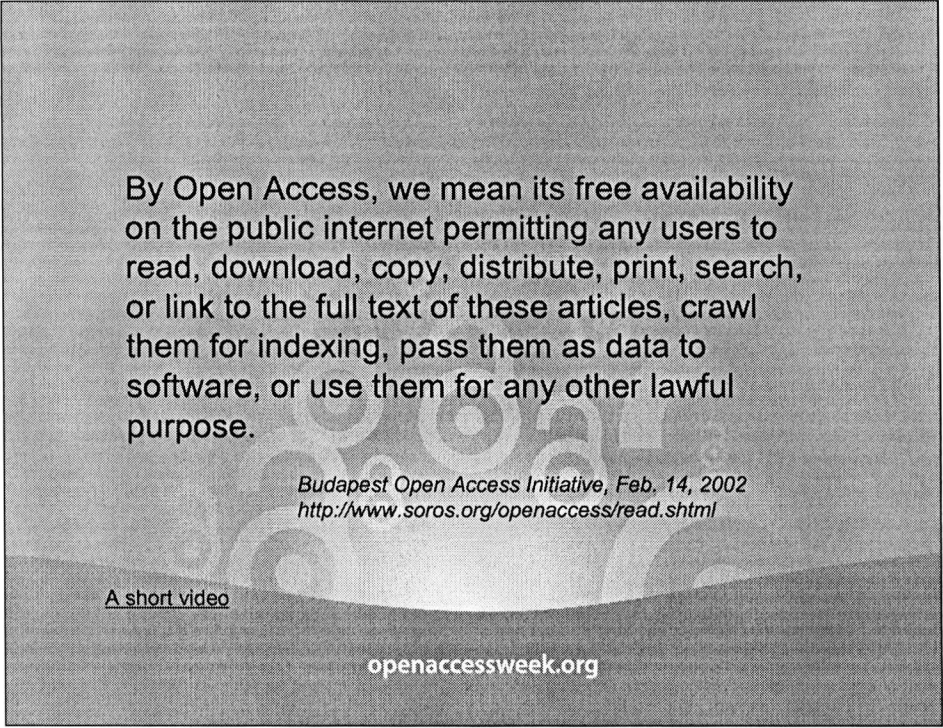


Welcome and thank you for coming to our workshop today.

Our goal is to tell you about open access and how it can support your research, particularly in the context of copyright and intellectual property

We plan to have time for questions at the end, but don't hesitate to ask during the presentation, as well.

Wendy and I are here representing the Centre for Scholarly Communication. We have both been here for many years and are very excited about the changes that are happening now in the dissemination of research.



By Open Access, we mean its free availability on the public internet permitting any users to read, download, copy, distribute, print, search, or link to the full text of these articles, crawl them for indexing, pass them as data to software, or use them for any other lawful purpose.

Budapest Open Access Initiative, Feb. 14, 2002
<http://www.soros.org/openaccess/read.shtml>

[A short video](#)


openaccessweek.org

Here's a little video produced by the Right to Research Coalition

Open access means free permanent availability of research to users with no financial, technical or legal barriers.


OA has been endorsed by scholarly meetings in Budapest, Bethesda, Maryland, and Berlin

The definition on the screen captures the broad intent of Open Access



Practical Examples

- Alzheimers researchers commit to remove restrictions on data and research results, August 2010
- H1N1 – mapping the flu – PLOS facilitates collaboration
- UNAIDS 18th International Conference, July 2010



Open access makes information available in a timely way and accelerates the progress of science

Three examples demonstrate the power of Open Access

The New York Times featured a story on its front page on August 13, 2010. Individual researchers studying Alzheimers and dementia had gotten together to define a new model of progress – data and research would be shared openly with the goal to find causes and cures for these conditions.

A year ago, the Public Library of Science worked closely with researchers on H1N1 to provide an online refereed site that was openly available and that allowed researchers to comment on publications. This led to a mapping of flu information and contributed to studying the epidemiology of the outbreak

Then, this past summer at the UNAIDS 18th International Conference in New York. Scholars pledged to renew their commitment to universal access to HIV prevention, care, treatment and support – one important plank was the sharing of research.

Open Access accelerates research and created direct benefits to society and to the development of public policy.

It advances discovery through enabling grass roots conversations among researchers irrespective of location.

The invisible college, but broadly expanded.

An important time for research

- OA is growing
 - Granting agencies are on board
 - Students are on board
 - Universities are on board
- Tools are available
 - Institutional Repositories
 - Subject Repositories
 - Journal software

Open Access is moving ahead quickly on a number of fronts

Granting agencies like the NIH and the CIHR are mandating that research that they fund should be openly available within six months of publication. They are allowing costs of open access publication to be included in grant applications. Even private granting agencies like the Wellcome Trust are requiring open dissemination.

Students are on board through the Right to Research Coalition, which has issued an OA Declaration. Students across North America have signed, including our own SU.

Tools to assist authors, like our own institutional repository, like Subject repositories (ArXiv, PubMed Canada, BioMed Central) and journal software all facilitate an easy and comprehensive approach to archiving material openly.

Intellectual property

- Trademarks, patents, copyright
 - Commercialization:
University Technology Transfer
 - » Geoff Moon, Manager
- U of Calgary Intellectual Property Policy
 - www.ucalgary.ca/policies
 - » Search "Intellectual Property" =PDF



If we are to talk of Open Access and rights one has as a creator, it is important to define what intellectual property is in order to make informed decisions. The Intellectual Property Policy is clearly outlined in a document set out by University Technology Transfer. Intellectual Property is the material or communicable result of scientific, artistic, humanistic and literary endeavour. That would include trademarks, patents, copyright and industrial design. Trademark and patent information is beyond the scope of this discussion but you can find out more at UTI by contacting Geoff Moon. Today we will discuss the basics of copyright so that you are aware of your rights and those of others whose work you might reference.

Copyright Basics

- Exists automatically
- No need for c in circle
- Right to adapt, translate, publish, perform in public and telecommunicate
- Life plus 50 years
- Media neutral
- Employer owned unless contract to contrary
- Few exceptions
 - Fair Dealing
 - Education and Library Exemptions



Canada has signed several treaties and conventions which set down the basics for inclusion in our Copyright Act. Copyright does not need to be registered (although it can be) as it exists automatically as soon as an original idea is set out in fixed form. There is no need for a c in a circle or words stating that rights have been reserved - the creator of the work owns the work and can allow the work to be adapted, translated, published, performed in public or telecommunicated. Copyright exists for 50 years after the death of the creator and passes to the heirs of the creator much as any real property would. The Copyright Act was enacted in 1924 and was worded in such a way so that it does not matter what format the work is in - the Act is meant to cover video, text, audio in the same way irrespective of media format.

Copyright automatically belongs to the creator in most cases. The major exception to this is that employers usually own the work produced by their employees unless there is an agreement to the contrary. The University of Calgary (in the IP Policy previously mentioned) is very generous in allowing the works created at the University of Calgary to remain copyright to the creator - while maintaining some economic interest should the work be commercialized. Again, one should consult the IP Policy which is very specific in outlining the various policies in various situations.

Copyright Basics (cont'd)

- Exists automatically
- No need for c in circle
- Right to adapt, translate, publish, perform in public and telecommunicate
- Life plus 50 years
- Media neutral
- Employer owned unless contract to contrary
- Few exceptions
 - Fair Dealing
 - Education and Library Exemptions



The Canadian Copyright Act provides few exceptions for users of copyright material. One might think that one could use material that is freely available on the Web or that is not producing a profit or is being used for educational uses. On the contrary, none of those reasons allows one to use works without permission. There are some educational exemptions - the most important is that of being allowed to copy a work for presentation in a Powerpoint presentation. A library exception also allows one to use document delivery with other libraries to obtain works not in your institution's collection. But the most important exception we have is that of fair dealing which allows one to use a part of a work for individual research or private study, for criticism or review or for news reporting, as long as original source is credited. This fair dealing doctrine can be interpreted in a conservative or a more liberal way. There is one court case (CCH versus the Law Society of Upper Canada) which gives a great deal of latitude in the parameters of fair dealing but this interpretation has not been reflected in Canadian Copyright Law yet.

Respecting copyright

YOURS: Know your rights (IP Policy)
Copyright info at U of C
<http://library.ucalgary.ca/copyright>
Creative Commons Licences
<http://creativecommons.ca>

OTHERS: Citations as per academic standard
Permissions for 3rd party works
http://grad.ucalgary.ca/files/grad/t_thesis_distribution.pdf



So it is important to know the rights of others when using third party materials as well as to know your own rights as a creator. So check out the IP Policy at the university which not only speaks to copyright and ownership but has specific outlines for grad students. There is a comprehensive site which describes copyright issues and concerns and includes an FAQ which covers all sorts of copyright situations. And finally, one can look at Creative Commons to learn about licensing your material so that you reserve some rights when making your work available to others while retaining other rights. Essentially you have “some rights reserved”. You get to choose what rights you want and do not need a lawyer to develop a contract - the Creative Commons licence is provided to you with the proper clauses included. Many Open Access documents are created with a Creative Commons licence - and you will see that logo when reviewing them.

Respecting copyright (cont'd)

YOURS: Know your rights (IP Policy)
Copyright info at U of C
<http://library.ucalgary.ca/copyright>
Creative Commons Licences
<http://creativecommons.ca>

OTHERS: Citations as per academic standard
Permissions for 3rd party works
http://grad.ucalgary.ca/files/grad/t_thesis_distribution.pdf



As for respecting the rights of others, you should also cite in the standard academic way when using small quotes or other small portions of a work. However, when using images, photographs, charts or larger portions of text, you need to get permission for the material you wish to use if it does not fall under fair dealing. Essays and other internal documents are usually covered by fair dealing "critical analysis and review" but once we are looking at wider dissemination such as a thesis or a conference presentation, it is important to ensure that you have proper permissions secured in advance. It is often useful to set up an Excel spreadsheet so that you can track material and what contacts you have made for permissions. It is usually best to get the permission in writing - an email is fine as long as the title of the work is mentioned and that the document is dated. This is even more important if the work is to be published in a journal or anthology. There is more information on grad students and their theses at the grad studies website included on the slide.

And finally, one could look at the insert in the Calgary Herald on Monday, October 18 from Athabasca University which outlines some of the issues of the new copyright bill C-32 currently tabled in the House of Commons and how the amendments can affect students and faculty.

Open Access at UofC

- OA Authors fund
- Institutional Repository
- Thesis project
- Synergies and journals
- UofC Press



The Open Access Authors fund provides \$100,000 annually to assist authors to publish in OA journal. To date, we have supported over 140 authors who have published their work in open journals. Graduate Students are eligible to apply for assistance from this fund.

Our repository provides a place for articles – if you have secured copyright for your own work, you can include it in the repository. Articles will be harvested by the major search engines (Google, Google Scholar and others) and you will be able to track usage of your material, both by numbers and geographically.

The repository is also the home for digital copies of University of Calgary Theses. Beginning next spring, students will submit their thesis and any accompanying files to the repository as part of the official approval process. Watch for training sessions and instructions beginning early in the New Year.

We participate in the national Synergies project, which is providing assistance to SSH journals to move to an online presence. As long as the journal meets SSHRC requirements, it can be hosted and searched in the Synergies portal. We have graduate student journals already, so if you are aware of any such journals let us know.

Finally, the University of Calgary Press is publishing its first OA monograph this week. We look forward to many others that provide access to scholarly work without barriers.

Open Access Resources

- [SHERPA/Romeo List](#)
- [Directory of Open Access Journals](#)
- Creative Commons
- SPARC/CARL
- [York Grad Page](#)



The Sherpa Romeo list is invaluable to find out what journals allow in terms of open access. We use it constantly for seeking permissions for the institutional repository.

The Directory of Open Access Journals provides information on journals in which you might choose to publish your work.

We have seen the Creative Commons license, but don't forget the Canadian Author Addendum, which you can use with publishers to secure your rights

SPARC, the Scholarly Publishing and Academic Resource Coalition has extensive web pages that will help you to learn more about OA and advocate with your colleagues

And, in the spirit of Open Access, I found this terrific site from York University, which has a wonderful set of resources specifically chosen for Graduate Students.

Questions?

Contact us:

Wendy Stephens – wstephen@ucalgary.ca

Mary Westell – westell@ucalgary.ca

Centre for Scholarly Communication
<http://www.ucalgary.ca/scholarlycommunication>

openaccessweek.org



Using the SPARC Canadian Author Addendum to secure your rights as the author of a journal article

SPARC®



THE SPARC CANADIAN AUTHOR ADDENDUM

Your article has been accepted for publication in a journal and, like your colleagues, you want it to have the widest possible distribution and impact in the scholarly community. In the past, this required print publication. Today you have other options, like online archiving, but the publication agreement you'll likely encounter will actually prevent broad distribution of your work.

You would never knowingly keep your research from a readership that could benefit from it, but signing a restrictive publication agreement limits your scholarly universe and lessens your impact as an author.

Why? According to the traditional publication agreement, all rights — including copyright — go to the journal. You probably want to include sections of your article in later works. You might want to give copies to your class or distribute it among colleagues. And you likely want to place it on your Web page or in an online repository if you had the choice. These are all ways to give your research wide exposure and fulfill your goals as a scholar, but they are inhibited by the traditional agreement. If you sign on the publisher's dotted line, is there any way to retain these critical rights?

Yes. The SPARC Canadian Author Addendum is a legal instrument that modifies the publisher's agreement and allows you to keep key rights to your articles. The Author Addendum is a free resource developed by SPARC and in partnership with Creative Commons <http://creativecommons.org/> and Science Commons <http://sciencecommons.org/>, established non-profit organizations that offer a range of copyright options for many different creative endeavors. See also Creative Commons Canada <http://creativecommons.org/international/ca/>. It has been adapted for the Canadian context by the Canadian Association of Research Libraries (CARL) <http://www.carl-abrc.ca/>.

The SPARC Canadian Author Addendum is online at www.carl-abrc.ca/projects/author/author-e.html

KNOW YOUR RIGHTS AS THE AUTHOR

- **The author is the copyright holder.**
As the author of a work you are the copyright holder unless and until you transfer the copyright to someone else in a signed agreement.
- **Assigning your rights matters.**
Normally, the copyright holder possesses the exclusive rights of reproduction, distribution, public performance, public display, and modification of the original work. An author who has transferred copyright without retaining these rights must ask permission unless the use is one of the statutory exemptions in copyright law.
- **The copyright holder controls the work.**
Decisions concerning use of the work, such as distribution, access, pricing, updates, and any use restrictions belong to the copyright holder. Authors who have transferred their copyright without retaining any rights may not be able to place the work on course Web sites, copy it for students or colleagues, deposit the work in a public online archive, or reuse portions in a subsequent work. That's why it is important to retain the rights you need.
- **Transferring copyright doesn't have to be all or nothing.**
The law allows you to transfer copyright while holding back rights for yourself and others. This is the compromise that the SPARC Canadian Author Addendum helps you to achieve.

SCRUTINIZE THE PUBLICATION AGREEMENT

- **Read the publication agreement with great care.**
Publishers' agreements (often titled "Copyright Transfer Agreement") have traditionally been used to transfer copyright or key use rights from author to publisher. They are written by publishers and may capture more of your rights than are necessary to publish the work. Ensuring the agreement is balanced and has a clear statement of your rights is up to you.
- **Publishing agreements are negotiable.**
Publishers require only your permission to publish an article, not a wholesale transfer of copyright. Hold onto rights to make use of the work in ways that serve your needs and that promote education and research activities.

- **Value the copyright in your intellectual property.**
A journal article is often the culmination of years of study, research, and hard work. The more the article is read and cited, the greater its value. But if you give away control in the copyright agreement, you may limit its use. Before transferring ownership of your intellectual output, understand the consequences and options.

A BALANCED APPROACH TO COPYRIGHT MANAGEMENT:

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 AUTHOR 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 SPARC Canadian 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.

HOW TO USE THE SPARC CANADIAN AUTHOR ADDENDUM:

1. Complete the addendum at www.carl-abrc.ca/projects/author/author-e.html
2. Print a copy of the addendum and attach it to your publishing agreement.
3. Note in a cover letter to your publisher that you have included an addendum to the agreement.
4. Mail the addendum with your publishing agreement and a cover letter to your publisher.

The SPARC Canadian Author Addendum makes it easy for researchers to comply with emerging Research Funding Agency Access Policies.

See, for example, the Canadian Institutes of Health Research (CIHR) Policy on Access to Research Outputs <<http://www.cihr-irsc.gc.ca/e/32005.html>>.

"The SPARC Canadian Author Addendum allows researchers to have maximum impact and visibility for their publications — but they have the comfort level of knowing that they have retained important rights. The SPARC Canadian Author Addendum is a very welcome tool and CARL encourages authors to use it."

Carolynne Presser,
Chair, CARL Committee on
Scholarly Communication
Director of Libraries,
University of Manitoba
April 2007

Be a responsible steward of your intellectual property. Retain vital rights for you and your readers while authorizing publishing activities that benefit everyone by making scholarship more widely available.

CARL gratefully acknowledges the assistance and financial contribution of SPARC (the Scholarly Publishing & Academic Resources Coalition) in helping develop the SPARC Canadian Author Addendum. SPARC is online at www.arl.org/sparc. To learn more about emerging digital scholarship trends in various fields and about open access visit Create Change Canada at www.createchangecanada.ca.

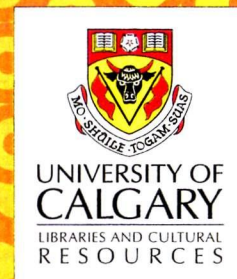


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A Very Brief Introduction to Open Access

by Peter Suber

<http://www.earlham.edu/~peters/fos/brief.htm>



Open-access (OA) literature is digital, online, free of charge, and free of most copyright and licensing restrictions. What makes it possible is the internet and the consent of the author or copyright-holder.

OA is entirely compatible with peer review, and all the major OA initiatives for scientific and scholarly literature insist on its importance. Just as authors of journal articles donate their labor, so do most journal editors and referees participating in peer review.

OA literature is not free to produce, even if it is less expensive to produce than conventionally published literature. The question is not whether scholarly literature can be made costless, but whether there are better ways to pay the bills than by charging readers and creating access barriers. Business models for paying the bills depend on how OA is delivered.

There are two primary vehicles for delivering OA to research articles: OA journals and OA archives or repositories.

OA Journals:

OA journals perform peer review and then make the approved contents freely available to the world. Their expenses consist of peer review, manuscript preparation, and server space.

OA journals pay their bills very much the way broadcast television and radio stations do: those with an interest in disseminating the content pay the production costs upfront so that access can be free of charge for everyone with the right equipment. Sometimes this means that journals have a subsidy from the hosting university or professional society. Sometimes it means that journals charge a processing fee on accepted articles, to be paid by the author or the author's sponsor (employer, funding agency).

OA journals that charge processing fees usually waive them in cases of economic hardship.

OA journals with institutional subsidies tend to charge no processing fees.

OA journals can get by on lower subsidies or fees if they have income from other publications, advertising, priced add-ons, or auxiliary services. Some institutions and consortia arrange fee discounts. Some OA publishers waive the fee for all researchers affiliated with institutions that have purchased an annual membership. There's a lot of room for creativity in finding ways to pay the costs of a peer-reviewed OA journal, and we're far from having exhausted our cleverness and imagination.

OA Archives or repositories:

OA archives or repositories do not perform peer review, but simply make their contents freely available to the world. They may contain unrefereed preprints, refereed postprints, or both.

Archives may belong to institutions, such as universities and laboratories, or disciplines, such as physics and economics.

Authors may archive their preprints without anyone else's permission, and a majority of journals already permit authors to archive their postprints. When archives comply with the metadata harvesting protocol of the Open Archives Initiative, then they are interoperable and users can find their contents without knowing which archives exist, where they are located, or what they contain. There is now open-source software for building and maintaining OAI-compliant archives and worldwide momentum for using it. The costs of an archive are negligible: some server space and a fraction of the time of a technician.



What Faculty Can Do to Promote Open Access

Submit your research articles to OA journals, when there are appropriate OA journals in your field.

Deposit your preprints in an open-access, OAI-compliant archive. <http://www.openarchives.org/>

- It could be a disciplinary or institutional archive.
- If your institution doesn't have one already, then faculty or librarians should launch one. See the list for librarians, below. <http://www.earlham.edu/~peters/fos/do.htm#librarians#librarians>
- There is no comprehensive list of open-access, OAI-compliant archives, but I maintain a list of the best lists. <http://www.earlham.edu/~peters/fos/lists.htm#archives>
- If you have questions about archiving your eprints, then see Stevan Harnad's Self-Archiving FAQ. <http://www.eprints.org/openaccess/self-faq/>

Deposit your postprints in an open-access repository.

- The "postprint" is the version accepted by the peer-review process of a journal, often after some revision.
- If you transferred copyright to your publisher, then postprint archiving requires the journal's permission. However, many journals --about 80%-- have already consented in advance to postprint archiving by authors. Some will consent when asked. Some will not consent. For publisher policies about copyright and author archiving, see the searchable database maintained by Project SHERPA. <http://romeo.eprints.org/stats.php>
<http://www.sherpa.ac.uk/romeo/index.html>
<http://www.sherpa.ac.uk/>
- If you have not yet transferred copyright to a publisher, then ask to retain copyright. <http://www.earlham.edu/~peters/fos/do.htm#retaincopyright>
- If the journal does not let you retain copyright, then ask at least for the right of postprint archiving.
 - If it does not let you retain the right to archive your postprint, then ask for permission to put the postprint on your personal web site. For many journals, the difference between OA through an archive and OA through a personal web site is significant.
- If you have transferred copyright and the publisher does not allow postprint archiving, then at least deposit the article's metadata (essentially, citation information like author, title, journal, date, and so on) in an OA archive. That will allow researchers to learn of the article's existence when running searches, and ask you for a copy by email.
 - In most cases you can also put the full-text in the archive and select an option for "institutional access" rather than "open access". At least that makes the article available to your immediate colleagues and students. Moreover, if the publisher allows OA archiving after an embargo period like six months, then this method makes OA one mouse click away, easy to reach when the time comes.
- The chief benefit of postprint archiving is reaching a much larger audience than you could reach with any priced publication (in print or online). Reaching a larger audience increases your impact, including your citation count. Many studies confirm that OA articles are cited significantly more often (on the order of 50-300% more often) than non-OA articles from the same journal and year. <http://opcit.eprints.org/oacitation-biblio.html>
- Because most non-OA journals permit postprint archiving, it is compatible with publishing in a non-OA journal. Don't assume that publishing in a conventional or non-OA journal forecloses the possibility of providing OA to your own work --on the contrary.

Deposit your data files in an OA archive along with the articles built on them. Whenever possible, link to the data files from the articles, and vice versa, so that readers of one know where to find the other.

When asked to referee a paper or serve on the editorial board for an OA journal, accept the invitation.

- Faculty needn't donate their time and labor to journals that lock up their content behind access barriers where it is less useful to the profession. Universities should support faculty who make this otherwise career-jeopardizing decision. Faculty don't need to boycott priced journals, but they don't need to assist them either.

If you are an editor of a toll-access journal, then start an in-house discussion about converting to OA, experimenting with OA, letting authors retain copyright, abolishing the Ingelfinger rule, or declaring independence (quitting and launching an OA journal to serve the same research niche).

<http://www.earlham.edu/~peters/fos/lists.htm#declarations>

- For more ideas of what journals can do, see the list for journals <http://www.earlham.edu/~peters/fos/do.htm#journals>

Volunteer to serve on your university's committee to evaluate faculty for promotion and tenure. Make sure the committee is using criteria that, at the very least, do not penalize faculty for publishing in peer-reviewed OA journals. At best, adjust the criteria to give faculty an incentive to provide OA to their peer-reviewed research articles and preprints, either through OA journals or OA archives.

See how other learned societies support OA.

<http://www.earlham.edu/~peters/fos/newsletter/11-02-07.htm#list>

Work with your professional societies to make sure they understand OA. Persuade the organization to make its own journals OA, endorse OA for other journals in the field, and support OA eprint archiving by all scholars in the field.

<http://www.earlham.edu/~peters/fos/overview.htm>

- If the society launches a disciplinary eprint archive for the field, consider offering to have your university host it, just as arXiv (for example) is hosted by Cornell. <http://arxiv.org/>
- Also see the list of what learned societies can do. Ask the societies where you pay dues to consider these actions. Ask other members to help you change access policies at the society. <http://www.earlham.edu/~peters/fos/do.htm#societies>

Write opinion pieces (articles, journal editorials, newspapers op-eds, letters to the editor, discussion forum postings) advancing the cause of OA.

Educate the next generation of scientists and scholars about OA.