# Module 2 overview: Open Access and copyright

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Why do we need Open Access?
Advantages for authors, scientific network and more

✓ Open Access *increases visibility* and accessibility
  ✓ Knowledge disseminates and multiplies better and faster

✓ Unleash the full potential of information and data exchange through internet technology
  ✓ Text and Data mining
  ✓ Network of publications and research data
  ✓ Economy: access to information → innovation → growth

✓ Chance to break up the current monopolized situation of academic publishing
  ✓ Bring science publishing back to the scientists
  ✓ With better cost control

✓ Results of publicly funded research (taxpayers) should be freely accessible
  ✓ Important e.g. for doctors (private physicians, Hausärzte) and their patients
Exercise 3: How are you confronted with Open Access?
Example Elsevier

Elsevier offers you several possibilities to publish with Open Access: http://www.elsevier.com/about/open-access/open-access-options

Look into the 3 options of Open Access publishing, e.g.:
• What is the principle?
• Which Journals are concerned?
• What is the price?
• What are the conditions: format of full version, embargoes, author rights, user licences?
• Which option would you choose and why?
The various roads to Open Access

Green Road to Open Access

Publish „normally“ - Deposit in a document server (self-archiving)

Repository:
Central (Discipline), e.g. PubMed Central
Institutional, e.g. ZORA

Do authors have the right to deposit with Open Access, and in what form?

Know about publishing contracts, author’s rights

Gold Road to Open Access

Publish in an Open Access journal / with an OA publisher

How good is the journal / publisher?

Who pays the Open Access publication fee (APC, article processing charge) and how high is it?
How can you publish with Open Access?

Legal basis of publishing

Publication

- Agreement about copyright:
  - Publishing contract (Verlagsvertrag)
    → check author’s rights, formats, embargoes

- No agreement about copyright (rare in STM, more often in SSH):
  - Statutory provision (Gesetzliche Regelung)
    → copyright law, author keeps some rights

Green Road
Keep your author’s rights to deposit your publication in a full version in your institutional repository.

Gold Road
Your publication is freely accessible from the publisher. Check that you are free to use it, too.

Author = Creator

Publisher

IL-18-independent IL-18Rα engagement is required for the development of autoimmune inflammation

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OA journals and publishers: examples

- **Public Library of Science (PLoS)**
  - Well known OA pioneer
  - PLoS ONE: innovations: user commenting - new peer review criteria: correctness, not importance - links to social media like Facebook and Twitter

- **BioMed Central** linked with Springer Open
  - One of the largest and best known OA publishers (together ca. 400 journals), belongs to Springer

- **frontiers**
  - In Switzerland, originating from EPFL, now alliance with Nature Publishing Group
  - Innovative features of social platform

- **Innovative new OA journals, e.g. F1000Research** (Life Science)
  - Publication system: Pre-publication check – immediate publication including extensive research datasets – open refereeing & user commenting – article revision – tagged as «refereed», indexed (PubMed, others)
OA journals and publishers: overviews

– **Directory of Open Access Journals**: comprehensive directory, lists almost 10'000 OA journals, >5'800 searchable at article level

![DOAJ Directory of Open Access Journals](image)

– **Directory of Open Access Books**: > 2’200 OA-E-books from 64 publishers

![DOAB Directory of Open Access Books](image)

– **OAPEN**: OA-platform for books, run in collaboration with publishers
OA journals and publishers: Open-content licences

- Open Access publishing contracts usually involve an open-content licence

- Often: Creative Commons Licence
  - Authors keep basic rights in their work and allow others to re-use the work
  - Example text on publisher’s PDF: “This is an Open Access article distributed under the terms of the Creative Commons Attribution License (http://creativecommons.org/licenses/by/2.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.”

- Creative Commons Licences exist in different forms — allowing different degrees of re-use
OA journals and publishers: business models

- **Author pays** (APC: article processing charge)
- **Funder pays**: e.g. Wellcome Trust, Research Councils UK, NIH, DFG, FWF (Austria), Swiss National Science Foundation
- **Institutional membership (university library)**: e.g. with BioMed Central/Springer Open
  - Flat fee model: institution pays flat annual fee (depending on size, e.g. 5’000 $), their researchers get a 10-15% discount on APCs and pay themselves
  - Institution pays all or part of APCs:
    - Total discount 0-20%
    - Full support – institution pays all, researcher does not see the costs
    - Shared support – institution pays 50%, researcher pays 50%
    - Handling: often pre-pay, automated with IP-range recognition
- **Publication fund**: e.g. many UK and U.S. universities
  - Institution has a limited fund which pays for APCs from any Open Access publisher
  - Handling: manual, platform (Open Access Key, SWETS?, further…)

29.09.2014  Open Access – Module 2
OA journals and publishers: business models (2)

• **Hybrid Open Access model**: e.g. most big publishers (Elsevier, Springer, Wiley, …)
  - Single articles in licenced journal are made Open Access against APCs
  - Different names depending on publisher, e.g. „open choice“, „online open“, „author‘s choice“
  - **Problem of «double dipping» (publishers earns twice): licences + APCs**
  - **Wanted**: local compensation with licence costs at institution level – instead of indirect global mechanisms
  - **Wanted**: more novel models, e.g. voucher system of Royal Society of Chemistry: RSC gives vouchers for OA articles to institution in similar amount as licence costs paid by that institution
OA journals and publishers: quality and costs

– Peer Review

– Well known: OA-publishers such as PLoS, BioMed Central/Springer Open
  – Have been publishing with Open Access for > 10 years
  – Impact Factor (→ Journal Citation Reports), SCImago journal rank, Eigenfactor
  – Well known editorial boards and authors
  – Due to institutional memberships, authors pay less

– Others are still young and not well known
  – No Impact Factor, SCImago journal rank, Eigenfactor, (yet)
  – How well known are editors and editorial boards?
  – Did famous authors publish?
  – Is the publisher reputable?
  – Institutional memberships, which institutions have one?
  – «Predatory» journals to avoid, Beall’s list (Jeffrey Beall)

– OA publication costs (APC, article processing charge): costs vs. service?
  – APCs of new dedicated OA publishers are lower (average $ 1’418) than of traditional publishers ($ 2’097). Hybrid OA is even more expensive ($ 2’727) *

* http://www.wellcome.ac.uk/About-us/Policy/Spotlight-issues/Open-access/Guides/WTP054773.htm
Table with APC comparison by BioMed Central: http://www.biomedcentral.com/about/apccomparison/

«Don’t get in a car if you don’t know the driver!»

«Don’t pay too much for a taxi ride!»
Repositories

- **Open DOAR: Directory of Open Access Repositories**: lists > 2'600 repositories worldwide

- **Repository-specific search engines**: OAIster, BASE (Bielefeld Academic Search Engine: > 60 Mio items from > 3’000 repositories)

- **Discipline-specific repositories**, e.g. **PubMed Central**:
  - > 3 Mio articles, >4’300 Journals join (partially), articles are deposited after maximally 12 months
  - Based on US-law, National Institute of Health (NIH)-sponsored publications must be freely accessibly in PubMed Central after 12 months
  - Indexed/link to PubMed

- **Institutional repositories**, e.g. **ZORA** ([www.zora.uzh.ch](http://www.zora.uzh.ch)):
  - For members of the University of Zurich including University Hospitals
  - Also publishes Working Paper Series of UZH and two Journals
Workflows and added values of ZORA (www.zora.uzh.ch)

Import
- PubMed
- DOI
- Faculty information system
- Web of Science, Endnote

Export
- Annual Reports
- Evaluations
- Researcher websites
- OAI-PMH – interface, e.g. BASE, OAIster, OpenAIRE
- Research database UZH (manual)

ZORA
- Bibliographic metadata
- Full versions (PDF)
- Supplemental data possible
- Links: DOI, PubMed, …
- ZORA-DOI for full versions

Journal Database
- Copyright + refereed details for each journal/serial used in ZORA
- Data from SHERPA, DOAJ, ERIH, Ulrichs (some), PubMed, Faculty decisions, own investigations

Open Access team – Data Curation:
- Metadata check, links
- De-duplication
- Copyright control (publishing contracts)
- Ask full versions (accepted manuscripts)
- Refereed/not refereed
- Journal database content

For each entry in ZORA (ca. 9'000 publications of UZH / year)

Hauptbibliothek

Deposit a publication one in ZORA – re-use it in many ways
Example of a publication in ZORA

Faeh, D; Braun, J; Tarnutzer, S; Bopp, M (2011). Obesity but not overweight is associated with increased mortality risk. European Journal of Epidemiology, 26(8):647-655.

The association between body mass index (BMI) and survival has been described in various populations. However, the results remain inconsistent, particularly across Western countries, and the association remains sparsely documented. Our aim was to examine this association and its public health impact in Switzerland, a country with high BMI and mortality rates. We included 9,853 men and women aged 25-74 years who participated in the Swiss MONICA (MONitoring of trends and determinants in cause-specific mortality and morbidity) study, which followed up for survival until 2008 using anonymous record linkage. Cox regression models were used to calculate mortality hazard ratios (HRs) and to estimate excess deaths. Independent variables included age, sex, survey wave, diet, physical activity, smoking, and educational class. After adjustment for age and sex, the association between BMI and all-cause mortality was J-shaped (non-smokers) or U-shaped (smokers). Compared to BMI 18.5-24.9, among those with BMI ≥ 30 (obesity HR for all-cause mortality was 1.41 (95% confidence interval: 1.23-1.62), for cardiovascular disease (CVD) 2.05 (1.60-2.52), for cancer 2.05 (1.04-1.60), and for death from all causes 1.41 (95% confidence interval: 1.23-1.62). Further adjustment attenuated the obesity-mortality relationship but the associations remained statistically significant. No significant increase was found for overweight (BMI 25-29.9). Between 4 and 6.5% of all deaths, 8.8-13.7% of CVD deaths, and 3.4-3.6% of cancer deaths could be attributed to obesity, but not overweight was associated with excess mortality, mainly because of an increased risk of death from CVD and cancer. Public health interventions should focus on preventing normal- and overweight persons from becoming obese.

Further information, incl.:
- Affiliation to institute/clinic of UZH
- Link to publisher
- Link to PubMed

Citations:
- Web of Science
- Google Scholar
- Scopus

Statistics of accesses planned
Statutory provision, copyright law

- Swiss Copyright Act (Schweizerisches Urheberrechtsgesetz, URG)
- Provisions of publishing contract law contained in the Swiss Code of Obligations (Verlagsvertragsrecht des Schweizerischen Obligationenrechts, OR)
- International constellations

Expert opinion (Rechtsgutachten) by Prof. Dr. Reto M. Hilty and Dr. Matthias Seemann: Open Access – Access to scientific publications in Swiss law

- Commissioned by the University of Zurich, initiated by the Main Library
- Published on OA-website of Main Library UZH (www.oai.uzh.ch → Copyright) and ZORA (http://dx.doi.org/10.5167/uzh-30945)
- Including answers to FAQs
- German, English, French
Author:

- Place of residence in Switzerland
- No other agreements with the publisher
- Depositing in a Swiss repository / server

Then:

- The author of an academic paper, such as an article in a journal or a contribution to a collective volume (Buchkapitel) can publish it in a repository or other server three months after it has been published in full (Swiss Code of Obligations: Art. 382 Para. 3 OR).

- Newspaper articles can be published by the author in a repository or other server at any time (Swiss Code of Obligations: Art. 382 Para. 2 OR).

- Accepted manuscript; or publisher’s PDF but without the publisher’s logo, which is protected by trademark law or similar (expert opinion)

- The author cannot publicly deposit works such as monographs or textbooks in a repository in competition with the publisher unless the edition is out of print (Swiss Code of Obligations: Art. 382 Para. 1 OR). Versions that cannot be cited correctly and that do not constitute genuine competition are permitted, such as files without the original page numbers in subjects where citations give the exact page number.
Author:
- Place of residence in Switzerland
- No other agreements with the publisher
- Depositing in a repository / server abroad

Then:

- When depositing academic works in a repository abroad, the **country-of-protection principle** (Schutzlandprinzip) applies, according to which the law of the country for which protection is requested applies (Federal Act on International Private Law: Art. 110 Para. 1, AIPL).
- E.g.: For a repository in France, French law applies, while a German repository is subject to German law.
Publishing contract (Verlagsvertrag)

- Copyright Transfer Agreement, Licence to Publish, Publishing Agreement...
- Takes priority over non-mandatory legislation such as Swiss Code of Obligations Art. 382 → content of contract is valid!
- Check author’s rights regarding self-archiving and depositing in an institutional or central repository
- Format: pre-print, post-print/accepted manuscript, published version
- Embargo: often 6-24 months
- Further conditions and restrictions, e.g. copyright statement
- Often allowed: accepted manuscript after an embargo period
- Overview: SHERPA/RoMEO, now increasingly on journal level

Publisher copyright policies & self-archiving
Publishing contracts: Terminology

- If copyright is assigned (übertragen), the author abandons his rights to the benefit of the publisher. For example, if the contract states: “Copyright is granted without restriction in space, time or content.”

- If copyright is licensed (lizenziert), the author retains his copyright but grants user rights (Nutzungsrechte):
  - If an exclusive licence is granted, the author undertakes not to grant a licence to the work elsewhere.
  - If the author only grants the publisher a simple licence, he is entitled to grant further (simple) licences to other persons or organisations.

- If the author is entitled to publish his work elsewhere, and if there are no provisions concerning the format:
  → then the accepted manuscript or the publisher’s PDF (without logos) can be used.

More information: FAQs
Original publishing contracts and author’s rights

Examples of publishing contracts

• **Journal of Cell Biology:**
  – **Copyright**
  
  “The Authors retain the non-exclusive right to do anything they want with the Work, so long as the Authors provide attribution to the place of original publication. The retained right specifically includes the right to post the Work on the authors’ or their institutions’ web sites.” “Work” is defined as the final published article appearing in an RUP journal, including all forms of supplemental material.”
  → Author can show published PDF or accepted manuscript in institutional repository without embargo.

• **Elsevier:**
  – Bsp. [Molecular and Cellular Neuroscience](#)
  – **Copyright**
  
  “Accepted author manuscript: Author Posting: Voluntary posting on open web sites operated by author or author's institution for scholarly purposes.”
  → Author can show accepted manuscript in institutional repository without embargo, as long as author acts voluntarily.
Original publishing contracts and author’s rights
Examples of publishing contracts

- Wiley-Blackwell:
  - Bsp. Journal of Morphology
  - Copyright, Terms and Conditions

“Wiley Online Library: Wiley Terms and Conditions for self-archiving: Accepted Version. Under Wiley copyright, authors are permitted to self-archive the peer-reviewed (but not final) version of a contribution on the contributor's personal website, in the contributor's company/institutional repository or archive, and in certain not for profit subject-based repositories such as PubMed Central as listed at the following website (http://olabout.wiley.com/WileyCDA/Section/id-820227.html), subject to an embargo period of 12 months for scientific, technical, and medical (STM) journals and 24 months for social science and humanities (SSH) journals following publication of the final contribution…

…The version posted must include a notice on the first page as follows: 'This is the peer reviewed version of the following article: FULL CITE, which has been published in final form at [Link to final article using the DOI]. This article may be used for non-commercial purposes in accordance With Wiley Terms and Conditions for self-archiving'."

→ Author can show accepted manuscript in institutional repository with 12 months embargo. Should add standard phrase.
Publishing contracts, author’s rights using databases
Practical tools for researchers

• **Overview: Copyright-Website of the UZH**

• **SHERPA/ROMEO-List** contains summaries of contents of publishing contracts
Exercise 4: Author’s rights in publishing contracts

Name a journal or a publisher

- As an author, can you deposit your publication in an institutional or central repository?
- In which format?
- Is there an embargo period?
- Is the information in SHERPA/RoMEO correct?

Information: [http://www.oai.uzh.ch](http://www.oai.uzh.ch) → Copyright

Check original publishing contract, via journal homepage

Check SHERPA/RoMEO: [http://www.sherpa.ac.uk/romeo](http://www.sherpa.ac.uk/romeo)
How to retain your author’s rights in publishing contracts

- What possibilities are available to me to enforce a right to open-access publication by contract?
  - FAQs on www.oai.uzh.ch
  - by crossing out restrictive wording such as “the exclusive grant of all rights” in the contract before signing it. You should point out these deletions in a letter to the publisher.
  - by supplementing the contract to be signed by adding addenda to the contract (e.g. SPARC addendum) or text passages.
    - Model clause (Musterklausel)
    - Has to be approved by the publisher
Open Access guide

Green Road

Traditional toll access journal / publisher

Open Access journal / publisher

Publish with Open Access

Gold Road

Lists of possible journals and publishers

Quality, peer review, novel possibilities

Costs (APC) vs. Service

Data Repositories

Main Library of University of Zurich

- Free after an embargo period? Electronic Journals Library
- Accepted manuscript, publisher's version/PDF, embargo period, special conditions? SHERPA/RoMEO
- Send bibliographic details and full version (if in doubt: accepted manuscript without publisher layout: text and figures in one PDF) to person at your institute that already deals with repository
- UZH: ZORA – Help: Main Library of UZH
- ETH: e-collection – Help: ETH Library
- Directory of Open Access Repositories - OpenDOAR
- Hybrid OA: OA-article against APC in a toll access journal. WARNING: DOUBE DIP - many publishers earn twice – SNF and others will not support
- Directory of Open Access journals, Directory of Open Access Books, oapen
- Lists made by libraries, e.g. Main Library of UZH
- Well-known Editors, Authors, publisher?
- Bibliometrics: Impact Factor, Eigenfactor, SCImago journal rank
- Possible negative list: Beall’s list
- Traditional, open, double-blind review? Community pre-review, comments?
- Review criteria: correctness, novelty, relevance?
- Data publications and policies e.g. F1000Research, PLoS data policy
- Indexed in well-known databases such as PubMed?
- Rapid review and publication?
- Costs clearly communicated, comparison to average APCs*?
- Costs: check with grant holder (your group leader) of SNF grant
- Funding possibilities through your library: Main Library of UZH, ETH Library
- Discipline-specific data repositories: re3data
- General repository open for all: Zenodo (CERN, EU)
- Help: EU-project OpenAIRE, National Open Access Desk Switzerland (Main Library of UZH)

General Information: your library; Main Library of UZH: www.oai.uzh.ch; www.open-access.net

*APCs (Article Processing Charges) of new dedicated OA publishers are lower (average $ 1'418) than of traditional publishers ($ 2'097). Hybrid OA is even more expensive ($ 2'727), see http://www.wellcome.ac.uk/About-us/Policy/Spotlight-issues/Open-access/Guides/WTP054773.htm
Students presentation: instructions

DAY 1, Sept. 29, 2014

Module 1
9:00 – 12:30
Science publishing and access

Module 2
14:00-17:30
Open Access and Copyright

DAY 2, Oct. 6, 2014

Module 3
9:00 – 12:30
OA experience
OA movement
OA and impact

Module 4
14:00 – 17:30
Students presentations and discussion
Evaluation form

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- [http://www.oai.uzh.ch/en/at-the-uzh/events/course-for-doctoral-students](http://www.oai.uzh.ch/en/at-the-uzh/events/course-for-doctoral-students) (Module 4 - check PDF)
- Present your results in groups of two (i.e. for standard presentation, each group presents results about 2 journals)
- 10 - max. 15 Min
- Powerpoint, USB memory stick
Open Access Video of Main Library of UZH

“Open Access explained”: YouTube-Video