

STM/PSP/ALPSPⁱ Statement on journal publishing agreements and copyright agreement “addenda”

Our respective trade associations, representing the global community of scholarly publishers, support open dialogue and informed communication on the use of published material. Putting these principles into practice, we have engaged in discussions with the academic community and worked within our own community to encourage best practices in recognition of the needs of authors and their institutions.

In a recent white paper entitled *Author and Publisher Rights For Academic Use: An Appropriate Balance*ⁱⁱ we set out our views that:

- Academic research authors and their institutions should be able to use and post the content that such authors and institutions themselves provide (most publishers already provide for this) for internal institutional non-commercial research and education purposes; while
- Publishers should be able to determine when and how the official publication occurs (in the journal or online) and to derive the revenue benefit from its publication and posting.

Recent statements, recommendations and papers published by a number of organizations take the rhetorical position that authors of journal articles will not be able to use their papers for educational or scholarly purposes if they sign standard publisher journal agreements. The suggestion is made that authors of journal articles should attempt to amend standard publishing agreements to obtain greater usage and scholarly rights for themselves and their institutions.

What these suggestions omit is that, under existing journal publishing agreements, authors already have many of the rights sought in copyright addenda. Standard journal agreements typically allow authors:

- To use their published paper in their own teaching and generally within their institution for educational purposes
- To send copies to their research colleagues
- To re-use portions of their paper in further works or book chapters, and
- To post some version of the paper on a pre-print server, their Institutional Repository or a personal web site (though sometimes not for the weekly news-oriented science or medical magazines, for public health and similar reasons).

In addition, publishing agreements for most journals expressly provide for word-by-word quotations of appropriate excerpts from the “official record” and other scholarly uses.

The mission of *publishing* is to engage in a sustainable effort to make information *public* and available to the widest possible audience. Sustainable efforts, however, must be based on viable economic models.

Publisher investments and licensing options have made more content available in more ways to more people than ever before, and, more than any other industry, academic publishers have embraced the Internet. In a recent survey, 76% of researchers surveyed indicated that over the prior five years, access to the journal literature had significantly improvedⁱⁱⁱ and scientific researchers are virtually the only online community that now spends more time analyzing and reviewing content than in finding it.^{iv}

Many of our member publishers participate in various free, delayed and open access experiments. Additionally, publishers are (and have been for years) working with organizations such as UNESCO, FAO, UNEP and WHO to enable robust and inexpensive electronic access for researchers in developing countries.

All of these activities are supported by publishers and are made possible by grants of copyright or publishing rights. The grant of these rights provides the legal incentives necessary for publishers to undertake the investments needed to disseminate “the minutes of science” worldwide and to maintain the integrity of the scientific record. The integrity of intellectual property is an essential criterion for the advancement of science as well as for innovation and creative activity.

Publishers have worked directly with authors to respond to their needs, and the industry has undertaken other publishing-related initiatives at the policy level to facilitate and support scholarly communication. Examples include the development of guidelines on quotation and other academic uses of excerpts, common practices for retractions and removals, provision for safe harbour for the use of orphan works, clarifying principles for the availability of data sets and databases, and other policies regarding ethical, rights, and permissions issues.^v

Publisher members of our associations report that in their interactions with journal article authors, authors indicate that they are generally satisfied with the principles set out in standard publishing agreements concerning scholarly use and re-use by authors.

While there is always room for improvement, the evidence shows that publishers have been flexible and responsive participants in scholarly communication. Publishers will continue to be so.

We believe that changes to a system as integral to scientific communication and advancement as is journal publishing should occur in measured, responsible ways so that any impact, adverse or otherwise, is well understood by all stakeholders before irreversible decisions are made. We also believe that good decision-making and sound policy are based on facts and evidence.

March 2008

ⁱ www.stm-assoc.org; www.pspcentral.org; www.alpsp.org

ⁱⁱⁱ <http://www.stm-assoc.org/documents-statements-public-co/2007%20-2005%20Author%20Publisher%20Rights%20for%20Academic%20Uses--%20an%20Appropriate%20Balance.pdf> , May 2007

ⁱⁱⁱ Paper: “Scholarly Communication in the Digital Environment: what do authors want?”, Rowlands, Nichols & Huntingdon, 2004; <http://www.ucl.ac.uk/ciber/ciber-pa-report.pdf>

^{iv} STM Response to EC “Study on the economic and technical evolution of the scientific publication markets in Europe”, 2006, <http://www.stm-assoc.org/documents-statements-public-co/2006-documents-statements-public-correspondence/stm%20response%20to%20EU%20publishing.pdf>

^v “Guidelines for Quotation and Other Academic Use of Excerpts” (See <http://www.stm-assoc.org/documents-statements-public-co/2007.11%20Scholarly%20Publisher%20Guidelines%20for%20Quotation%20%20Other%20Academic%20Uses%20of%20Excerpts.doc>); “Safe Harbor Provisions for the use of Orphan Works for Scientific, Technical & Medical Literature” (see <http://www.stm-assoc.org/documents-statements-public-co/2007.11%20Safe%20Harbor%20Provisions%20for%20the%20Use%20of%20Orphan%20Works%20Nov2007%20Ver%201.1.doc>); Statement on Copyright Assignment versus Licensing (see <http://www.stm-assoc.org/documents-statements-public-co/2007.10%20Copyright%20Assignment%20Benefits%20Rev.pdf>); Statement on Databases, data sets, and data accessibility (see <http://www.stm-assoc.org/documents-statements-public-co/2006-documents-statements-public-correspondence/stm-alpsp%20data%20statement.pdf>); Statement on Orphan Works (see <http://www.stm-assoc.org/documents-statements-public-co/2006-documents-statements-public-correspondence/STM%20Position%20Orphan%20Works%20Dec06.pdf>) Guidelines on Preserving the Record of Science (retractions and removals) (see <http://www.stm-assoc.org/documents-statements-public-co/2006-documents-statements-public-correspondence/stm%20guideline%20record%20of%20sci.doc>)