

## **STM Statement on Negotiating Rights for Institutional Repository Postings and Author Rights (March 2011)**

Recently some advocates for institutional repositories have noted that, in connection with the responsibilities that academic and research libraries may have for coordinating the scholarly output of author-researchers at their institutions, there are efficiencies to be gained in negotiating at an institutional level with journal publishers.

The stated purposes for such negotiations are two-fold:

- to ensure that authors continue to have rights to use their works for scholarly and research purposes; and
- to support institutional repositories as a means of disseminating research results.

These advocates propose that content license negotiations between institutions and publishers be used for the acquisition of such usage rights for these purposes.<sup>i</sup>

STM publishers are of the view that content license negotiations deal appropriately with questions about the scope of content that will be accessible for each institutional subscriber as well as the scope of usage rights and relative costs for such accessibility and rights. These negotiations are often complex, especially given that in recent years efforts have been made to manage negotiations through procurement processes of different kinds. We hold the view that conflating author rights issues and institutional content licenses serves only to add greater complexity and possible legal uncertainty to such licenses without adding meaningful benefits for authors.

The publishing community has a strong track record of responsiveness to authors with respect to scholarly use and re-use and journal publishing agreements generally address, and have addressed for many years, issues about scholarly use and re-use by authors of their own work, including questions about compliance with research funder policies such as the NIH. STM has released several statements on this subject in recent years and surveys have found that that the vast majority of journal publishing agreements provide authors with the usage rights that they value most – including use in teaching, scholarly communications, web posting (such as on pre-print servers), and compliance with funding agency requirements. Statements from STM include:

- STM/PSP/ALPSP Statement on Journal Publishing Agreements (2008)<sup>ii</sup>
- Author and Publisher Rights for Academic Use (2007)<sup>iii</sup>.

STM publishers and authors have long been successful partners in the dissemination and discovery of scholarly communication – with each making key contributions. Authors contribute the records of their scholarship. Publishers fund the infrastructure that enables the discovery, registration, certification, finalization, dissemination, and (most recently) preservation of research articles through peer reviewed journals, the web platforms that host

such content, and the online systems that assure discoverability and visibility of the published results. The result has been that 96% of scientific, technical and medical journals<sup>iv</sup> are available electronically, fully searchable, and accessible on the World Wide Web, a tremendous benefit to scholarship.

Although it has been our experience that most scientists value fora that provide comprehensive coverage of a discipline and its related fields more than comprehensive coverage of an institution or its output, STM publishers understand that some institutions wish to showcase institutional achievement. Publishers stand ready to engage in dialogue as to how this goal can best be achieved -- without undermining the system of scholarly communication that has significantly furthered the progress of science and resulted in more researchers and scholars having more access to more content in more ways than at any time in human history.<sup>v</sup>

Regardless of where such a dialogue may lead, STM thinks that the impact of institution-centric repositories on the current system of scholarly communication should be the subject of objective research and assessment. As a result, we are actively engaged in projects like PEER (Publishing and the Ecology of European Research).<sup>vi</sup> We believe that such research greatly furthers the ability of our members and other key stakeholders in scientific communication to develop and refine evidence-based policies and practices in this vital and evolving digital ecosystem.

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<sup>i</sup> See for example: Ivy Anderson "Model Language for Author Rights in Library Content Licenses", *Research Library Issues; a Bimonthly Report from ARL, CNI, and SPARC*, no. 269 (April 2010)

<sup>ii</sup> See STM/PSP/ALPSP Statement on Journal Publishing Agreements and Copyright Agreement "Addenda" (2008)

[http://www.stmassoc.org/2008\\_03\\_01\\_Statement\\_on\\_Journal\\_Publishing\\_Agreements.pdf](http://www.stmassoc.org/2008_03_01_Statement_on_Journal_Publishing_Agreements.pdf)

<sup>iii</sup> See [http://www.stmassoc.org/2007\\_05\\_01\\_Author\\_Publisher\\_Rights\\_for\\_Academic\\_Uses.pdf](http://www.stmassoc.org/2007_05_01_Author_Publisher_Rights_for_Academic_Uses.pdf)

<sup>iv</sup> Cox, J. and Cox. L. (2008) Scholarly Publishing Practice: Academic Journals Publisher's Policies and Practices in Online Publishing: Third Survey (ALPSP)

<sup>v</sup> See PRC report <http://www.publishingresearch.net/documents/PRCAccessvsImportanceGlobalstudyPhase1Oct2010.pdf>

<sup>vi</sup> See <http://www.peerproject.eu/>