

Faculty Author Rights Workshop: Strategies for Retaining your (Copy)rights

Char Booth | Sara Lowe | Allegra Swift



Click [here](#) for video

Kimberly Drake, Associate Professor of Writing and Director of the Writing Program (Scripps College)

Workshop Overview

1. What rights can you can lose?
2. What rights can you keep?
3. Strategies for negotiating your rights

Section 1 : What rights can you lose?

As an author, you can lose the right to...

- Use any part of your published works
- Post your publications on your website
- Reuse any charts, tables, or graphs in future work
- Distribute copies of your published works to colleagues, organizations, and/or students

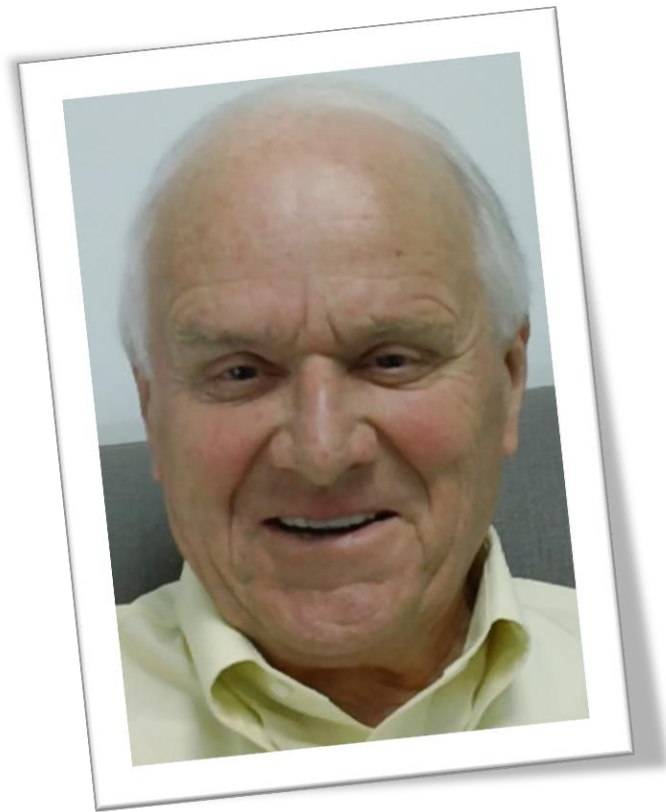
Section 1 : Activity

Select 1-2 journals in your field. Investigate their publication access/reuse policies.

Guiding Questions:

1. Do authors retain all copyright for publications in this journal?
2. If not, what rights do authors retain (if any)?

Section 2 : What rights can you keep?



Click [here](#) for video

*Sven W. Arndt, Charles M. Stone Professor of Money, Credit, and Trade
(Claremont McKenna College)*

Section 2 : Activity

Navigate to the Library's Open Access guide:

Use DOAJ and/or Ulrich's Web to investigate OA journals in your field.

Section 3 : Negotiating your rights



Click [here](#) for video

Gizem Karaali, *Associate Professor of Mathematics (Pomona College)*

How can you retain your rights?

Think through possible future use of your work.

Understand limitations imposed by contracts (copyright transfer agreements).

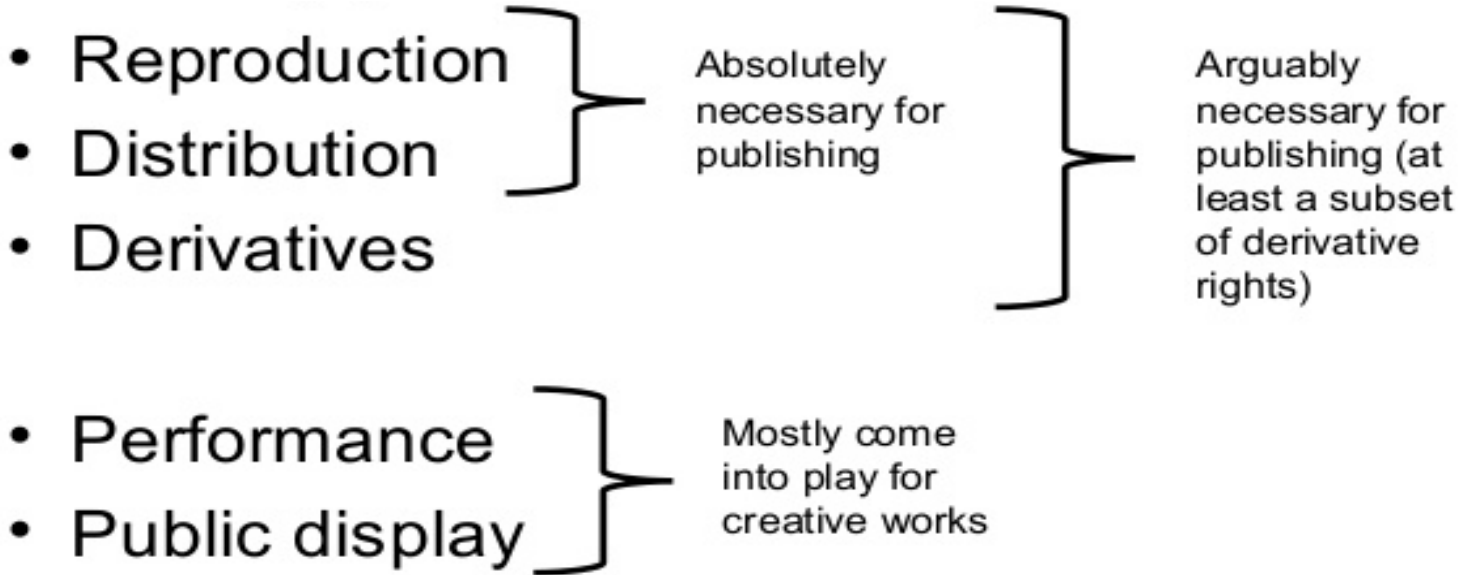
Understand how to approach negotiating to retain rights that you want.

Write an addendum to the publisher/author contract!

What do you want to do with your work?

- Share with colleagues or practitioners
- Make it available to the public (or be required to under an institutional or funder policy)
- Use parts of it yourself, in future work (including dissertation)
- Prepare a textbook or other collected volume of your work
- Others?

What rights does a copyright holder have?



... and the right to license any of the above to third parties.

Do these agreements allow you to:

- Reuse portions of your work in *future* work?
- Make the publisher's PDF available online?
- Give others the right to reprint the work in a larger collected volume?

It doesn't have to be all or nothing!

- Understand what you want.
- Read the contract carefully.
- Contact the publisher about the changes you want.
- Amend the contract.

Negotiate a balanced approach to copyright:

Authors

- Retain the rights you want
- Use and develop your own work without restriction
- Increase access for education and research
- Receive proper attribution when your work is used
- If you choose, deposit your work in an open online archive where it will be permanently and openly accessible

Publishers

- Obtain a non-exclusive right to publish and distribute a work and
- receive a financial return
- Receive proper attribution and citation as journal of first publication
- Migrate the work to future formats and include it in collections

What if the publisher rejects the addendum?

- Explain to the publisher why it is important for you to retain these rights in your own work.
- Ask the publisher to articulate why the license rights provided under the author addendum are insufficient to allow publication.
- Evaluate the adequacy of the publisher's response in light of the reasonable and growing need for authors to retain certain key rights to their works.
- Consider publishing with an organization that will facilitate the widest dissemination of their authors' works, to help them fulfill their personal and professional goals as scholars.

If the publisher still says no...

Consider publishing your work elsewhere where you can retain the rights you want.

Publish your work as planned with the original publisher.*

The decision is entirely up to you.

*And apply Fair Use when possible

It's *your* work.

**Understand what you want to do with
your work.**

Read your agreements with publishers.

Retain the rights you need.

Author addendum

- Standardized legal instrument
- Modifies publishing agreement that allows rights retention by the author
- Legally binding

How do you use addenda?

1. Complete the addendum, print, sign and date.
2. Sign and date the publisher's agreement. Immediately below your signature on the publisher's form, write:
"Subject to attached Addendum."
3. Note in a cover letter to your publisher that you have included an addendum to the agreement.
4. Make a copy of all three documents (the publisher's form, your Addendum, and your cover letter) for your records.
5. Mail the addendum with your publishing agreement and cover letter to your publisher.



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For Authors

The OSC provides information and support for Harvard make decisions regarding their scholarly works.

We help faculty authors to:

- Comply with Harvard's Open Access Policy
- Evaluate and amend licensing agreements
- Make use of alternative publishing models
- Provide broader access to their works

Get help with Harvard's open access policies

Our [Open Access Policy guidelines](#) are designed to help participating schools understand how the Open Access impacts them.

Amend a publishing agreement

Publishers' agreements concerning publication of article provisions that are inconsistent with the prior license g under the Open Access Policy. An [author addendum](#), h legal tool that can resolve the conflict.

Find a policy compliant publisher

SPARC Author Addendum

“The University of North Carolina at Chapel Hill encourages authors to use the **SPARC Author Addendum** as it fulfills a pressing need that all researchers and scholars have. The SPARC Author Addendum empowers researchers and authors to advocate for themselves in their relationship with their publisher, and has the potential to revolutionize the scholarly communication system.”

Sarah Michalak, University Librarian
and Associate Provost for University Libraries
University of North Carolina at Chapel Hill

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Section 3 : Activity

Review provided template(s) and discuss/strategize about how to modify an addendum for a real or hypothetical upcoming publication submission

Questions?

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