AUTHOR RIGHTS

Publication options are quite diverse today and expand beyond publishing through an established publisher to include deposit in a repository (also known as self-archiving) or self-publishing using vehicles such as a personal website or social media. When you publish your article with a publisher, you enter into an agreement with that publisher. The conditions of the agreement will vary and it’s important to understand what rights you are retaining and which ones you are revoking. Any agreement must accommodate obligations such as those stipulated by funders that may be in place on your research dissemination before publication occurs.

For example, most funders, including the Canadian funder Tri-Agency (CIHR/NSERC/SSHRC), demand deposit in an open repository. This obligation may be qualified by an identified time period. You may or may not maintain these rights to self-publish and/or deposit depending on the agreement you sign. As part of research data management best practices, a data management plan asks you to consider any such funder and related publication restrictions before research begins and explicitly identify all publication/dissemination options that would be in compliance with those restrictions.

Disclaimer: This guide is intended for informational purposes only and does not constitute legal advice.

Publisher Agreements

To make an informed decision about submitting to a journal, and whether its policies correspond to your rights considerations, you need to look up the journal’s policy.

1. **SHERPA/ROMEO database** - contains copyright policies related to self-archiving; provides links to copyright policies on the publishers' websites.
2. Publisher’s website contains the most extensive information. Sometimes it can be difficult to find; the information may be found in one or a few locations under any of these headings on either/both of the journal or publisher’s website: author information; copyright; permissions; author guidelines; open access; instructions for authors

Major publisher’s information with sample agreements:

- Emerald
- Springer
- Elsevier
- Taylor & Francis
- Sage
- Wiley

http://libguides.lib.umanitoba.ca/researchservices
Negotiating Agreements

Ideally, before submitting your manuscript to a publisher, you have assessed which journal with its publishing options (if there is more than one available) most meets your needs. Whatever option you have chosen, it is essential you review the publisher agreement. As an author, you always have the option to negotiate; the University of Arizona’s brief guide of negotiation pointers and SPARC’s author addendum template are resources you can add/use to assist in your negotiation.

Negotiation occurs at the point of a manuscript’s acceptance; there are generally two scenarios:

1. **Manuscript is accepted**
   - Sent agreement via email attachment
   - Directly amend the agreement, engaging in a back-and-forth with the publisher using track changes - see the University of Arizona guide. Consider applying an addendum – see sample addendums below.

2. **Asked to review agreement as part of acceptance process in manuscript system via online ‘click-through’**
   - Possible to negotiate but you will need to leave the manuscript system and communicate directly with the editor/publisher. Copy and paste the agreement from the system (if possible) for you to refer; attach an addendum to your correspondence requesting whichever rights are most important for you. See sample addendums below.

ALWAYS retain for your records a copy of the finalized agreement (after the negotiation).


Sample Addendums

**Tri-Agency** - for researchers who require being in accordance with the Tri-Agency Open Access Policy on Publications, the Agency provides sample wording to include in an addendum:

http://libguides.lib.umanitoba.ca/researchservices
[Journal] acknowledges that the researcher will be entitled to archive an electronic copy of the final, peer-reviewed manuscript for inclusion in [public accessible repository name e.g.University of Manitoba's MSpace] repository. Manuscripts archived with [repository] may be made freely available to the public, via the internet, within twelve months of the official date of final publication in the journal. (Tri-Agency Open Access Policy - FAQs)

SPARC - the Scholarly Publishing and Academic Resources Coalition has an addendum template (English, French) with the following boilerplate rights and stipulations listed in points #1 and #2 of the template. These rights are listed below to aid an author to either include/remove any particular language as required as part of their own addendum submission.

a. to reproduce the Article in any material form for non-commercial purposes  
b. to perform the Article in public for non-commercial purposes  
c. to convert the Article by preparing derivative works  
d. to make a sound recording, cinematographic film or other contrivance by means of which the Article may be mechanically reproduced or performed for non-commercial purposes  
e. to reproduce, adapt and publicly present the Article as a cinematographic film for non-commercial purposes  
f. to communicate the work to the public by telecommunication for non-commercial purposes  
g. to authorize others to make any non-commercial use of the Article so long as Author receives credit as author and the journal in which the Article has been published is cited as the source of first publication of the Article. For example, Author may make and distribute copies in the course of teaching and research and may post the Article on personal or institutional web sites and in other open access digital repositories.

Separate stipulation - 
Publisher agrees to provide to Author within 14 days of first publication and at no charge an electronic copy of the published Article in .pdf format. The security settings for such copy shall be set to "No Security".

Creative Commons' Scholar's Copyright Addendum Engine - this is a product of the Scholar’s Copyright Project by Creative Commons (CC). As stated by CC, the Engine is "a simple mechanism for scholars to retain copyright over the published material that otherwise would be transferred to the publisher". The form provides 3 boilerplate options: Access-Reuse; Immediate Access; and Delayed Access. Description for each of these options is provided above the form.

http://libguides.lib.umanitoba.ca/researchservices
# Key Publishing Terms and Definitions

## Manuscript Versions throughout Publishing Lifecycle

Publishers will assign different rights for different versions of your article. The infographic explaining the distinctions with examples (see page 6, or https://libraryconnect.elsevier.com/sites/default/files/Article_Sharing_handout.pdf) is a description of the distinctions between the different versions.

<table>
<thead>
<tr>
<th>TERM</th>
<th>DEFINITION</th>
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<tbody>
<tr>
<td><strong>Pre-print</strong></td>
<td>The draft of an academic article and/or the initial submission to a journal. This may include initial and successive drafts of articles or working papers.</td>
</tr>
<tr>
<td>Also: author’s original, submitted version</td>
<td></td>
</tr>
<tr>
<td><strong>Post-print</strong></td>
<td>The final version of an academic article after peer-review and copy-editing but before final formatting and other publisher enhancements (e.g. layout, typesetting, etc.). <strong>Note:</strong> this is the version requested by funders for self-archiving/deposit requirements (see also self-archiving term). Usually the publisher does not provide this – authors must save this version themselves.</td>
</tr>
<tr>
<td>Also: accepted version, accepted manuscript (AM)</td>
<td></td>
</tr>
<tr>
<td><strong>Publisher’s version</strong></td>
<td>The publisher’s final version of the paper, including formatting, typesetting, pagination, copy-editing, etc. <strong>Note:</strong> most publisher agreements provide the greatest rights for the pre- &amp; post-print versions. Only in the case of unrestricted open articles does the author have rights with the publisher’s version.</td>
</tr>
<tr>
<td>Also: publisher’s pdf, version of record (VoR)</td>
<td></td>
</tr>
<tr>
<td><strong>Self-archiving</strong></td>
<td>The process of depositing a copy of your article to a repository for preservation and open access purposes. Repositories could be subject-based or institutional.</td>
</tr>
<tr>
<td>Also: green open, deposit</td>
<td></td>
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</tbody>
</table>

Most recently, publishers are offering different creative commons license options to define author and/or user rights as part of an agreement.

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1From: How to Attribute Creative Commons Photos by Foter

http://libguides.lib.umanitoba.ca/researchservices
Assigning v. Licensing Rights

Assigning is the transfer of some or all of your rights to another party (e.g. a publisher). This assignment can last for the entire term of the copyright or for a specified period of time. The terms copyright transfer agreement or copyright assignment agreement mean the same thing as assignment. For more information on transference of rights, see rightsback.org.

Licensing gives permission to another party to use your work under certain conditions while you retain ownership of your copyright and related rights. This can also work in the reverse; in many publishing agreements, you will transfer copyright to the publisher but the publisher will license certain rights back to you.

Assistance with Author Rights

The University of Manitoba assists researchers with understanding and negotiating their rights as authors. Contact the Research Services & Digital Strategies unit of the Libraries libresrv@umanitoba.ca or the Copyright Office um.copyright@umanitoba.ca.

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Acknowledgements

Majority of this content was taken from the McGill guide “Author Rights”
Article sharing: Authors

Identify the version of your article you want to share based on where it is in the publication process

**Preprint**
- Your write-up of an article based on your research results and analysis.
- Not peer reviewed yet
- Typically a Word document
- What you submit to a journal

**Accepted manuscript**
- Your article that has been peer reviewed and accepted for publication.
- Includes author-incorporated changes from peer review
- Not fully formatted or copyedited
- No journal or publisher branding

**Published journal article**
- Your final published article that appears in a journal.
- Includes journal and publisher branding
- Has been copyedited and fully formatted
- Available in HTML and as a PDF
- Becomes the article of record superseding all other versions

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