

# **Adaptation? Derivatives? I Thought We Were Just Talking About Open Access**

Anita Walz, Open Education, Copyright & Scholarly Communication Librarian, Virginia Tech  
Laureen Boutang, Publishing Services Coordinator, University of Minnesota



# Aspirations for this session

- 1) Better know how to **help our clients to think thru licensing options** - especially to prompt authors in thinking about the *needs of users* (and potential users);
- 2) Understand the diversity of perspectives regarding **what we may mean when we say “open access”** and choose our words carefully;
- 3) Develop a **shared sense of best practices and values as library publishers.**

## **Brief prepared case studies**

## **Four discussion topics**

**Publisher policies**

**Clear communication** with clients/authors, and uses of authors' works

**What do you mean by “open access”?**

**What's at stake?**

# Getting to know you



**Q1. Does your initiative have a policy regarding what types of works you will support?**

**We support . . . almost everything**

**only works with zero cost access**

**works that have some type of Creative**

**Commons license**

**works that have a very specific CC license(s)**

**we are still figuring this out**

**something else?**

**Q2. What are the intended use(s) of works produced by your publishing initiative?**

**Users must be able to . . . read or access (without fee)**  
**. . . copy, use, distribute,**  
**transmit, display**  
**. . . adapt or customize (create derivatives)**

**Users *may be* able to . . . adapt or customize (but this is not our main goal)**

**Users must not be able to . . adapt or customize**

# Prepared remarks

## Defining Open Access for Journals

Open Access is a means of disseminating scholarly research that breaks from the traditional subscription model of academic publishing. It has the potential to greatly accelerate the pace of scientific discovery, encourage innovation, and enrich education by reducing barriers to access. Open Access shifts the costs of publishing so that readers, practitioners, and researchers obtain content at no cost. However, Open Access is not as simple as "articles are free to all readers." Open Access encompasses a range of components such as readership, reuse, copyright, posting, and machine readability. Within these areas, publishers and funding agencies have adopted many different policies, some of which are more open and some less open. In general, the more a journal's policies codify immediate availability and reuse with as few restrictions as possible, the more open it is.

**Journals can be more open or less open, but their degree of openness is intrinsically independent from their:**

- Impact • Prestige • Quality of Peer Review
- Peer Review Methodology • Sustainability
- Effect on Tenure & Promotion • Article Quality

## How To Use This Guide

In 2002, the Budapest Open Access Initiative articulated the basic tenets of Open Access for the first time. Since then, thousands of journals have adopted policies that embrace some or all of the Open Access core components related to: readership, reuse, copyright, posting, and machine readability. However, not all Open Access is created equal. For example, a policy that allows anyone to read an article for free six months after its publication is more open than a policy that creates a twelve month embargo; it is also less open than a policy that allows for free reading immediately upon publication.

This guide will help you move beyond the seemingly simple question, "Is this journal open access?" and toward a more productive alternative, "HowOpenIsIt?"

### Use it to:

- Understand the components that define Open Access journals
- Learn what makes a journal more open vs. less open
- Make informed decisions about where to publish

## This Guide Is A Collaboration Among:



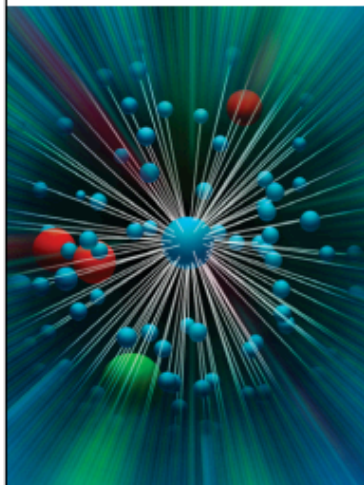
HowOpenIsIt™ Open Access Spectrum  
Licensed under CC BY

Image attribution: Christian Damasco et al,  
PLOS ONE, 2011. 4(3).  
Licensed under CC BY

©2013 Scholarly Publishing and  
Academic Resources Coalition  
and Public Library of Science

# HowOpenIsIt?

OPEN ACCESS SPECTRUM





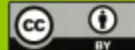






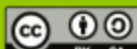
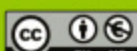
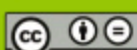
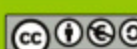

Access	Reader Rights	Reuse Rights	Copyrights	Author Posting Rights	Automatic Posting	Machine Readability	Access
	Free readership rights to all articles immediately upon publication	Generous reuse & remixing rights (e.g., CC BY license)	Author holds copyright with no restrictions	Author may post any version to any repository or website	Journals make copies of articles automatically available in trusted third-party repositories (e.g., PubMed Central) immediately upon publication	Article full text, metadata, citations, & data, including supplementary data, provided in community machine-readable standard formats through a community standard API or protocol	
	Free readership rights to all articles after an embargo of no more than 6 months	Reuse, remixing, & further building upon the work subject to certain restrictions & conditions (e.g., CC BY-NC & CC BY-SA licenses)	Author holds copyright, with some restrictions on author reuse of published version	Author may post final version of the peer-reviewed manuscript ("postprint") to any repository or website	Journals make copies of articles automatically available in trusted third-party repositories (e.g., PubMed Central) within 6 months	Article full text, metadata, citations, & data, including supplementary data, may be crawled or accessed through a community standard API or protocol	
	Free readership rights to all articles after an embargo greater than 6 months	Reuse (no remixing or further building upon the work) subject to certain restrictions and conditions (e.g., CC BY-ND license)	Publisher holds copyright, with some allowances for author and reader reuse of published version	Author may post final version of the peer-reviewed manuscript ("postprint") to certain repositories or websites	Journals make copies of articles automatically available in trusted third-party repositories (e.g., PubMed Central) within 12 months	Article full text, metadata, & citations may be crawled or accessed without special permission or registration	



# Open Education Librarian

Enabling, educating about, and encouraging “**remix**”



	 PUBLIC DOMAIN	 PUBLIC DOMAIN	 BY	 BY SA	 BY NC	 BY ND	 BY NC SA	 BY NC ND
 PUBLIC DOMAIN	✓	✓	✓	✓	✓	✗	✓	✗
 PUBLIC DOMAIN	✓	✓	✓	✓	✓	✗	✓	✗
 BY	✓	✓	✓	✓	✓	✗	✓	✗
 BY SA	✓	✓	✓	✓	✗	✗	✗	✗
 BY NC	✓	✓	✓	✗	✓	✗	✓	✗
 BY ND	✗	✗	✗	✗	✗	✗	✗	✗
 BY NC SA	✓	✓	✓	✗	✓	✗	✓	✗
 BY NC ND	✗	✗	✗	✗	✗	✗	✗	✗



## Berlin Declaration

[Signatories](#)[Mission Statement](#)[Expression of Interest](#)[Berlin Conferences](#)[Positions](#)[Activities](#)[Notes](#)

## BERLIN DECLARATION

*The Internet has fundamentally changed the practical and economic realities of distributing scientific knowledge and cultural heritage. For the first time ever, the Internet now offers the chance to constitute a global and interactive representation of human knowledge, including cultural heritage and the guarantee of worldwide access. We, the undersigned, feel obliged to address the challenges of the Internet as an emerging functional medium for distributing knowledge. Obviously, these developments will be able to significantly modify the nature of scientific publishing as*

## Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities

The Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities of 22 October 2003 was written in English. This one of the

## SIGNING INSTRUCTIONS

Governments, universities, research institutions, funding agencies, foundations, libraries, museums, archives, learned societies and professional associations who share the vision expressed in the Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities are therefore invited to join the signatories that have already signed the Declaration.

### Contact

Prof. Dr. Martin Stratmann  
Präsident der Max Planck Gesellschaft  
Hofgartenstraße 8  
D-80539 München  
Deutschland

Email: [President](#) or [Open Access Contact](#)

## PDF VERSIONS BERLIN DECLARATION

- Arabic

1. Open access contributions must satisfy two conditions: The author(s) and right holder(s) of such contributions grant(s) to all users a free, irrevocable, worldwide, right of access to, and a license to copy, use, distribute, transmit and display the work publicly **and to make and distribute derivative works**, in any digital medium for any responsible purpose, subject to proper attribution of authorship (community standards, will continue to provide the mechanism for enforcement of proper attribution and responsible use of the published work, as they do now), as well as the right to make small numbers of printed copies for their personal use.
2. A complete version of the work and all supplemental materials, including a copy of the permission as stated above, in an appropriate standard electronic format is deposited (and thus published) in at least one online repository using suitable technical standards (such as the Open Archive definitions) that is supported and maintained by an academic institution, scholarly society, government agency, or other well-established organization that seeks to enable open access, unrestricted distribution, inter operability, and long-term archiving.

<https://openaccess.mpg.de/Berlin-Declaration>

# Open Textbook Library

[Browse subjects](#)[Our Textbooks](#)[About us](#)

## About Our Open Textbooks

Textbooks in the Open Textbook Library are considered open because they are free to use and distribute, and are licensed to be freely adapted or changed with proper attribution. Many have been reviewed by faculty from Open Textbook Network member institutions.

The criteria for including new textbooks in the Open Textbook Library are:

1. All content must be openly licensed. We accept textbooks licensed with GNU and Creative Commons (CC) licenses, with the exception of the CC ND (No Derivatives) component. [CC BY is recommended](#). Go to [Creative Commons](#) for more information about selecting a license for your work.
2. Must be a complete textbook available as a complete portable file (e.g. PDF, ePub).

3. Must be in use at multiple higher education institutions, or affiliated with a higher education institution, such as a

## Press Release

### OPEN TEXTBOOK COMMUNITY ADVOCATES CC BY LICENSE FOR OPEN TEXTBOOKS

*Members of the Open Textbook community signed a joint statement today advocating the use of the CC BY license when creating open textbooks.*

**NEWS RELEASE – November 4, 2016, from Rebus Community**

We, the undersigned, are active in the creation, dissemination, and adoption of Open Textbooks and Open Educational Resources (OER) throughout the world. Our projects, collectively, have involved hundreds of textbooks, thousands of OER, and millions of students. We believe the most appropriate license for open textbooks is the Creative Commons Attribution International (CC BY) license\*.

Our organizations share a mission to foster a vibrant OER ecosystem in which anyone can exercise the “5Rs” legal rights to: retain, reuse, revise, remix and redistribute open textbooks and other OER. The CC BY license makes it easier for all of us to achieve our objective: a world where open textbooks and OER can be easily remixed to meet local education needs.

This is why we believe that the CC BY license is the ideal Creative Commons license for open textbooks:

- The CC BY license is easy to understand and follow, requiring simply that attribution be provided to an open textbook author(s).
- Content with a CC BY license can be remixed\*\* with all non-ND CC licenses, making it easier to remix others’ OER into an open textbook.
- We believe an ND (no-derivatives) licensed textbook is not an open textbook, because ND licenses do not allow two of the five Rs: revising and remixing.
- The NC license also reduces remix options.
- The SA license reduces remix options.
- The NC license often causes confusion, and limits the spread, adoption and use of OER. Creators should consider carefully whether their reasons for using a NC license justify the limitations it will impose on users.
  - Take this lawsuit\*\*\*, for instance, where an NC license has been used to claim that OER cannot be printed by a commercial print shop for use in classrooms.
  - Some Colleges have assumed that because they charge tuition, they can’t use NC-licensed OER. Others worry about printing and

**Are Open Access and OER (open educational resources)  
different names for roughly the same set of permissions?**

# Examples

- 1) “Reusable” learning object
- 2) Rights reversion to “open” textbook
- 3) Fair use (or not) in the OER environment



# Acknowledgements

*Stephen Skripak, Anastasia Cortes, and Richard Parsons - VT Faculty authors*  
*Gail McMillan - Director of Scholarly Communication*  
*Peter Potter - Director of Publishing Strategy*  
*Nancy Simms - Copyright Librarian, University of Minnesota*

# Case Studies



## Vital

an interactive guide to the effects of  
VITamins & minerALS in the body systems

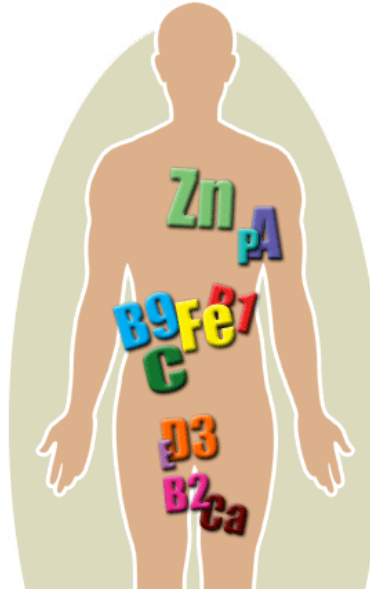
Instructions

System

Please make a selection ▼

Micronutrient

Please make a selection ▼

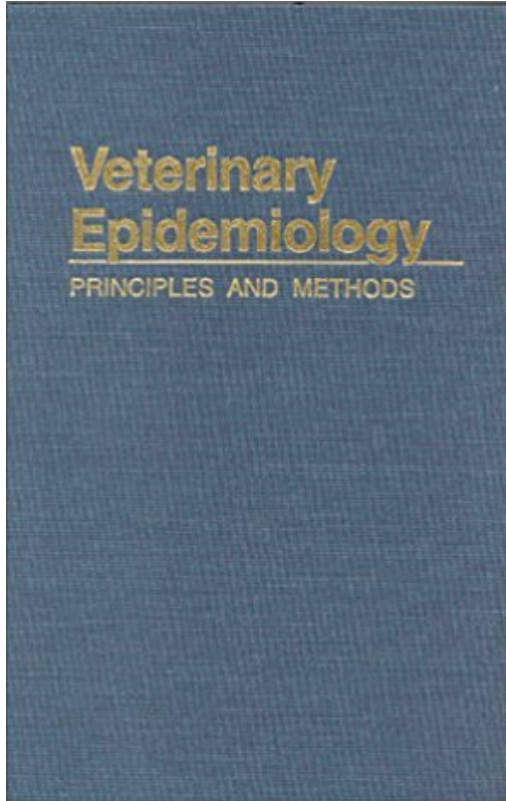


<https://vital-test.dev.tlos.vt.edu>

Is this what all of my faculty members think?

Open Access = free online (and nothing more)

# Case Studies

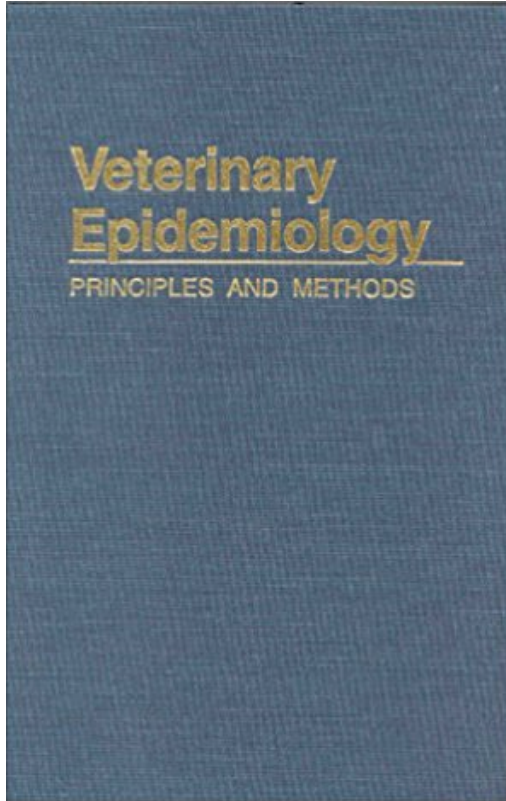


© 1987 Iowa State University Press

Out of print.

Documentation that rights reverted to the authors.

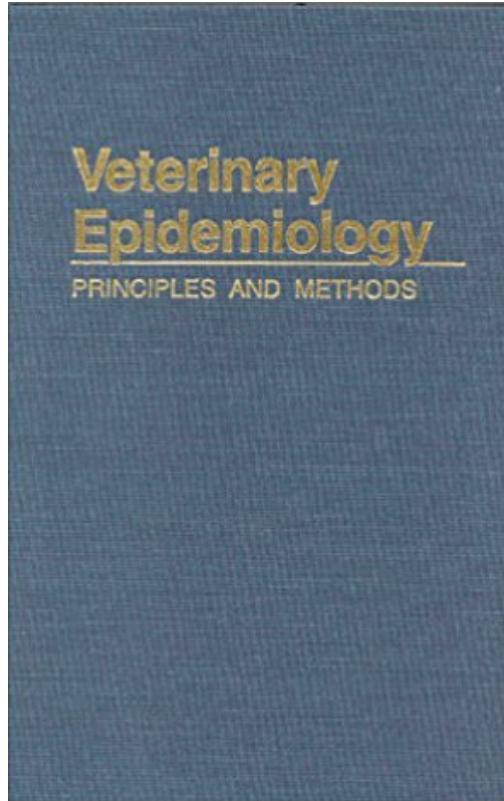
# Case Studies



<http://hdl.handle.net/10919/72274>



# Case Studies



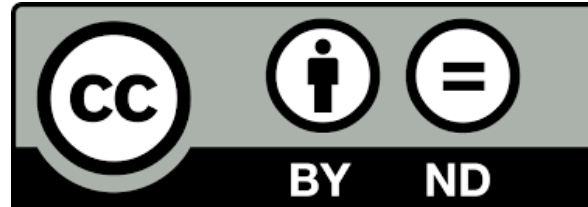
## Total Visits Per Month

	September 2016	October 2016	November 2016	December 2016	January 2017	February 2017	March 2017
Veterinary Epidemiology: Principles and Methods	9	276	215	36	13	25	27

## File Visits

	Views
Vet_Epidem_Full_Textbook.pdf	10264
Vet_Epidem_Chapter_1.pdf	576
Vet_Epidem_Chapter_12.pdf	175
Vet_Epidem_Chapter_9.pdf	173
Vet_Epidem_Chapter_4.pdf	158
Vet_Epidem_Chapter_3.pdf	151
Vet_Epidem_Chapter_10.pdf	131
Vet_Epidem_Chapter_2.pdf	117

How do ND licenses fit with known needs of users **and needs of potential users?**



## Last Year's LPForum



**Anita R. Walz** @ARWalz · 18 May 2016

#lpforum16 presenters, please define #OER and #OA when you discuss them. #openlyaccessible or #canbemodified in addition?

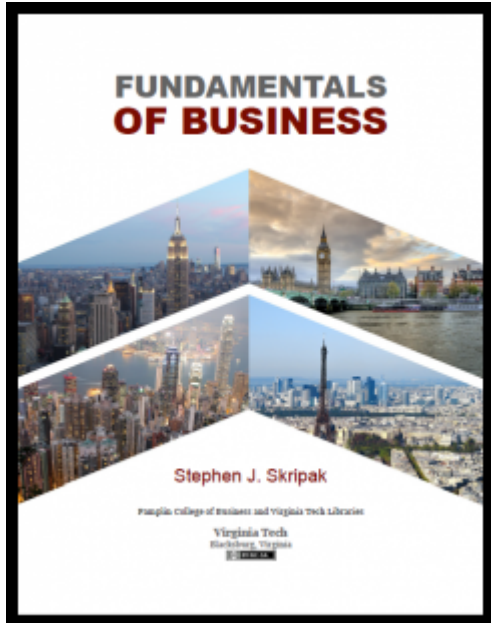


1





# Fair use, permissions, and caring for “downstream” users



**Published: August 2016**

440+ pages    Licensed: CC BY NC SA 3.0

~50% remixed content

<http://hdl.handle.net/10919/70961>

Completely updated data, graphics, examples (currency)

Custom chapter order + chapters  
(Fits the course learning objectives)

Philosophy: The course is more than a textbook

Several free downloadable file types (including editable)

Print on Demand (Lulu): \$15 (B&W); \$83 (color)

12,500+ downloads. Several known “adoptions”

## Fair use, permissions, and caring for “downstream” users

- Images (magazine covers, local photos, in-copyright/non-CC licensed images related to the reading)
  - Examples of corporate policies and practices
  - Non statistical data from tables & charts
- Use openly licensed items or take your own photos (and openly license them)
  - Secure “transferable to all future editions” permission to use an image
  - Share all permissions documentation

## Growth areas for library publishing

Facilitating “care” for potential downstream users

Providing *clear* information regarding IP/licensing

How we talk about OA matters

Faculty/author education

How do we do this work in a way that is:

- excellent
- informed, and
- meets the needs of current and potential users while avoiding negative or undesirable results?

# Talking About Open Access

Laureen Boutang

Publishing Services Coordinator

## Acknowledgements!

Open Scholarship & Publishing Services:

Kate McCready - Director of Content Services

Emma Molls - Publishing Services Librarian

Emily Riha - Copyright Permissions Coordinator

Nancy Sims - Copyright Program Librarian

# University of Minnesota Open Access Fund

Available to U of MN affiliates.

Publication must be fully open access (no hybrid publications)

Authors must retain rights.

Authors do not have other sources of funding



The publisher must demonstrate Open Access bona fides: Membership in OASPA, listed in DOAJ, or equivalent

**Clear pack & alert  
Requester, Course  
Reserves,  
Bookstores or Copy  
Centers**



# Assign a pack number in the log



# Enter each item in the database



# Send each request to CCC, Publisher or Rightsholder



# Follow-up with Publishers & Rightsolders, if necessary





# Intellectual Property Rights & Content Licensing Information

## Policies:

- A. UMN Libraries' Policy Regarding Author Copyrights:** The University Libraries do not support publications that require exclusive transfer of some or all rights.
  
- B. UMN Libraries' Policy Regarding Assignment of Copyrights:** Though authors retain their individual copyrights, the University of Minnesota Libraries, as the publisher of the work, must also be assigned copyrights to do that work.

# Licensing Options

**Option One:** The University of Minnesota Libraries Publishing Services always encourages, but does not require, Creative Commons Licenses. Creative Commons Licenses grant both the publication and the publisher the right to publish the work. They also grant rights to the readers of the materials to reuse the content in various ways. We support three CC Licenses: CC BY, CC BY-NC, CC 0.

**Option Two:** If a CC License has not been assigned to the work, require author to grant us broad rights as publisher.

**Option Three:** Require Option Two, but also allow individual authors to select from and assign one of the three supported CC Licenses: CC BY, CC BY-NC, CC 0.

# INNOVATIONS in Pharmacy Case Study

## INNOVATIONS in pharmacy



[Home](#) > [INNOVATIONS](#)

[Journal Home](#)  
[Aims & Scope](#)  
[Editorial Teams](#)  
[Policies](#)  
[Reviewer Guidelines](#)  
[Citing and Indexing](#)  
[Partners](#)  
[Author & Reviewer Accounts](#)

---

[Submit Article](#)

---

[Receive the Table of Contents](#)

---

**TOPIC AREAS:**

[Community Engagement](#)  
[Education](#)  
[Formulary Evaluations](#)  
[Insights](#)  
[Leadership](#)  
[Pharmacy Practice](#)  
[Policy](#)  
[Practice-Based Research](#)  
[Science](#)

[Inspiring Inquiry and Improvement in Pharmacy Practice, Education, and Policy](#)  
A quarterly publication featuring case studies, clinical experiences, commentaries, idea papers, original research, review articles, and student projects that focus on leading edge, novel ideas for improving, modernizing, and advancing pharmacy practice, education, and policy. *INNOVATIONS in pharmacy*.

See the [Submission Guidelines](#) for further information on the journal.

**Current Issue: Volume 8, Number 1 (2017)**

**Community Engagement**

 **Student Project**  
Evaluating Patient Interest in an Adherence-Focused Smartphone App to Improve HIV Care  
Joshua W. Gaborcik, Lisa M. Cillessen, Justin Ellis, and Jennifer Rodis

**Education**

 **Student Project**  
The Effects of Personal Pharmacogenetic Testing on the Effects of Pharmacy Student Perceptions of Knowledge and Attitudes Towards Precision Medicine  
Dalga D. Surofchy PharmD (c); Sam Oh PhD, MPH; Joshua Galanter MD, MAS; Pin Xiang PharmD; Megan Li PhD (c); Su Guo PhD; Tejal Desai PhD; B Joseph Guglielmo PharmD; Kathy Giacomini PhD; Janel Long-Boyle PharmD, PhD; Alan HB Wu PhD; and Erikas Buckner MD, MEd



# PubMed Requirements

COPE - Committee on Publication Ethics

OASPA - Open Access Scholarly Publishers Association

DOAJ - Directory of Open Access Journals

WAME - World Association of Medical Editors

## Principles of Transparency and Best Practice in Scholarly Publishing



5. Copyright: Copyright and licensing information shall be clearly described on the journal's Web site, and licensing terms shall be indicated on all published articles, both HTML and PDFs.



*Licensing your material with a CC license:* An optimum way of showing exactly how a journal is Open Access is by [licensing the content with a Creative Commons \(CC\) license](#). DOAJ considers the application of a [CC license, or its equivalent](#), as best practice. Such licensing is very beneficial for authors since it shows, for example, if there are any limits in creating derivative works. Read more about applying licenses and copyright on our [Copyright and Licensing Help page](#).



At OASPA, one of the criteria for membership is that a publisher must use a liberal license that encourages the reuse and distribution of content <http://oaspa.org/membership/membership-criteria/>. We strongly encourage publishers to choose a Creative Commons license and recommend (but currently do not require) the use of the CC-BY license wherever possible. As emphasised by the early declarations on open access in Budapest, [Bethesda](#) and Berlin, open access is about more than access – open access removes access and reuse barriers, and thus has the potential to transform the literature into a much more powerful resource for research, education and innovation.

## Copyright and Use of Articles

Authors will grant a nonexclusive license in their work to *INNOVATIONS in pharmacy* and the University of Minnesota Libraries. Such a license gives *INNOVATIONS in pharmacy* and the Libraries the necessary rights to publish, distribute, archive, and preserve the work. However, since the license is non-exclusive, all of the rights will still also belong to the creator, who may make any use they wish, and may grant other licenses as desired. The result of this license agreement is that the author, *INNOVATIONS in pharmacy*, and the Libraries will each have broad rights to the work.

In addition, authors may choose to assign a Creative Commons license to their work:

**CC BY - Creative Commons - Attribution.** This license lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. Users will not have to contact you before making use of your work, although you will retain copyright ownership.

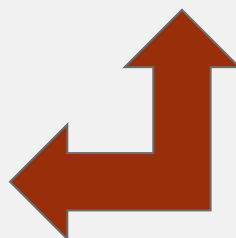
**CC BY-NC - Creative Commons - Attribution - Non-Commercial.** This license lets others remix, tweak, and build upon your work non-commercially, and although their new works must also acknowledge you and be non-commercial, they don't have to license their derivative works on the same terms. Non-commercial users will not have to contact you before making use of your work, but because you will retain copyright ownership, commercial users may contact you for separate permissions.

*INNOVATIONS in pharmacy* is an open access journal, which means that all content is freely available without charge to the user or his/her institution. Users are allowed to read, download, copy, distribute, print, search, or link to the full texts of the articles, or use them for any other lawful purpose, without asking prior permission from the publisher or the author. This is in accordance with the BOAI definition of open access. We support Creative Commons licensing. If an article is licensed under a Creative Commons license, the article may be reused in accordance with the terms of that license. For permission for other uses, or questions about use, please contact the individual authors. For all other questions, please contact the editors at [iip@umn.edu](mailto:iip@umn.edu).

<http://pubs.lib.umn.edu/innovations/policies.html#rights>



<http://pubs.lib.umn.edu/innovations/aimsandscope.html>



## Women's Rights, Human Rights, and Duties: From Domination to Partnership

[Lester R. Kurtz, George Mason University](#)

[Follow](#)

[Download](#)



33 Downloads

Since March 02, 2017

[SHARE](#)



### Abstract

The idea of women's rights as human rights can facilitate our identifying the causes, consequences, and potential remedies for the current quagmire in which we find ourselves, but it needs some reformulation. To the traditional understandings of human rights, I add four conceptual tools: (1) Mahatma Gandhi's idea of the counterparts of rights and duties, (2) Eisler's concept of partnership (as opposed to dominator) societies, (3) Johan Galtung's expansion of our conception of violence to include its structural and cultural forms, and, finally, (4) the literature on nonviolence as a path to mobilization and transformation that resists existing social structures and builds new ones.

### Keywords

women's rights; human rights; violence; nonviolence; partnership; domination; patriarchy; structural violence; cultural violence

### Creative Commons License



This work is licensed under a [Creative Commons Attribution-NonCommercial 4.0 License](#)

### Publication Date

3-2-2017

# IJPS



Except where otherwise noted, content on this site is licensed under a [Creative Commons Attribution-NonCommercial 4.0 International License](#).



### Rights for Authors and University of Minnesota Libraries Publishing

All articles published in *Reconsidering Development* are distributed with a Creative Commons Attribution license (CC BY 4.0). This means that each author holds the copyright to her or his work, and grants users the rights to: share (copy and/or redistribute the material in any medium or format) or adapt (remix, transform, and/or build upon the material) the article, as long as the original author and source are cited. Permission is not needed for these uses. Read the [summary terms](#), or the [full legal license code](#). For permission for other uses, or questions about use, please [contact the editors](#).

### Rights for Authors and University of Minnesota Libraries Publishing

As described in our submission agreement (see the Submission Agreement), in consideration for publication, authors agree to the following: Authors will grant a nonexclusive license in their work to the *Journal of Opinions, Ideas, & Essays* and the University of Minnesota Libraries. Such a license gives the *Journal of Opinions, Ideas, & Essays* and the Libraries the necessary rights to publish, distribute, archive, and preserve the work. However, since the license is non-exclusive, all of the rights will still also belong to the creator, who may make any use they wish, and may grant other licenses as desired. The result of this license agreement is that the author, the *Journal of Opinions, Ideas, & Essays*, and the Libraries will each have broad rights to the work.





## Flexibility v. Standards

- Do you enforce any standard author agreement or open license on a journal, or allow publications to select their own based on culture of their discipline?
- Open Access advocates define CC BY licenses as best practice, but is it best for us to strongly encourage (or even require) use when individuals are hesitant, or certain disciplines have not adopted? Do you allow flexibility based on discipline and culture?
- Some licensing decisions will be determined by who a journal or publisher wants to partner with (Societies, PubMed, Funders, etc.). Can we anticipate those determinations earlier in the process?

# Resources:

SPARC; **HowOpenIsIt?** Guide: <https://sparcopen.org/our-work/howopenisit/>

OASPA; **Licensing FAQ:** <http://oaspa.org/information-resources/frequently-asked-questions/>

DOAJ; **Information for Publishers:** <https://doaj.org/publishers#licensing>

COPE, DOAJ, OASPA, WAME; **Principles of Transparency and Best Practice in Scholarly Publishing:** <https://doaj.org/bestpractice>

<http://oaspa.org/principles-of-transparency-and-best-practice-in-scholarly-publishing-2/>

Let's Discuss

Publisher policies regarding © and CC licenses

Ensuring clear communication regarding permitted uses:

- Clients/authors, and
- Users/readers/adapters of works

What do YOU mean (and not mean) by “Open Access?”

What's at stake?