Critical Implications for your Current and Future Research
Important Considerations—Author Rights and the Law

Sometimes it is easy to overlook the fact that publishing agreements, commonly called Copyright Transfer Agreements, are legal documents. Thus, it is important to:

- Carefully scrutinize the agreement before you sign anything. It is up to you to ensure that the agreement reflects your wishes and protects your rights as an author.

- Retain the service of personal legal counsel to help you interpret agreement language and/or draft agreements that protect your interests.

- Always retain copies of the publishing agreement should there be any need to refer to it in the future.

- By law, if any of your work is funded by the National Institutes of Health (NIH) and accepted for publication on or after April 7, 2008 you must retain the right to deposit publications arising from that work in PubMed Central—a public, full-text, online archive.

For more information about the NIH Public Access Policy, please see the following websites:

http://scholarly.lib.purdue.edu/

http://publicaccess.nih.gov/

Take the time to familiarize yourself with shifts in the publishing industry, trends in your field, and the policies of particular publishers. Understanding these issues will help you anticipate future uses of your work and will help you become a savvy negotiator.

For more information about basic copyright law, copyright exceptions such as Fair Use, and other copyright issues here at Purdue please visit the University Copyright Office website at:

http://www.lib.purdue.edu/uco/

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Central to this mission is the effect of the ever-evolving digital world on the practice of scholarly communication, particularly publishing and copyright management issues.

In order to have a discernible impact on current and future scholarship in your field, ensuring that your work is able to reach the widest possible audience is critical.

How you choose to manage your copyright is the single most important factor in determining whether your work is able to reach its potential in today's changing publishing environment.

Knowledge of your rights, the impact your publication decisions have on these rights, and the varied means available to you to preserve some or all of your rights as an author are all key to enhancing the scholarly communication cycle.

The explosion of digital information and how people access that information has transformed the publishing industry. Authors are now publishers. Technological advances have created new options for sharing your scholarly work with the public and other researchers, such as depositing your work in an institutional repository.

While technology opens new avenues for sharing information, scholars know they must still publish in their field's seminal, peer-reviewed journals. Unfortunately, many publishers still rely on traditional publication agreements that do not factor in new models of disseminating information. The terms in these agreements vary widely; however, many require authors to sign over all of their copyright.

Why does this matter? Once your article is published in a traditional source, you may also want to:

- Display the work on your personal or course website
- Give copies to colleagues
- Reuse portions of the work in later publications

The rights you retain in the publication agreement will determine whether or not you can legally use your work for these or other purposes.

Given the shifting publication models, it is more important than ever to learn how strike a balance between your interests and the publishers interests.
What are your rights?

Copyright law grants the copyright holder a 'bundle' of rights. Under Purdue Intellectual Policy VIII.4.1, faculty and students are generally allowed to retain their copyright. As the copyright holder, you control the work.

Unless and until you sign a legal document giving some or all of these rights to another party, you and you alone have the right:

- To publish and distribute your work in print or other media
- To reproduce it
- To prepare translations or other derivative works
- To perform or display your work publicly
- To authorize others to exercise any of above rights

The bundle of copyright can be 'unbundled' and you can ask to retain specific rights that are in line with your anticipated future uses of the work. What rights you should retain is an individual decision for each scholarly work.

Many authors believe that blanket assignment of copyright to the publisher is a necessary trade-off for the privilege of being published. In fact, the publisher only needs your permission to publish the work, not a complete transfer of copyright.

What are your options?

While this is not an exhaustive list, consider the following when deciding how to effectively manage your copyright:

- Negotiate the terms of the publishing agreement.

The publisher is interested in your work or they would not have extended the offer of publication. While agreements vary widely by publisher, many authors can retain rights such as education and research use as well as assigning copyright for a limited time.

- Attach the CIC author’s addendum to the publisher agreement.

This addendum has the support of most CIC institutions including Purdue. The addendum allows you to retain rights such as using the work in professional activities, posting the work to institutional repositories, and sharing the work with colleagues. Download a copy of the addendum at www.lib.purdue.edu/uco

- Rather than transferring copyright, grant the publisher an exclusive or non-exclusive license.

In this model, you retain the copyright and give the publisher either sole permission to use the work (exclusive) or a non-exclusive license to reformat, publish, and distribute the work for a limited time. For examples of non-exclusive licenses please see www.creativecommons.org.

- Search for publishers with enlightened copyright policies.

Submit your work to journals whose publishing agreements and copyright policies match your goals as a scholar. The Sherpa/Romeo website offers details about copyright policies of various publishers. This site is independent of Purdue and its accuracy may vary, but it is a good place to start: www.sherpa.ac.uk/romeo.php

Being aware of some of your options for managing your copyright is a key first step in learning how to protect your interests as an author.
This publication is intended to provide basic author rights information and copyright management options. It is not intended to be legal advice. Please consult your own attorney for such advice.