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1. INTRODUCTION AND SCOPE

Staff and Students submit material to third parties for publication as a matter of course. The University encourages them to retain copyright ownership where possible. However, publishers often require assignment of copyright ownership to the publisher as a condition of publishing an author's work.

This document provides guidelines for authors to assist them in retaining some rights over their work, if they are required to assign copyright ownership.

The guidelines are in line with the growing global movement by academic institutions, research grants bodies, scholars and some publishers to redress the imbalance in the current model of scholarly publishing.

2. DEFINITIONS

This Guideline uses the definitions in the IP Policy. In addition the following terms apply:

Institutional Repository - an online locus for collecting, preserving, and disseminating -in digital form - the intellectual output of an institution, particularly a research institution.

OAKLAW Project - Project funded as part of the Australian Research Information Infrastructure Framework to develop legal protocols for managing copyright issues in an open access environment.

SPARC – The Scholarly Publishing and Academic Resources Coalition
<http://www.arl.org/sparc/index.shtml>

Work – for example a book, a journal, a student's research thesis, working papers series, conference proceedings, multimedia.

3. COPYRIGHT OWNED BY UNSW

Copyright in University Work can be owned by The University or by one of its controlled entities. An academic organisation unit, UNSW Research Centre or administrative unit cannot own copyright in their own name.

4. COPYRIGHT IN PUBLICATIONS TO WHICH THIRD PARTIES CONTRIBUTE

If a University organisational unit publishes any Work itself, the Work must publicly state:

- (a) The name of the organisation which owns the publication and its relationship with the University;
- (b) Whether Copyright is retained by the author(s) or whether the author(s) has assigned copyright to the publication – i.e. to the University of New South Wales.

If authors are required to assign copyright to the University, the editors must provide the authors with a Copyright Assignment form to be completed and signed by the author when they submit their material to the publication. The Copyright Assignment form must clearly state which, if any rights or licences are retained by the author with regard to their work.

A Copyright Assignment Form, once completed by the author(s) must be lodged with the University Records & Archives Office.

5. ASSIGNMENT OF COPYRIGHT OWNERSHIP BY AUTHORS TO PUBLISHERS

Staff and Students who own copyright in their Works are encouraged to retain ownership when negotiating with third parties (e.g. publishers) to have their Work published in any current or future format. They are encouraged, where possible, to:

- Grant the third parties an exclusive right to be the first publisher of the Work and to refrain from publishing or authorising the publication of the work for a specified exclusivity period (e.g. 12 months);
- Retain the right, even through the exclusivity period, to reproduce and distribute a reasonable number of copies of any version of the Work, or portions of the Work, or any derivative Works, in the course of their teaching, research, conference presentations and similar professional, scientific, or academic activities;
- Retain the right to make any version of the Work including the Publisher Version, available on their personal web site;
- Retain the right to make any version of the Work including the publishers' version available in one or more Digital Repositories;
- Retain the right to grant end users permission to access and reuse the Work including the publisher's version, including the right to grant the necessary permissions to the Repository hosting institution to enable the Work to be made available in the Digital Repository.
- Arrange for the third party to provide a non-secure PDF file of the final Work for their use in any of the above.

Where a Staff member or Student is required to assign copyright ownership to a third party (e.g. as a condition of publication), they should endeavor to retain the right to:

- reproduce, distribute, publicly perform, and publicly display the Work in any medium;
- prepare derivative works from the Work;
- authorise others to make any use of the Work so long as the author receives credit as author and the journal in which the Work has been published is cited as the source of first publication of the Work;
- present the Work at conferences and seminars;
- deposit any version of the Work, including the publisher's version version available in one or more Digital Repositories including retaining the to grant the necessary permissions to any Repository hosting institution to enable the Work to be made available in the Digital Repository; and

- Arrange for the third party to provide a non-secure PDF file of the final Work for their use in any of the above.

They may choose to use the

- Oaklaw Draft Sample Publishing Agreement (http://www.oaklist.qut.edu.au/files/Friday5December2008OAKLawSamplePublishing%20Agreement%20DRAFT%203_12_08.pdf)
- SPARC Author Addendum <http://www.arl.org/sparc/author/addendum.shtml> or similar.

6. ASSIGNMENT OF THESIS COPYRIGHT

Any assignment of thesis copyright that requires restricted access to the Work must be approved by the Dean of Graduate Research according to UNSW Procedures.

7. FURTHER INFORMATION AND RESOURCES

Further information on Copyright can be obtained from <http://www.gs.unsw.edu.au/copyright/index.html>.

8. ACKNOWLEDGEMENTS

The content of this Guideline is based on the

- Oaklaw Draft Sample Publishing Agreement http://www.oaklist.qut.edu.au/files/Friday5December2008OAKLawSamplePublishing%20Agreement%20DRAFT%203_12_08.pdf [accessed 19th January 2010] and
- SPARC Author Addendum, available at <http://www.arl.org/sparc/author/addendum.shtml>. [accessed 12th January 2010]

Appendix A: History

Version	Authorised by	Approval Date	Effective Date	Sections modified
1.0	Vice-Chancellor	24 May 2010	1 July 2010	This is a new guideline.