

Author Rights and Copyright

This guide provides advice on protecting Authors' Rights (copyrights) in relation to academic publications when dealing with publishers.

Your article or book has been accepted for publication (congratulations!) and the publisher has sent you over a document variously called a publisher's agreement, author's agreement or copyright transfer agreement (or something similarly titled). Rather than simply signing such an agreement, now is the time for you to pause and consider your interests and protect your rights to use and access your own work.

What is copyright and why is it important to me as an author?

"Copyright" is a term used to define the legal property right subsisting in various creative works including articles or books. The law gives legal protection to authors in order to help them exploit their work, prevent exploitation by others and to provide authors with moral rights to their work.

Who owns the copyrights in an author's work?

The answer to this question is important as you may want to place the work on your website, send an electronic copy to colleagues, make copies for teaching purposes, or reuse portions in a subsequent work. In addition, REF and funder requirements oblige you to make certain publications Open Access. The legal position is that you (the Author) retain the copyright until you sign over your rights to the publisher.

So, should you simply sign and accept the publisher's agreement?

By signing the publisher's agreement you will typically be transferring all or part of your copyright to your publisher who needs such rights in order to distribute, copy and make your work available to the public. Each publisher has its own publication agreement and so the rights you sign away or retain will vary. If you transfer your copyright without keeping any rights you may be limiting your ability to give your research wide exposure, to fulfil your goals as a scholar and to meet funder and REF requirements on Open Access. Don't sign the publisher's agreement without reading it: always check carefully to see what rights you are retaining.

I really want my work published - what can I do?

There are three things that you can do:

1. Accept the publisher's agreement as is;
2. Negotiate changes to the publisher's agreement;
3. Use an Author Addendum.

Accepting a publisher's agreement?

The bottom line is that, if after reading a publisher's agreement, you are happy with the stated terms and they give you the rights you wish, then from a copyright perspective you are free to sign it.

What if I want to negotiate changes to a publisher's agreement?

If you find an agreement too restrictive you have the option of negotiating to keep individual rights to use the work in the way that you want. Some publishers are open to negotiating terms in their agreements whilst others are less so. Basic negotiation tips are:

- Ask! If the agreement seeks to transfer rights that you want to retain or does not allow you to use your work in a way you need, then contact the publisher and express your concerns and wishes.
- Some DMU colleagues have found that by simply asking for a publisher's alternative agreement, they have been offered a much less restrictive agreement.
- Others have asked for additional clauses to be added to (or removed from) the agreement, allowing them to retain more rights.

What is an Author Addendum?

An Author Addendum is a document that can be created and attached to an existing publisher's agreement. It modifies the terms of publisher's agreement to ensure that authors keep key rights to use their article as they wish. The following links offer guidance on creating an author addendum:

- SPARC (The Scholarly Publishing and Academic Resources Coalition) has developed an easy-to-use Author Addendum (<http://www.arl.org/sparc/author/addendum.shtml>) to the publisher's agreement.
- Science Commons has developed the Scholar's Copyright Addendum Engine (<http://scholars.sciencecommons.org/>): this offers a range of addenda, including the SPARC Addendum, with different options for retention of rights and will help you generate a PDF form which you can attach to a publisher's copyright agreement.

How do I use the Science Commons Addendum?

Just follow these easy steps:

- Select and complete the Author Addendum of your choice from the Addendum Engine.
- Save the PDF which is generated.
- Print, sign and date the Addendum.
- Sign and date the publisher's agreement. Immediately below your signature on the publisher's form, write: "Subject to attached Addendum." This is important as it makes clear that your acceptance of the publisher's agreement is conditional on the publisher accepting your Addendum.
- Make a copy of all three documents (the publisher's form, your Addendum, and your cover letter) for your records.
- Mail the three original documents to the publisher.

What if the publisher rejects the Author Addendum?

If the publisher refuses to publish your article under the terms of the Addendum, you have some choices to make. You could try to negotiate: find out which terms of the Addendum the publisher objects to most. Some publishers may be willing to agree to some modifications to their standard agreements.

If the publisher's position is "take-it-or-leave-it", you could consider alternative publishers that would be willing to enter into a fair copyright agreement and facilitate the widest dissemination of your work.

Updated: 03/04/2019