



Copyright and Licensing in Open Access Journals

Tom Olyhoek, Editor in Chief
Judith Barnsby, Senior Managing Editor

AJOL, ASSAf, DOAJ, EIFL, LIBSENSE and UCT initiative for
African journal editors and publishers

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Overview

- Importance of copyright and licensing
- DOAJ criteria: licensing
- DOAJ criteria: copyright
- More about copyright
- Copyright/licensing incompatibilities
- Help available

Importance of Copyright and Licensing



Importance of copyright

- When an original work is created, the owner automatically has exclusive copyright of that work
- Copyright is used to protect the work against unauthorized use
- Many works cannot be used without permission of the owner
- Open access allows owners to share rights
- Rights are shared using a license

Importance of licensing

- Free access does not always mean open access!
- **Open access = free access + usage rights**
- Use licensing to:
 - Inform readers how they may reuse content
 - Inform readers of any reuse that is not allowed
 - Protect the author and journal against unauthorised use

DOAJ Criteria: Licensing



Creative Commons

- DOAJ recommends use of **Creative Commons** licenses (or equivalent)
 - **No charge** for using CC licenses
 - You may not change or adapt the terms of the CC licenses
 - Easy for users to understand their rights
- Other licenses may be used, but only if they have similar terms and conditions to Creative Commons
 - Terms must be clearly stated online

LICENSES



TERMS



BY

Attribution

Others can copy, distribute, display, perform and remix your work if they credit your name as requested by you



ND

No Derivative Works

Others can only copy, distribute, display or perform verbatim copies of your work



SA

Share Alike

Others can distribute your work only under a license identical to the one you have chosen for your work



NC

Non-Commercial

Others can copy, distribute, display, perform or remix your work but for non-commercial purposes only.

DOAJ licensing requirements

- Licensing terms must be clearly stated on the journal website
- Copyright notice and publishing agreement must not conflict with license
- Different licenses may be applied under certain conditions
 - Funder requirements
 - Author's employer requirements
- Only one license can be applied to an individual article

Licensing best practice

- Embed or **display licensing information** in full text articles
 - Useful when articles are downloaded and shared
 - Recommended but not required for inclusion in DOAJ
- Licenses allowing **wide reuse** are preferred by many
 - CC BY is required by some funders
 - But any CC license is accepted by DOAJ

© Copyright & licensing

Licensing

License(s) permitted by the journal [?](#)

CC BY

CC BY-SA

CC BY-ND

CC BY-NC

CC BY-NC-SA

CC BY-NC-ND

CC0

Public domain

Publisher's own license

DOAJ Criteria: Copyright



Copyright basics

- Copyright is held by the owner of a work - it cannot be shared
- The owner may transfer or license copyright to another
- Publishers have often required copyright transfer in order to publish articles and protect the publications but this is not necessary
- “All rights reserved” is never appropriate in open access

DOAJ copyright requirements

- Copyright notice and publishing agreement must not conflict with license
- Copyright terms applied to the published content may be different to the copyright of the website as a whole
 - Articles - copyright of authors or publisher
 - Website - copyright of publisher
- A journal's copyright policy must be clearly stated online

Copyright best practice

- **Authors retain copyright** of their work
 - Publisher has right of first publication
 - Recommended but not required for inclusion in DOAJ
- Authors also retain **full publishing rights**
 - Publisher is granted non-exclusive rights to publish and distribute
 - Publishers cannot license rights to third parties
 - Authors can reuse their work without restriction
 - Recommended but not required for inclusion in DOAJ

More about copyright



Copyright ownership options

- Copyright retained by the authors WITHOUT restriction
- Copyright TRANSFERRED to the publisher
- Some rights transferred or licensed to the publisher
 - Usually commercial rights

Copyright without restrictions

- If authors retain copyright and full publishing rights
 - The author can use their work as they wish
 - Not bound by user license or publisher terms
- If authors do not retain unrestricted rights
 - They are bound by the terms of the publishing agreement
 - They may have no more rights than an end-user

Copyright with restrictions

- Copyright retained WITHOUT restriction? **NO**
- Copyright retained by the author but...
 - Exclusive publishing rights given to the publisher
 - Author has granted or transferred exclusive commercial rights
- **Author no longer retains full rights**

Copyright and licensing

- Copyright and licensing are not the same thing
- Used together to specify
 - Ownership of content
 - Usage rights
- **Copyright holder is not bound by the terms of the user license**
- **Copyright holder gives a license to users of their work**

Copyright and licensing

- Copyright held by author without restrictions
 - License applies to readers and publisher
- Copyright transferred or exclusively licensed to publisher
 - License applies to readers and author(s)
- Copyright held by author, but commercial rights by publisher, and non-commercial license used
 - License applies to readers and author(s)

Copyright / licensing incompatibilities



Incorrect restriction to fair use 1

- Copyright is retained by the author but publishing agreement says...
 - Author is only allowed to use work in the classroom or...
 - Publish on personal website or university repository
- **Author cannot be restricted to fair use when they are the copyright holder!**

Incorrect restriction to fair use 2

- Copyright is transferred to the publisher and publishing agreement says...
 - Author is only allowed to use work in the classroom or...
 - Publish on personal website or university repository
- **Author cannot be restricted to fair use - they can use the work according to the CC license, just like any other user**

Incorrect restriction on future publication

- Copyright is retained by the author but...
 - Publisher says author cannot publish the article in another journal AFTER first publication ou après un embargo de.....
- **The publisher cannot impose this restriction on the author**
 - **Open Access permits republication with acknowledgment of first publication**

Incorrect restriction on use without permission

- Copyright is transferred to the publisher and...
 - Publisher says no use of the published work without permission
- **The publisher cannot impose this restriction - author can use the work according to the CC license, without asking permission**

Incorrect restriction to non-commercial use 1

- Copyright and unrestricted rights are retained by the author but...
 - A CC BY-NC license is applied
 - Publisher says author is only allowed to use the work non-commercially
- **As the author retains unrestricted rights, the license does not apply to them so commercial use by the author is allowed**

Incorrect restriction to non-commercial use 2

- Copyright is transferred to the publisher but...
 - A CC BY license is applied
 - Publisher says author is only allowed to use the work non-commercially
- **The author has the same rights as a reader and can use the work commercially under the CC BY license**

Conflicting information

- Journal website states authors retain copyright but...
 - There is a copyright transfer agreement
 - Articles show copyright held by publisher
- **Ensure your copyright information is correct and consistent**

Common reasons for DOAJ rejection



Rejection at triage stage

- Journal is not fully open access
- ISSN is not fully registered at issn.org
- Not enough research content has been published
- Individual full text articles are not available
- URLs in application don't lead to the information required
- **No licensing information**

Rejection after full review

- Incorrect information is given in application
- Required information is unclear or missing from website
- Information is not the same in all languages used on website
- Peer review process is inadequate
- **Licensing/copyright policy is unclear**
- **Copyright and licensing policies are incompatible**
- **All rights reserved for published content**
- Journal makes false claims to be indexed in DOAJ or other services
- Journal does not employ good publishing practices

Help available



Online Help and Documentation

- DOAJ guide to applying
 - <https://doaj.org/apply/guide/>
- Creative Commons license chooser
 - <https://creativecommons.org/share-your-work/>
- DOAJ helpdesk
 - helpdesk@doaj.org



Thank you!

Tom Olyhoek, Editor-in-Chief
Judith Barnsby, Senior Managing Editor
DOAJ

