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Topic area: Copyright issues

Open Scholarship eCopyright@UP. Rainbow options: negotiating for the proverbial pot of gold

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Introduction

There is a worldwide trend towards Open scholarship and towards the end of 2005 the University of Pretoria (UP) developed the institutional repository named UPSpace <https://www.up.ac.za/dspace/>. Within UPSpace, openUP houses the e-print collection of peer reviewed and published research articles/papers by staff, students and other affiliates of the University of Pretoria. The purpose of this collection is to make the University's research visible and accessible to the entire international research community, in accordance with the philosophy and practice of Open access as well as the copyright policies of the publishers. These research articles correspond with the University's Annual Research Report. Submission of research articles started in 2005 and the openUP collection (<https://www.up.ac.za/dspace/handle/2263/1210>) comprises of 1863 items which have been mapped from the Research articles collections.

The aim of openUP is opening access to UP research output towards the advancement of science and providing equal opportunities to researchers worldwide. It implies a new business model where the creators of knowledge retain copyright and take responsibility for the dissemination of their products.

A University Open access policy has been drafted, which is being discussed with all University faculty members before its campus-wide implementation in 2009. It entails:

- mandatory submission of all research articles;

- encouraging researchers to negotiate copyright with publishers by adding the official UP author addendum or by granting copyright in stead of transferring copyright;
- encouraging its authors to publish their research articles in Open access journals.

The purpose of this poster is to report on progress made in a project to manage copyright and Open Access (OA) at the openUP Office of the University of Pretoria. It forms part of a strategy to transform UP into an Open Scholarship institution.

Although South Africa occupies a leading position in research publishing in Africa, it is still rated amongst the lowest producers of research publications in the world (Ocholla, 2007). In South Africa academics will only receive subsidy or recognition by the government for research articles written, if the journal titles appear in one of the following lists (usually referred to as accredited journals):

- Institute for Scientific Information (ISI) journal lists;
- International Bibliography of Social Sciences (IBSS) journal list;
- An index of Approved South African Journals list. This list is maintained by the South African Department of Education and is subject to annual review. (DOE list)

Statement of the problem

One of the major concerns associated with a collection such as openUP, is the issue of publisher's copyright. A journal publisher usually requires authors to sign a "Copyright Transfer Agreement" whenever they publish their research articles. The publisher then holds the copyright and even the author has to abide by the copyright policies of the publisher. Copyright can be a deterrent to Open access and universities wanting to provide Open access to their research output need to deal with this issue very carefully. The majority of international publishers allow inclusion of research articles in repositories under very specific conditions. These archiving policies can be found on the SHERPA/RoMEO database of publishers (www.sherpa.ac.uk/romeo.php) or on the publishers' web sites.

Currently very few South African journals (journals in the approved DOE list) appear on the SHERPA/RoMEO database and most publishers' policies do not make provision for self archiving or depositing in repositories. Open access is still a new concept in South Africa and neither publishers nor authors are

knowledgeable about copyright and the implications thereof for archiving in repositories.

The openUP Office adopted the following policy regarding the copyright of scholarly research articles by University of Pretoria researchers as it relates to UPspace:

- To abide by the copyright policies of the publishers, and to take the responsibility and initiative to contact the publishers on behalf of the authors and to negotiate copyright permission to archive the UP authored research articles;
- To strictly adhere to any embargoes imposed;
- To only archive the metadata of research articles, where archiving is forbidden by the publishers.

Methodology

The openUP copyright negotiation project is currently undertaken by one staff member and consists of email survey/correspondence which is sent to South African publishers. The three lists of approved journals for accreditation and the University's annual Research Reports are used to identify the journals which have to be targeted. Publishers' copyright and archiving policies are first checked against the SHERPA/RoMEO database of publishers which categorized the rights of publishers' self-archiving policies in different colors. This useful database provides academic authors, institutional repository administrators and publishers the ability to check the conditions and restrictions that publishers place on self-archived scholarly articles.

Whenever journals are not found on this database (usually South African journals), the publishers or editors are contacted via email and they are requested to supply information about their archiving and Open access policies by completing a questionnaire. The questionnaire covers the following questions:

- Which version of the article will be allowed for archiving?
- Which format of the article will be allowed (PDF with branding etc.)
- Should the URL of the journal append the citation as a form of recognition?
- Does the publisher require access restrictions / embargoes?
- Can openUP assume that this granting of reproduction permission reflects a policy that could be applied to all articles from University of Pretoria academics who have published in this particular journal?

This project started in February 2007 and will be an ongoing process until an extensive list of UP preferred journals has been compiled.

Data and interpretation

Currently the openUP Office has successfully negotiated archiving policies for 219 journal titles – from mostly South African publishers. Journals that appear on the SHERPA/RoMEO database were excluded in this exercise. The journals are categorized in the same color codes of the SHERPA/RoMEO database, but two colors were added:

- gold indicating journals which will allow the archiving of the published PDF version of articles and support Open access; and
- grey indicating publishers that are currently in the negotiation phase or who have not responded to the survey yet.

The University of Pretoria's feedback from the publishers in South Africa indicates that:

- South African publishers (47%) support Open access and are willing to allow the archiving of the published PDF version (gold);
- a total of 44% of the publishers have either not replied or formulated a general policy on Open access and archiving yet (grey);
- a small percentage (3%) prohibits archiving and will not allow any form of archiving (white);
- only 4% of the publishers will allow the archiving of the pre- or post-print version (green);
- only 1% of the publishers will allow the archiving of the post-print (post-refereed) version (blue); and
- lastly, only 1% will allow archiving of the pre-print (pre-refereed) version (yellow).

Lessons learned and tentative conclusions

Some of the important lessons learned from this project are:

- Copyright is an important and critical issue in South Africa. The situation in Africa and in particular South Africa is unique and differs vastly from Europe and North America due to the fact that both South African authors and publishers are ignorant of the implications of copyright:
 - Authors usually don't retain any rights and don't realize the implications of signing away their copyright. One of the openUP

- Office's goals is to influence the copyright behavior of the UP authors so that they rethink the rights they sign away and at least negotiate the right to archive their research articles in UPspace or add a revised addendum to the Copyright Transfer Agreement;
- On the other hand most South African publishers do not have any copyright policies regarding self-archiving in repositories. The openUP Office plays an important role in promoting Open access and influencing publishers to either adjust or develop copyright archiving policies. This entails negotiation skills as well as applying the art of persuasion. At the same time South African publishers are given the opportunity to align their publisher copyright policies to those of their international partners;
 - Many South African journals are still only available in printed format and often electronic copies of articles are unattainable. Authors seldom retain electronic copies of their articles which complicates the archiving process;
 - Many of the South African publishers are very supportive of the main goals of Open access after the concepts and advantages had been explained to them. Those that prohibit archiving are the smaller commercial publishers who rely heavily on subscriptions to fund the production of their journals.
 - National bodies such as the *Academy of Science of South Africa (ASSAf)* and the *Department of Science & Technology* are taking responsibility to ensure that Open access initiatives are promoted in South Africa. At ASSAf's Journal Editor's Forum in July 2007, publishers were encouraged to support the Open access publishing model in order to enhance the accessibility of South African research articles and make the African continent's research more visible to the international research community.
 - The openUP Office supports these national strategies and cooperates wherever possible to enhance Open access in South Africa.

The extensive colour-coded list of South African archiving policies can either contribute to the current SHERPA/RoMEO database or might be utilized as a basis for a (South) African database. In the words of Gevers: "... in the publishing arena, South Africa might be a dwarf internationally, but we are a giant on the African continent" (Gevers, 2006). The openUP Office realizes the significant role that needs to be played in securing pro-Open access archiving policies for scholarly publishing in the global community.

References

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