Understanding Open Access

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SECTION IV. HELP SHAPE THE FUTURE OF OPEN ACCESS
IN RECENT YEARS, OPEN ACCESS OPPORTUNITIES have expanded, encompassing more communities of authors than ever before. The number and variety of open access repositories has grown, open access policies are becoming more common, and conventional publishers are increasingly willing to accommodate authors’ open access goals.

These trends are expected to continue. In time, authors who currently face barriers that prevent them from making their works openly accessible will find that there are increasingly attractive and achievable open access options available for their works. Authors at the forefront of the open access movement help to make this happen by making their works openly available, creating or pushing for more open options,
and indicating to conventional publishers that they value openness.

Using the information and strategies in this guide, you can join this effort by making your work openly accessible. In doing so, you will not only reap the benefits of open access for your own works, but also help to make the open access environment more hospitable for other authors.

2. The terms “price barriers” and “permission barriers” were first introduced in Peter Suber, Removing the Barriers to Research: An Introduction to Open Access for Librarians, College & Research Libraries News 64(2): 92–94, 113, available at http://dash.harvard.edu/handle/1/3715477.


4. For example, the Budapest Open Access Initiative, http://www.budapestopenaccessinitiative.org/read, requires that copyright holders consent to let users copy and redistribute their works. The Bethesda Statement on Open Access Publishing, http://www.earlham.edu/~peters/fos/bethesda.htm, and the Berlin Declaration on Open Access to Knowledge in the Science and Humanities, http://openaccess.mpg.de/Berlin-Declaration, additionally require that the copyright holder grant users the right to make and distribute derivative works.


6. For more information, please visit the Authors Alliance Website, http://www.authorsalliance.org/about.


14. For more information on these studies, please see Steve Hitchcock, The Effect of Open Access and Downloads (‘Hits’) on Citation Impact: A Bibliography of Studies, The Open Citation Project, http://opcit.eprints.org/oacitation-biblio.html; Alma Swan, Open Access Citation Advantage: Studies and Results to Date, Technical Report, School of Electronics and Computer Science, University of Southampton, (Aug. 2010), available at http://eprints.ecs.soton.ac.uk/18516; Ben Wagner, Open Access Citation Advantage: An Annotated Bibliography, Issues in


16. For more information on how the availability of an open access edition of books may affect the sales of print versions, see Suber at 106–112, supra note 1.

17. For example, the Faculty Advisory Council to Harvard Library wrote a memo to the university’s teaching and research staff in 2012 stating that continuing subscriptions to major periodicals is “financially untenable” because costs are prohibitive. Ian Sample, *Harvard University Says it Can’t Afford Journal Publishers’ Prices*, The Guardian (Apr. 24, 2012).

18. These advancements and contributions may have positive economic effects as well, as they stimulate various sectors of the economy. For example, please see John Houghton, *Open Access – What Are the Economic Benefits?*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1492578.

19. You can see the growth in numbers of policies in the “Policies Adopted by Quarter” roll-over chart available at Registry of Open Access Repository Mandates and Policies (ROARMAP), http://roarmap.eprints.org/.

an open access publisher, provides a list of funder open access policies and mandates accompanied by sources of available open access funding. *Funder Open Access Policies and Mandates*, BioMed Central, [http://www.biomedcentral.com/funding/funderpolicies](http://www.biomedcentral.com/funding/funderpolicies).


22. The policy takes into account input from scientists, publishers, and members of the public, including a We the People petition asking for expanded public access to the results of taxpayer-funded research. Michael Stebbins, *Expanding Public Access to the Results of Federally Funded Research*, Office of Sci. & Tech. Policy (Feb. 22, 2014), available at [http://www.whitehouse.gov/blog/2013/02/22/expanding-public-access-results-federally-funded-research](http://www.whitehouse.gov/blog/2013/02/22/expanding-public-access-results-federally-funded-research).


26. Open Access Policy for the Academic Senate of the University of California, UC Office of Scholarly Communication (July 24, 2013), http://osc.universityofcalifornia.edu/open-access-policy/policy-text/.

27. For Authors, Harvard University Library Office for Scholarly Communication, https://osc.hul.harvard.edu/authors.


29. For example, the University of California provides a decision tree; FAQ; waiver, embargo, and addendum forms; and policy implementation wiki to guide faculty authors. Policy FAQ, http://osc.universityofcalifornia.edu/open-access-policy/policy-faq/ (decision tree and FAQ); Get a Waiver, Embargo, or Addendum for your Publisher, http://osc.universityofcalifornia.edu/open-access-policy/waiver-embargo-addendum/; Open Access Policy Implementation Project, https://wiki.library.ucsf.edu/display/OAPI/Open+Access+Policy+Implementation+%28OAPI%29+Project (wiki).


31. Under the “work for hire” doctrine, when a work is prepared by an employee within the scope of his or her employment—and in other limited circumstances—the author is the employer rather than the employee. 17 U.S.C. § 201(b). Many universities, however, have adopted policies recognizing that their faculty members own the copyrights in the scholarly works they create. *Your Copyrights*, Columbia University’s Copyright Advisory Office, [http://copyright.columbia.edu/copyright/copyright-ownership/your-copyrights/](http://copyright.columbia.edu/copyright/copyright-ownership/your-copyrights/). In addition, if more than one author collaborates on a work, the copyright in the work may vest equally in all of the authors, who become joint owners of the copyright. 17 U.S.C. § 201(a). See also FAQ: *Authorship and Ownership in U.S. Copyright Law*, Authors Alliance, [www.authorsalliance.org/2014/05/20/authorship-and-ownership-faq/](http://www.authorsalliance.org/2014/05/20/authorship-and-ownership-faq/).


34. *About The Licenses*, Creative Commons, [http://www.creativecommons.org/licenses](http://www.creativecommons.org/licenses).

35. The most well known example is the GNU General Purpose License (“GPL”). GPL software can be reproduced, distributed, and adapted, so long as adapters release their source code and license it on GPL terms. While this guide does not deal extensively with open source software, interested authors may wish to visit the GNU GPL Website. *GNU General Public License*, GNU Operating System, [http://www.gnu.org/licenses/gpl-3.0.html](http://www.gnu.org/licenses/gpl-3.0.html).

36. *Marking Your Work with a CC License*, Creative Commons, [https://wiki.creativecommons.org/Marking_your_work_with_a_CC_license](https://wiki.creativecommons.org/Marking_your_work_with_a_CC_license).


39. For information on how to enhance the machine-readability of your work, please visit A Primer on Machine Readability for Online Documents and Data, Data.gov, https://www.data.gov/developers/blog/primer-machine-readability-online-documents-and-data.

40. See e.g., Authors Guild, Inc. v. HathiTrust, 755 F. 3d 87 (2nd Cir. 2014).


43. When alternative-metrics are used to measure impact at the article level (rather than journal level), this is referred to as “article-level metrics.” Article-Level Metrics, SPARC, http://www.sparc.arl.org/initiatives/article-level-metrics; Robin Chin Roemer & Rachel Borchardt, Keeping Up With . . . Altmetrics, ACRL, http://www.ala.org/acrl/publications/keeping_up_with/altmetrics.

44. Tools are available to help authors aggregate their publications and research to present to employers and others. See e.g., Distinguish Yourself In Three Easy Steps, ORCID, http://orcid.org/; Your CV, but better, ImpactStory, https://impactstory.org/.


47. Which funding agencies explicitly allow direct use of their grants to cover article-processing charges?, BioMed Central, available at https://web.archive.org/web/20150906015221/http://www.biomedcentral.com/about/apcfaq/grants. Your open access publisher may be able to refer you to other potential sources of funding. See e.g., Funder open access policies and mandates, BioMed Central, http://www.biomedcentral.com/funding/funder-policies; Open Access Funds Finding Publication Fee Funding, PLOS, http://www.plos.org/publications/publication-fees/open-access-funds/.


49. E.g., UC Discounts on Article Publication Charges (APCs) for Open Access Journals, UC Office of Scholarly Communication, http://osc.universityofcalifornia.edu/scholarly-publishing/open-access/uc-discounts/.


53. See, e.g., Citeseer, The Pennsylvania State University College of Information Sciences and Technology, http://citeseerx.ist.psu.edu/index (computer science); ArXiv, Cornell University Library,


57. In some cases, an open access policy may effectuate a grant of a nonexclusive license that prevails over a conflicting subsequent transfer of copyright, enabling your employer or funding agency to make your work openly accessible. See Eric Priest, Copyright and the Harvard Open Access Mandate, 10 NW. J. TECH. & INTELL. PROP. 377 (2012).


best-practices; Fair Use Codes, Center for Media & Social Impact, http://www.cmsimpact.org/fair-use/related-materials/codes (providing a collection of links to fair use guides for a variety of fields).


62. For information on other art museums with open access policies, see Images of Works of Art in Museum Collections: The Experience of Open Access, prepared for the Andrew W. Mellon Foundation by Kristin Kelly (June 2013), http://www.clir.org/pubs/reports/pub157/pub157.pdf.


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Introduction

WHAT IS THIS GUIDE AND WHO IS IT FOR?

Why Make Your Work Openly Accessible?

BENEFITS OF OPEN ACCESS

OPEN ACCESS POLICIES

How to Make Your Work Openly Accessible

HOW “OPEN” DO YOU WANT TO MAKE YOUR WORK?

WHERE DO YOU WANT TO MAKE YOUR WORK AVAILABLE?

CONVENTIONAL PUBLISHING AND OPEN ACCESS

HOW TO SECURE THE RIGHT TO USE THIRD-PARTY CONTENT

Help Shape the Future of Open Access