

# Exploiting Elsevier's Creative Commons License Requirement to Subvert Embargo

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## New Elsevier Sharing Policy

[Unleashing the Power of Academic Sharing](#) April 30, 2015 Elsevier Connect press release by Alicia Wise:

"We invite hosting platforms – whether repositories or social collaboration networks – to work with us to make the vision of seamless research sharing a reality."

"We ask that shared copies contain a DOI link back to the formal publication and be distributed under a clear user license...we will take steps to ensure that from the point of acceptance all manuscripts and articles are tagged with this information, including a noncommercial Creative Commons user license (CC BY NC ND) on all accepted manuscripts."

"For institutional repositories, we have removed a complex distinction between mandated and voluntary posting, thereby permitting all institutional repositories to host their researchers' accepted manuscripts immediately and to make these publicly accessible after the embargo period."

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General Conditions:	<ul style="list-style-type: none"><li>Authors pre-print on any website, including arXiv and RePEC</li><li>Author's post-print on author's personal website immediately</li><li>Author's post-print on open access repository after an embargo period of between 12 months and 48 months</li><li>Permitted deposit due to Funding Body, Institutional and Governmental policy or mandate, may be required to comply with embargo periods of 12 months to 48 months</li><li>Author's post-print may be used to update arXiv and RepEC</li><li>Publisher's version/PDF cannot be used</li><li>Must link to publisher version with DOI</li><li>Author's post-print must be released with a Creative Commons Attribution Non-Commercial No Derivatives License</li></ul>
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## OA Community Reaction

[Stepping Back from Sharing](#) May 4, 2015 *Scholarly Communications @ Duke* blog post by Kevin Smith highlights 2 problems: **embargoes** ("complicated and draconian") and **restrictive license** (CC-BY-NC-ND "further limits the usefulness of these articles for real sharing and scholarly advancement"). Further: "...the new policy is exactly a reverse of what Elsevier calls it; it is a retreat from sharing and an effort to hamstring the movement toward more open scholarship."

[Statement Against Elsevier's Sharing Policy](#) May 20, 2015 COAR/SPARC joint statement: "The policy imposes **unacceptably long embargo periods** of up to 48 months for some journals. It also **requires authors to apply a "non-commercial and no derivative works" license** for each article deposited into a repository, greatly inhibiting the re-use value of these articles."

[Universities Yelp as Elsevier Pulls Back on Free Access](#) May 29, 2015 *Chronicle of Higher Education*

## Embargo Subversion: Theory

Question: How can we work within the policy to support author rights, achieve greater access to scholarly work, and build and leverage institutional repositories?

Answer: Turn one sticking point (restrictive license) against the other (embargoes). By allowing immediate AAM posting to the author's "personal website or blog" with CC license, Elsevier has created the avenue for subverting any embargo in repositories.

Per CC's website, under a [CC-BY-NC-ND license](#), "You are free to: - **SHARE** - copy and redistribute the material in any medium or format."

A so-licensed item, shared via author's personal website or blog, may be re-hosted on any non-commercial website, including institutional repositories.

## Embargo Subversion: Applied

1. Deposit AAM with embargo; explain how author can enable immediate full text IR sharing via licensed version on personal website or blog; OR
2. Explain how author can license and post on their personal website or blog, forward link to IR staff, and deposit sans embargo.

## Questions & Risks

- Difficult to scale
- Elsevier could change the policy
- What qualifies as a "personal website or blog"?

## Additional Resources

Digital version of this poster & supporting resources:  
<http://hdl.handle.net/1808/24107>

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