

Even when the author is  
copyright owner of the article

# **Publishers exploiting CC BY-NC and CC BY-NC-ND: (principle) issues and (pragmatic) solutions**

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# The process (example)

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Research Article

### A closer investigation of dispositional persuasion knowledge of sponsored content: Exploring determinants and clusters

Sophie C. Boerman , Eva A. Van Reijmersdal  & Esth

Received 20 May 2022, Accepted 29 Jan 2023, Published online: 13 Feb 2023

 Cite this article  <https://doi.org/10.1080/13527266.2023.217>

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ELSEVIER

### A Systematic Review of Viscoelastic Testing in Patients with Subarachnoid Hemorrhage

Author: Maud A. Tjerckstra, Anne E. Wolfs, Dagmar Verbaan, W. Peter Vandertop, Janneke Horn, Marcella C.A. Müller, Nicole P. Juffermans


















Publication: World Neurosurgery

Publisher: Elsevier

Date: Available online 31 March 2023

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### Quick Price Estimate

Intended use 	<input type="text" value="reuse in a medical communications project"/>	Adaptation needed 	<input type="text" value="No"/>
Type of licensee 	<input type="text" value="Pharmaceutical / Medical Device company"/>	Translation needed 	<input type="text" value="No"/>
Portion 	<input type="text" value="Figure/table/illustration"/>	Type of activity 	<input type="text" value="Congress / Satellite event"/>
Number of portions 	<input type="text" value="3"/>	Preferred limit of use 	<input type="text" value="Total audience size"/>
Distribution or presentation format(s) 	<input checked="" type="checkbox"/> Printed materials / leave-behinds 	Audience size 	<input type="text" value="2000 - 4999"/>
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# Awareness authors

**Short survey under 30 Dutch authors that used a CC BY-NC / NC-ND license in a Wiley or Elsevier journal in 2023**

- 1. Majority is not aware that the publisher takes over control of the license**
- 2. Only one author was aware of the implications (exploitation, limiting own right to re-use)**
- 3. All authors responded negatively to this publisher practice**

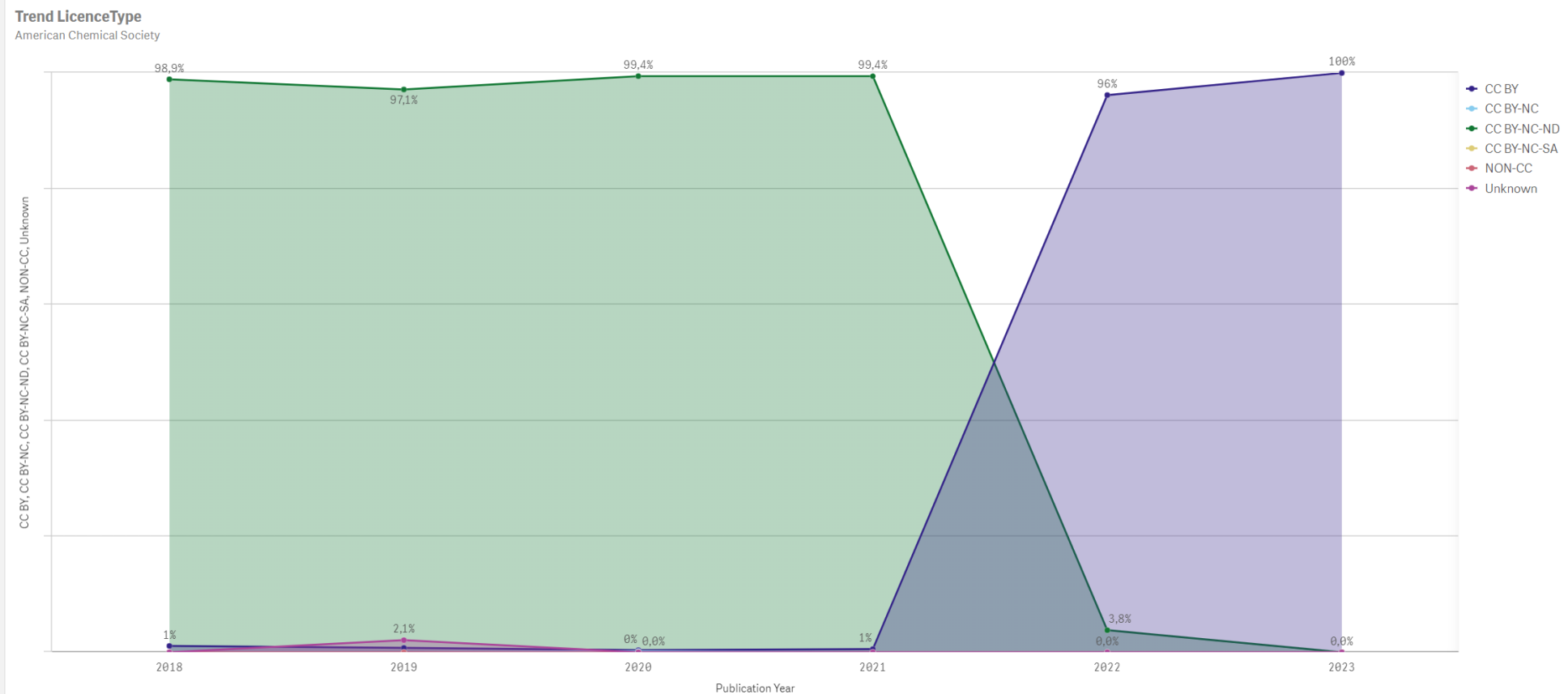
# NC / NC-ND: How publishers operate

	Author obligated to sign over exclusive license	Publisher exploits license	Author consulted	Author can re-use own work	Workflow configuration Dutch R&P deal	% CC BY NC / NC-ND in 2023
Elsevier	Yes	Yes	No	On request	CC BY default, NC / NC-ND optional	11%
S/N	Yes	Yes	No	On request	CC BY-NC 2% journals rest CC BY	4%
Wiley	Yes	Yes	No	Yes	CC BY, NC, NC-ND all optional	58%
T&F	Yes	Yes	Yes	Yes	All optional, end 2023: change to CC BY default	69%. Goal 2024: 10%
CUP	No (new policy: non-exclusive)	Impact new policy unclear	Non-exclusive	Yes	CC BY default, other optional	8%

Improve CC BY % is part of current negotiations

# Workflow versus Author choice

The author isn't controlling the workflow, the workflow is controlling the author. Case: ACS





# Workflow versus Author choice

The author isn't controlling the workflow, the workflow is controlling the author. Case: Elsevier

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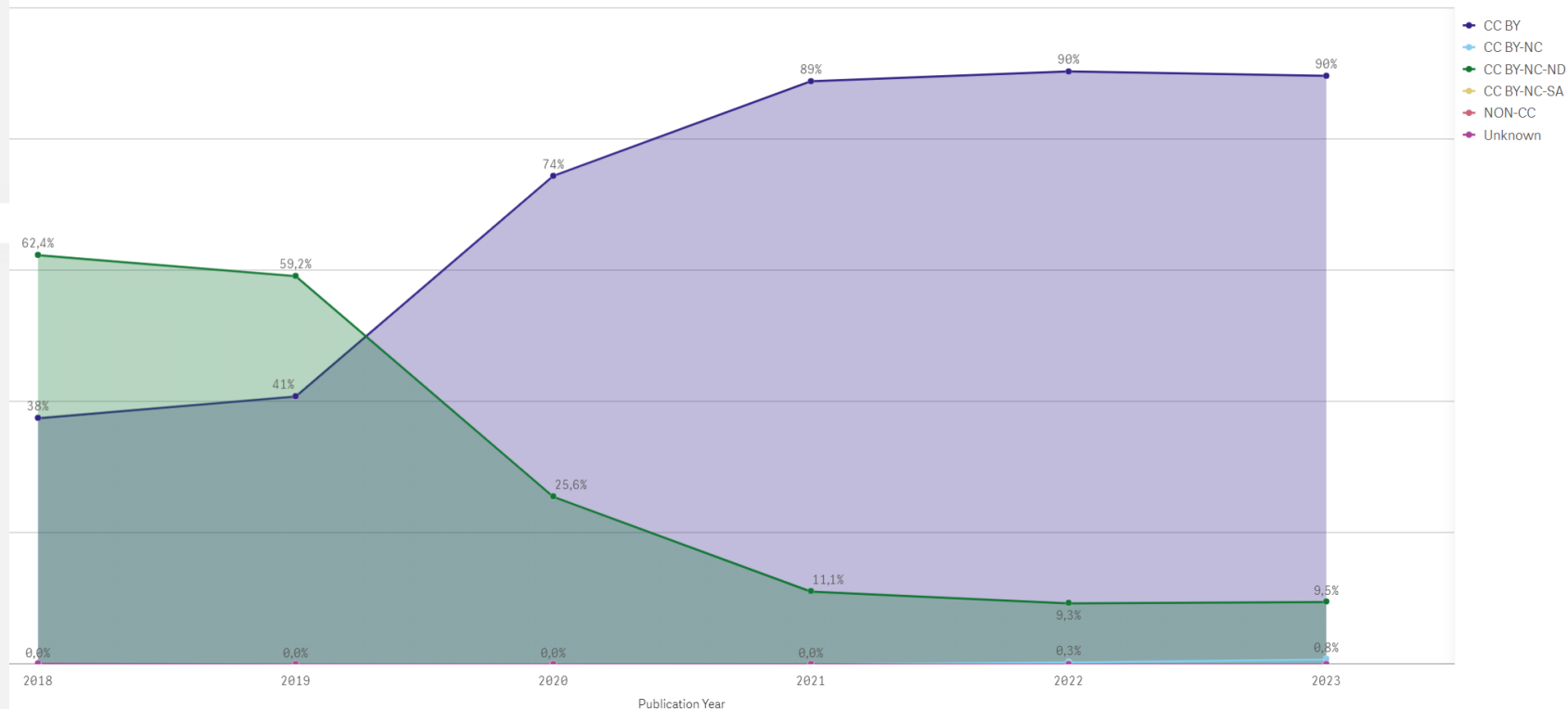
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# Workflow versus Author choice

The author isn't controlling the workflow, the workflow is controlling the author. Case: Elsevier



# **Publishers exploiting licenses: (principle) issues**

- **Author choice (no option: NC/ND + keeping control)**
- **Academic autonomy (re-use is profit driven, author becomes user)**
- **Hidden revenue model**
- **It's a service to 3<sup>rd</sup> parties (e.g. Pharma), not to the author**
- **By owning the license and defining commercial re-use (for example: MOOCs) publishers increase their influence on academia**



# Solutions: on system level

**If there is a valid reason for an author to prefer a restrictive CC license, the publisher can offer to manage the license as an optional service, while the author remains owner of the license:**

- Not profit driven, authors are consulted before giving reuse permission**
- Can also be done by a 3<sup>rd</sup> party, consortium or the university (reversed plagiarism tool)**
- Consortia and publisher / 3<sup>rd</sup> party can negotiate about the added value of such a service and the costs**

# If no solution on system level (1)

- **Negotiate CC BY only or CC BY default (NC / ND optional including additional info in OA workflow)**
- **OA deals only covering articles when copyright and license is owned by authors (could result in: if author chooses NC/ND, APC not covered by deal)**
- **Negotiate improvement of CC BY-NC/ND license (strategy ULC with Wiley & CUP)**

# If no solution on system level (2)

- **Add topic to negotiation mandates, model licenses, contract evaluation**
- **Advise institutions to take (even) more effort in sharing OA articles in the repository (breaking direct link to commercial marketplaces)**
- **Check copyright law (is it legal to exploit an article / license without compensating the copyright owner?)**

# If no solution on system level (3)

- Communicate to authors about good and bad practices to influence journal and license choice
- Advise authors who want to protect an object in an article (graphic, image) to publish the article CC BY but deposit the object with a CC BY-NC license prior to publication in a repository and embed the object with restrictive license in the article.

=> The article has a CC BY license, so the author remains owner of both article license & object license.

# If no solution on system level: summery

- **Make it a strategic topic in negotiations**
- **Rase awareness amongst authors**
- **Take steps to decrease the volume of NC / NC-ND**
- **Complicate the exploitation process**

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## **Questions, discussion**

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