

Report on IUPAP working group on Communications

John Enderby (Chair)

1. Meeting held on 30 September 2009 at APS Ridge NY. Approved minutes are attached.
2. Two attachments are given related to copyright. The minimum privileges for Authors suggested by the WG have, through the Secretary General, been forwarded to IUPAP Council
3. The SE Asia representative has now been appointed. Dr Lu Li is the Deputy Director of the Chinese Academy of Science.
4. Progress on ID by "ORCID" led the WG to conclude that a meeting in September 2010 was no longer appropriate. Instead, the WG intends to have a meeting on "Models of Peer Review". JEE is working this up into a firm proposal which has been warmly welcomed by members. The proposed date is April/May 2011.

John Enderby
September 2010

Notes on the Meeting of IUPAP Working Group on Communications

Location: APS, Ridge NY

Date: 30 September 2009

Present: Gene Sprouse, Ken-Iche Ueda, Rudiger Voss, John Enderby

Apologies: Franck Laloe (who has indicated his wish to stand down) and Enrique Canessae (who has indicated his willingness to continue)

1. Author ID

This topic was discussed at our last meeting and there was a general consensus that a robust and unified system of author ID was now a matter of urgency. GS made a short presentation of IROW 2009 held at Toronto in which Jeff Bilder of CrossRef played a key role. It was agreed to start planning a meeting on Author ID for September 2010 (see 9 below).

2. Progress on SCOAP³

RV gave an up-to-date report on progress. Although the time-table had slipped, the signs remained favorable. Concern was expressed that the Japanese had so far not committed themselves to the project and that the US participation was to be at the institutional level. RV agreed to keep the group informed of progress.

3. Copyright

JE introduced this with a Power Point presentation (appendix 1) he had made to the Science Advisory Committee (SAC) of IOPP. After discussion it was agreed that IUPAP Council should be invited to endorse the Working Group's (WG) proposals. These are listed in appendix 2.

Role of Journals

It was widely accepted that paper based journals were no longer the main source of information for researchers. Nevertheless they remain of crucial importance to academics

in terms of their career development, to funders of research in order to justify their choice of subjects/people for financial support and to the general public to ensure that the results of research had been properly checked and authenticated. We seek a declaration at the IUPAP level emphasizing the importance of peer reviewed publishing as an essential part of the scientific enterprise.

4. S E Asia

In deciding on our recommendations for membership of the group (8 below) representation from SE Asia was deemed necessary.

5. Developing Countries

IUPAP should reaffirm its commitment to the provision of free or heavily discounted research content through INASP and similar organizations.

6. Future of the WG and its terms of reference

Given the importance of communication in Physics, the WG felt that it was fulfilling a need and should therefore continue. Nevertheless, its terms of reference should be clarified and JEE was asked to discuss this issue with the Secretary-General (Bob Kirby Harris).

7. Membership

A proposal from the French as a replacement to Franck was received after the meeting. Details of the candidate, Xavier Bouju, are attached (appendix3) and after discussions with the Secretary- General, JEE recommends that the proposal is accepted.

So for 2010, the Committee will be, subject to approval by IUPAP:

John Enderby (Chair)

Gene Sprouse

Rudiger Voss

Enrique Cannessae

Ken-Iche Ueda

Xavier Bouju

S E Asia representative

Brazil representative

8. Conference Topic etc.

Author ID to be held in September 2010 at CERN (subject to availability)

As a first step JEE will contact Jeff Bilder at CrossRef and then discuss with members the creation of a Programme Committee.

9. Date of next meeting.

Agreed to hold the next meeting of the WG at CERN immediately before the Conference.

10. AOB

There being no other business the meeting closed. Members expressed their thanks to Gene and his staff for the hospitality of APS and the smooth organization which had made our visit so pleasant.

ACTIONS:

All: please comment on the draft minutes

RV: arrange for PP presentations to be available

RV: to keep the WG informed of OA progress

RV to investigate availability of CERN for the Author ID meeting

GS and K-I U to identify the E-i-C of the Asian Physics Journal

GS to identify the colleague from Brazil

JEE to contact Jeff Bilder

JEE to discuss membership/terms of reference with R K-H

(Note added: All actions complete)

IOPP and Copyright

- The SAC is invited to consider IOPP's policy and test it against the interests of academics
- JEE is a member of an internal review committee involving our Company Lawyer on copyright policy and welcomes your advice
- He also chairs IUPAP's working group on publication policies, and Copyright is an agenda item for our next meeting

What is Copyright?

- Copyright Law secures for the creator of a creative effort the exclusive right to control who can make copies or make work derived from the original
- A creative effort must be a tangible object. Ideas or opinions are not covered by Copyright until they appear in print or other media
- Copyright can be sold, licensed or assigned to a third party
- Each jurisdiction has its own copyright laws, although the Berne Convention lays down minimum standards

Fair Use

- A complex subject but basically "fair use" allows some copying without permission if it is deemed to be in the public interest.
- Classic example is the use by film critics of clips to illustrate how bad a film is. If the critic had to seek permission it would likely be refused, unless the critic assured the owner that the report would be favourable. This would not be in the public interest

Work in the Public Domain

- The owner of the Copyright has to make an explicit statement that his/her work can be viewed as in the public domain. Merely putting on the Web does not, in itself, create public domain material.
- Once PD has been activated, the owner loses all rights and cannot prevent its use for commercial purposes.

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Derivative Works

- These are works which are based on or derived from other copyright material.
- Such work can only be produced by permission of the copyright holder who has exclusive control of what can or cannot be used.
- [APS approach to be described later]

Copyright and Open Access (OA)

- OA journals can and do retain copyright protection
- PubMed Central (PMC) state that owners of copyright (i.e. Authors or Publishers) retain ALL rights even though PMC provides free access to their papers

Publishers and Copyright: Two models

- Some publishers ask authors to assign copyright to them and then give back certain rights (e.g. IOPP, APS, AIP..)
- Others allow the authors to retain copyright but grant an exclusive licence to the publishers subject to contractual agreement (PNAS, Roy Soc, Science, Nature...)
- From an academic perspective, does it matter which model is used?

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Conclusions

- All publishers allow some use of their material whether or not they retain copyright
- There seems no evidence that the freedom of authors who retain copyright to post or use their material is particularly enhanced
- Paradoxically, APS which insists on copyright transfer appears to be most liberal as to the rights of its authors

Are there advantages in assigning copyright to publishers?

- In my opinion the answer is definitely "YES"
- Infringement of copyright is a CIVIL (not criminal) offence and so...
authors are rarely in position to defend themselves against infringers or plagiarists, primarily due to financial considerations

Advantages (continued)

Authors, users, science and the public benefit from the broadest possible dissemination handled by a specialised distribution professional: the publisher

Publishers very often work with multiple authors. No single author controls all the rights to a publication and this could hamper copyright management

Authors are based in a multitude of countries and copyright assignments operate relatively uniformly across different jurisdictions, while exclusive licenses differ in their legal effect.

In Summary

An assignment enables the publisher:

- to manage copyrights more effectively - how many authors would be willing and able to grant permission to third parties willing to use excerpts, find sub-agents, correspond with their coauthors or exploit rights that are "held back" under an exclusive licence?
- to react more rapidly to copyright infringements, un-authorized derivatives and plagiarism;
- to move a publication to new formats and invest in future publication platforms

IOPP's Policy

Generally we obtain a copyright transfer from authors and then transfer back to them the following rights:

To make copies of the Article (all or part) for teaching purposes;

To include the Article (all or part) in a research thesis or dissertation;

To make oral presentation of the Article (all or part) and to include a summary and/or highlights of it in papers distributed at such presentations or in conference proceedings

All proprietary rights (e.g. patent rights) other than copyright.

IOPP's Policy (continued)

- To use the Article (all or part) without modification in personal compilations or publications of a Named Author's own works (provided not created by third party publisher) *;
- To include the Article (all or part) on a Named Author's own personal web site*;
- To include the Article (all or part) on web sites of the Institution (including its repository) where a Named Author worked when research for the Article was carried out*; and
- To include the Article (all or part) on third party web sites including e-print servers, but not on other publisher's web sites*. (For medical titles only there is a 12 month embargo on exercising this right);

In addition: we have a free to view policy for thirty days on most of our own journals

*N.B This is the authors own version (including amendments after peer review) not the final IOPP format

Questions for Discussion

- Is the balance of rights reasonable?
- Should IOPP move to the Roy Soc etc model?
- How does SAC view the APS policy on "derivative works"?
- Is there a case for more uniformity of practice among learned society publishers?
- Are there changes in procedure/policy that the SAC wishes JEE to report to the internal committee?

Statements by the working Group on Communications for IUPAP to consider

1. IUPAP should make an explicit statement emphasising the importance of sustainable peer reviewed journals as an essential part of the scientific enterprise.
2. IUPAP should issue guide lines to its members about the *minimum* basic rights authors should retain when assigning copyright to publishers.

These are:

The ability (a) to make and use copies of the article (all or part) for teaching purposes, in research dissertations and in conference presentations and

(b) to post the accepted version (but not the final version of record produced by the publisher) on institutional, personal or subject repositories or not –for- profit e-servers after an embargo period agreed with the publishers. In general IUPAP would not expect the embargo period to exceed 12 months from the date of publication (paper or electronic)

(Note Added: These recommendations have been approved by members)