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Ohio IR Day

Fall 2015 Meeting

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Oct 23rd, 11:50 AM - Oct 13th, 12:00 PM

## Open Access & Copyright

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# Open Access & Copyright

**Cindy Kristof**

Head, Copyright and Document Services  
Kent State University

**Ohio IR Day – Friday, October 23, 2015**



# Happy Open Access Week!

OPEN  ACCESS

# Exclusive Rights – Section 106

Copyright Law gives copyright holders a **limited monopoly** over their works, to serve as an incentive for authors and creators. The rights include the following:

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2. Distribute the work publicly
3. Make derivative works
4. Publicly display the work
5. Public performance
6. Public performance by means of a digital audio transmission

(Source: § 106, Title 17 U.S. Code at <http://www.copyright.gov/title17/>)

# \$\$\$ & OA¢

- With Open Access “...the bills are not paid by readers and hence do not function as access barriers.”

# BBB Definitions of OA

- Budapest – “...free availability on the public internet, permitting any users to **read, download, copy, distribute, print, search, or link** to the full texts of these articles, **crawl** them for indexing, pass them as **data** to software, or use them for any other lawful purpose, **without financial, legal, or technical barriers** other than those inseparable from gaining access to the internet itself. The only constraint on reproduction and distribution, and the only role for copyright in this domain, should be to **give authors control over the integrity of their work and the right to be properly acknowledged and cited.**”
- Bethesda & Berlin – For a work to be OA, the copyright holder must consent in advance to let users "**copy, use, distribute, transmit and display the work publicly** and to **make and distribute derivative works**, in any digital medium for any responsible purpose, **subject to proper attribution of authorship....**”

# Mythology



**“Circe Surfs the Web, after John William Waterhouse”** by Mike Licht – licensed under CC BY 2.0.

# Mythology

- **“Open Access articles aren’t copyrighted.”**
  - Whether or not a work is registered with **copyright.gov**, any original work of authorship is copyrighted once it’s in a fixed and tangible medium.
  - Authors publishing in Open Access journals can and do retain their own copyrights.
  - Authors can license their works under Creative Commons licenses to allow sharing.
- **“Open Access articles aren’t protected.”**
  - Any work can be plagiarized, whether it is published through traditional means or in an Open Access environment.
  - There are no known cases in which a publisher has used copyright law in order to protect integrity on behalf of an author.
  - Copyright *is*, however, used by traditional publishers to protect their business model and ensure profits.



# Copyright Models Compared

- **Traditional**

- Author transfers the copyrights to the journal publisher by signing a Copyright Transfer Agreement (CTA)
- May negotiate some rights to retain (e.g., distribute via electronic course reserves)

- **Open Access**

- Author keeps the rights
- Author shares rights
  - Usually using a Creative Commons license
- Author transfers only the exploitation rights to the journal

Source: Hoorn, E. and M. van der Graaf, 2006. "Copyright Issues in Open Access Research Journals: The Authors' Perspective." 12 (2) accessed 10/20/15 at <http://www.dlib.org/dlib/february06/vandergraaf/02vandergraaf.html>

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# Questions?

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