

What is Copyright?

Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of "original works" that are fixed in a tangible form of expression. Copyright law gives the owner of copyright the exclusive right to:

- Reproduce the work in copies
- Distribute the work publicly
- Prepare derivative works
- Display the work publicly
- Perform the work publicly

Who Owns Copyright?

Copyright protection is automatically given once the work is fixed in tangible medium. Copyright immediately becomes the property of the author who created the work. Only the author or those deriving their rights through the author can claim copyright. Note that in the case of creative works, such as photographs, music, artistic pieces, the creator of such works is considered an author. In the case of works for hire, the employer and not the employee is considered the author. Works produced by two or more authors have joint copyright ownership, unless there is an agreement to the contrary. Any or all of a copyright owners exclusive rights can be transferred to another party.

What Does Transferring Copyright Mean to Me?

Transferring copyright means that you sign away your rights and control over a particular work to another party. For example, if you create an article for a scholarly journal, you may be asked by the publisher to transfer your copyright to the publisher as condition of publication. When you sign a publisher's agreement, you may lose the right to post copies of your own work in an Institutional Repository or on your own web page. You may also lose the right to distribute a copy of your own work to your colleagues or your students. In essence, transferring your copyright ownership limits the dissemination of your hard work. Access to your work becomes limited to an increasingly smaller audience.

Why Should I Secure My Copyright?

By retaining certain non-exclusive rights to your copyright, you retain the right to control your own scholarly material. You have the freedom to do what you want with your work. Whether this means posting the work on a web page or in an Institutional Repository, you and not a publisher determines how and where you use and develop your work.

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How Can I Secure My Copyright?

Read a publisher's agreement with great care to see if your rights are restricted.

Consider modifying an agreement with a publisher to retain rights to make use of your work in ways that serve your needs and that promote education and research activities. SPARC, the Scholarly Publishing and Academic Resources Coalition, has created an Author Addendum that can be attached to a publisher's agreement. For more information, go to:

<http://www.arl.org/sparc/author>.

Science Commons, also has an author addendum available through its Scholar's Copyright Project found at:

<http://sciencecommons.org/projects/publishing/index.html>

Additionally, you can submit your articles to publishers who have less restrictive copyright policies. The SHERPA/RoMEO Publisher Copyright Policies and Self-Archiving page found at <http://www.sherpa.ac.uk/romeo.php> provides summaries of permissions that are normally given as part of each publisher's copyright transfer agreements.

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