

Open Access & Creative Licensing

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Discussion points

- Rights & licensing in STM publishing space
- Business Models & Open Access
- Implications of Gold OA on Licensing
- Creative Commons

UN Declaration Human Rights (1948) Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Rights in STM publishing

- Traditional contract issues:
 - Author-publisher (upstream)
 - Transfer of rights (or license of rights) from authors to publisher
 - Use (downstream) of digital content
 - Library & other customer subscription access agreements
 - On-line use (terms & conditions)
 - Secondary licensing rights (CMOs, permissions, adaptations)



Creative licensing

- STM industry developments re on-line access & licensing (starting late 1990's):
 - Clarity
 - Anticipated uses
 - Warranties & service issues
 - Online or electronic if possible
- Others in academic/research space also experimented with on-line terms
 - Adopting from Open Source (“O/S”) licensing
 - Online terms, no written paper-based contracts

Business models & OA

- Traditional copyright models
 - Sell access, copies or a right to copy
 - STM publishing: subscriptions, permissions
- OA (free at the point of access) models:
 - Green: through informal posting on pre-print servers or web sites (normally of pre-final versions of articles)
 - Gold: supported by research funders or institutions or directly by authors (through “publishing charges”) of final versions
 - In both OA-only or “hybrid” journals

Online OA posting requirements

Green:

- Journal publishing agreement between author-publisher (“JPA”) may require author to:
 - Identify Journal & update posted record re publication status, DOI link
 - Indicate any further use-distribution limitations
 - Honour specified waiting period



Online OA posting requirements

Gold:

- Funding agency or other institution may require author to:
 - Post (sometimes to specified site)
 - Final version (or publishers may offer discounts for pre-final versions with peer-review comments)
 - Accessible within specified period
- Publishers providing OA generally include online usage terms & conditions



OA downstream licensing requirements

Gold:

- Funding agencies requiring or suggesting:
 - Creative Commons license
 - Often the CC version permitting maximum re-use (CC BY)
- Publishers also adopting to CC approaches:
 - “Apparent simplicity”
 - Market demands

wellcome^{trust}

Creative commons– O/S history

- “Free software” movement 1983– became O/S 1998
- Engineers post software that can be used by other engineers, re-combined & new versions re-posted
- GNU general public license commonly used– free to use provided new versions using O/S code also use same terms (“**share-alike**”)

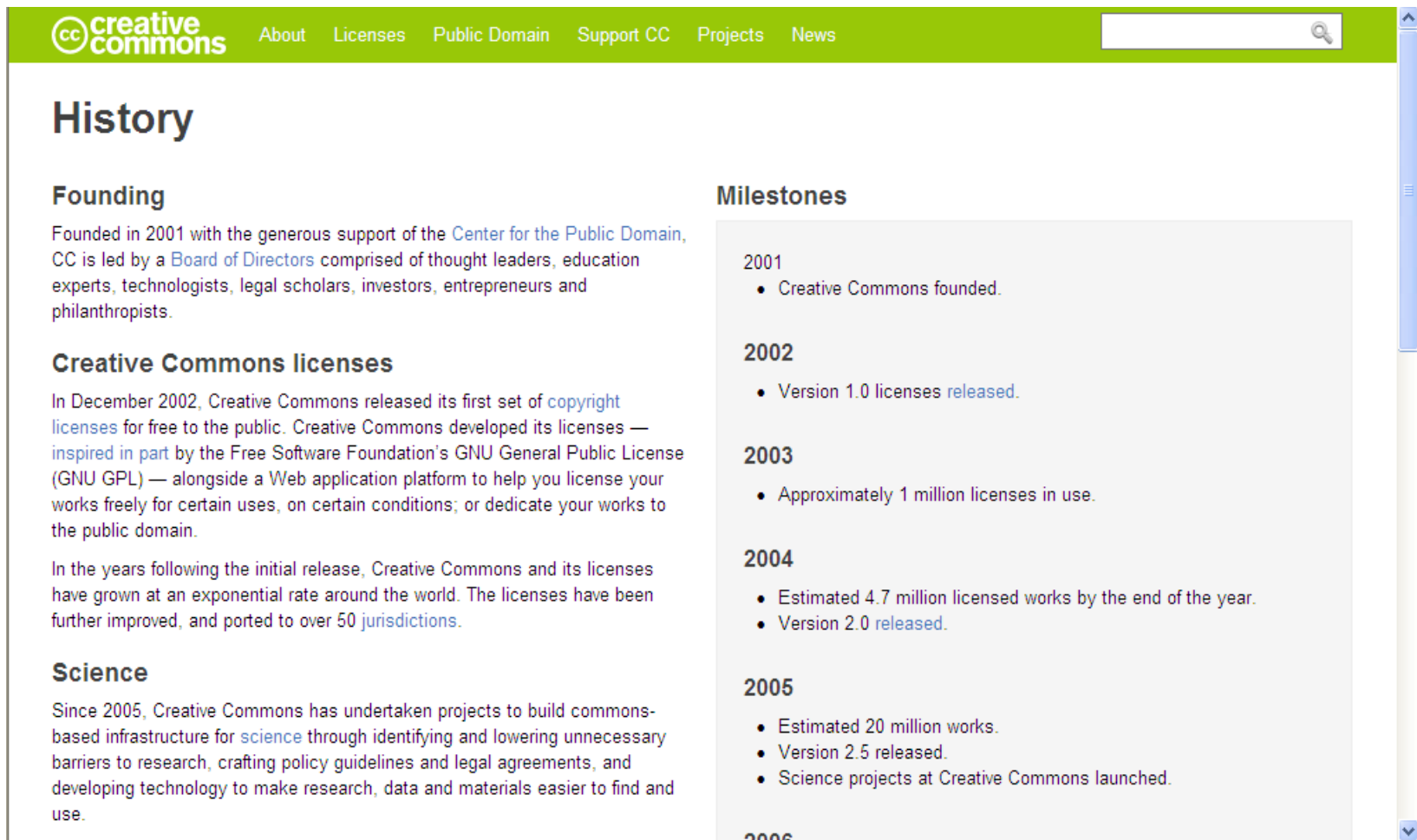
Open Source Initiative logo TM



Creative commons– why?

- Creative Commons founded 2001/2002 by Lawrence Lessig (“free culture”) & others
- Supporting new methods for distributing content by
 - Providing legal support for creators to post their content online directly but with license
 - “some rights reserved” (vs. “all rights”)
 - Broadcast to narrow-cast (even one-to-one exchanges)

Creativecommons.org



The screenshot shows the Creative Commons website's 'History' page. The top navigation bar is green and contains the Creative Commons logo, links for 'About', 'Licenses', 'Public Domain', 'Support CC', 'Projects', and 'News', and a search box. The main content area is white and features a large 'History' heading. Below this, there are three main sections: 'Founding', 'Creative Commons licenses', and 'Science'. To the right of the 'Founding' and 'Creative Commons licenses' sections is a 'Milestones' section, which is a vertical list of years from 2001 to 2006, each with a bulleted list of key events. The 'Founding' section describes the organization's establishment in 2001. The 'Creative Commons licenses' section details the release of the first licenses in 2002 and their subsequent growth. The 'Science' section discusses projects initiated in 2005. The 'Milestones' section provides a year-by-year summary of major events, including the founding, the release of license versions 1.0, 2.0, and 2.5, and the launch of science projects.

History

Founding

Founded in 2001 with the generous support of the [Center for the Public Domain](#), CC is led by a [Board of Directors](#) comprised of thought leaders, education experts, technologists, legal scholars, investors, entrepreneurs and philanthropists.

Creative Commons licenses

In December 2002, Creative Commons released its first set of [copyright licenses](#) for free to the public. Creative Commons developed its licenses — [inspired in part](#) by the Free Software Foundation's GNU General Public License (GNU GPL) — alongside a Web application platform to help you license your works freely for certain uses, on certain conditions; or dedicate your works to the public domain.

In the years following the initial release, Creative Commons and its licenses have grown at an exponential rate around the world. The licenses have been further improved, and ported to over 50 [jurisdictions](#).

Science

Since 2005, Creative Commons has undertaken projects to build commons-based infrastructure for [science](#) through identifying and lowering unnecessary barriers to research, crafting policy guidelines and legal agreements, and developing technology to make research, data and materials easier to find and use.

Milestones

2001

- Creative Commons founded.

2002

- Version 1.0 licenses [released](#).

2003

- Approximately 1 million licenses in use.

2004

- Estimated 4.7 million licensed works by the end of the year.
- Version 2.0 [released](#).

2005

- Estimated 20 million works.
- Version 2.5 released.
- Science projects at Creative Commons launched.

2006

Creative commons– what?

- Used to indicate at digital object level
 - What rights are permitted & what is prohibited by the copyright owner or “poster”
- CC layers

Computer code

Symbols & simple explanations

Full-bore legal license (text)

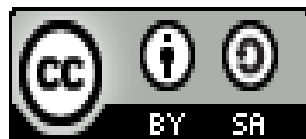


Variations in CC licenses



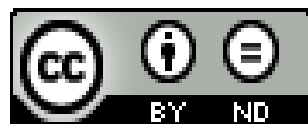
Attribution CC BY

Any & all uses permitted if original creator attributed

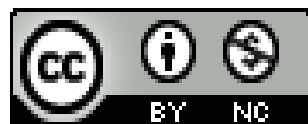


**Attribution-ShareAlike
CC BY –SA**

As above provided user makes derivative work available under same license (O/S)



Attribution ShareAlike NoDerivative CC BY-ND



Attribution Non-Commercial CC BY-NC



Attribution Non-Commercial ShareAlike CC BY-NC-SA



Attribution Non-Commercial No-Deriv CC BY-NC-ND

What implications re variations?

- Derivative vs Non-derivative:
 - Creation of adaptations, translations, abstracts, edited variations or other versions or excerpts
- Commercial vs non-commercial:
 - Commercial = “primarily intended for or directed toward commercial advantage or private monetary compensation”
- WT & others emphasis on CC BY: widest possible use & exploitation (derivatives & commercial)

Is CC inevitable for OA?

- From business perspective, no
 - Clarity, simplicity & visibility are required
 - Some online sites have terms & conditions that are simple & clear (though most publisher sites do not)
- But funders are speaking loudly in support of CC BY
- & CC licenses have strong market presence & strong recognition

Wikipedia front-end

This is a summary of the Terms of Use. To read the full terms, scroll down or [click here](#).

Terms of Use

This is a human-readable **summary** of the Terms of Use.

Disclaimer: This summary is not a part of the Terms of Use and is not a legal document. It is simply a handy reference for understanding the full terms. Think of it as the user-friendly interface to the legal language of our Terms of Use.



Part of our mission is to:

- **Empower and Engage** people around the world to collect and develop educational content and either publish it under a free license or dedicate it to the public domain.
- **Disseminate** this content effectively and globally, free of charge.

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- **Responsibility** – You take responsibility for your edits (since we only *host* your content).
- **Civility** – You support a civil environment and do not harass other users.
- **Lawful Behavior** – You do not violate copyright or other laws.
- **No Harm** – You do not harm our technology infrastructure.
- **Terms of Use and Policies** – You adhere to the below Terms of Use and to the applicable community policies when you visit our sites or participate in our communities.

STM association positions

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12/12/2012

Dear Michael

Research Councils UK and Wellcome Trust require CC-BY licence when an article processing charge (APC) is levied: an open letter to publishers

Following our recent meeting we would be most grateful if you could make your members aware of the recent open access policy changes made by the Research Councils UK and the Wellcome Trust. Specifically, all research paper submitted for publication after the 1st April 2013, funded by any of the UK Research Councils or the Wellcome Trust and published under an "author pays" model must be licensed using the Creative Commons Attribution licence (CC-BY).

The screenshot shows the STM website header with the logo and navigation menu. The main content area is titled 'Publishers Support Sustainable Open Access' and includes a 'Share' button, a 'Print' button, and a detailed paragraph about open access. A sidebar on the left contains a list of navigation links. Below the main text, there is a section for 'Signatories as of 23 May 2012' with a list of organizations.

stm
International Association of Scientific, Technical & Medical Publishers
The Voice of Academic and Professional Publishing

Log In
forgotten?

Home
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Public Affairs
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Public Affairs Committee
Brussels Declaration
PEER
Sustainable Open Access
Research4Life / Outreach
Standards & Technology
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Publishers Support Sustainable Open Access

+ Share Print

Publishers are committed to the widest possible dissemination of and access to the content they publish. We support any and all sustainable models of access that ensure the integrity and permanence of the scholarly record. Such options include 'gold' open access, whereby publication is funded by an article publishing charge paid by the author or another sponsor, a subscription-based journal, or any one of a number of hybrid publishing options. Most publishers now offer open access options and publish open access journals, and work closely with funders, institutions and governments to facilitate these developments. Gold open access provides one approach toward our shared goal of expanding access to peer-reviewed scientific works and maximizing the value and reuse of the results of scientific research.

We believe that authors should be able to publish in the journal of their choice, where publication will have the greatest potential to advance their field. Institutions and funders have a key role to play in ensuring that public access policies allow for funding of peer reviewed publication and publishing services in whatever journal that an author chooses. Publishers look forward to working with all stakeholders to achieve this goal and to advance scholarly communication.

Signatories as of 23 May 2012;
This list will be updated regularly as further publishing organisations sign the statement.

- ACSESS - Alliance of Crop, Soil and Environmental Science Societies
- American Chemical Society
- American College of Chest Physicians
- American Geophysical Union

Upcoming release on licensing & OA (likely CC+)

CC+4STM&SSH: Text and Data Mining and Translation Rights in COPYRIGHT-PROTECTED MATERIALS PUBLISHED IN JOURNALS OR BOOKS, ELECTRONICALLY OR IN PRINT

CC+ License that works with CC Attribution, Non-Commercial, Non-derivative

«CC-BY-NC-ND v. 3.0 and later»

DISCLAIMER [see pop-up disclaimer text, protecting STM, at end of this document]

This is a easy-to-read description of the [STM sample CC+ licence](#), a more detailed and binding copyright licence augmenting a CC-BY-NC-ND licence with certain text and data mining rights and/or translation rights.

Note that, legally, you may only rely on the CC+4STM&SSH licenses and not on this summary.

Agreeing to the STM sample licence enables you:

to **TDM** – to text and data mine the work for non-commercial purposes and to engage in certain re-use rights with the outcomes of any TDM process.

to **Translate** – to translate the Work faithfully for non-commercial purposes, as long as you notify the publisher and grant the publisher the rights back to use the translation him or herself.

Under the following conditions:

TDM

Text and Data Mining – You may load and technically format the Work on Your server for purposes of classification or recognition of relations and associations by You by using automated programs or devices to download, index, extract semantic entities, derive patterns and for You to evaluate and interpret any TDM output for access and use by You, but without creating a derivative work or a product or service that competes with the Work.

T

Translate – You must translate the Work into any language faithfully rendering its meaning context and significance and the translation must be accompanied by a notice stating that it is an unofficial and unauthorised translation, provided further You agree to notify the publisher and to grant a non-exclusive license back to the publisher for use of the translation.

Why a CC+ or licensing patch

- Adding more specificity to NC definition, including associating advertising with content (without authorisation)
- Defining TDM (recognizing relationships & associations)
 - enabling automated searching, sorting, parsing, addition or removal of linguistic structures
- Start with NC-ND because of concerns re scientific integrity

QUESTIONS? (& CUTE LOGOS RE IMPORTANT RELATED PROJECTS)



- Cross-publisher initiative with CrossRef to detect instances of plagiarism in scientific articles

RIGHTSLINK

- Publishers have introduced the Rightslink reprints and permission system to enable authors to have permissions for content use to be enabled online and receive instant permissions.



- An identifier which defines the version of articles and provides metadata on their progression.
- Allows researchers to easily determine whether they are looking at a publisher-maintained copy of a scholarly document.
- Highlight that the scholarly publisher is responsible for both the initial certification of a publication, as well as the ongoing stewardship of said certified publication.

A screenshot of a web interface for the Copyright Licensing Agency (CLA). At the top left is the CLA logo, which includes the letters "CLA" in a red box and the text "The Copyright Licensing Agency" below it. Below the logo is a red-bordered box with the heading "What can I do with this content?". Underneath the heading are five circular icons, each with a corresponding text label below it: a printer icon for "Print from it?", a computer monitor icon for "Store on intranet?", a stack of papers with a scissors icon for "Use extracts?", a hand pointing to a document icon for "Supply it externally?", and a magnifying glass over a document icon for "Use for media monitoring?".