

# -- Copyright Ownership and Use Issues -- for Faculty Discussions

## Copyright Issues at KU:

- Although KU does not have a centralized copyright office, general information is offered through the Information Services division's website at <http://www.copyright.ku.edu/>.
- A KU-wide policy on copyright ownership and usage issues has not yet been articulated, however KU does have an intellectual property policy, which addresses general copyright ownership information as well as patents and trademarks created by staff and faculty of KU. For the policy see: [http://www.provost.ku.edu/policy/updates/intellectual\\_property\\_policy](http://www.provost.ku.edu/policy/updates/intellectual_property_policy).
- For specific guidance on copyright questions, KU affiliates can email [copyright@ku.edu](mailto:copyright@ku.edu). University General Counsel will receive those questions.

## What is copyright?

- Copyright is a bundle of rights granted to an author or creator which can be transferred, in part or in full to another entity such as a publisher.
- Copyright gives the author or creator of an original work exclusive control of how a work is reproduced, distributed or performed, for a period of time, or until such time that he/she transfers those rights to someone else (as in a publisher).
- Upon transfer of copyright in its entirety, authors no longer have control of how their work is distributed.
- An author can transfer to the publisher the single right of first publication while retaining all other rights.
- The Fair Use doctrine is a set of weighted factors that temper the copyright holders' exclusive rights, in order to provide access to materials for a variety of uses, including educational and scholarly endeavors. See <http://www.copyright.ku.edu/copyrightfairuse.shtml> for more information on Fair Use. Stanford University has a copyright primer at [http://fairuse.stanford.edu/Copyright and Fair Use Overview/chapter9/index.html](http://fairuse.stanford.edu/Copyright%20and%20Fair%20Use%20Overview/chapter9/index.html).

## Thoughts on copyright for authors:

- As authors, it is in faculty members' own best interests to maintain copyright by transferring to the publisher only the right of first publication. This allows faculty authors maximum options for dissemination, i.e. to:
  - Freely post on their own website.
  - Legally distribute copies.
  - Deposit in an online open access repository.
  - Include in new and derivative works.
- By maximizing options for dissemination, faculty maximize their works' potential reach (and audience), thereby maximizing the impact of their work (more readers, more impact).
- As authors of articles published in scholarly journals, faculty will probably be asked to transfer their copyright, in full or in part, to the publisher as a condition of publication.
  - When faculty do not retain copyright, they may lose the right to post copies of their work on their own website.
  - When faculty do not retain copyright, they may not be able to legally make copies of their own work for distribution to students or colleagues.
- Authors can opt to change the copyright agreement by attaching an addendum to the publication agreement (see, [http://www2.ku.edu/~scholar/docs/KU\\_AUTHOR\\_Addendum.pdf](http://www2.ku.edu/~scholar/docs/KU_AUTHOR_Addendum.pdf)). Or, authors can assign a Creative Commons license to their work <http://creativecommons.org/>.

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- Creative Commons provides authors with the ability to define the spectrum of possibilities between full copyright protection of their works — all rights reserved — and the public domain — no rights reserved. A Creative Commons license can be tailored to the needs of the creator but typically allows the creator of the work to retain rights and at the same time allows others to share, read, reuse and remix the work, as long as proper attribution is given.
- Authors can choose to publish with publishers who have copyright policies that encourage the widest dissemination of the works, and allow the authors to disseminate or create derivative works:
  - Publisher copyright policies & self-archiving can be found on the SHERPA/ROMEIO website, <http://www.sherpa.ac.uk/romeo.php>.
  - Submitting an addendum or model agreement is important even if the publisher rejects it, and the faculty member chooses to publish with that publisher anyway.
  - Publishers are likely to consider policy changes in response to requests from faculty authors.

### **Copyright issues for Faculty as users of copyrighted materials:**

- Currently, the University does not provide a clearinghouse of information that covers all the possible usages of copyrighted materials. A university community engages copyrighted materials for a variety of educational, administrative, and entertainment purposes, and that crosses a variety of formats (digital, print, three dimensional art works, film, live performance) and user communities, (students, faculty, administrators and community members, in their roles as learners, creators of scholarship and instructors.
- The KU libraries provides some information about a variety of copyright issues that impact the campus community, as that community engages the library collections and services. These would include:
  - photocopying materials;
  - downloading licensed electronic information sources, (which varies by license)
  - electronic course reserves, <http://www.lib.ku.edu/reserves/eres/copyright.shtml>,
  - and storing scholarly materials in KU ScholarWorks; <http://www2.ku.edu/%7Escholar/docs/copyright.shtml>.
  - Information Services houses a collection of other web pages on copyright usage, intellectual property ownership and related issues, <http://www.copyright.ku.edu/>.

### **Copyright and the flow of the results of scholarship.**

- The free flow of ideas is good for scholarship. When individual authors retain their copyright, they are serving the greater good of the scholarly community, by enabling this free flow of ideas.
- When publishers have only the right of first publication, other forms of access become possible. New business models that provide new forms of access and new types of added value may put downward pressure on hyper-inflating journal prices.
- New forms of copyright management and publishing do not equate to "publishers going out of business" - the American Institute of Physics and other physics publishers have successful journals despite the availability of much of the same content in the open access physics [arXiv](#).
- Authors' copyright retention gives faculty alternative ways to disseminate their work, for example through KU's ScholarWorks.