

# *Publication Agreements: Going Beyond the Boilerplate for Copyright and Future Access.*

Tuesday October 25th 2011.

**Town Peterson**, distinguished professor of ecology and evolutionary biology and senior curator at KU's Biodiversity Institute;  
**Rachel Rolf**, assistant general counsel;  
**Ada Emmett**, associate librarian for scholarly communication.

*A joint work by Ada Emmett and Jen Church-Duran*  
*This work is licensed under the Creative Commons Attribution-Noncommercial-Share Alike 3.0 United States License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-sa/3.0/us/> or send a letter to Creative Commons, 171 Second Street, Suite 300, San Francisco, California, 94105, USA.*



Rights  
equal  
Access

*Publication Agreements:  
Going Beyond the Boilerplate for Copyright and Future Access.*

Today:

- Copyright basics for authors– Ada Emmett
- Publication Agreements– Town Peterson and Rachel Rolf
- Beyond the boilerplates
- Questions, discussion.

# Copyright is A Bundle of Rights

*Rights are held by the OWNER of the work (not necessarily the creator/author). Owners may:*

- *Reproduce* - make copies of their works publicly or privately.
- *Adapt* - prepare additional works derived from their copyrighted work, (aka, derivative works).
- *Distribute* - Disseminate copies of their works, to the public by sale or other transfer of ownership, or by rental, lease, lending.
- *Perform* - Perform their work publicly (at location open to the public or to persons other than close family and social acquaintances).
- *Display* - Display their work publicly (applies to all works except sound recordings and architectural works).

# Length of Protections offered to Owners of Copyright

- Copyright Term Extension Act, 1998
  - Adds 20 years to the duration of copyright
  - Life of author plus 70 years
  - Joint work – 70 years after last surviving author's death

# Connecting the Copyright laws with Publication Agreements:

- Publishers generally request the transfer all of the rights in copyright– but grant BACK to authors some of those rights.
- Two common ways that authors give rights to publishers (and vice versa)
  - granting of licenses, sharing via contract law.
  - transferring of copyrights
  - all or some of the “bundle”, providing exclusive or non-exclusive permissions or rights.
- The agreement is negotiable.

# Taking it a step further for greater access

## Beyond boilerplate contracts

- Publication agreements are negotiable contracts
- Addenda
- Ad hoc changes to the agreement
- CC licenses

# References

- Open Access information site,  
<http://openaccess.ku.edu>
- US Office of Copyright:  
<http://www.copyright.gov/circs/circ1.pdf>
- Example of a Creative Commons License with PLoS journal publisher,  
<http://www.plos.org/journals/license.php>
- Creative Commons License website:  
<http://creativecommons.org/about/>

Get help any time— Center for Digital Scholarship  
([libcds@ku.edu](mailto:libcds@ku.edu)):

*Ada Emmett*, [aemmett@ku.edu](mailto:aemmett@ku.edu), 864-8831

*Marianne Reed*, [mreed@ku.edu](mailto:mreed@ku.edu), 864-8913.