© moments in the life of an author

scholarly publications and relevant legal actions

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structure of my talk

- basics of copyright and the good things about it;
- distinctive moments scholarly publication and the relevant legal acts;
- © toolkit;
- conclusions.
basics about ©

- difference common law & civil law;
- exclusive right;
  - economic rights;
  - moral rights;
- originality needed for © protection;
- no registration needed;
- term of ©.
good things about ©

- changing all the time;
- complex issue;
- package of balances;
- bundle of rights;
  - allocation of rights for optimal accessibility.
distinctive moments

- determination of © ownership;
- collecting, selecting information;
- publishing;
- making available otherwise;
- preservation.
determining ownership

- author is first owner;
- work made for hire/made in the course of employment/werkgeversauteursrecht;
- copyright policy.
collecting information

- sources most of time © protected;
- licence to use sources;
- possible exceptions.
publishing process

- agreements underlie process;
- agreements important for balance and responsibilities stakeholders involved in scholarly publications.
making available

- repository, education & future reuse;
- permission rightsholder needed for making available;
- magic year of 1997;
- several licences in circulation.
preservation

- copyright legislation not always sufficient;
- permission needed from rightsholder.
• checklist key needs author & publisher;
key needs author

- publication/dissemination/accessibility;
- educational/instructional use;
- research uses;
- personal use;
- future reuse;
- preservation;
- protection of IPR and moral rights.
• checklist key needs author & publisher;
• provisions for agreements;
• tailor made agreement;
• model agreement.
model agreement

- licence;
- definitions differ slightly from definitions now used in publishing agreements;
- author retains right to put published article on an institutional repository;
- possible embargo with maximum of 6 months.
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