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
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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)
EXPENDITURES ARL 2007-2008 REPORT
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*
SPARC WEBCAST FROM WORLD BANK

- 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 use (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 ModelLicense Language
- [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](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.
Intellectual Property in Academia: A Practical Guide for Scientists and Engineers

Published: October 24, 2011 by CRC Press - 352 Pages
Editor(s): Nadya Reingard, CelLight, Inc, Silver Springs, Maryland, USA

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Thank you

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