article to its publication in a journal goes as follows:

- The author creates a work, the author is the legal holder of the bundle of copyrights.
- The author submits the article manuscript to a journal.
- If the journal decides to publish the article, the publisher asks the author to sign a publication agreement. The traditional publication agreement transfers all rights, including the entire bundle of copyrights, to the publisher.
- As a result of signing the publication agreement, it’s the publisher who controls the work and how it may be used.
- To avoid the uncertainty of this situation, read the agreement carefully. If you’re asked to give up rights you want to retain, try to negotiate changes. If the publisher is inflexible, you’ll have the option to sign or walk away and seek a more flexible publisher.

Which Rights Should I Retain?

By retaining certain rights for your articles, you are taking back control of your own scholarly output.

Consider which rights are most important to you. Study the publication agreement to see how it addresses rights such as:

- Posting copy on your website
- distributing to students and colleagues
- using portions or all in future publication
- adding to institutional or subject repository

How Do I Retain Certain Copyrights?

One approach is to attempt to retain certain rights by modifying the agreement supplied by the journal publisher. Some publishers are willing to negotiate publication terms. The addendum may serve as a helpful starting point for negotiations. The CIC+ addendum <http://www.cic.net/Libraries/Library/authorsrights.sflb> aims to enable authors to continue using their publications in their academic work. The addendum can be attached to the journal publisher agreement.

Complete the following steps:

- fill out the addendum,
- print a copy,
- attach the addendum to the publisher’s copyright or publication agreement,
- state that you have attached the addendum in the cover letter.

The SHERPA/RoMEO Publishers Copyright Policies and Self-Archiving page <http://www.sherpa.ac.uk/romeo> summarizes publishers policies. “Green” publishers have the least restrictive copyright policies.

Additional Initiatives

Some universities require their authors to publish in open access journals (e.g., University of Kansas and Harvard University). Studies indicate that open-access articles are more immediately and more frequently cited than non-open access articles.

Some federally funded research must be made available to the public often after a certain amount of time has passed from publication. An example is the National Institute of Health (NIH) mandate.

Resources

- SPARC. Resources for Authors, at http://www.arl.org/sparc/author/index.shtml
- Suber, Peter. Balancing Author and Publisher Rights, at http://www.earlham.edu/~peters/fos/newsletter/06-02-07.htm
- UNI. Copyright. Subject Guide, at http://guides.lib.uni.edu/copyright
- UNI. Copyright at UNI, Office of Sponsored Programs. Website, at http://www.uni.edu/osp/copyright-uni

*The Committee on Institutional Cooperation (CIC) is a consortium of the Big Ten member universities plus the University of Chicago.

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