Copyright Issues in Open Access Publishing for Slavic Studies
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Open-access (OA) publishing is the publication of scholarly literature in digital form, made available free of charge online and free of most copyright and licensing restrictions that would otherwise inhibit dissemination of scholarship.[1] The OA movement arose in response to the *scholarly communication crisis* (or *publishing crisis*), a breakdown in the market for scholarly literature in which the growth in cost of journal and book titles has outpaced inflation. In response, scholars in various disciplines and librarians have developed alternative publishing venues that take advantage of the Internet to disseminate scholarship more cheaply, quickly, and to a broader audience than through the traditional scholarly communication system. Many of these venues use a system of peer-review similar to those used for traditional print publications.

The scholarly communication crisis is like global warming: many stakeholders, each with little incentive to act alone, and much debate over the proper role of government in solving the problem. Individual scholars have a large stake in the system but usually need to be persuaded that "thinking globally and acting locally" is in their best interest. While scholars sometimes argue that they already reach their intended audience through the traditional publishing system, many studies show that OA literature is cited more widely than non-OA literature.[2] Furthermore, in the traditional publishing system, most scholars have little hope of receiving royalties from their work, and while they may reach their peers, they would be hard pressed to argue against making scholarship more widely available to the public and especially to scholars in less developed countries. In addition, scholars sometimes find themselves unable to reuse their work in subsequent publications because of the publisher's copyright agreement that they signed.

Despite all of this, scholars choose non-OA publishing venues because of the prestige associated with these established names and, consequently, the conservatism of tenure and promotion guidelines and committees. The good news for scholars stuck with the reality of the academic review process is that as the OA movement has gained momentum, many traditional publishers have allowed their authors to make their works available through some form of OA in addition to being published in the non-OA journal.

In addition to spreading scholarship more cheaply, quickly, and to a broader audience, OA publications sometimes improve upon print resources by offering enhanced searching and browsing capabilities and multimedia or hypertext content that can't be rendered in print. Discussions of OA typically revolve around the publication of secondary scholarship rather than the digitization of extant sources, but the arguments for putting scholarly editions and primary sources online in OA are the same as for secondary scholarship.

Making scholarship available through OA inevitably involves questions of copyright law, so this paper attempts to give guidance to scholars interested in OA publishing, especially in Slavic, East European, and Eurasian studies. We'll consider three cases: publishing a journal article, a monograph, and a whole journal.

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[1] See Peter Suber, "Open Access Overview," http://www.earlham.edu/~peters/fos/overview.htm.
[2] See Open Citation Project, "Effect of Open Access on Citation Impact: a Bibliography of Studies," http://opcit.eprints.org/oacitation-biblio.html.

Making a journal article more widely available

Let's start with a straightforward case. If you write a journal article and want to make it available through OA, you could do any of the following:

a) Self-publish on a personal website
b) Self-publish in a discipline-based or institutional *repository*.
c) Publish in a non-OA journal that allows you to *self-archive* your work on a personal website, in a discipline-based or institutional repository, or through a combination of these.
d) Publish in an OA journal.

Self-publishing on a personal website

The most direct, though least recommended, way to make your article available to the public is to put it online by yourself. You can use the web directory provided by your institution to publish files online; institutions provide technical support to help you do so. Another option is to make the files available through a private webhosting service, such as one provided through your home Internet service provider (ISP). Files on a university server are likely to be included in Google Scholar,[3] whereas those on a commercial service are not. If linked to from elsewhere on the Web, your article will almost certainly be indexed by search engines, though it's unlikely to end up near the top of the search results unless many reputable sites link to it.

Putting files on a personal website gives you ultimate control over revisions and access to these files, but you alone are responsible maintaining them. Unless you take measures ahead of time, your files will likely be removed if you change institutions or pass away.

In the spirit of OA, be sure to give explicit rights to readers of your article, such as the right to make copies and distribute the work. Creative Commons[4] is a prominent organization providing information on how to attach such *licenses* to your content.

Self-publishing in a repository

Repositories are databases of scholarly literature, usually available online for free to the public. They vary greatly in scope: not just in subject matter and depositor eligibility but also in criteria for inclusion, which can range from working papers and technical reports to preprints, postprints, and other scholarly material. Discipline-based and institutional repositories are listed in *Open*DOAR (Directory of Open Access Repositories)[5] and the Registry of Open Access Repositories (ROAR).[6]

There are some repositories to which you can submit articles that are not published in a journal at all. For example, the Social Science Research Network (SSRN)[7] accepts papers from any registered user, though most contributions are preprints of papers submitted for publication to established journals. Some scholars monitor such databases for new submissions matching certain search criteria and will notice your work if it matches their area of interest. Grigori Perelman, the reclusive St. Petersburg

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[3] http://scholar.google.com/
[4] http://creativecommons.org/
[5] http://www.opendoar.org/
[6] http://archives.eprints.org/
[7] http://www.ssrn.com/

mathematician who became famous in 2006 for contributing to the solution to the Poincaré conjecture, used arXiv,[8] another discipline-based repository, to post his proof of the geometrization conjecture, and his peers responded with similar papers posted on arXiv.

Be sure to read the terms of use of repositories. Some repositories are meant for working papers, while others are designed for depositing a final version. In either case, files are not meant to be removed, and some repositories even forbid it.

Using a repository is better than publishing on a simple website because the repository handles digital preservation for you. A permanent URL is provided, and the repository takes care of backing up files, refreshing file formats, and exposing your content to search engines and bibliographic search tools. Most repositories are indexed in major search engines, including Google Scholar.

Self-archiving while publishing in a non-OA journal

Publishing in an established journal is useful for reaching a known audience of readers of that journal and for demonstrating acceptance of your scholarship through whatever review system is in place for that journal. However, most non-OA journals require that you transfer the copyright for your article to the publisher.

Nevertheless, you may be able to secure the right to self-archive your work—that is, to make a copy of the article available to others on a personal website or in a repository. You can find out publishers' standing policies on self-archiving using the RoMEO database.[9] Unfortunately, the standard copyright agreement offered by some publishers gives authors few or no self-archiving rights. While copyright agreements usually state that they may not be amended, publishers will often allow emendation or even will provide you with a more "friendly" agreement if you protest. A straightforward way of amending such policies is by using an *author addendum*, such as the one provided by SPARC (the Scholarly Publishing and Academic Resources Coalition)[10] or by your institution.

Keep in mind that you are liable for breach of contract with your journal publisher if you do not follow the conditions in the copyright agreement you signed. The contract may specify not only where the article may be self-archived but which version of the text may be used, when it may be made available, and what copyright notice must be included.

Self-archiving aside, there are a few *hybrid OA journals*[11] in which those articles whose author paid a *publication fee* (or *processing fee*) are available through OA, unlike other articles in that journal.

Publishing in an OA journal

Finally, OA journals are useful for reaching colleagues when you seek proof of peer review without publishing in a non-OA journal. OA journals typically allow authors to retain the copyright for their work rather than transferring it to the publisher, though authors must also give readers the right to share the work with others and use it in their

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[8] http://arxiv.org/

[9] http://www.sherpa.ac.uk/romeo.php

[10] http://www.arl.org/sparc/author/addendum.html

[11] See "Hybrid open access journal," *Wikipedia*, http://en.wikipedia.org/wiki/Hybrid_open_access_journal.

own teaching and research.[12] Broader rights for users and for the publisher may also be required.

Many OA journals are listed in the *Directory of Open Access Journals* (DOAJ).[13] Slavic, East European, and Eurasian journals may also be listed in the *Inventory of Slavic, East European, and Eurasian Digital Projects*.[14]

OA journals vary in their viability and commitment to long-term preservation of content, though the most established ones are as secure as repositories in their institutional support. Keep in mind that by choosing an OA journal, you're free to deposit the article in a repository, put a copy on your website, give it to your students, and republish elsewhere.

Publishing a book through OA

If you have a book manuscript that you would like to publish through OA, you could self-archive or self-publish your work just as you would do for a journal article. However, readers are unlikely to engage with a book-length work online, so until better reading devices are developed, you will surely want your book to be available in print as well. This can be done cheaply through print-on-demand (POD) technology.

You might work with a publisher of OA scholarly monographs like the Scholarly Publishing Office (SPO)[15] at the University of Michigan (where the author of this paper is employed). SPO provides all the advantages of a repository over self-publishing, plus can arrange to make your book available in print.

An alternative is to set up your own digital publishing system like DPubS (which stands for "Digital Publishing System").[16] You would gain some of the benefits of a repository by using this to publish your book, but it's best to ensure that there's an institutional structure to maintain your content past your involvement with it.

Publishing your journal through OA

If you edit a journal considering OA publishing, you might start by reading resources made available by SPARC[17] and contact them about their consulting service, which, for journals considering OA and without existing revenue, is usually free. In fact, the SPARC Consulting Group works with SPO to provide business planning and digital publishing services for OA (and some non-OA) journals. Besides SPO at Michigan, an increasing number of academic libraries are publishing born-digital journals using DPubS, Open Journal Systems (OJS), [18] or other software.

With some technical assistance, you might also set up your own digital publishing system like DPubS or OJS, but, as with a book, you need to ensure continued institutional support.

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[12] See Peter Suber, "Open Access Overview," http://www.earlham.edu/~peters/fos/overview.htm.
[13] http://www.doaj.org/
[14] http://www.library.uiuc.edu/spx/inventory/
[15] http://spo.umdl.umich.edu/
[16] http://dpubs.org/
[17] http://www.arl.org/sparc/
[18] http://pkp.sfu.ca/ojs

Clearing rights on excerpted works

Aside from reviewing copyright agreements with publishers and repositories, the other main way that scholars encounter copyright law is when seeking to use excerpts of other works in their scholarship. Seeking to avoid liability for copyright infringement, traditional publishers—and even some OA journals—often require authors to submit documentation of permission received to reproduce images, poems, or letters. Authors then turn to libraries, archives, and estates claiming ownership of the works, which often charge exorbitant rates for permission to reproduce. When possible, you should consult a copyright specialist, such as one employed in your institution's library or general counsel office, to verify that permission is needed and that the entity offering it is entitled to give it. You might start your own copyright research with the website of the Subcommittee on Copyright Issues[19] of the Bibliography & Documentation Committee of AAASS. Publishers may be reluctant to accept advice saying that no permission is needed, but a library-based publishing effort like SPO is likely to be more sympathetic.

Final thoughts

Paul Courant, a specialist in the economics of libraries, archives, and scholarly publishing, said, "Making copies and distributing them used to be expensive, and publishers, librarians, and tenure review committees were happy. Now it's cheap to make copies and distribute them, and everyone is miserable. What's wrong with this picture?"[20] It's not just authors having increased access to the means of production—they also are struggling with copyright legislation designed in the age of print, when dissemination was very expensive and reproduction difficult, and which has been revised over time to tip the balance of rights away from creators and users of content toward rightsholders attempting to squeeze profit out of their intellectual property.

Nevertheless, the stakeholders in the scholarly communication crisis are taking action to solve the problem. Authors are frustrated with restrictive copyright agreements that hamper their work and communication and are seeking alternative publishing venues. Universities, funding agencies, and governments are frustrated with the rising price of and lack of public access to scholarly literature and are promoting alternative publishing models. As scholars and readers become more comfortable with online resources, institutional structures like promotion committees will too.

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[19] http://intranet.library.arizona.edu/users/brewerm/copyright/
[20] Personal communication with Paul Courant, October 31, 2007.