

Copyright Tip #2

How to Protect the Copyright for One's Published Article

Most journal publishers require a copyright assignment for each article accepted for publication. Who holds the copyright and what uses are given to the author vary with the UC Policy on Copyright Ownership and publisher practices.

Is it permissible to place a published article that one has authored on a web page, or include it in a printed online syllabus or coursepack, or place it on a CD?

Possibly, if the publication agreement allows uses that one wishes to make for one's article, if the in-class exception applies, or if the fair use defense applies.

(See UC Davis Policy & Procedure Manual 250-01: <http://manuals.ucdavis.edu/ppm/250/250-01.htm> and 250-03: <http://manuals.ucdavis.edu/ppm/250/250-03.htm>).

If one no longer has a copy of the signed publication agreement for the accepted journal article, check the SHERPA Online site at <http://www.sherpa.ac.uk/romeo.php> and enter the publisher's name to find information describing publisher copyright permission policies. If the publisher is not found in the SHERPA database, contact the publisher directly by using Google to find the publisher's web site. The publisher's web site usually contains information about copyright permissions for the journal titles published.

Is it permissible to place one's authored journal articles on a web site which requires an access password when one has not retained any use rights for one's articles, such as for online teaching or electronic sharing of research results?

Other copyright issues aside, restricting online access to a posted copyrighted article may not comply with campus use permissions if one does not have permission to place the article on a web site. This agreement may prohibit all articles it publishes from being distributed from a web site. Depending on how the agreement is worded, the in-class exception and fair use may not apply.

For more information see the UC Policy on the Use of Copyrighted Materials for Teaching and Research (<http://www.ucop.edu/ucophome/coordrev/policy/4-29-86.html>).

Which permissions are usually applied to published journal articles without added charges?

Permissible uses range from making copies, or posting an accepted manuscript, to allowing only a URL link to the publisher's PDF version with a specified format for the article citation. Each publisher determines the conditions for use and whether there are use fees unless the in-class discussion exception or the fair use defense applies.

What happens if the publisher DOES NOT allow use of a published article for free?

1. If one is using the article in a syllabus printed by Repro Graphics, its staff will clear the copyright for you if possible. Otherwise, check the Copyright Clearance Center (www.copyright.com), find the desired article, indicate the use type and pay the stated fee. Note that fees may apply by the quarter, semester, or specific number of days. For questions, call the Copyright Clearance Center (CCC) at (978) 750-8400. If the desired article is not in the CCC database, contact the publisher directly. If a written license is required, send the written license to the campus Technology Transfer Services for authorized signature.
OR
2. Post the link for the citation, so authorized users may access the article.

NOTE: It is important to negotiate with the publisher to retain important uses for one's articles before publishing.
See Copyright Tip #1 handout.

How can one protect certain uses for one's published articles?

1. Modify the copyright agreement with the publisher.
2. If publisher does not permit modifications of the copyright agreement, consult the SHERPA site mentioned on page 1 to identify other potential journals for article submission. For information relevant to retaining copyright uses, see: http://osc.universityofcalifornia.edu/manage/retain_copyrights.html

Where can one publish works and retain full control over their use?

The UC eScholarship Publish program (http://escholarship.org/publish_overview.html) provides software to publish journals, books, conference proceedings, working papers etc. and retain full use rights.

If one has already retained full use rights to one's published article, consider adding it to the UC eScholarship Postprints since the world will be able to access it using a web browser. For more information, go to http://escholarship.org/publish_postprints.html

Where can one find information describing copyright policies for UC Davis and other institutions?

Go to: 1. <http://www.lib.ucdavis.edu/ul/about/copyip/>
2. <http://research.ucdavis.edu/pgc/ipm/copyright>

FOR ASSISTANCE:

Subscribe to the copyright-info listserv: <http://research.ucdavis.edu/r/l/s>

UC Davis Technology Transfer Services: Jan Carmikle, Intellectual Property Officer,
(530) 754-7636, jdcarmikle@ucdavis.edu.

RESEARCH FOCUSED QUESTIONS:

BioAg Sciences & Map Services: Ruth Gustafson, (530) 752-1883 or ragustafson@lib.ucdavis.edu

Humanities & Social Sciences: Adam Siegel, (530) 754-6828 or apsiegel@ucdavis.edu

Health Sciences: Bernadette Swanson, (530) 752-7637 or bmswanson@ucdavis.edu

Physical Sciences & Engineering: Karen Andrews, (530) 752-1627 or klandrews@ucdavis.edu

COURSE RELATED QUESTIONS:

Reserves: See "Policy of Reserve Materials & Copyright" at <http://www.lib.ucdavis.edu/ul/about/policies/cprtplcy.php>