



Digi-group Summer Series, July 29, 2010

Permissions, Copyright, Licensing

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circle.ubc.ca

UBC's Information Repository

Open Access and cIRcle

- Everything in cIRcle is openly available on the web
- Open access literature is:
 - Digital information made available free-of-charge on the web
 - Refers particularly to peer reviewed research articles and their preprints
 - *Not* free to produce
- OA was in part a response to exponential journal price increases
- OA is a response to demands for accountability for public tax dollars
- OA enablers: technology, collaboration, author rights

Current cIRcle content

- About 26,000 items:
 - Theses and dissertations
 - Conference, research and working papers
 - Books (a few, so far)
 - Outstanding undergrad student projects
 - President's Toope speeches
 - Audio and video files
 - And much else ...
- What rights does cIRcle have to make other people's copyrighted materials openly available on the web?

Who owns the copyright?

- For materials deposited in cIRcle:
 - Copyright owner retains copyright
 - cIRcle requires a non-exclusive distribution license from the copyright owner
 - If you are not the copyright owner, you need permission from the copyright owner (usually the publisher) to deposit in cIRcle
 - You can attach a Creative Commons license to your work in cIRcle—stipulates how others may use your work
- Also relevant:
 - Open Access mandates and their relationship to copyright

Open Access mandates

- Granting agencies
 - Canadian Institutes of Health Research (CIHR)
 - U.S. National Institutes of Health (NIH)
 - UK Wellcome Trust
- University mandates
 - Concordia U; Queensland U of Technology; MIT; U of Edinburgh
- Faculty mandates
 - Harvard: various faculties; Queen's U Library Faculty

ROARMAP: <http://www.eprints.org/openaccess/policysignup/>

- Mandates often include embargo periods
 - sometimes in conflict with publishers' embargo periods
- So what about copyright?

What is copyright?

- Promotes **the creation of and access to** artistic, literary, musical, dramatic and other creative productions
- Right to authorize or to prevent copying:
 - the economic rights
- Life of the author + 50 years (in Canada)

From Canadian Copyright Law, at Creative Commons Canada:
<http://creativecommons.ca/index.php?p=cacopyright>

What is copyright?

- Copyright exists automatically when an original work is created
- Copyright can be signed over to someone else
- Creators also have moral rights in their work:
 - Moral rights cannot be assigned to anyone else
 - Moral rights *can* be waived, in whole or in part

Canadian Intellectual Property Office:

http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr00003.html

Queen's U Library Copyright information:

<http://library.queensu.ca/research/guide/copyright-information>

Canadian copyright law: pending changes

- Bill C-32, Copyright Modernization Act
 - Tabled on June 10, 2010
 - Fair dealing is extended
 - Safe harbour for Internet intermediaries is established
 - Digital locks trump virtually every other right

Speak Out on Copyright:

<http://copyright.michaelgeist.ca/>

How does publishing affect copyright?

- Publishers require authors to sign Publication Agreements in exchange for publishing their work:
 - What rights do authors assign to publishers?
 - What rights do authors retain?
 - Why is this so critical?
- Sample Journal Publication Agreements:
 - American Medical Association
 - Springer
 - Public Library of Science

Copyright is a bundle of rights

- Transferred in whole or in part
- Exclusively or non-exclusively
- For specific time periods, or indefinitely
- With or without royalty fees

How can authors manage their rights?

- What rights does the publisher need?
 - Exclusive right to first publication
- What rights does the author want to keep?
 - Re-publication in a different format, medium, place or language
 - Posting a copy to one of more web sites
 - Sending copies to colleagues or students
 - Creating a derivative work
 - Etc.

Copyright options for authors

- Option 1: Traditional Practice
 - Transfer ownership of copyright to publishers, in exchange for publication
- Option 2: Transfer ownership of copyright
 - BUT reserve some specific rights for the author
- Option 3: Retain ownership of copyright
 - And give the publisher an exclusive license for first publication

Tools for authors: SHERPA/RoMEO

- Publisher copyright policies & self-archiving (for journal publishers) according to RoMEO:
 - Green publishers
 - Blue publishers
 - Yellow publishers
 - White publishers

SHERPA/RoMEO Project: www.sherpa.ac.uk/romeo.php

Effects on cIRcle for journal articles

- Pre-publication copies of journal articles can be archived in cIRcle *provided* publisher is 'Green' or 'Blue'
- Link to publisher version of article from cIRcle metadata record is required
- Even so, publisher embargoes trump open access mandates
- In addition, cIRcle requires a non-exclusive distribution license

ciRcle's Non-exclusive distribution license

- Content contributors/authors grant ciRcle a non-exclusive license that permits ciRcle to:
 - make their work openly accessible
 - copy their work to other formats for preservation purposes
- Authors state that:
 - they have the right and the authority to grant the license
 - copyright clearance has been obtained for any materials included in the content for which the author does not own the copyright
- The copyright holder retains copyright

What are we learning?

- Copyright is critical in the digital world
- It applies equally to digitized (from print) and born digital materials
- We need to educate ourselves as well as UBC faculty and students about copyright and author rights
- Ideally we will participate in the discussion of the new copyright bill
- It's an exciting new world for all of us!

Questions? Comments?

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