Dissecting Journal Publisher Agreements
What to know before you sign

Claudia Holland
Associate Professor/
Scholarly Communication Coordinator
University Libraries
7 February 2019
First things first . . . do your homework.
Elsevier’s
AUTHOR AND USER RIGHTS
Reference Guide
What’s changed in Elsevier’s policies?

<table>
<thead>
<tr>
<th>Version of article</th>
<th>Old Policy</th>
<th>New Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate sharing of preprints</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Self-archiving accepted manuscripts on a personal website or blog</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Institutional repositories can immediately ingest accepted manuscripts</td>
<td>✭</td>
<td>✓</td>
</tr>
<tr>
<td>Institutional repositories can immediately make manuscripts publicly available</td>
<td>✭</td>
<td>✭</td>
</tr>
<tr>
<td>Institutions can use accepted manuscripts for internal purposes and private sharing</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Self-archiving accepted manuscripts in a subject repository after embargo</td>
<td>✭</td>
<td>✓</td>
</tr>
<tr>
<td>Self-archiving accepted manuscripts on a commercial social sharing platform</td>
<td>✭</td>
<td>✓</td>
</tr>
</tbody>
</table>

KEY  ✓ Yes  ✭ Yes, but only if posted voluntarily  ✓ Where we have an agreement in place  ✗ No

We are also developing a range of services to make it easier for authors to access their accepted manuscripts, and for repositories to ingest metadata, smart links, and entitlement info for content.
Elsevier’s reasoning for copyright transfer--some excerpts

• “Able to quickly launch new products and services.”
• “Uses copyright to protect the integrity of the journal articles in cases of plagiarism, copyright infringement and other third party infringements.”
• “We can more easily show that we own the rights...in order to bring an enforcement action.”
• “Remember, even though we ask for a transfer of copyright, our journal authors retain (or are granted back) significant scholarly rights.”
“Authors publishing in Elsevier journals have wide rights to use their works for teaching and scholarly purposes without needing to seek permission.”
Short quotes and reproduction of material from articles

“Anyone may in written work quote from an article published by Elsevier, as long as the quote comprises only a short excerpt such as one or two sentences. An appropriate citation, including the journal title, must be provided.”

“If the intended use is for scholarly content, noncommercial research or educational purposes, an institution or academic may, without seeking permission from Elsevier, use:

- a single text extract of fewer than 100 words or a series of extracts totaling no more than 300 words

- a maximum of 2 figures from a journal article or a total of 5 from a journal volume.”
Authors and users already have more expansive legal rights through fair use!
Elsevier’s Preprint Policy

Papers placed on a public server prior to submission to an Elsevier journal are not generally viewed as “prior publication.”

Cell Press and The Lancet have different pre-print policies and will not consider for publication papers that have already been posted publicly.
An example of an association journal published by Elsevier
Read the *Guide for Authors* & pay special attention to copyright agreement, reuse language, open access options & any publication costs.

**Requirements**

- All authors must sign “Manuscript Submission and Copyright Release Form”
- If requesting a fee waiver, it must be at the time of submission. Request must include statement from financial officer or other. Waivers usually only granted to authors in AGORA Band A countries.
- Page charges vs OA payment

*One of the oldest journals (1914) published by Elsevier.*
Copyright Release (check A, B or C): Copyright laws make it necessary for the Association to obtain a release from authors for all materials published. To this end, we ask you to grant us all rights, including subsidiary rights, for your manuscript/article. You will hereby be relinquishing to the American Dairy Science Association all control over this material such as rights to make or authorize reprints, to reproduce the material in other Association publications, and to grant the material to others without charge in any book of which you are the author or editor after it has appeared in the Journal.

Whereas the American Dairy Science Association, Inc. is undertaking to publish Journal of Dairy Science, of which the undersigned is author of one or more parts, the author grants and assigns exclusively to the Association for its use any and all rights of whatsoever kind or nature now or hereafter protected by the copyright laws (common or statutory) of the United States and all foreign countries in all languages in and to the above named article, including all subsidiary rights.
The Association, in turn, grants to the author the right of republication in any book of which the undersigned is an author or editor, subject only to giving proper credit in the book to the original journal publication of the article by the Association. The Association grants to the authors the right of republication of their own material in any book, thesis, or dissertation of which they are authors or editors subject only to giving proper credit in the book to the original JDS publication. In addition, authors may post abstracts of manuscripts on the web at the time of submission. Once an author receives notification of acceptance, a manuscript (peer-reviewed pre-typeset) can be posted to the author’s personal website.

See https://www.journalofdairyscience.org/content/inst-auth to view entire form.
Confusing language

JDS Instructions to Authors: Policies

• Signed copyright agreement required after paper is accepted for publication.
• Republication of “their own” material allowed, but only for non-commercial purposes.
• May deposit accepted manuscript in a repository no earlier than 12 months after publication.

JDS Copyright Release Form

• “If the manuscript is not accepted for publication, this affidavit shall have no legal effect and will be considered null and void.”
• No mention of non-commercial restriction regarding republication.
• If paying an OA fee, published article deposited in a repository embargoed for 12 months.
Springer Journals
The copyright to this article is transferred to [association] and Springer effective if and when the article is accepted for publication. The author warrants that his/her contribution is original and that he/she has full power to make this grant. The author signs for and accepts responsibility for releasing this material on behalf of any and all co-authors. The copyright transfer covers the exclusive right and license to reproduce, publish, distribute and archive the article in all forms and media of expression now known or developed in the future, including reprints, translations, photographic reproductions, microform, electronic form (offline, online) or any other reproductions of similar nature.

An author may self-archive an author-created version of his/her article on his/her own website and or in his/her institutional repository. He/she may also deposit this version on his/her funder’s or funder’s designated repository at the funder’s request or as a result of a legal obligation, provided it is not made publicly available until 12 months after official publication. He/ she may not use the publisher’s PDF version, which is posted on www.springerlink.com, for the purpose of self-archiving or deposit.
Prior versions of the article published on non-commercial pre-print servers like arXiv.org can remain on these servers and/or can be updated with the author’s accepted version. The final published version (in pdf or html/xml format) cannot be used for this purpose. Acknowledgement needs to be given to the final publication and a link should be inserted to the published article on Springer’s website, accompanied by the text “The final publication is available at springerlink.com”.

The author retains the right to use his/her article for his/her further scientific career by including the final published journal article in other publications such as dissertations and postdoctoral qualifications provided acknowledgement is given to the original source of publication.
American Academy for the Advancement of Science
License to Publish

Authors are allowed to:

• Retain copyright & grant AAAS a license for exclusive rights to publish, reproduce, adapt, & distribute the work

• Reuse the final, published version of the work for non-commercial purposes, without seeking permission

• Reuse figures in future commercial works, with attribution, without seeking permission

• Post accepted manuscript on personal website & in institutional repository immediately following publication; link to final version

• Deposit accepted manuscript in funder repository (e.g., PubMedCentral) no earlier than 6 months after publication
AAAS makes any articles of urgent public-health importance *freely and immediately* available to the public.
Using Addenda to Publisher Agreements
Basic points of negotiation:

- Access-Reuse
- Immediate Access
- Delayed Access

IMPORTANT: Sign and date publisher agreement. Immediately below your signature, add the statement “Subject to attached addendum.” See further instructions at [https://labs.creativecommons.org/scholars/](https://labs.creativecommons.org/scholars/).
When publishing in a subscription journal think about author rights ahead of time

What rights are important to you and your co-authors to retain?

Review the journal’s author-publisher agreement before submission.

Make sure you understand the agreement and ask questions.

Negotiate when needed, before signing.
Some useful resources

General
Creativecommons.org
Directory of Open Access Journals (DOAJ)
ORCID
Retraction Watch
Sherpa/Romeo

Author publishing addenda
SPARC Author Addendum
Scholar's Copyright Addendum Engine
Model Publishing Contract for digital scholarship (monograph length)
REFERENCES & PHOTO ATTRIBUTION

AAAS. Science Journals: editorial policies. https://www.sciencemag.org/authors/science-journals-editorial-policies


Journal of Dairy Science. Copyright Release Form. https://www.journalofdairyscience.org/content/inst-auth

Springer Copyright Transfer Statement [an example].

Cover photo: Original by rawpixel on Unsplash. Modified to a drawing by C. Holland, 5 February 2019. Person studying photo: Pixabay. Cow photo: Photo by Ramon Stein on Unsplash. People shaking hands photo: Photo by rawpixel on Unsplash.