Implications of copyright on Open Access to electronic publications: an institutional perspective

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Seminar: Copyright in the Digital Age held at the National Library of South Africa, 8 November 2011
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Internet has changed our lives...

- Internet has brought about phenomenal changes & opportunities
  - Communication
  - Management of tasks such as reservation of flights, movies, banking
  - It has also revolutionized the distribution of knowledge, information & research
  - Information at your fingertips…or not?
Online access is available at a price...

E35/R378/$49

E13/R149/$19 - one day

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The costs of the “Big deal”/online access

- Big Deal is an online aggregation of journals that publishers offer as a one-price, one size fits all package (Frazier 2001)
- Libraries gain electronic access from large publishers in the form of bundled journals & licenses

Problem?
- Contracts are inflexible and vary
- Libraries are struggling with price increases
- Libraries are paying different prices for same subscriptions

Result: libraries are considering cancelling contracts
British research Libraries say No!


What is the Open Access movement?

- Open Access movement is alternative to Closed Access / Subscription or Toll access
- The Open Access movement is
  - A global movement in academia
  - Dedicated to sharing information for the common good
  - Of importance to researchers, academics, librarians, funding agencies, government officials, publishers
- Authors should be able to access FREELY research for the benefit of science and the general public
So, what is Open Access?

The opinion of an expert:

- Open-access (OA) literature is digital, online, free of charge, & free of most copyright and licensing restrictions
- What makes it possible is the internet and the consent of the author or copyright-holder

Peter Suber [http://www.earlham.edu/~peters/fos/brief.htm](http://www.earlham.edu/~peters/fos/brief.htm)
Open Access can be achieved by two routes

**Open Access repositories**
* (green route)
- Belong to an institution or disciplines such as Physics
- Supplement publishing, it is not a substitution
- Do not perform peer review
- Make available scholarly content globally
- Internet users can easily find content, if repositories comply with metadata harvesting protocol of the Open Archives Initiative

**Open Access journals**
* (gold route)
- Alternative business model
  - Some require processing fees from authors
  - Some journals receive subsidy from hosting university/society
- Research articles are peer reviewed and contents are made freely available
- Major Open Access publishers (BioMed Central, Hindawi, AOSIS)
Open Access map

http://www.openaccessmap.org/
Open Access journals in DOAJ

More than 7000 journals!

http://www.doaj.org/
Benefits of Open Access

- Librarians, researchers, institutions, nations and society
- Increased visibility, usage and impact of research output
- Research is more efficient & effective
- Showcases an institution or country’s output
National & international Open Access drives
Academy of Science of South Africa (ASSAf)

South Africa’s database which provides wider impact, visibility & access to quality journals.

http://www.scielo.org.za/
UNESCO started programme mid-2010 & pays attention to Africa and developing countries. Open Access Portal presents a snapshot of Open Access around the world.

National & international Open Access drives

EFL is an international non-profit organization enabling access to knowledge in developing countries by awareness-raising events & workshops.
Open Access can benefit the African continent

South Africa is responsible for
- 79% of the publications
- 0.55% of the world’s literature
- India produces 2.94% of the world’s literature
- (Pouris 2010)

Africa
- Is least able to pay for access to information
- Will benefit greatly from Open Access
Why do we support Open Access?
Worldmap according to poverty

http://www.worldmapper.org/display.php?selected=179
Why do we support Open Access?
Worldmap according to Science research

http://www.worldmapper.org/display.php?selected=205
What is copyright?

- Copyright gives legal protection to the creators of “works of the mind”
- Copyright law covers
  - Literary works (articles, books, letters)
  - Musical works
  - Dramatic works (operas, plays)
  - Graphic arts (photographs, sculptures, paintings)
  - Motion pictures and audiovisual works (movies, videos, television programs)
  - Architectural works
  - Computer software
Open Access & copyright

Open Access repositories
(green route)
- Depends on the kind of material in repositories
- Journal articles – some policies known
- Theses & dissertations – institutionally based
- Books – no known policies
- Other material – author (?) needs to negotiate

Open Access journals
(gold route)
- Creative Commons licenses are commonly used
Copyright & the green route to Open Access

- Copyright is complex, confusing & major hurdle
- Major concern for researchers
- Best way to check copyright is to refer to the original Copyright Transfer Agreement
- Authors do not keep them
- Archiving of journal articles, SHERPA/RoMEO website
- 64% of 1022 publishers allow self-archiving & 36% not!
  - 8% allows archiving of the pre-print
  - 30% allows archiving of the post-print
  - 26% allows archiving of the pre-print and post-print
Authors retain limited rights to re-use final version
- Copies for colleagues
- Re-use less than a half in another publication
- Teaching duties
- Oral presentations
Publisher copyright policies & self-archiving

Librarians check journals’ archiving policies

http://www.sherpa.ac.uk/romeo/
Problem? Many South African journals do not have policies.
Interpreting copyright conditions

One journal found when searched for: *southern african journal of critical care*

<table>
<thead>
<tr>
<th>Journal:</th>
<th>Southern African Journal of Critical Care (ISSN: 1562-8264)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RoMEO:</td>
<td>This is a RoMEO green journal</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Author’s Pre-print:</th>
<th>✓ author can archive pre-print (i.e. pre-refereeing)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Author’s Post print:</td>
<td>✓ author can archive post-print (i.e. final draft post-refereeing)</td>
</tr>
<tr>
<td>Publisher’s Version/PDF:</td>
<td>✓ author can archive publisher's version/PDF</td>
</tr>
</tbody>
</table>

| General Conditions: | • Publisher source must be acknowledged  |
|                    | • Publisher's version/PDF may be used            |

| Mandated OA:        | (Awaiting information)                              |
| Copyright:          | Not available online                                |
| Updated:            | 23-Mar-2009 - Suggest an update for this record    |
| Link to this page:  | http://www.sherpa.ac.uk/romeo/issn/1562-8264/      |
International journal websites indicate copyright policy

http://www.elsevier.com/wps/find/authors.authors/postingpolicy

http://journalauthors.tandf.co.uk/preparation/copyright.asp
Copyright & Theses and dissertations

- Institutional policy determines copyright

Copyright and Intellectual Property

All rights with regard to intellectual property that is produced by a student during his/her studies, vest in the University (General Regulation G57(6)) - including the copyright of UP theses and dissertations.

The University may consider a request from a student for the rights to be ceded if good reasons are supplied which will be to the advantage of both the University and the author.
Copyright & other material

- Books
  - Archiving policies for publishers do not exist
  - Publishers traditionally do not allow re-use of published chapters

- Other grey material
  - Authors should negotiate copyright with copyright holder
Traditional rights management cycle

1. Research
2. Publisher makes copies & libraries subscribe for a fee
3. Article published
4. CTA — all rights assigned to publisher
5. Peer-reviewers accept article
6. Submits article - still holds copyright
A possible solution - Creative Commons license

- Non-profit organization created in 2001
- Authors can authorize specific uses of their works, retain control over other uses
- Choose online what you are willing to allow
  - Attribution (credit must be given to the author)
  - Non-commercial (may only use for non-commercial uses)
  - Non-derivative (no derivative works based on this may be made)
  - Share alike (others that make derivative works may only share it under the same terms as your work)
Creative commons rights management cycle

1. Publisher makes copies & distribute FREELY
2. Research
3. Submits article - still holds copyright
4. Peer-reviewers accept article
5. Creative Commons license – author holds copyright
6. Article published & author pays
Copyright vs Creative Commons

http://www.aliprandi.org/cc-user-guide/
Nigerian health workers’ views concerning factors influencing paediatric adherence to anti-retroviral therapy

Recent studies have focused on paediatric antiretroviral therapy (ART) adherence in Nigeria, probably because of the high prevalence and impact of HIV/AIDS. In this study, health workers at children’s health facilities were interviewed to explore their views on the factors influencing paediatric ART adherence. Data were collected and analysed using the thematic method of data analysis. Findings were presented in themes that emerged from the data. The predominant factors affecting paediatric ART adherence were: the perception of children’s ART adherence, the role of health workers, and the influence of ART adherence on other health outcomes. The study provides insights for improving the adherence of ART treatment in Nigeria and in other similar settings.
Creative Commons license South Africa

http://www.creativecommonsza.org/
Copyright problems experienced in digital environment

- Most institutions - mediated submission approach
- Library staff clear copyright & store responses internally
- Problems (Hanlon & Ramirez 2011)
  - Obtaining copyright policies
    - Slow response/no response
    - Overly aggressive licensing terms
    - Unclear / absent
  - Interpreting these policies
  - Educating authors about their right
  - Time
  - Resources
What can be done about copyright problems?

- Matter of finding the right balance – Trevor Clarke, IFLA session on copyright (Kniffel 2011)

- Educate, educate, educate
  - Librarians (interpreting conditions, sharing policies)
  - Researchers (Creative Commons license, signing CTA and its implications)
  - Publishers (formulate policies)

- The growth of Open Access and repositories depend on correct copyright procedures

- Copyright policies need to be developed
Conclusion

- Readership of African research depends on Open Access
- We cannot afford excessively expensive online subscriptions
- Open Access provides a solution to make research output freely accessible online
- BUT, we need the buy-in of everybody on the continent to change the face of African research
- Copyright is still one of the major barriers to repository growth & success
- Copyright in the digital environment needs to be revamped!
Last word to Prof Innocent Pikirayi, Department Anthropology & Archaeology

“Open Access is the only avenue of ensuring that information gets to everyone across the spectrum of society. Information dissemination through such means is the most assuring way of empowering and achieving a knowledge society.”
References

References


14. What universities and administrators can do to promote Open Access, http://api.ning.com/files/eCaaveOCUKkaZKlserrmeI5AaUoFE91JtNV*N5ID8IDVBWtNiKVMz3B3gS7cm6SO NOekb7otpJzULpOpOZotSK-ll8bCIK/WhatUniversitiesandAdminCanDo.pdf
Thank you!

Questions?

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