SURF FOUNDATION

ic ance to Publish

# Giving & increasing access

The use of licences to create a broader dissemination of scholarly information

# Some topics for the rest of this morning

- End user licences
- Open access policies
  - mandates
- Repository Deposit licences
  - Licence to Deposit
- Publishing agreements
  - author addenda
  - Licence to Publish
    - interactive part
    - feedback

# Goals of repository

- Showcase for the institution
- Supplement for scholarly publishing
  - resource to capture and preserve diversity of output of institution & academics
  - possibility to increase access to the scholarly output of institution & academics

# End user licences: report SURF & CC

- SURF & Creative Commons conducted study to find out whether one of the CC licences is appropriate to use in high ed
- Background report
  - sharing educational and research resources high on agenda
  - SURFfoundation developed licences for re-use scientific publications
    - Licence to Publish
    - Licence to Deposit
  - licence to use not available yet

# End user licences: Some trends

- Recognisable trends:
  - sharing own material as well as re-use third party material quite accepted
  - willingness to re-use material more accepted than enthusiasm to share own material
  - exception for raw research data
    - motivation to share highest and commercial use accepted
  - not much knowledge in higher education about CC licences.

# Licence to use

- Starting points:
  - simplify co-operation in higher ed by using open standards
  - no strict conditions to make sure that re-use in future still possible
  - 80%/20% rule
  - applicable to scientific & educational material
  - suitable for universities as well as for universities of applied sciences/polytechnics

# Open Content & Open Data licences

- Open Content licences
  - Licence Berlin Declaration
  - Creative Commons licences
  - GNU Free Documentation License
  - Open Educational License (draft)

- Open data licences
  - ODC Public Domain Dedication and Licence
  - Creative Commons Zero Waiver

# Analysis open content licences

- Licence Berlin Declaration
  - very broad in wording
  - written for scientific publications
  - not often used despite signing Declaration
- Wikipedia licence: GFDL
  - designed originally for software
  - based on American copyright
  - intention switch Wikimedia to CC
- Open Educational Licence
  - especially designed for education
  - licence supports remixing
  - only draft version available

# Creative Commons

- Core licensing suite of 6 licences
- From broad to strict

  - Attribution (by)
    - copy, distribute, transmit and adapt as long as name author is mentioned. Commercial use is permitted
  - Attribution-ShareAlike (by-sa)
    - adaptation is distributed under same licence
  - Attribution-No Derivatives (by-nd)
    - not permitted to alter, transform or build upon work

# Creative Commons (2)

- Attribution-Non Commercial (by-nc)
  - Not for commercial purposes
- Attribution-Non Commercial-ShareAlike (by-nc-sa)
- Attribution-Non Commercial-No Derivatives (by-nc-nd)

# Analysis open content licences

- Creative Commons Licences
  - worldwide standard
  - good infrastructure
  - metadata and summary available
  - licences in accordance Dutch Copyright Act

# SURF recommendation

- Creative Commons Attribution
  - no impediment for future use and re-use
    - making derivative works must be an option
    - traditions of re-use of scientific publications strong enough
    - commercial use must be possible for development services model
  - easy to use
  - increases traceability resources

  - more known than other open content licences

# Analysis open data licences

- Creative Commons Zero Waiver
  - metadata and summary available
  - meets requirements Science Commons protocol
  - possibility to waive copyright

- Open Data Commons Public Domain Dedication and Licence
  - specifically for research data
  - meets requirements Science Commons protocol
  - special provisions for countries where waiving copyright is no option
  - no metadata implementation

# SURF recommendation

- Data
  - Science Commons Protocol for Implementing Open Access Data

- Licences that have received Science Commons Open Access Data Mark

# Open access policies

Some history

1990's first proposals copyright policies

- university © owner on basis of the Copyright Act
- university would manage © academics
  most proposals rejected
    - too much administrative burden
    - too much opposition academics

2008/2009

- university licences encompassing broad rights for universities
- suggestions to engage in conversations with publishers about appropriate rights management on behalf of authors

# Open access policy

- Repository or deposit policy

- Obligations under policy
  - what happens to work in repository
  - who can access work in repository
  - what can end user do with work

- Different from strict copyright policy
  - who owns ©
  - what is owner allowed to do with work

# Mandate

- Requirement faculty output to be made available in institutional or subject repository
- Is open access policy or is part of it

- IDOA immediate-deposit/optional-access strategy
  - deposit immediately required but giving access is left to author
- deposit mandate
  - requirement to deposit faculty output
- permission mandate/university licence
  - requirement that faculty give permission to university to make their work available

# Ways to deploy mandates

- Voluntary mandate
- Institutional mandate
- Patchwork mandate
  - transitional path between institutional and voluntary
  - pursuing a strategy that will achieve an institutional mandate in long term
- Should affect
  - all research output
  - e-theses & dissertations
  - un-refereed research literature
  - conference contributions
  - chapters in proceedings

# Permission mandate

- 2 elements:
  - mandate itself
  - non-exclusive licence granted to institution
- Different levels of scope
  - broad licence grant
    non-exclusive, perpetual, irrevocable, worldwide licence to exercise all of author's exclusive rights under © including right to sub licence
  - intermediate licence grant
    restrictions that modify scope of licence
  - narrow licence grant
    right to deposit and make available by means of repository

# Repository Deposit licence

- Licence usually entered at time of deposit

- Several rights & obligations
  - store, reproduce & migrate in order to keep work accessible irrespective medium, format;
  - permission to distribute work & make available on line or in any other form;
  - non-exclusive irrevocable licence user to reproduce & distribute in any medium or format
- Clearly written out
- Proper attribution author
- Clauses about removal work

# SURF Licence to Deposit

- Storage, preservation and provision of access to scholarly output
- Reflects basis principle such material should be made freely available to third parties without restriction
- Effective when author has transferred work to repository
- Licence is irrevocable
- Weighty reasons for embargo period lasting maximum six months

- Long & short version
  - short version built into upload process

# Publishing agreement

- Publishing agreement very important
- Sets terms & conditions for publication and accessibility
- Bundle of © must be managed carefully

- Possibility of creating separate clause in licence agreements with publishers that articles created by employees can be placed in repository

# Author addenda

- Standardized legal instrument
- Modifies publishing agreement  allow retaining rights by author
- Signature by both parties required to be legally binding

- Washington University
  - when author submits Author Addendum to journal & journal publishes underlying article publisher deemed to have accepted terms of addendum

# SPARC Addendum

- In addition to any right under agreement author retains right to reproduce, distribute, publicly perform, publicly display in any medium for non-commercial purpose
- Author retains right to make derivative works
- Author retains right o authorise other to use work non-commercially with attribution to author and journal

# Other addenda

- Science Commons and SPARC
  - Access-Reuse addendum
- Science Commons
  - Open Access-Creative Commons Addendum
    - authors retain rights to reuse work & post them on online depositories,
    - author retains right to grant a non-exclusive license to the public to reuse & distribute the work.
- Science Commons
  - immediate access
  - delayed access

# SURF/JISC Licence to Publish

- Drafted in 2006 to create broad availability of journal articles via open access
- Drafted in spirit of Zwolle conferences
  - maximum access to scholarship;
  - primary focus on the allocation of specific rights to various stakeholders

- 3 elements
  - © remains with author
  - deposit published version in repository
  - embargo period of maximum 6 months

# Licence to publish

- author grants publisher a sole licence to exploit certain rights needed for publishing
- licence comes into effect immediately after the communication with publisher of his willingness to publish the article
- author deposits the definitive version of the article in the form as it is published in the journal
- depositing the article on a publicly accessible institutional repository is immediate after publication of the article in the journal
- delayed open access is only possible for a maximum period of six months

# Uptake of licence

- SURF report December 2007
- 47 publishers contacted
  - 35 listed as green/blue in Sherpa/RoMEO

- Results
  - endorsing Licence & Principles 0
  - explicitly rejecting Licence 4
  - supporting some of Principles 8
  - rejecting both 9

  - 29 publishers required transfer ©
  - 15 publisher used own licence

# Recommendations

- Addition to Sherpa/RoMEO
  - publishers' support for some of the Principles
  - list of publishers' licences compatible with Licence & Principles
- Maintain contact with publishers to influence their licences
  - Almere workshop December 2008
  - Program Group to revise Licence to Publish
    - SURF/JISC/OUP/IOS Press/Wellcome Trust

# Comments on Licence

- More advantageous for publishers than for authors
  - licence duration limited to defined number of years/no-exclusive rights
  - publishers' possibilities to make article available encompasses too much
    - only specified access formats
    - no right of adaptation/translation or derivative works
    - no right to lend article
    - adaptations should be kept out of context
- Author should be able to use Creative Commons licence parallel

# Conclusion

- Defining open access policy
  - which rights are important to retain
  - which rights should be granted to others

  - deposit mandate
  - university licence
  - relying on ownership university

- Employ best mechanism to get & grant rights
  - open content licences
  - sample publishing agreements
  - author addenda

Wilma Mossink
mossink@surf.nl
www.surf.nl