ACADEMIC AUTHORS AND OPEN ACCESS
PRACTICAL THOUGHTS FOR PRESERVING
YOUR RIGHTS

...or what I’ve learned in my OA journey.

COLLEGE OF BROCKPORT
STATE UNIVERSITY OF NEW YORK
OCTOBER 26, 2012

OPEN ACCESS WEEK 2012

MELISSA LEVINE
Lead Copyright Officer
University of Michigan Library | MPublishing
Library Expenditure as % of Total University Expenditure
(Average of 17 US Institutions Reporting Since 1966)
Library and University Expenditure Trends (Time-Series)

- Library Expenditure as % of Total University Expenditure (Average of Select US ARL Libraries)
- Total University Expenditure (Average of Select US ARL Libraries)
### SUMMARY DATA

<table>
<thead>
<tr>
<th>Survey Question Number</th>
<th>(15a)</th>
<th>(15b)</th>
<th>(15c)</th>
<th>(15d)</th>
<th>(15e)</th>
<th>(16)</th>
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</thead>
<tbody>
<tr>
<td><strong>UNIVERSITY LIBRARIES</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Mean</td>
<td>2,716,677</td>
<td>7,380,140</td>
<td>1,023,152</td>
<td>372,677</td>
<td>11,421,820</td>
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<td>Median</td>
<td>3,002,895</td>
<td>7,075,210</td>
<td>403,385</td>
<td>250,408</td>
<td>10,540,129</td>
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<td>High</td>
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<td>14,213,570</td>
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<td>Low</td>
<td>240,474</td>
<td>3,232,164</td>
<td>0</td>
<td>0</td>
<td>3,823,732</td>
<td>4,957</td>
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<td><strong>Totals</strong></td>
<td>3,090,944,347</td>
<td>8,371,393,293</td>
<td>199,405,911</td>
<td>41,390,304</td>
<td>1,760,572,224</td>
<td>18,903,074</td>
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<td><strong>Number of Libraries Reporting</strong></td>
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<td>111</td>
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<td><strong>NONUNIVERSITY LIBRARIES</strong></td>
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<tr>
<td>Mean</td>
<td>1,084,422</td>
<td>2,782,783</td>
<td>500,460</td>
<td>26,086</td>
<td>5,102,164</td>
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<td>Median</td>
<td>21,794,863</td>
<td>36,622,490</td>
<td>13,962,703</td>
<td>513,209</td>
<td>72,894,524</td>
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<td><strong>Number of Libraries Reporting</strong></td>
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<td>8</td>
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<td>8</td>
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<td><strong>GRAND TOTALS</strong></td>
<td>3,287,791,390</td>
<td>8,962,335,452</td>
<td>133,253,303</td>
<td>41,940,592</td>
<td>1,863,349,578</td>
<td>21,117,136</td>
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</tbody>
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**Expenditures**

<table>
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<th>Survey Question Number</th>
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<th>(12b)</th>
<th>(12c)</th>
<th>(12d)</th>
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<tbody>
<tr>
<td><strong>INSTITUTION</strong></td>
<td></td>
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</tr>
<tr>
<td>12,583,307</td>
<td>2,840,534</td>
<td>29,080</td>
<td>15,474,143</td>
<td>9,584,548</td>
<td>20,801,298</td>
<td>NATIONAL AGRICULTURAL LIBRARY</td>
</tr>
</tbody>
</table>
DOES YOUR LIBRARY LOOK LIKE THIS?
OPEN

- Open access
- Open source
- Open data
- Sharing as a premise.
- Sharing as a value.
- Sharing as a business model.
Open Access in...

SCHOLARLY COMMUNICATION

- Open-access (OA) literature is digital, online, free of charge, and free of most copyright and licensing restrictions.
  - Scholarly publishing ecosystem for journal articles.
  - NIH/PubMed requirement.
  - OA mandate/policies at Harvard, MIT...
  - Free as in speech or free as in beer?
OPEN AS...

- Way of thinking about the practical opportunities
- Way of thinking about how we can address legal issues, how we can make things simpler or really, really complex and costly

- Rethinking scholarly communication
  - Essential purposes
  - Costs
  - Last marginal cost of scholarly process & foundation for new research
  - New possibilities
  - What are we protecting or controlling?
  - Why?
THINKING ABOUT THINGS DIFFERENTLY

‘Open’ being adopted in STEM – required by NIH (deposit in PubMed); Federal Research Public Access Act

How it will play out in the humanities?

What is the real cost? What is the real question – is copyright really the issue? Control of or for what?

Web is highly self regulating – desire for information from branded/trusted sources
OPPORTUNITY

HathiTrust
Over 70 partners
Changed expectations – quickly changed assumptions about research.
Not just opportunity, expectation.
Transformation
Relation to data – scale speeds research results and kinds of inquiry – ‘is/are US’
COPYRIGHT

- If you can see it, it's protected from moment created
- A bundle of rights
  - Who has which rights in the work?
- Yours as author
  - Joint authors
  - Works for hire
  - Your university's policies on copyright ownership
CONVERGENCE

- Technology
- Opportunity
- Economic challenges
- Publishing, preservation, access as last marginal cost of scholarship, the product, the compost for the next crop
- Benefit to education and commerce
- Putting resources and energy into new and real value added
- What are you protecting and why? Control, what and why?
- Why you own copyrights as an academic
How things used to be – artist contracts...

Students - 150,000,000 worldwide, 28,000,000 in US alone – most under 35. Get to university and are limited by wealth of your school

Increases value of education – learning to synthesize something into something new

Being cut off after graduation

‘move from a knowledge bank to a solutions bank’
– World Bank video, 10/23/2012
SO GLOBAL IS LOCAL, LOCAL IS GLOBAL

- Breaking down barriers
- Reducing or shifting costs
- Advancing fundamental point of scholarship
- Public Interest
  - Worldwide access to internet expanding fast
  - Connection possible but not $ to buy content
  - If it ain’t online, the digital divide is real unless...
  - Lost opportunity
  - Its good, but...
SO WHAT’S IN IT FOR ME?

- Control – keep your copyright to control how work is used (Chronicle article about student surprised about sales of dissertation…)
- Preservation – repository
- Be found, be read, be relevant
- About using the productive possibility of the internet for research
- Potential for text mining, data mining, new perspectives for better pattern analysis for faster results, cost efficiencies
- Thinking beyond paper-based expression and documentation
THE OTHER BIG 10

1. Read your contracts
2. Understand your contracts
3. Ask questions—they don’t always know or mind; contracts out of date and costly to update
4. Know your copyrights – will you care later?
5. Know what matters to you – authors addendum
6. Examine assumptions – will you make money, credit, authority, all or some and where do you expect your work to end up
7. Policy helps – faculty voice and influence
8. Fair use in your work and that of others – ugh, permissions
9. Use Creative Commons as creator and user
10. OA policy, OA repository – use BePress.
BRIEFLY ABOUT...

- Creative Commons
- Authors Addendum
- Libraries as fiduciaries for resources so ask for what you want – Author Rights Model License

- [http://authorrights.wordpress.com/](http://authorrights.wordpress.com/)

- How to do this without sacrificing my career? Don’t.
  - Faculty voice on substance
  - Match with administration voice on business/rights
  - Differences between grad students, jr faculty and tenured – peer review shifts – what’s valuable?
  - Preservation right
  - Competitive presses will include this in their contracts.
AUTHORS ADDENDUM

- retain the right to use, reproduce, distribute, perform, and display the Article in connection with your own teaching, conference presentations, and lectures.

- retain the right to make full use of the Article in future research and (no permission needed to use your work in future publications.

- right to republish the Article in whole or in part in any book (should cite original publication)

- Right to write or edit after the Article has appeared. In such case, the Author will be expected with proper citation to the original publication.
AND...

- retain the right to deposit the published version of the Article in an open-access digital repository (employers, membership, govt agency...)

- At the Publisher's written request, open access to the Article may be delayed for a period not to exceed 12 months from the date of publication.

- retain the right to post the published version of the Article on the Author's personal website.
AND...

- retain the right to grant to the Author's employing institution limited permission to use the for specific administrative activities
- accreditation, mandated reports to state or federal governments, or similar essential purposes.
- retain all rights necessary to comply with requirements and conditions of research grants or publishing subventions provided by government agencies or non-profit foundations.
But wait, there’s more…

Le droit moral

- The Author shall have the right to be acknowledged as the creator/author of the Article in the original journal publication and in any subsequent republication.
- Right to refuse attribution if the article is later revised or modified in a manner unacceptable to the objecting party.
But ‘what if they say ‘no' or ’I feel uncomfortable’ or ‘I don’t want to lose my publishing opportunity’

- Use the simple form – UM’s is based on SPARC’s
- See http://www.lib.umich.edu/files/services/copyright/UM_Authors_Addendum.pdf
- Develop a campus policy – faculty and administration need to work together
  - What is the legal status of faculty work? Is it technically, legally work for hire? What’s that mean?
  - UM copyright policy as preservation basis and more... but no oa policy for campus
  - Author is subject to these as conditions of employment so can’t contract that away and don’t have to negotiate these basics.
So...about my open access journey
My interests as a member of the academic community differ from my interests as a novelist (well, if). Compensation differs.
Honesty about behavior with our publishers
Publishers’R’us – scholarly publishers must rethink how they operate to support current priorities
What about non-text based scholarship...we’ve got to figure that out too.
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*Drafting and Prosecuting a Patent Application,* Oliver Edwards

*Electronic Systems for U.S. and European Patents,* Sarfaraz K. Nazir

*Commercializing Inventions Through an Office of Technology Transfer,* Alexey Titov

*University Patent Case Studies: Some Patents Hang on the Wall, Others Go to Work,* Ethel Machi and Peter Machi

*What’s Mine is Yours: Navigating Ownership Rights and Bayh-Dole,* Peter Machi

Copyright, Melissa Levine and Billie Munro Audia

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Thank you

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