

DEFINITION

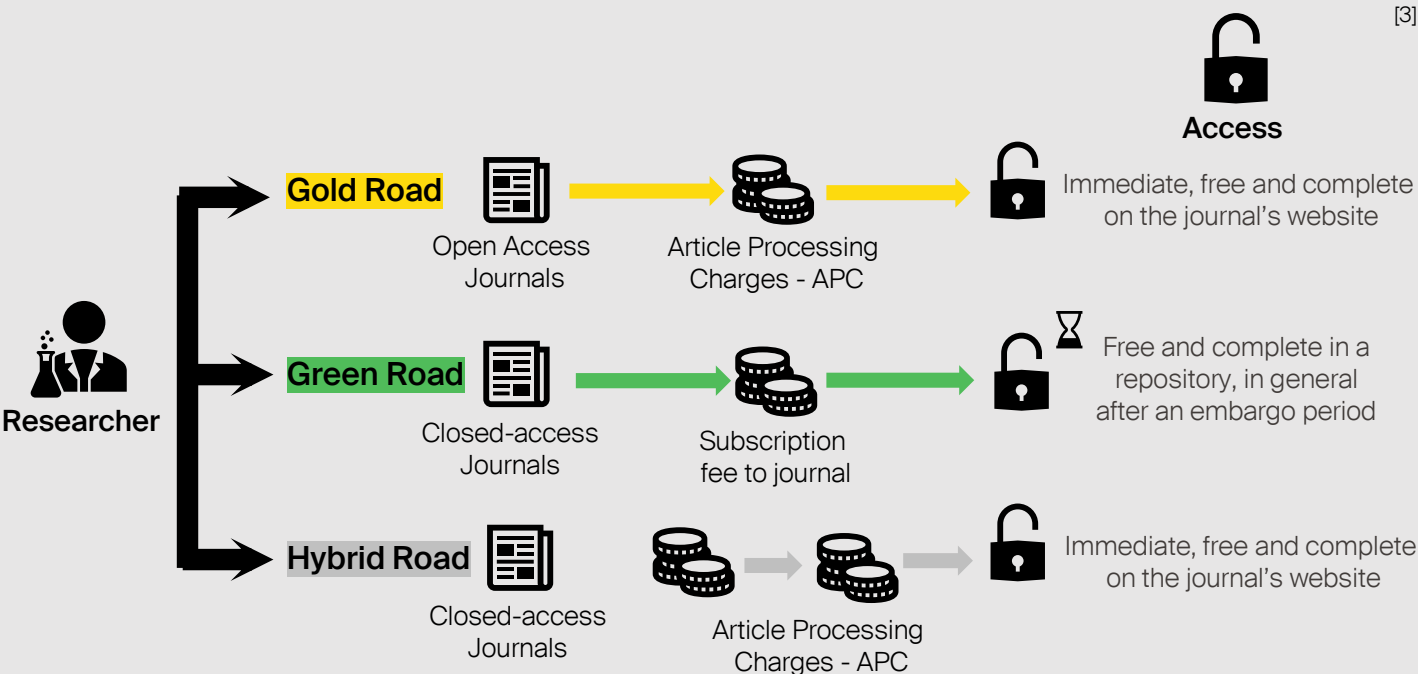
“Open Access literature is digital, online, free of charge, and free of most copyright and licensing restrictions.”^[1]

BENEFITS FOR AUTHORS

- ✓ Enhance visibility
- ✓ Accelerate dissemination
- ✓ Increase citation
- ✓ Keep copyright
- ✓ Comply with institutional and funders' requirements



ROADS TO OPEN ACCESS



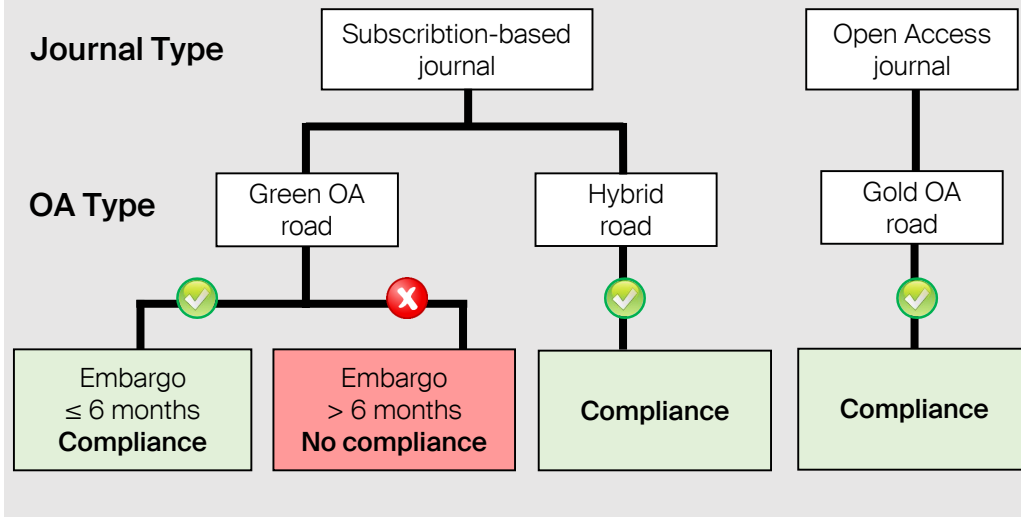
Credits and sources

- [1] SUBER, Peter, 2012. *Open Access*, The MIT Press Essential Knowledge series <https://mitpress.mit.edu/books/open-access>
- [2] Inspired by KINGSLEY Danny and BROWN Sarah, AOASG, *The Benefits of Open Access* <https://aoasg.org.au/resources/benefits-of-open-access/>
- [3] Inspired by Swiss Academies Factsheets, 2019 <http://www.swiss-academies.ch/index/Schwerpunkte/Open-Science.html>

OPEN ACCESS MANDATES

EPFL¹, SNSF², ERC grants³ require Open Access for all peer-reviewed scientific publications. Authors may choose between the three roads of Open Access: Gold, Green and Hybrid. In all cases, a version of the accepted publication must be self-archived in a disciplinary or institutional repository ([Infoscience](https://infoscience.epfl.ch/) at EPFL⁴) within 6 months of publication (12 months for books).

CHECK THE JOURNAL'S COMPLIANCE



CHECK THE JOURNAL'S POLICY

✓ Embargoes and versions vary and can be directly checked on journal's platform (author guidelines or Open Access information) or on the Sherpa Romeo database⁵.

Peer-reviewed	<p>Submitted version</p> <ul style="list-style-type: none"> ✓ aka Author final version or preprint ✓ can be deposited on preprint server
	<p>Accepted version</p> <ul style="list-style-type: none"> ✓ aka postprint ✓ prior to copy-editing and production
	<p>Published version</p> <ul style="list-style-type: none"> ✓ aka Version of Record (VoR) ✓ final version published on a journal's website

NEGOTIATE

✓ If the embargo is longer than 6 months, try to negotiate by submitting the EPFL author amendment⁶ to the copyright transfer agreement directly to the publisher or through the editorial management system.



Whenever possible, avoid the transfer of exclusive rights to the publisher in order to retain as many rights as possible.

Credits and sources

- [1] EPFL OA policy <https://polylex.epfl.ch/research-tech-transfer/scientific-publications/>
- [2] SNSF OA policy <https://oa100.snf.ch/en/home-en/>
- [3] European Commission OA policy <https://ec.europa.eu/research/openscience/index.cfm?pg=openaccess>
- [4] Infoscience repository <https://infoscience.epfl.ch/>
- [5] Sherpa Romeo <http://www.sherpa.ac.uk/romeo/search.php>
- [6] EPFL amendment https://www.epfl.ch/about/overview/wp-content/uploads/2019/09/Author_Amendment_EN.pdf

DEFINITION

“Creative Commons (CC) licenses are pre-formulated basic licenses for works protected by copyright. They can be used for texts, photographs, images, films, drawings, music, files for 3D printers, etc. (for computer programs best use free and open source software licenses)”¹

WHY CC LICENSES?

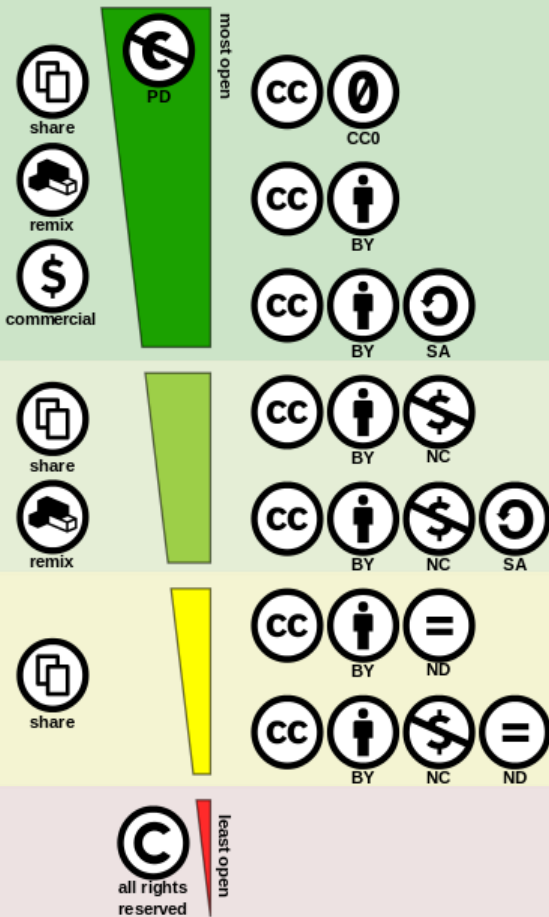
If you want to give people the right to **share, use,** and even **build upon** a work you have created, consider publishing under a CC license². By choosing a CC license, **you decide which rights you want to keep,** and how others are allowed to use your works without asking you in advance, while ensuring a great diffusion and visibility of your works.

CC licenses are irrevocable, which means that users will always have the right to use a material under a CC license, even if the licensor stops distributing under the CC license terms.

EPFL Library advises to use CC licenses, whenever possible, for all publications (articles, books, and book chapters), images, master and PhD theses, etc.

HOW TO CHOOSE?

Define rights and apply one of the licenses below. Check how to mark your work with a CC license³.



CC BY: Distribute, remix, tweak, and build upon your work, even commercially. Credit must be given.

CC BY-SA (Share Alike): Remix, tweak, and build upon your work even for commercial purposes. Credit must be given and the same license applies to the new creation.

CC BY-NC (Non Commercial): Remix, tweak, and build upon your work for non-commercial purposes. Credit must be given.

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CC BY-ND (NoDerivatives): Reuse the work for any purpose. Sharing is not allowed for altered (remixed, tweaked, and built-upon) versions. Credit must be given.

CC BY-NC-ND: Only download your work and share them with others. Credit must be given.

Credits and sources

[1] Competence Center in Digital Law <https://tinyurl.com/s6rcjms>

[2] Creative Commons <https://creativecommons.org/>

[3] Marking your work with a CC license https://wiki.creativecommons.org/wiki/Marking_your_work_with_a_CC_license#How_to_use_the_CC_License_Chooser

WHAT IT LOOKS LIKE AND HOW TO DEAL WITH IT...

You may encounter different expressions: copyright transfer agreement or publishing contract.

What is a contract?

"An agreement between two or more persons or entities in which there is a promise to do something in return for a valuable benefit known as consideration."

Source: contract. (n.d.) Burton's Legal Thesaurus, 4E. (2007). Retrieved November 12 2019 from <https://legal-dictionary.thefreedictionary.com/contract>

Publishing Agreement

Definitions and object of the agreement

- Author
- Publisher
- Work

Transferred rights

- Exclusive or non-exclusive
- Ownership of the copyright

Retained rights

- Sharing/archiving rights
- Reuse rights

Author's obligations

- Manuscript delivery and revisions (for books)
- Get permission to reuse third parties materials

Publisher's obligations

- Royalties (for books)

Applicable law and Governing state

Lausanne (Switzerland), date
Signature author publisher

To assign **exclusive rights** to the publisher means that the author will no longer be able to exercise these rights without the publisher's permission.

➤ Negotiate: **Non-exclusive rights**

Transferring copyright means that the publisher controls how the work is reproduced, distributed and edited. He also handles granting permissions to third parties on authors' behalf.

➤ Negotiate: Retain the **ownership of the copyright**

Sharing rights: The right to share printed/electronic copies internally with colleagues (private use), with attendees of a conference (professional purposes), and with students of a course (teaching purposes).

➤ Negotiate: Retain as many rights as possible

Archiving right: The right to deposit and make publicly available at least the accepted version, or the published version, at least in your institutional repository, and also possibly on a personal webpage or in a scientific social network such as Research Gate. This right can be granted after an embargo period, the EPFL OA Policy requests maximum 6 months.

➤ Negotiate: The [EPFL Author Amendment to Publication Agreement - Extended rights](#) enables authors to request for an archiving right compliant with the EPFL OA policy.

Reuse rights: The rights to reuse the entirety or parts of a work without charges for various purposes, notably: in a research thesis or dissertation (i.e. for non-commercial purposes), in training/teaching sessions (non-commercial), in any other (potentially commercial) publication, including books. These rights can be granted only with a formal permission from the publisher, which may be binding for the author.

➤ Negotiate: The [EPFL Author Amendment to Publication Agreement - Extended rights](#) enables authors to request for comprehensive reuse rights.

Royalties: Percentage of the benefits resulting from the exploitation of the work or a fixed amount of money for the author by the publisher.

➤ Negotiate: A fair percentage on all kind of exploitations (print and online, individual and institutional sales, translations, etc.)

Applicable law and governing state: The law of the country (or state) that determines the legal standing of a case and the courts that have jurisdiction.

➤ Negotiate: Switzerland for both applicable law and jurisdiction.

WHAT ABOUT THE LAW?

The law allows teachers and students to use copyrighted works for educational purpose.

The exception for teaching purposes is less permissive than for private use.

CONTEXT

The exception covers educational purposes only. The teaching context excludes entertainment, **the goal must be training.**

AUDIENCE

The exception only applies between the teacher and the students. The definition of the classroom is broad, including all levels of training, up to continuous and advanced education. The class can take place physically or via a platform made available by the academic institution (e.g. Moodle) with controlled access (class members only). MOOCs and conferences are not covered by the educational exception.



MOODLE



MOOC CONFERENCE

Work types*	Copy	Distribute
Books and other textual works	Extracts	Extracts
Journal articles, essays	Entirety	Entirety
Paintings, photographs, graphics, sketches and other fine art works	Entirety	Entirety
Radio or TV programs	Entirety	Entirety
Musical scores	Extracts	Extracts
Music from CDs or movies from DVDs	Extracts	Entirety
Works unavailable on the market (print and online) and in the public domain	Entirety	Entirety

*according to Prolitteris' common tariff 7

COSTS

This exception is not free. A fee is due to Prolitteris [LDA 20.2](#) (common tariff 7) for this exception; the fee is fixed and paid by EPFL.

WHAT IS AN EXTRACT?

There is no rule like «10 pages», «2 chapters» or «10% of the work». The excerpt must be fair, meaning that it must not be detrimental to the exploitation of the work. It must not replace a purchase neither be a substitute for the work.

DISSEMINATION

The use may cover other forms: viewing, listening, reading, singing, copying and distributing copies, etc. The permitted uses are defined by [Prolitteris Common Tariff 7](#) and summarized in the table above. When sharing content in print (photocopying) or electronic forms (e.g. Moodle platform with restricted access), it is strongly recommended to add the note « reproduction prohibited ».

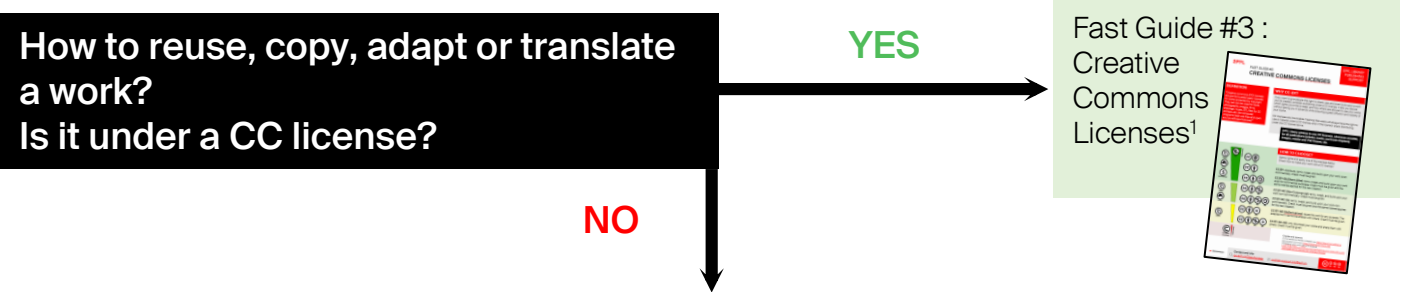
Citation or reuse does not exempt from the citation rules!

Check the Rational Bibliographic: the guide for writing bibliographic references¹

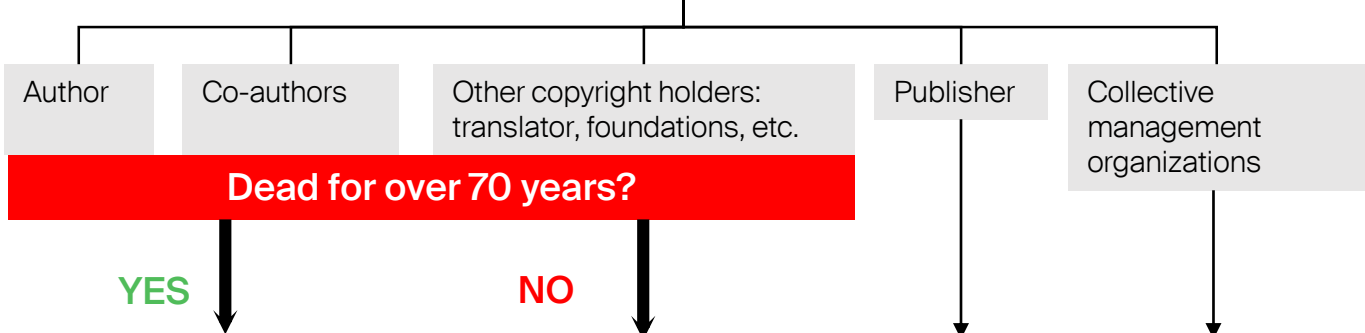


Credits and sources

[1] Rational Bibliographic <https://go.epfl.ch/rational-bibliographic>

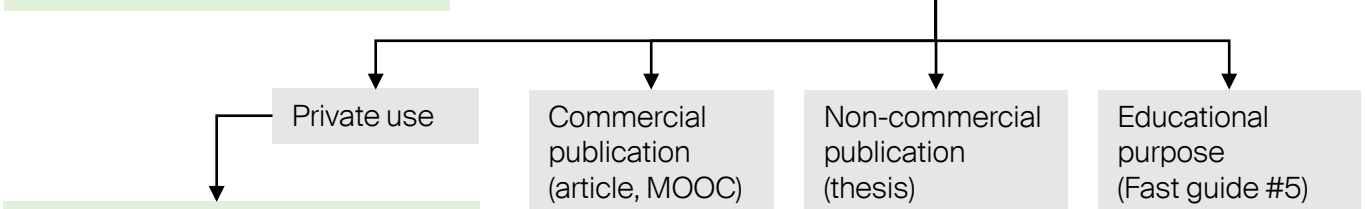


Who are the copyright holders?



The work is in the public domain (CCO)

For which purpose?

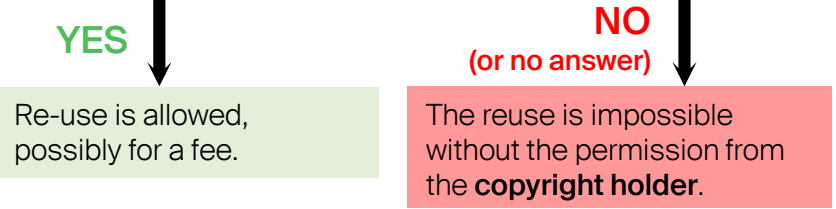


The private use in the personal sphere is subject to an exception in the Swiss Copyright Act (LDA). In this context, the user does not need authorization²

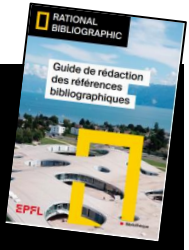
How to contact or request authorization from copyright holders?

- Collective management organization (e.g. [Prolitteris](#) form)
- Copyright Clearance Center («Rights & Permissions» button on the publisher's platform)
- email to the author or publisher

Authorization granted?



Citation or reuse does not exempt from the citation rules!



Check the Rational Bibliographic: the guide for writing bibliographic references³

Credits and sources

[1] Fast guide Creative Commons Licenses <https://go.epfl.ch/openaccess>
 [2] Usage privé dans un cercle de personnes étroitement liées <https://tinyurl.com/t62twza>
 [3] Rational Bibliographic <https://go.epfl.ch/rational-bibliographic>