## Open Access and Creative Commons licenses in the light of copyright

Rasmus Rindom Riise Special adviser Department for Research Support Royal Danish Library | Copenhagen University Library

UNIVERSITY OF COPENHAGEN



# Open Access and Creative Commons licences in the light of copyright

### Agenda

- Concept Clarifications
- Basic introduction to copyright
- The CC licenses
- The effect of copyright transfer on licensors and licensees

### Open Access – not just access!



"Open Access is the condition where the copyright holder of a scholarly work grants usage rights to others using an open license (Creative Commons or equivalent) that allows for immediate, free access to the work and permits any user to read, download, copy, distribute, print, search, or link to the full texts of articles, crawl them for indexing, pass them as data to software, or use them for any other lawful purpose."

Directory of Open Access Journals (DOAJ)

### Green Open Access



### Gold Open Access



### Hybrid Open Access



### Diamond Open Access



Open Access — Reuse license

Bronze Open Access — No reuse license

## Copyright is about control

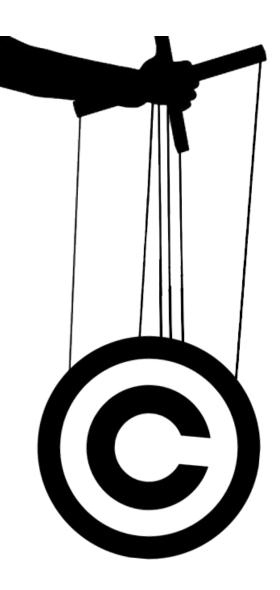
### **Economic Rights**

Right to reproduce or copy

Right to distribute

Right to adapt or modify

Right to display or perform



### **Moral Rights**

Right of paternity

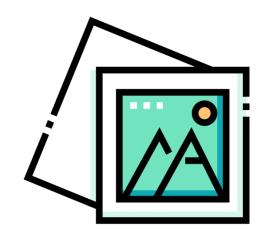
Right of integrity

## What's protected?

### **Literary works**



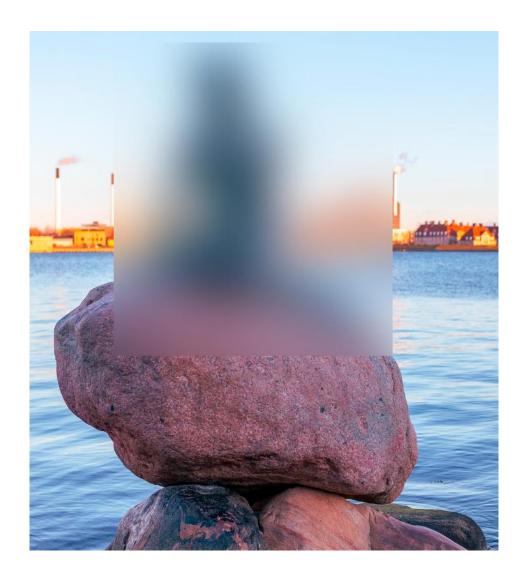
### **Artistic works**



### **Not protected**

- Ideas
- Opinions
- Facts
- Natural phenomena
- And a lot more…

## All rights reserved



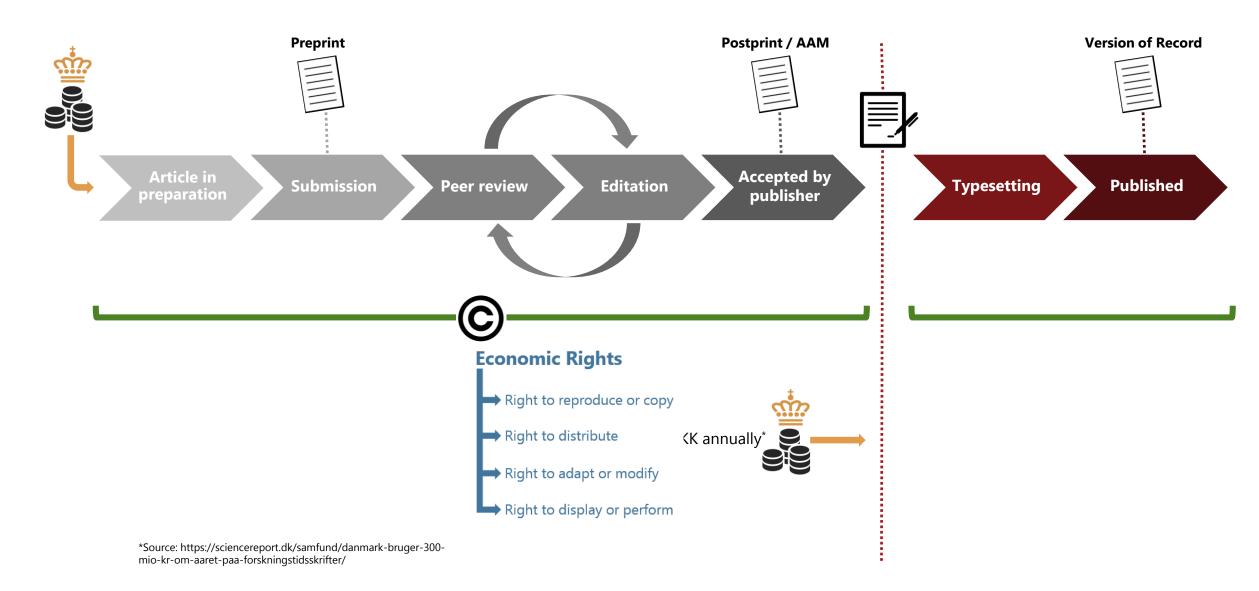
"The Little Mermaid"

Artist: Edvard Eriksen (1876-1959)

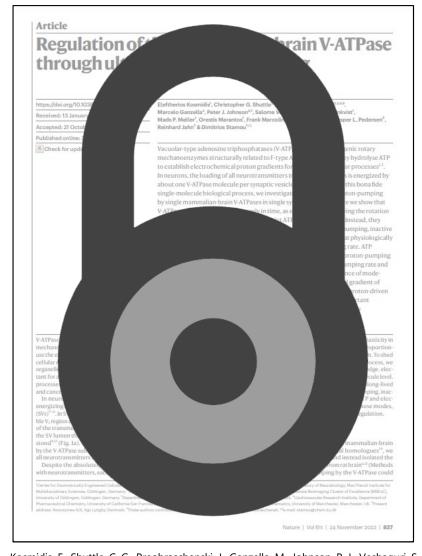
Public domain in 2029!

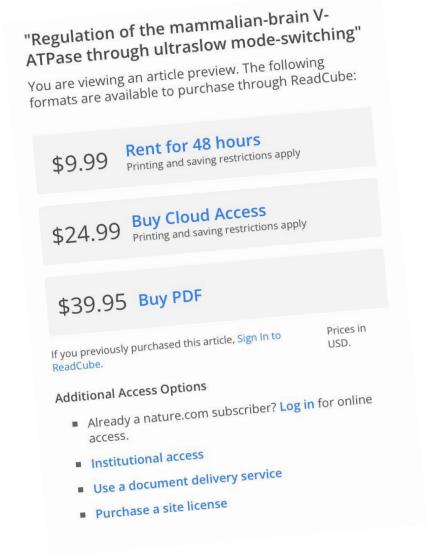


## Copyright Transfer Agreement (CTA)



## Legal authority to set up paywalls





### Benefits of CC licenses

- Open up the work: From all rights reserved to some rights reserved
- They reduce uncertainties and explicate terms of use
- They are international standard licenses
- They are machine readable
- They enhance scientific collaboration
- They promote verification of research
- They are required by funders, publishers or institutions

### Notice...

- CC licencing is binding and cannot be revoked by licensor
- Only copyrightable works can be CC licensed
- Only the copyright holder(s) can apply a CC license
- CC licenses are not recommended for licensing software

## Four license elements | Six licenses



#### Attribution

All CC licenses require that others who use your work in any way must give you credit the way you request, but not in a way that suggests you endorse them or their use. If they want to use your work without giving you credit or for endorsement purposes, they must get your permission first.



#### **Share Alike**

You let others copy, distribute, display, perform, and modify your work, as long as they distribute any modified work on the same terms. If they want to distribute modified works under other terms, they must get your permission first.



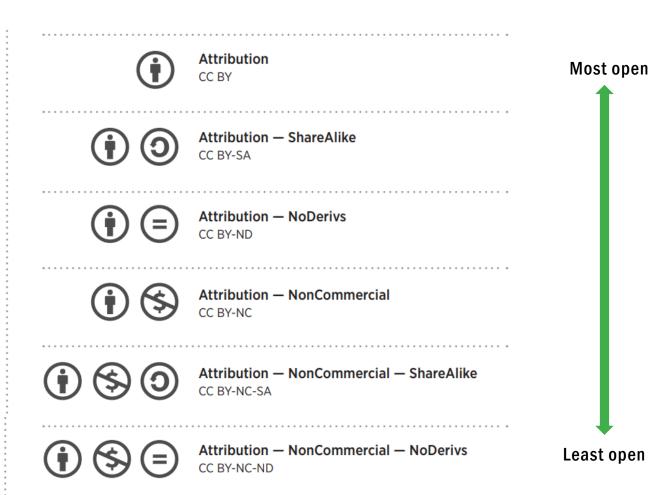
#### **NoDerivs**

You let others copy, distribute, display, and perform only original copies of your work. If they want to modify your work, they must get your permission first.



#### **NonCommercial**

You let others copy, distribute, display, perform, and (unless you have chosen NoDerivs) modify and use your work for any purpose other than commercially unless they get your permission first.



### Public domain dedications



Expiration of copyright



Waiving copyright

### Custom made licenses

### License regulations on AM versions from Springer

#### Academic research only



1. Users may view, print, copy, download and text and data-mine the AM content, for the purposes of academic research, subject always to these Terms of Use.



✓ 2. Any AM content downloaded for text and data-mining purposes must be deleted or destroyed when the analysis is complete.

#### Use must not be for Commercial Purposes



✓ 3. AM content may not be used for purposes that are intended for or directed towards commercial advantage or monetary compensation by means of sale, resale, licence, loan, transfer or any other form of commercial exploitation ("Commercial Purposes").

#### Wholesale re-publishing is prohibited



4. AM content may not be published, or otherwise made available verbatim in whole or in part, whether or not this is done for Commercial Purposes, either in print or online, except as set forth in paragraph 5 below.

5. This restriction does not apply to reproducing normal quotations with an appropriate citation, in accordance with fair dealing, fair use, or other unwaivable copyright exception principles under applicable law. In the case of text and data-mining, individual words, concepts and quotes up to 100 words per matching search return may be used, whereas longer paragraphs of text and images may not (without specific written permission from Springer Nature).

#### Reformatting and enhancement is prohibited



6. Under no circumstances may Springer Nature AM content be reformatted or enhanced, whether by an Author or third parties.

#### Onward sharing is prohibited



✓ 7. Provision or onward sharing of AM content to third parties without permission is prohibited, except as set forth in paragraph 5 above, and as permitted by applicable law.

#### Moral rights



✓ 8. Users must ensure that the authors' moral right to the integrity of their work is not compromised.

#### Attribution



✓ 9. All use must be fully attributed. Attribution must take the form of a citation and include a link - using the article, book, or book chapter DOI - to the published article, book, or book chapter on the publisher's journal's



10. For research integrity purposes it is best practice to cite the published Version of Record (VOR), where available (for example, see ICMJE's guidelines on overlapping publications). Where users do not have access to the VOR, any citation must clearly indicate that the reference is to an AM version.

#### Third party content



✓ 11. Where parts of AM content in the document is identified as belonging to a third party other than the rightsholder, authors, or the publisher, it is the obligation of the user to ensure that they have all rights necessary for their intended use and any use complies with copyright policies of the owner.

#### Use at user's own risk



✓ 12. Any use of Springer Nature AM content is at the user's own risk and Springer Nature accepts no liability arising from such use. It is the user's obligation to check for any updates to the content by consulting the VOR.

### Toll access article

The Poetics of Penal Transportation: Robert Southey's *Botany-Bay* Eclogues

**Robert W. Rix** is Associate Professor at the University of Copenhagen. He has published widely on several aspects of the eighteenth century and romanticism, including religious movements, politics, and print culture.

© 2020 by the ASECS

Eighteenth-Century Studies, vol. 53, no. 3 (2020) Pp. 429-46.

by exiled convicts who have been transported to Australia to work in the British penal colony popularly known as Botany Bay (located close to present-day Sydney). As Dorice Williams Elliott has shown in a recent monograph, the transported criminal was very much a "literary figure," appearing in several prominent novels.\(^2\) However, her wide-ranging discussion does not include the writings of Southey or the other poets I will examine in this article. Southey invents his fictional speakers to highlight the plight of the convicts, and the poems clearly belong with the corpus of his early political writing, such as the first draft of Joan of Arc, The Fall of Robespierre (acts II and III), and Wat Tyler (all written 1793—1794). Following these radical works, Southey wrote a number of humanitarian poems on the slave trade and poverty (1795—1797). Romantic political poetry of the 1790 has been widely examined, including Southey's work, but the Botany-Bay Eclogues tend to be "exiled" from these discussions, at least no focused critical study has emerged.\(^3\)

Because of Southey's radicalism and his sentimental gesturing in the poems, it is easy to assume that they would contain an outright condemnation of transportation. Yet the argument I propose is that Southey looks at banishment

Robert W. Rix is Associate Professor at the University of Copenhagen. He has published widely on several aspects of the eighteenth century and romanticism, including religious movements, politics, and print culture.

© 2020 by the ASECS

Eighteenth-Century Studies, vol. 53, no. 3 (2020) Pp. 429-46.

Rix, R. W. (2020). The Poetics of Penal Transportation: Robert Southey's Botany-Bay Eclogues. *Eighteenth-Century Studies*, *53*(3), 429–446. https://doi.org/10.1353/ecs.2020.0040 - Not covered by the CC license

## Open Access article

Journal of Law and the Biosciences, 1–15 doi:10.1093/jlb/lsaa015 Advance Access Publication 4 May 2020 Original Article



### COVID-19 pandemic and derogation to human rights

Audrey Lebret

JOWIN DISCHARGE CONTINUOR

© The Author(s) 2020. Published by Oxford University Press on behalf of Duke University School of Law, Harvard Law School, Oxford University Press, and Stanford Law School. This is an Open Access article distributed under the terms of the Creative Commons Attribution NonCommercial-NoDerivs licence (http://creativecommons.org/licenses/by-nc-nd/4.0/), which permits non-commercial reproduction and distribution of the work, in any medium, provided the original work is not altered or transformed in any way, and that the work is properly cited. For commercial re-use, please contact journals.permissions@oup.com

KEYWORDS: COVID-19, public health, human rights, derogation, European Court of Human Rights

The world is currently facing one of its most severe public health crises. At the time of this paper, there are more than 3 million confirmed cases of COVID-19 worldwide, <sup>1</sup> those numbers being far below the reality of the spreading since in various countries, only symptomatic persons are actually tested.

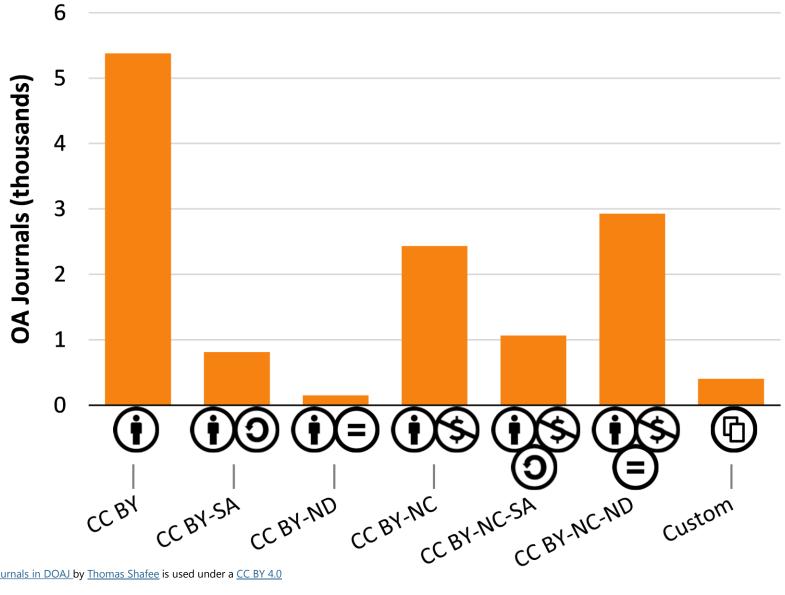
In Europe, the European Commission took the initiative to support short-time work and announced an investment of 37 billion eurors to help small companies and the healthcare sector. However, voices have been critical of the lack of action of the European Union (EU) and denounced the lack of European solidarity. It is worth recalling, nonetheless, that the member states did not confer a competence to the EU in public health. The EU has only a supporting competence in the field, which

- Coronavirus COVID-19 Global Cases by the Center for Systems Science and Engineering (CSSE) at John Hopkins, https://gisanddata.maps.arcgis.com/apps/opsdashboard/index.html#/ bda7594740fd40259423467b4869ecf6.
- 2 https://audiovisual.ec.europa.eu/en/topnews/M-004631 (accessed Apr. 7, 2020).

© The Author(s) 2020. Published by Oxford University Press on behalf of Duke University School of Law, Harvard Law School, Oxford University Press, and Stanford Law School. This is an Open Access article distributed under the terms of the Creative Commons Attribution Non-Commercial NoDersi Bicnec (http://creativecommons.org/licenses/by-nc-nd/40/), which permits non-commercial reproduction and distribution of the work, in any medium, provided the original work is not altered or transformed in any way, and that the work is properly cited. For commercial re-use, belease contact iournals ozermisoins@uncom by Danish Regions user on 11 September 2020

Lebret, A. (2020). COVID-19 pandemic and derogation to human rights. *Journal of Law and the Biosciences, 7*(1), Isaa015. https://doi.org/10.1093/jlb/lsaa015 - Used under <u>CC BY-NC-ND 4.0</u>

## Lincenses used by gold and hybrid OA journals

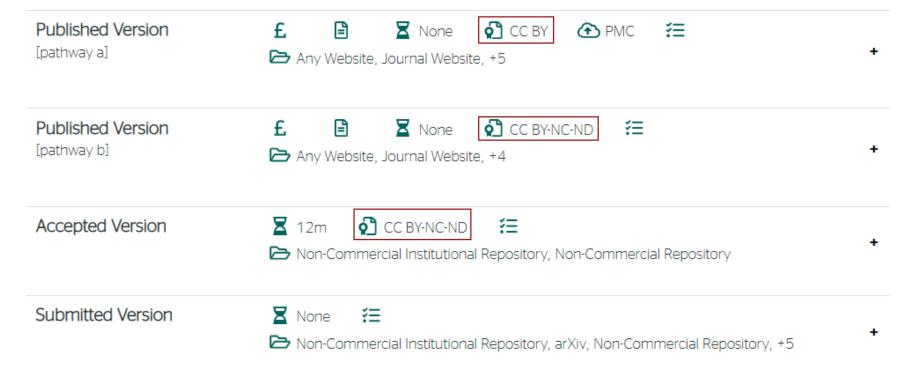


## Sherpa Romeo

Journal name: Cell Metabolism | ISSN: 1932-7420



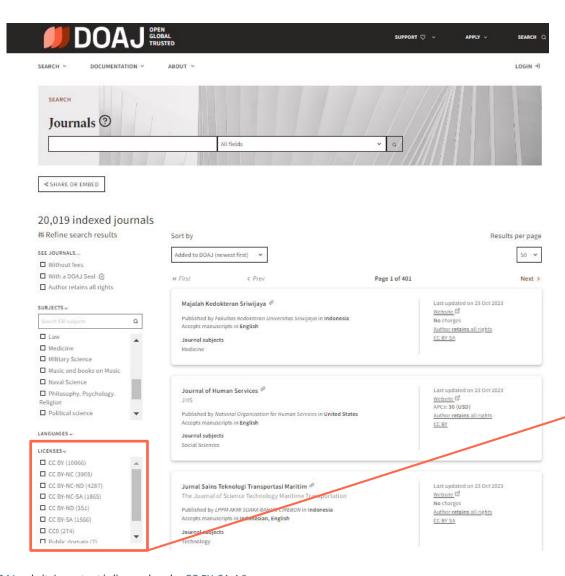
Open Access pathways permitted by this journal's policy are listed below by article version. Click on a pathway for a more detailed view.



## Charges of CC licenses depending on license choice

Specialty:	Journal title \$	(CCBY-NC- ND)	(CCBY)
Neurology	Current Opinion In Neurology	\$ 3,625	\$ 4,400
Neurology	Journal Of Addiction Medicine	\$ 2,720	\$ 3,160
Neurology	Journal Of Clinical Neuromuscular Disease	\$ 2,545	\$ 3,010
Neurology	Journal Of Clinical Neurophysiology	\$ 2,885	\$ 3,480
Neurology	Journal Of Neurologic Physical Therapy	\$ 2,340	\$ 2,800
Neurology	Journal Of Neuro-Opthalmology	\$ 2,885	\$ 3,480
Neurology	Journal Of Neuroscience Nursing	\$ 2,545	\$ 3,010
Neurology	Neurologist, The	\$ 2,545	\$ 3,010
Neurology	Neurology	\$ 3,600	\$ 4,400
Neurology	Neurology ® Clinical Practice	\$ 3,200	\$ 4,000

## Directory of Open Access Journals (DOAJ)



CC BY (10066) CC BY-NC (3905) CC BY-NC-ND (4287) CC BY-NC-SA (1865) CC BY-ND (351) CC BY-SA (1566) CC0 (274) Public domain (7) Publisher's own license (275)

## Open Access = Retainment of copyright? Nope.

Journal of Law and the Biosciences, 1–15 doi:10.1093/jlb/lsaa015 Advance Access Publication 4 May 2020 Original Article



### COVID-19 pandemic and derogation to human rights

Audrey Lebret

© The Author(s) 2020. Published by Oxford University Press on behalf of Duke University School of Law, Harvard Law School, Oxford University Press, and Stanford Law School. This is an Open Access article distributed under the terms of the Creative Commons Attribution NonCommercial-NoDerivs licence (http://creativecommons.org/licenses/by-nc-nd/4.0/), which permits non-commercial reproduction and distribution of the work, in any medium, provided the original work is not altered or transformed in any way, and that the work is properly cited. For commercial re-use, please contact journals.permissions@oup.com

KEYWORDS: COVID-19, public health, human rights, derogation, European Court of Human Rights

The world is currently facing one of its most severe public health crises. At the time of this paper, there are more than 3 million confirmed cases of COVID-19 worldwide, I those numbers being far below the reality of the spreading since in various countries, only symptomatic persons are actually tested.

In Europe, the European Commission took the initiative to support short-time work and propused in insestment of 37, bullion guess to help small companies and

In Europe, the European Commission took the initiative to support short-time work and announced an investment of 37 billion euros to help small companies and the healthcare sector.<sup>2</sup> However, voices have been critical of the lack of action of the European Union (EU) and denounced the lack of European solidarity. It is worth recalling, nonetheless, that the member states did not confer a competence to the EU in public health. The EU has only a supporting competence in the field, which

- 1 Coronavirus COVID-19 Global Cases by the Center for Systems Science and Engineering (CSSE) at John Hopkins, https://gisanddata.maps.arcgis.com/apps/opsdashboard/index.html#/ bda759476840299423457548e9ecf6.
- 2 https://audiovisual.ec.europa.eu/en/topnews/M-004631 (accessed Apr. 7, 2020).

© The Author(s) 2020. Published by Oxford University Press on behalf of Duke University School of Law, Harvard Law School, Oxford University Press, and Stanford Law School. This is an Open Access article distributed under the terms of the Creative Commons Attribution None Commercial NoDervis Bicnece (thtp://creativecommons.org/licenses/by-nc-nd/4.0/), which permits non-commercial reproduction and distribution of the work, in any medium, provided the original work is not altered or transformed in any way, and that the work is properly cited. For commercial re-use, please contact journals, permissions/@oup.com

#### **Journal of Law and the Biosciences**

T 2053-9711 (ONLINE)

☑ Website



About

Articles

#### PUBLISHING WITH THIS JOURNAL

\$ The journal charges up to:

#### 500 GBP

as <u>publication fees</u> (article processing charges or APCs).

There is **no waiver policy** for these charges.

#### A Look up the journal's:

- Aims & scope
- Instructions for authors
- Editorial Board
- Peer review

 Expect on average 13 weeks from submission to publication.

#### BEST PRACTICE

☐ This journal began publishing in open access in 2014. ②

This journal uses a CC BY or a CC BY-NC-ND license.

©**⊕** ⊚**⊕**§∋

→ Look up their <u>open access statement</u> and their license terms.

The author does not retain unrestricted copyrights and publishing rights.

☐ Articles digitally archived in:

- LOCKSS
- Portico
- → Find out about their <u>archiving policy</u>.

#### JOURNAL METADATA

Publisher
 Oxford University Press, United
 Kingdom

Society or institution Harvard University Law School; Duke University; Stanford University

Manuscripts accepted in English

LCC subjects ©

Law: Law in general. Comparative and uniform law. Jurisprudence

Science: Biology (General)

Keywords

biosciences

### Overview

In order for Elsevier to publish and disseminate research articles, we need certain publishing rights from authors, which are determined by a publishing agreement between the author and Elsevier.

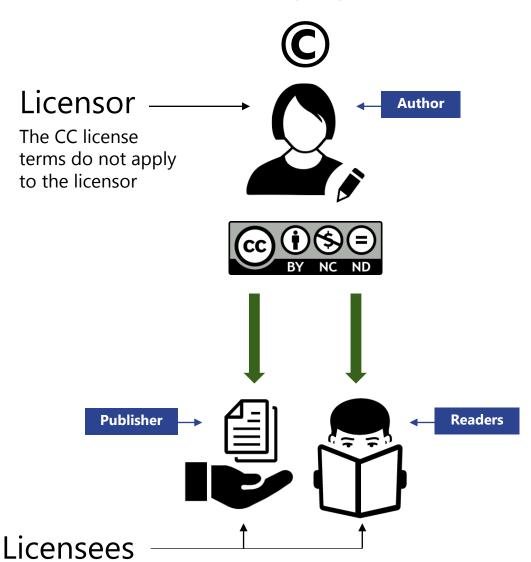
For articles published open access, the authors license exclusive rights in their article to Elsevier where a CC BY-NC-ND end user license is selected, and license non-exclusive rights where a CC BY end user license is selected.

For articles published under the subscription model, the authors transfer copyright to Elsevier.

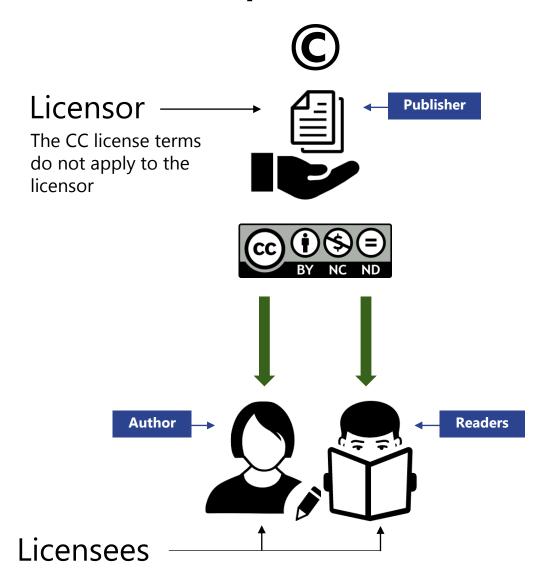
Regardless of whether they choose to publish open access or subscription with Elsevier, authors have many of the same rights under our publishing agreement, which support their need to share, disseminate and maximize the impact of their research.

For open access articles, authors will also have additional rights, depending on the Creative Commons end user license that they select. This Creative Commons license sets out the rights that readers (as well as the authors) have to re-use and share the article: please see here for more information on how articles can be re-used and shared under these licenses.

# If the author retains copyright



# If copyright is transferred to publisher



## Green Open Access = Often Bronze Open Access

ACL Anthology.	Embargo period: None     License when depositing: CC BY 4.0	<u>DeGruyter</u>	Embargo period: VoR can be deposited in CURIS after 12 months     License when depositing: Not specified	<u>Inderscience</u>	Embargo period: 12 months     License when depositing: Not specified		Embargo period: 12 months     License when depositing: Not specified	The Royal Society	Embargo period: None     License when depositing: CC BY     4.0. if required by funder
ACM	Embargo period: None     License when depositing: Not specified	Edward Elgar Publishing	Embargo period: 6 months     License when depositing: Not specified		Embargo period: 12 months     License when depositing: CC BY-NC-ND NOTE: Due to a national agreement with IOP Publishing, it is possible to publish without any charges in many of the publisher's gold and hybrid Open Access journals - read more	Palgrave MacMillan	NOTE: Due to a national agreement with Springer, it is possible to publish without any charges in Palgrave Macmillan's hybrid Open Access Journals - <u>read</u> more	Ihieme	Embargo period: 12 months     License when depositing: Not specified
American Chemical Society	Embargo period: 12 months     License when depositing: Not specified     Embargo period: None		Embargo period: Varies between 6-36 months depending on the journal     License when depositing: CC BY-NC-ND 4.0	IOP Publishing		Embargo period: None     License when depositing: The publisher's own license that does not allow commercial use or not		Embargo period: Varies between 12-24 months depending on the journal     License when depositing: The publisher allows downloading, copying, text mining and data	
Brill	License when depositing: Not specified     Embargo period: Varies between	<u>Elsevier</u>	NOTE: Due to a national agreement with Elsevier, it is possible to publish without any charges in approximately 1700 of	IOS Press	Embargo period: None     License when depositing: Not specified		derivations of the article  • Embargo period: 12 months • License when depositing: The	Wiley	mining for academic purposes.  NOTE: Due to a national agreement with Wiley, it is possible to publish without any charges
O-6 months depending on the journal  • License when depositing: CC BY NC-ND 4.0  Cambridge University Press  NOTE: Due to a national agreement with Cambridge University Press, it is possible to publish without any charges in the		the publisher's hybrid Open Access journals - <u>read more</u> • <u>Embargo period</u> : None	0xford University Press Jou	Embargo period: Varies between 12-24 months depending on the journal     License when depositing: Not		publisher's own license that allows downloading, copying, text mining and data mining for academic purposes. Creative Commons licensing is not permitted.		in approximately 1360 of the publisher's hybrid Open Access journals - <u>read more</u>	
	agreement with Cambridge	Emerald	License when depositing: CC BY- NC 4.0		/hen depositing: CC.BY-	specified      Embargo period: 12 months	Springer	NOTE: Due to a national agreement with Springer, it is possible to publish without any	
	publisher's hybrid Open Access Journals - <u>read more</u>	LEEE	Embargo period: 24 months. Can be shortened if it must be compilant with funder's requirements     License when depositing: Not specified	Palgrave MacMillan	License when depositing: Not specified  NOTE: Due to a national agreement with Springer, it is possible to publish without any charges in Palgrave Macmillan's hybrid Open Access journals - read		charges in many of the publisher's hybrid Open Access journals - <u>read</u> <u>more</u>	WOILE S NOWEL	publisher's own license that does not allow commercial use or derivations of the article
						Taylor & Francis	Embargo period: Varies between     0-18 months depending on the     journal		
					more		License when depositing: CC BY- NC 4.0 or CC BY-NC-ND 4.0		

## Requires proper metadata



Israeli teachers make sense of global citizenship education in a divided society- Religion, marginalisation and economic globalisation This paper is published in COMPARATIVE EDUCATION, 55(2): 243-263. https://www.tandfonline.com/doi/abs/10.1080/03050068.2018.1541660?journalCode=cced20 This is a post-print (i.e. final draft post-refereeing) version according to SHERPA/ROMEO Claire Maxwell University of Copenhagen Department of Sociology Faculty of Social Sciences Øster Farimagsgade 5, Bld. 16 DK - 1353 Copenhagen K cm@soc.ku.dk

## Questions?

