COPYRIGHT - FREQUENTLY ASKED QUESTIONS

Please note: this document can only provide guidelines and should not be relied on for legal advice.

For additional information on copyright, consult the Libraries research guide on this topic.

Q. What is copyright?
A. Copyright defines the ownership of a piece of intellectual property and the associated rights to make and distribute copies of it. In the first instance, the creator of a work is also the copyright owner, but copyright can be transferred. In practical terms, even if you are the author the permission of the copyright owner is required to:

- Distribute an article to colleagues or students
- Place an article in an online repository or on any publicly accessible website
- Publish it in another form such as a book chapter

Q. Who owns the copyright of my published articles?
A. It is common for journal publishers to routinely ask authors to transfer copyright to the publisher, although a small number of publishers allow the author to retain it. You should carefully read and retain any copyright statement that you sign. You may be able to negotiate variations to the copyright agreement if the publisher is willing. As author, you always retain the right to be identified whenever the work is distributed or published.

Q. Why should I place a copy of my article in CSU Scholar Works?
A. If your article is in the CSU Scholar Works, it will be freely available to all users of the Internet. The full text will be indexed by search engines like Google Scholar, which will significantly increase its readership.

One of the following will need to apply before you can deposit the work into the CSU Scholar Works:

- you as the author retain copyright ownership OR
- you have transferred your copyright ownership to the publisher; however, you have retained the right to deposit a version of your work into a digital repository OR
- permission to deposit has subsequently been granted by the publisher.
Q. What should I do to ensure that my future publications can be put into the CSU Scholar Works?

A. You should:

• Always check the conditions of a publisher's contract before you sign it. Several websites including http://www.arl.org/sparc/author/ and http://sciencecommons.org/ can help you with wording to add to the contract, allowing you to put your work into CSU Scholar Works, rather than assigning copyright in full to the publisher. Publishers are encountering this more often as open access repositories gain momentum around the world.
• Keep a copy of the final Word version of the article that you send to the editor after all changes have been made to it.

Q. Will the publisher allow me to place a copy of my article in the CSU Scholar Works?

A. Most of the major academic publishers will allow you to place your article on a university website or in a digital repository but there may be some restrictions:

• There may be an embargo period which specifies a delay between the publication of the article in the journal and its being made available through the repository.
• The publisher may specify that the version used must not reflect the changes made to it as part of the peer review process (i.e. the version used must be a “pre-print”).
• The publisher may allow the peer-reviewed version (the “post-print”) to be used, but prohibit use of the article as it appeared in the journal (the “publisher’s version”).
• The publisher may insist that a link be included to the official version on its website.

Repository staff can help you determine what your rights are and assist you to get the necessary clearance to put your paper into the repository.

Q. What exactly is a “publisher’s version” of an article?

A. It is the formal version of the article (generally a PDF) with all of the branding and page numbers. Broadly speaking, if the PDF has been downloaded from the publisher’s site, or by using your CSU access, then it is the publisher’s version. The publisher may provide you with your own copy of the PDF, but this will also be the publisher’s version and may not be placed on a website or in a repository.
Q. How can I get hold of a post-print of an article that is not the publisher’s version?

A. Your own final version of the article (after peer review) will probably be as good as you can get. Make sure that you hold onto this as a Word document even after you receive the publisher’s final proof and your own copy of the published PDF. Minor variations between this and the published version will generally not be important.

Q. Why are we required to link to the publisher’s version even if we have placed our own version in the repository?

A. It is generally a requirement, as the publisher may sell the article to someone who absolutely needs the publisher’s version. It is also good practice because it enables anyone with a right to access this version to do so.

Q. What about a scanned version of the article?

A. That would also be subject to copyright. A scan is just a copy of the publisher’s version of the article and unless you are the copyright owner you are not allowed to distribute it.

Q. Then why should I place another version of my article in the repository if people can just get it from the publisher’s site?

A. If your article is in the repository, then anyone on the Internet is able to access and read it even if they don’t have access rights to the journal through a subscription. Placing your article in the repository will significantly increase its readership and may lead to citations of the article in other scholarly works.

Q. Where can I locate the copyright policies for a journal in which I have published?

A. Check the publisher’s or journal website and the documentation you were sent by the publisher when your article was accepted. A UK higher education consortium called SHERPA provides SHERPA/RoMEO, a searchable database of publisher policies. See http://www.sherpa.ac.uk/romeo.php. For conferences, it is best to contact the publisher of the conference proceedings directly.
Q. What protection does my work have in a digital repository?

A. Generally speaking, your work is no more or less vulnerable in a repository than in any other published form such as in print on the publisher’s website. You retain the right to be identified as the author and any use of your work that did not acknowledge your authorship would constitute plagiarism and even breach of copyright if a substantial portion was used.