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Know Your Rights as an Author in Open Access Publications

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Know Your Rights as an Author in Open Access Publications

Abstract

How do you, as an author, take control of your own intellectual property? What criteria should you keep in mind when evaluating a journal for the submission of your work? This editorial discusses the answers to these questions, with an emphasis on an open access environment where a publication's quality might be harder to define. It also offers tips for negotiating your rights, as an author, over your intellectual property. *Numeracy* authors publish under a Creative Commons license, so we will explain what that means and why *Numeracy*'s newly-added Publication Ethics & Malpractice Statement is important.

Keywords

intellectual property, scholarly communication, author rights

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Cover Page Footnote

LeEtta Schmidt is the Copyright and Intellectual Property Librarian for the University of South Florida (USF) Libraries, where she provides guidance to faculty, students, and staff on the use of copyrighted materials both inside and outside the library. She has a master's degree in library science from the University of South Florida and was previously the editor of the *Journal of Interlibrary Loan, Document Delivery & Electronic Reserve*. ORCID: <http://orcid.org/0000-0002-9567-9065>

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All three provide production support for *Numeracy*.

Introduction

As an author in the scholarly publishing landscape, what are your rights, and how do you retain the rights to your intellectual work? Too often, authors sign the copyright of their work over to a publisher without realizing the impact this action has on their future ability to post a copy of their work on a personal website or institutional repository. Authors can sometimes negotiate retention of a portion of their rights, while some journals clearly delineate rights that the author retains under a Creative Commons license. The rise of institutional repositories and the prevalence of open access publishing options has brought attention to a situation where authors end up with fewer rights than they need for future work. This situation is further complicated by the operation of so-called “predatory” publishers. This editorial will outline some of the criteria you should keep in mind when evaluating a publication for the submission of your work. It will also discuss ethical considerations in publishing, what a Creative Commons license is, and why this license is important. Additionally, *Numeracy* has posted an Ethics and Malpractice Statement codifying some of the long-standing principles under which the journal has operated. We will explain why this statement is an essential aspect of the journal’s transparency in the scholarly community.

Journal Criteria and the Open Access Environment

Researchers must give important consideration to choosing a journal for the possible publication of their work. Many factors play into that decision, including a journal’s reputation and areas of specialization. Reputation plays an important part in the decision but can be hard to judge for newer or highly specialized journals. However, there are methods available that can help a researcher better understand the journals they are considering.

The Committee on Publication Ethics (COPE) is a non-profit organization that provides best practices, guidance, and authority on many different aspects of publication ethics.¹ This organization offers ethical assistance to journal editors, reviewers, and authors. COPE helps navigate these ethical waters by covering topics that range from addressing suspected peer review manipulation to what an editor should do if they suspect fabricated data.

When a researcher is evaluating a journal, it is important to know the journal's position on copyright, author rights, and licensing. By including this information on their website, the journal positions itself as policy-transparent, making their intellectual property practices clear, easily accessible, and direct. COPE advises that copyright information for articles be clearly stated on journal websites. This

¹ <https://publicationethics.org/about/our-organisation>. Accessed December 3, 2019.

suggestion includes licensing information, such as Creative Commons licenses, which should be clearly discernible on both HTML and PDF versions of journal articles (COPE Council 2018).

Similar to recommendations on information for copyright and intellectual property, journals should have a clear statement on peer review. This statement should include whether the journal is or is not peer-reviewed and, if peer-reviewed, the type and process of peer review, such as double- or single-blind review (COPE Council 2018). Additionally, COPE advocates for clear communication regarding article turnaround times on a journal's webpage. This information helps legitimize the journal by allowing researchers to see the methodologies and policies of the journal's peer-review process.

Another resource for researchers is *Think. Check. Submit.* This site is an international initiative from many cross-sector organizations such as COPE, Directory of Open Access Journals (DOAJ), International Network for the Availability of Scientific Publications, Ligue des Bibliothèques Européennes de Recherche – Association of, European Research Libraries, Open Access Publishing in European Networks, Open Access Scholarly Publishers Association (OASPA), International Association of STM Publishers, and UKSG.² It includes methods by which researchers can evaluate the quality of a journal by providing handy reference lists to help “researchers identify trusted journals for their research”³. For instance, one area in the reference list mentions examining the editorial board of a journal in order to determine if the board includes experts in a specific field. If the editors are experts in their field, and, additionally, they list the journal on their own websites or CVs, it may help affirm the trustworthiness of the journal. The ultimate decision on where to publish an article lies with a researcher, but *Think. Check. Submit.* offers tools to assist researchers in making an informed decision.

Creative Commons Licenses

The main output of the Creative Commons organization has been the creation of a license scheme wherein authors and creators can release their work with greater permissions than copyright law usually allows. In the United States, copyright law protects an original, creative work as soon as it is set down in a tangible form or saved in a way that can be returned to at a later time. The authors of those works enjoy the exclusive rights of copying, distribution, display, performance, and creation of derivatives. This exclusivity can restrict the reach and impact of a work, especially when published through traditional publications that monetize access to an article. Currently, there are six different Creative Commons licenses, as described in Table 1.

² <https://thinkchecksubmit.org/about/>. Accessed December 3, 2019.

³ Ibid.

Table 1
Explanation of all Creative Commons License Types

License	Plain Language	Meaning
CC-BY	Attribution	The author gives permission to the users for any copying, distribution, performance, display, and creation of derivatives as long as the author and original work are clearly cited.
CC-BY-SA	Attribution Share Alike	The author gives permissions for all that is included in a CC-BY license and requires the user to share any derivative created from the original work with the same license.
CC-BY-ND	Attribution No Derivatives	The author gives permission to the users for copying, distribution, performance and display as long as the author and original work are clearly cited. The creation of derivatives is not permitted without permissions.
CC-BY-NC	Attribution NonCommercial	The author gives permission to the users for any copying, distribution, performance, display, and creation of derivatives as long as the use is non-commercial and the author and original work are clearly cited.
CC-BY-NC-SA	Attribution Noncommercial Share Alike	The author gives permissions for all that is included in a CC-BY-NC license and requires the user to share any derivative created from the original work with the same license.
CC-BY-NC-ND	Attribution Noncommercial No Derivatives	The author gives permission to the users for copying, distribution, performance, and display as long as the use is non-commercial and the author and original work are clearly cited. The creation of derivatives is not permitted without permissions.

Notes: Please note that the information displayed in this table is was gathered in December 2019 and is current up as of this date. Updates to CC licensing information are ongoing. For more information, please refer to <https://creativecommons.org/>.

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could reach a wider audience. At the same time, this license guarantees that authors will receive proper attribution for their work, of which they retain copyright even though they have released a few specific rights. In addition to facilitating the free sharing of research and information, Creative Commons licenses empower the author by giving them more choice over how their materials are accessed and used. With Creative Commons licensing, the author retains copyright even as they license certain uses of their work. This result contrasts greatly with a traditional publishing model where publishers often require the authors to sign over their copyright to the publisher.

Taking Control of Your Intellectual Property

Selecting a Creative Commons license is one of many ways that authors can take control of their own intellectual property. Authors that proceed with a more traditional publishing process, without Creative Commons or other open licensing, can also exert control over their own intellectual property by submitting to journals that allow authors to retain rights over published content. Publisher policies are often posted openly online and give an indication of what authors are allowed to do with their works after publication. These policies can address situations where an author would want to archive their work in an institutional repository or use the work (with attribution to the original) in a future book or compilation. Deciding whether a journal is an advantageous publishing venue should include a review of author rights policies to make sure they do not overly restrict what authors can do with their published works in the future.

However, openly posted publisher's policies can change. An author's publishing contract is the most important resource for determining what rights an author retains during and after publication. Traditionally, publishers have required authors to sign over, or relinquish, their copyrights in the publication contract. This requirement means that the exclusive rights that United States Copyright law guarantees a rights-holder—that of copying, distribution, performance, display, and the creation of derivatives—no longer belong to the author. In this scenario, if an author wishes to create or authorize a translation, distribute copies of their work, or place their work online in an open location they would require permission from the publisher like any other user of the work. Publication contracts can also include a description of rights that the author retains, or uses of a work that the publisher allows authors after publication. These retained rights are usually similar to the publisher-posted policies but, as part of the publishing contract, are less subject to change.

Usually, a careful reading of the publication contract comes after an author has decided to publish in a journal and the peer review process is complete. If the contract is too restrictive, there are ways that an author can take control of their

rights without needing to withdraw their submission to the journal. Many publishers will consider negotiating a publishing contract to find a more balanced compromise between their needs and those of the author. The Scholarly Publishing and Academic Resources Coalition (SPARC) has created an author addendum that facilitates this negotiation.⁴ The SPARC Author Addendum “is a legal instrument that modifies the publisher’s agreement” to make sure that authors retain certain rights like non-commercial copying, distribution, performance, display, the creation of derivatives, and deposit in an institutional repository.⁵

***Numeracy’s* Newly-Added Publication Ethics & Malpractice Statement**

Numeracy conscientiously endeavors to follow best practices in protecting author rights and producing reliable, high quality content for its readers. When the journal was founded, the National Numeracy Network’s Board held a day-long meeting to discuss how to craft an interdisciplinary publication that would have maximum impact for the quantitative literacy (QL) community. Early on, the journal adopted an open access policy in accordance with the Budapest Open Access Initiative’s definition of open access⁶. *Numeracy* was an early adopter of a Creative Commons license to protect its author’s rights and was the first journal on the Scholar Commons platform to receive the DOAJ seal for its high degree of openness and adherence to best publishing practices.⁷

Now *Numeracy* has added an Ethics and Malpractice Statement, listed in the journal’s sidebar, which outlines the journal’s policies on following ethical practices. This statement, based heavily on COPE’s guidelines, details expectations of editors, authors, and reviewers.⁸ It also outlines aspects of ethical publishing to which *Numeracy* adheres, including how the editors will handle challenges to the journal’s content:

1. **SAFEGUARDING ETHICS:** The monitoring and safeguarding of publishing ethics will be maintained by the editors of *Numeracy*.

⁴ See <https://sparcopen.org/our-work/author-rights/sparc-author-addendum-text/> for a copy of the SPARC Author Addendum.

⁵ <https://sparcopen.org/our-work/author-rights/brochure-html>. Accessed December 4, 2019.

⁶ Please see <https://scholarcommons.usf.edu/numeracy/policies.html#oapolicy> for a copy of *Numeracy*’s open access policy.

⁷ For more information about the DOAJ Seal and *Numeracy*, please see: Borchert and Boczar (2016).

⁸ <https://publicationethics.org/core-practices>. Accessed December 3, 2019.

2. **RETRACTING ARTICLES:** *Numeracy* is always willing to publish corrections, clarifications, retractions, and apologies as appropriate and when needed in accordance with *Numeracy's* ethical guidelines.
3. **INTEGRITY OF THE ACADEMIC RECORD:** The editors of *Numeracy* shall maintain the highest levels of intellectual and ethical standards, without the interference of business needs.
4. **NO PLAGIARISM, NO FRAUDULENT DATA:** *Numeracy* is committed to only publishing manuscripts that are free from any plagiarism and that contain no fraudulent data. Unethical publication practices are not tolerated by *Numeracy*.⁹

Numeracy makes these commitments to the QL community, to remain dedicated to maintaining high standards of quality and ethical publishing.

Conclusion

There are many different ways to publish scholarly research but the academic journal continues to be one of the main avenues. While academic journals are a traditional method of publication, open access provides an opportunity to advance academic journals towards greater impact, reach, and equality of access. With that advancement, however, there are new issues to consider. Since open access journals can be created outside of the traditional journal publishing environment, new publishers and journals are arriving on the scene with increasing regularity. Researchers should understand how to evaluate a journal and learn about their own rights as an author in order to conscientiously choose a publishing venue from among journals of both traditional and open access publishing processes.

Numeracy provides many ways for researchers to understand the commitment of the journal to its authors and publishing ethics. These include an explicit statement on licensing, a new Ethics & Malpractice Statement page outlining the journal's policies, as well as the editors' understanding of the importance of ethical considerations. These commitments to transparency in policy and practice indicate the extent to which *Numeracy* is dedicated to bringing research excellence to readers worldwide at no cost to the author or reader.

References

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<http://dx.doi.org/10.5038/1936-4660.9.2.1>.

⁹ <https://scholarcommons.usf.edu/numeracy/ethicsmalpractice.html>. Accessed November 15, 2019.

COPE Council, OASPA, DOAJ, and WAME. 2018. “Principles of Transparency and Best Practice in Scholarly Publishing.” Accessed December 3, 2019. <https://doi.org/10.24318/cope.2019.1.12>.