

Does Copyright Transfer Hinder Scientific Progress?

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Post Url

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The worlds of science and scientific publishing are deeply entwined. For many years, the best way for researchers to get their work read and recognized has been to publish in a journal. This is still true today. Scientific careers build on the strength of publications. Journals need researchers, and researchers need journals.

Now, however, the world of scientific publishing is facing a huge change. Open Access is [rapidly gaining popularity](#). Open Access offers free, open online access to scientific output, including journal articles.

One thing that is sometimes forgotten in the debate around publishing options is the issue of copyright. Copyright is ownership. Whoever owns the copyright controls the legal right to print or distribute the material.

So what does the growth of Open Access mean for copyright?

The History of Copyright Transfer

Traditionally, when a journal accepts an article for publication, [copyright](#) transfers from the author to the publisher. This usually is a condition of publication. This gives the publisher the right to publish, and control access to, the article.

Copyright transfer is rooted in history. Long before the digital era, publishers distributed the work of authors. Transfer of copyright allowed publishers to profit from this process. In the UK, for example, scientific publishing increased rapidly in the early part of the nineteenth century. Monthly, then weekly, scientific journals appeared. This drove publishers to seek copyright protection for their material. The 1842 Copyright Act provided this protection.

Who Does Copyright Transfer Benefit?

The current copyright situation is complicated. Authors want to protect their rights to their work. At the same time, publishers and institutions aim to guard their financial interests. Copyright should help to maintain this balance. However, the traditional system of copyright transfer causes authors to lose their rights. An author can be guilty of a breach of copyright by sharing their work.

Most publishers still require copyright transfer. This means that authors have little choice if they want to publish their work in a subscription journal. Despite the growth of Open Access, it is not yet widespread for researchers to rely on these journals alone. Doing so could hinder the progress of their career.

In many fields, such as literature, authors receive payments from publishers in the form of royalties (a share of the profit when a customer purchases the work.) This does not happen in scientific research. It is sporadic for authors to receive any payment from a publisher for their work.

However, the world of scientific publications is in flux, due to the growth of Open Access and [Plan S](#). Open Access offers the chance for better protection of authors' rights.

Copyright and Open Access

Open Access publishing will have an impact on copyright issues. What does this mean for authors and publishers?

In Open Access publishing, authors often keep the copyright to their work. Instead, articles have licenses that allow them to be shared.

Authors can benefit from publishing their work in an Open Access journal. Their work is likely to be more widely read and shared, and they may also keep the copyright. This system protects the rights of authors. This agrees with the spirit of copyright law in most

countries: to protect the rights of the creator of the work.

In reality, publishers take different approaches to the copyright of Open Access articles. Elsevier, for example, requires authors to transfer full rights to the publisher. The copyright in name stays with the author. This is known as “nominal copyright.” Authors might think that this is a condition of publication. In fact, this is incorrect. Instead, authors could grant a simple license to publish. This would allow public access to the article.

Surprisingly, a 2013 study found that nearly half of researchers are happy with copyright transfer for Open Access articles. This might be because many researchers do not know much about the legal basis of copyright. For example, the lead author of an article can transfer a copyright without the explicit agreement of co-authors.

Does Copyright Help to Further Scientific Research?

The primary purpose of copyright is to protect the rights of the creator. Ideally, copyright should also be used to further scientific research. However, copyright is often used to prevent sharing of work. This can hinder research progress. Rather than protecting the rights of authors, this protects the financial interests of publishers.

According to a [2019 paper](#), copyright is not currently effective for its intended use. The authors say that they are “unaware of a single reason why copyright transfer is essential for publication.” Also, they cannot find “a single case where a publisher has exercised the copyright in the best interest of the authors.”

The move to Open Access could help to fix this situation.

Protecting the Rights of Authors

Plan S was created to make sure that all publicly-funded research is Open Access. One of the goals of Plan S is that authors keep the copyright of their work. This is also the aim of [OA2020](#), a worldwide group of institutions that aims to speed up the move to Open Access. This goal is achievable authors should keep the copyright for their work more than is currently the case. More research will be free to access and share. In this way, copyright could be used to indeed further scientific research.

Authors can also use [Creative Commons](#) licenses to protect their work. Creative Commons offers a few types of free copyright licenses. Authors can use these to help share their work with the public, while still keeping their rights to the material.

Publishers sometimes say that copyright transfer allows them to defend authors against any breaches of copyright. However, they can still do this, even if the author keeps the copyright.

What do you think? Does copyright help, or hinder, scientific progress? Will the move to Open Access help authors to keep retain the copyright for their work? Share your

thoughts in the comments below.

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