

# The Digital Commons: *A CPR Digest Special Issue*

## Copyright

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Authors often do not know much about copyright and simply hand over their rights to publishers. Typically a publisher will ask you to sign a copyright/license agreement. The document's purpose is to transfer to the publisher ownership of copyright in your work or otherwise convey to the publisher a bundle of rights, one of which is the right to publish your article. The right to self-archive the refereed postprint is a legal matter, because the copyright transfer agreement pertains to that text. But the pre-refereeing preprint is self archived at a time when no copyright transfer agreement exists and the author holds exclusive and full copyright. So publisher policy forbidding prior self-archiving of preprints is not a legal matter, but merely a journal policy matter. See: <http://www.eprints.org/self-faq/#self-archiving-legal> Many experts in the field believe that the shift from print journals to some form of open-access electronic publication format is inevitable. Researchers can accelerate this process by posting their work, both pre- and post-prints, to institutional repositories such as the Digital Library of the Commons. Again, **the copyright provisions included in journal publishers' contracts do not include preprints.**

It is important to note the distinction between copyright and “embargo” policies (so-called Ingelfinger Rules, which do not allow publication of works made public in any way); these embargo policies are not inscribed in law. Harnad and others recommend simply disregarding the embargo since publishers have no legal recourse in this matter. Because of mounting pressure, over 90 % of journals now allow self-archiving of postprints. But for those that do not, it is still possible to post the preprint. For articles published in journals with more restrictive copyright policies, authors may employ a “**pre-print + corrigenda**” strategy, where they post an additional file, which lists changes and additions, with the archived pre-print draft of the article. **This is a legal method that authors can use to regain control over their own work.**

More and more authors are adding **addenda to their copyright agreements**. There are many variations of these addenda available on the web. Indiana University offers two types of addenda drafted by professional legal scholars at [http://www.copyright.iupui.edu/nego\\_doc.htm#adda](http://www.copyright.iupui.edu/nego_doc.htm#adda) The Queensland University of Technology also offers a very helpful site at: <http://eprints.qut.edu.au/copyright.html> Most sample addenda are written to address the author's use of the postprint of the article. It is also recommended that authors retain rights to *translations* of their works in the same addendum. See Box One for helpful links to copyright guides.

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