

ACADEMIC AUTHORS AND OPEN ACCESS
PRACTICAL THOUGHTS FOR PRESERVING
YOUR RIGHTS
...or what I've learned in my OA journey.

COLLEGE OF BROCKPORT
STATE UNIVERSITY OF NEW YORK
OCTOBER 26, 2012

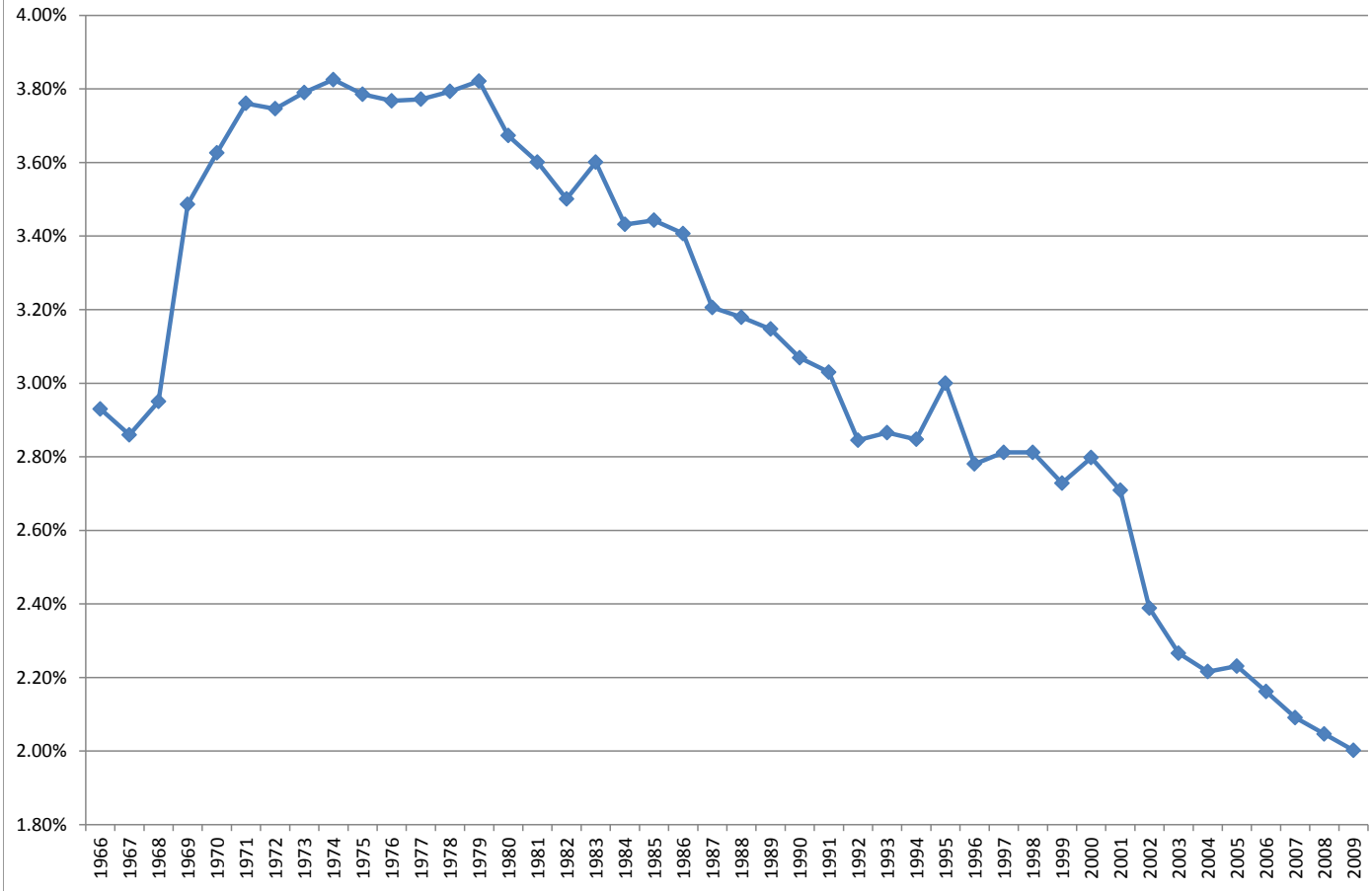
OPEN ACCESS WEEK 2012

MELISSA LEVINE

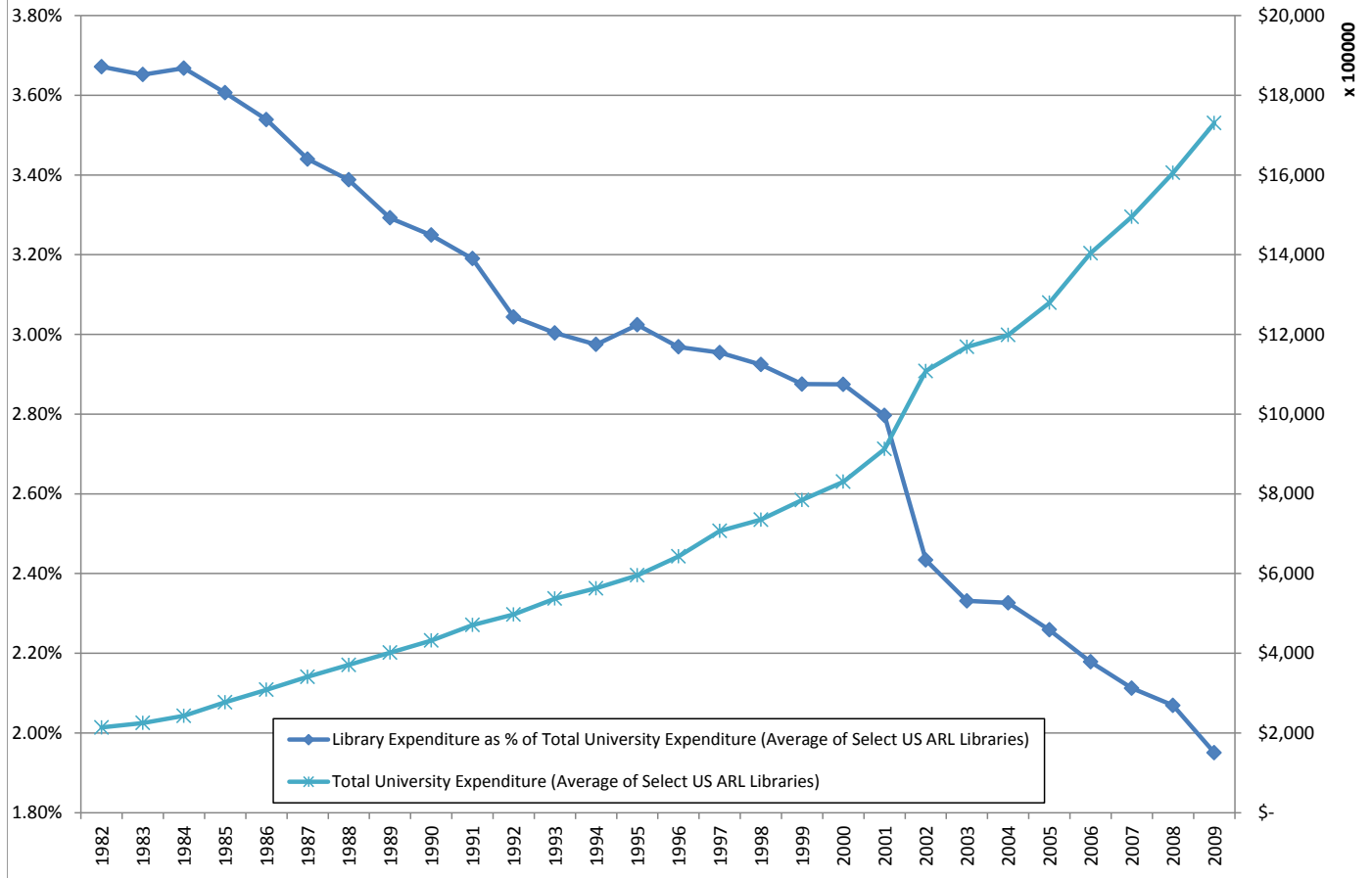
Lead Copyright Officer

University of Michigan Library | MPublishing

Library Expenditure as % of Total University Expenditure (Average of 17 US Institutions Reporting Since 1966)



Library and University Expenditure Trends (Time-Series)



EXPENDITURES ARL 2007-2008 REPORT

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408B/s Tx: 2.2KB/s Rx: 8% 9%

Fri 10:32 AM Melissa Levine

https://www.arl.org/bm~doc/arlstat08.pdf

Common Goals: AAP News Popular Imported From Safari Imported From Firefox Mac 101 | Expose an Imported From Safari Copyright Museum

SUMMARY DATA

(Survey Question Number)	Monographs (15.a)	Current Serials (15.b)	Other Library Materials (15.c)	Miscellaneous Materials (15.d)	Total Library Materials (15)	Contract Binding (16)
UNIVERSITY LIBRARIES						
Mean	2,716,677	7,369,145	1,023,252	372,877	11,421,020	168,796
Median	2,037,195	7,075,210	403,355	259,408	10,388,129	122,985
High	13,455,145	14,110,787	16,045,965	2,489,183	34,291,329	1,111,119
Low	246,474	3,232,164	0	0	3,823,732	4,067
Totals	306,984,547	832,713,383	109,487,911	41,389,384	1,290,575,224	18,905,174
Number of Libraries Reporting	113	113	107	111	113	112
NONUNIVERSITY LIBRARIES						
Median	1,051,612	2,793,753	509,560	28,956	5,182,164	29,936
Totals	21,794,863	36,822,070	13,762,393	515,208	72,894,534	2,231,962
Number of Libraries Reporting	10	10	9	8	10	8
GRAND TOTALS	328,779,410	869,535,452	123,250,303	41,904,592	1,363,469,758	21,137,136

46 · ARL Statistics 2007-2008

EXPENDITURES

Salaries & Wages Professional Staff (17.a)	Salaries & Wages Support Staff (17.b)	Salaries & Wages Student Assistants (17.c)	Total Salaries & Wages (17)	Other Operating Expenditures (19)	Total Library Expenditures (20)	(Survey Question Number)
12,583,397	2,860,836	29,890	15,474,123	9,540,548	28,803,268	NATIONAL AGRICULTURAL LIBRARY

library-expenditures-....pdf

Show All



DOES YOUR LIBRARY LOOK LIKE THIS?



OPEN

- Open access
- Open source
- Open data
- Sharing as a premise.
- Sharing as a value.
- Sharing as a business model.



Open Access in...

SCHOLARLY COMMUNICATION

- **Open-access (OA) literature is digital, online, free of charge, and free of most copyright and licensing restrictions.**
 - Scholarly publishing ecosystem for journal articles.
 - NIH/PubMed requirement.
 - OA mandate/policies at Harvard, MIT...
 - Free as in speech or free as in beer?



OPEN AS...

- Way of thinking about the practical opportunities
- Way of thinking about how we can address legal issues, how we can make things simpler or really, really complex and costly
- Rethinking scholarly communication
 - Essential purposes
 - Costs
 - Last marginal cost of scholarly process & foundation for new research
 - New possibilities
 - What are we protecting or controlling?
 - Why?



THINKING ABOUT THINGS DIFFERENTLY

‘Open’ being adopted in STEM – required by NIH (deposit in PubMed); Federal Research Public Access Act

How it will play out in the humanities?

What is the real cost? What is the real question – is copyright really the issue? Control of or for what?

Web is highly self regulating – desire for information from branded/trusted sources



OPPORTUNITY

HathiTrust

Over 70 partners

Changed expectations – quickly changed assumptions about research.

Not just opportunity, expectation.

Transformation

Relation to data – scale speeds research results and kinds of inquiry – ‘is/are US’



COPYRIGHT

- If you can see it, its protected from moment created
- A bundle of rights
 - Who has which rights in the work?
- Yours as author
 - Joint authors
 - Works for hire
 - Your university's policies on copyright ownership



CONVERGENCE

- Technology
- Opportunity
- Economic challenges
- *Publishing, preservation, access as last marginal cost of scholarship, the product, the compost for the next crop*
- Benefit to education and commerce
- Putting resources and energy into new and real value added
- What are you protecting and why? Control, what and why?
- *Why you own copyrights as an academic*



SPARC WEBCAST FROM WORLD BANK

- How things used to be – artist contracts...
- Students - 150,000,000 worldwide, 28,000,000 in US alone – most under 35. Get to university and are limited by wealth of your school
- Increases value of education – learning to synthesize something into something new
- Being cut off after graduation
- ‘move from a knowledge bank to a solutions bank’
– World Bank video, 10/23/2012



SO GLOBAL IS LOCAL, LOCAL IS GLOBAL

- Breaking down barriers
- Reducing or shifting costs
- Advancing fundamental point of scholarship
- Public Interest
 - Worldwide access to internet expanding fast
 - Connection possible but not \$ to buy content
 - If it ain't online, the digital divide is real unless...
 - Lost opportunity
 - Its good, but...



SO WHAT'S IN IT FOR ME?

- Control – keep your copyright to control how work is use (Chronicle article about student surprised about sales of dissertation...)
- Preservation – repository
- Be found, be read, be relevant
- About using the productive possibility of the internet for research
- Potential for text mining, data mining, new perspectives for better pattern analysis for faster results, cost efficiencies
- Thinking beyond paper-based expression and documentation





THE OTHER BIG 10

1. Read your contracts
2. Understand your contracts
3. Ask questions-they don't always know or mind; contracts out of date and costly to update
4. Know your copyrights – will you care later?
5. Know what matters to you – authors addendum
6. Examine assumptions – will you make money, credit, authority, all or some and where do you expect your work to end up
7. Policy helps – faculty voice and influence
8. Fair use in your work and that of others – ugh, permissions
9. Use Creative Commons as creator and user
10. OA policy, OA repository – use BePress.



BRIEFLY ABOUT...

- Creative Commons
- Authors Addendum
- Libraries as fiduciaries for resources so ask for what you want – Author Rights Model License Language
- <http://authorrights.wordpress.com/>
- How to do this wo sacrificing my career? Don't.
 - Faculty voice on substance
 - Match with administration voice on business/rights
 - Differences between grad students, jr faculty and tenured – peer review shifts – what's valuable?
 - Preservation right
 - Competitive presses will include this in their contracts.



AUTHORS ADDENDUM

- retain the right to use, reproduce, distribute, perform, and display the Article in connection with your own teaching, conference presentations, and lectures.
- retain the right to make full use of the Article in future research and (no permission needed to use your work in future publications).
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AND...

- retain the right to deposit the published version of the Article in an open-access digital repository (employers, membership, govt agency...)
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- accreditation, mandated reports to state or federal governments, or similar essential purposes.
- retain all rights necessary to comply with requirements and conditions of research grants or publishing subventions provided by government agencies or non-profit foundations.



BUT WAIT, THERE'S MORE...

LE DROIT MORAL

- The Author shall have the right to be acknowledged as the creator/author of the Article in the original journal publication and in any subsequent republication.
- right to refuse attribution if the article is later revised or modified in a manner unacceptable to the objecting party



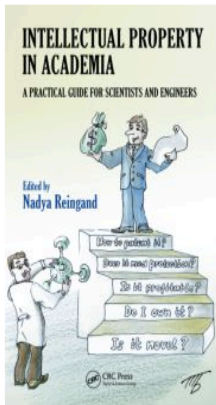
BUT 'WHAT IF THEY SAY 'NO' OR 'I FEEL UNCOMFORTABLE' OR 'I DON'T WANT TO LOSE MY PUBLISHING OPPORTUNITY'

- Use the simple form – UM's is based on SPARC's
- See http://www.lib.umich.edu/files/services/copyright/UM_Authors_Addendum.pdf
- Develop a campus policy – faculty and administration need to work together
 - What is the legal status of faculty work? Is it technically, legally work for hire? What's that mean?
 - UM copyright policy as preservation basis and more...but no oa policy for campus
 - Author is subject to these as conditions of employment so can't contract that away and don't have to negotiate these basics.



- So...about my open access journey
- My interests as a member of the academic community differ from my interests as a novelist (well, if). Compensation differs.
- Honesty about behavior with our publishers
- Publishers'R'us – scholarly publishers must rethink how they operate to support current priorities
- What about non-text based scholarship...we've got to figure that out too.





Intellectual Property in Academia: A Practical Guide for Scientists and Engineers

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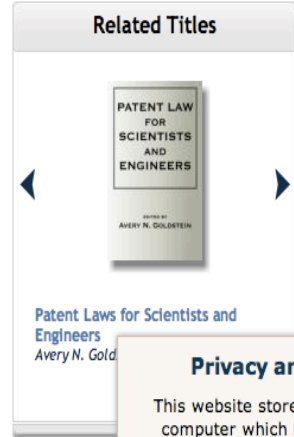
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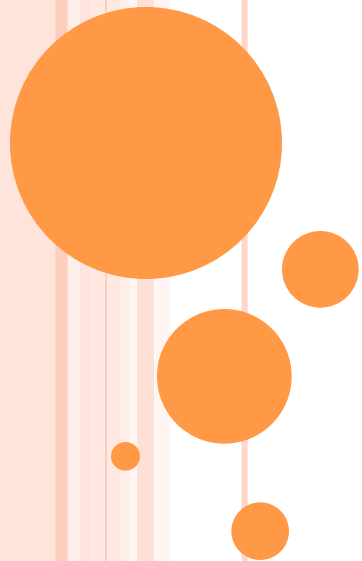


Patent Laws for Scientists and Engineers
 Avery N. Gold

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