AUTHORS RIGHTS – One useful guide for SISSA researchers

(OPENAIR.EU proposal guide)

(Updated on 17 March 2015)

General

When an article is accepted for publication in a journal, the publisher needs permission from the author to publish.

In most cases, authors grant permission by signing over copyright to the publisher. This gives the publisher the full rights in and control over the article. Consequently, if an author wishes to reuse the article at a later stage, e.g. to make the work available in Open Access, he/she will have to ask permission from the publisher to do so.

Alternatively, authors can grant the publisher a License to Publish. With this agreement, authors can retain copyright and the right to deposit the article in an Open Access repository (in this case, if authors are SISSA members, to SISSA Digital Library), while providing the publisher with the necessary rights to publish the article.

In the context of the Horizon2020 and FP7 Open Access requirements, it is important to be aware of this distinction in dealing with intellectual property rights; it has significant impact on how easy it is for authors to fulfill the requirements.

What to do

There are three different scenarios:

1. Your article has been accepted for publication by the journal, and the publisher asks you to sign a publishing or copyright transfer agreement (CTA). Some publishers offer a License to Publish. At this stage, you have a number of options to ensure that you can fulfill the EC requirements: to make your article or final, peer-reviewed manuscript available in open access within the specified timeframe (6-12 months depending on research area).

   Does the agreement ask you to sign over your copyright?

   - do not sign, but provide a licence to publish
   - yes or sign and provide an addendum ensuring you can fulfill the EC requirements
   - no check if the agreement, licence and/or the publisher's policy leaves you the rights to fulfill the EC requirements


1. You have already signed a publishing agreement/CTA signing over your copyright to the publisher for the publication of your article.

Does the agreement leave you the rights to fulfill the EC requirements?

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<tr>
<td>yes</td>
<td>provide open access to your article or final, peer-reviewed manuscript through OpenAIRE</td>
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<tr>
<td>no</td>
<td>Ask cooperation of the publisher by signing an addendum to enable you to fulfill your obligation under the EC requirements</td>
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<tr>
<td>I'm not sure</td>
<td>check the publisher's policy on open access and 'self-archiving' of your article/final peer-reviewed manuscript</td>
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2. You have published your article in an Open Access Journal. The EC requirements ask you to deposit your article in an institutional or subject-based repository. Some OA publishers already deposit the articles they publish in OA repositories as well, because it improves visibility.

Does your publisher deposit your article in an OA repository?

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<tr>
<td>yes</td>
<td>you need not take further action</td>
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<td>no</td>
<td>deposit your article in your institutional or subject based OA repository. You may wish to check your publishing agreement or license for your rights to fulfill the EC requirements, as described in scenario 2. You can find an overview of publishers' policies in the Sherpa/RoMEO database.</td>
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Publishers

Many publishers already have a policy that allows for a form of 'self-archiving' of articles or final peer-reviewed manuscripts. If you want to find out what your publisher's policy is, you can check the Sherpa/RoMEO database which provides details and explanations.

Still, your publisher may refuse to cooperate. What can you do?

As long as you have not signed over your copyright to the publisher yet, it is important to realize that

- as the author you are under the obligation of your EC grant to fulfill the open access requirements, and
- as the author, you are the legal copyright holder and can decide what to do with your copyright.

This gives you the opportunity to

- request the publisher to reconsider his refusal given the EC Open Access policy, or
- submit your article to another (Open Access) journal, that enables you to fulfill your requirements.
If the publisher persists in his refusal to sign the Licence to Publish or Addendum to the Agreement/CTA, or refuses to give you permission after you have signed the Agreement/CTA, and you wish your article to be published in his journal, it is important that

- you ask the publisher to confirm his refusal of permission in writing, and
- inform your EC project officer by providing the publisher's written refusal of permission.