

Authors' Rights: Retaining Your Copyright

What is covered by copyright?

Any original content you create in a tangible format. This includes both scholarly works and unpublished materials such as presentations, lectures notes, and email messages. Copyright protects the exact expression of an idea not the idea itself. Copyright does not protect facts, lists (e.g., telephone book), and public domain materials.

In South Africa, there is no formal registration for copyright, it is automatic.

What rights does the Copyright Law provide?

Copyright affords an owner 5 Basic Rights are:

- Right to Reproduce
- Right to Prepare Derivative Works
- Right to Distribute
- Right to Display Publicly (related to artistic works)
- Right to Perform Publicly (related to musical or dramatic works)

- The right to license any of the above to third parties

Publisher's Agreement

Most publishers' agreements require an author to assign the copyright to the publisher. By doing so, limits your right to use and share your work. Problems arise when you require to:

- Use your work in a course pack
- Place copies on print or electronic reserves
- Mount a copy on your web site
- Deposit a copy in your institutional repository
- Distribute a copy to colleagues

What can be done?

- Negotiate with the publishers to retain explicit ownership of your content (Author's 5 Basic Rights)
- Transfer, via an author addendum, to the publisher only those rights needed for publication.
- Specify other rights of particular value to you or your home institution

Creative Commons (CC) is a licensing system used to express a copyright owner's chosen terms of use such as 'non-commercial', 'sharealike', 'non-derivative', etc. The copyright owner can be approached for uses not included in a CC licence.

More about Creative Commons <http://creativecommons.org/>

Creative Commons is a 'some rights reserved' licensing system allowing creators to release their works in less restrictive ways than those imposed by copyright legislation.

Information resources

Various resources are available to help you understand copyright agreements. Here are two that you may find useful:

- **Publisher copyright policies & self-archiving** – A convenient summary listing of permissions that are normally given as part of individual publishers' copyright transfer agreements can be accessed at the SHERPA/ROMEO website <http://www.sherpa.ac.uk/>
- **An Introduction to Copyright Resources for Authors** can be accessed on the SPARC website <http://www.sparc.arl.org/about>

NB. It is not necessary to sign away all of your rights to a publisher. It is perfectly possible to sign only those rights that a publisher needs to publish your book or article for its first publication while retaining the rights to further exploit your own work. Before you inadvertently give away your rights, you should understand the following:

- Copyright can be transferred only in writing
- Licensing allows specific rights to be retained:
 - Authors keep copyright and license other rights (e.g., first publication)
 - Publishers take copyright and license rights back (e.g., reproduction, derivatives)
- Addenda can be added to publication agreements to open the door for negotiating rights retention

The only right that publishers require is the right of first publication; ideally a nonexclusive right to publish and disseminate the work, perhaps with an embargo to provide the publisher with a period of exclusivity.