



# *Protecting While Sharing Defense Information*



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## **Journal Articles: Managing Preprints, Reprints and Copyrights**

April 9, 2008

**Ms. Bonnie Klein**



# Speakers

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- **Ms. Bonnie Klein**  
Copyright Specialist, Information Collection  
Division  
Defense Technical Information Center
- **Ms. Monica Butteriss**  
Team Leader, Subject Analysis Division  
Defense Technical Information Center



# Journal Articles

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**Ms. Bonnie Klein**  
Program Manager for  
Copyrighted Information



# What about Journal Articles? DODI 3200.14 Reporting Requirements

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5.4.9. **Ensure that all significant scientific** or technological observations, findings, recommendations, and **results derived from DoD endeavors**, including those generated under contracts, grants, and other instruments that are pertinent to the DoD mission or contribute to the DoD and/or national scientific or technological base **are recorded as "technical documents."**

Internal and contractual procedures shall ensure that copies of such documents are made available to the DoD R&E community, including supporting technical libraries, the DTIC, and applicable DoD Information Analysis Centers...

E2.1.15. Scientific and Technical Documents. Documented results of DoD-sponsored or defense-related R&E efforts. The work may have been **performed either in-house or externally** by contractors, subcontractors, grantees or by other similar business relationships. **Scientific and technical documents include**, but are not limited to, final and interim technical reports, technical notes, technical memoranda, technical papers, special reports, **conference proceedings, journal articles**, test reports, project officer reports and other formats regardless of media.'

E.4.4.9. The preparation and **dissemination of R&E** and studies efforts in the form of journal articles, poster papers at symposia and other means **external to DoD shall not be in lieu of providing those same documents the DTIC...**



# What about Journal Articles?

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- Peer-reviewed articles published in high-impact factor journals are the gold standard for scientific communication.
- Fewer traditional technical reports are being produced.
- A preprint or reprint of a journal article or conference paper may be the only documentation about a DoD-supported research effort.
- Often these are **not sent to the DTIC repository because of confusion about copyrights.**



# The Publication Process Confusion About Copyright

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- Publisher Agreements
  - Copyright transfer as a condition for publication
  - Other terms and conditions
    - Prepublication “Ingelfinger Rule”
    - Preprint
    - Self and institutional archiving
    - Author reuse
  - Favor the publisher



# The Publication Process Confusion About Copyright

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Copyright Transfer Survey 2003  
*Publisher Responses*  
[www.oaforum.org/otherfiles/bath-gadd.ppt](http://www.oaforum.org/otherfiles/bath-gadd.ppt)

- 90% asked for assignment
- 65% prior to refereeing
- 15% did not return rights if paper rejected
- 58% have government author clause
- 75% asserted Ingelfinger Rule
- 49% allowed author self-archiving
- 29% did not grant authors any usage rights



# The Publication Process Confusion About Copyright

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## Copyright Transfer Survey 2003 *Author Responses*

[www.oaforum.org/otherfiles/bath-gadd.ppt](http://www.oaforum.org/otherfiles/bath-gadd.ppt)

- 90% assigned their copyright
- 61% thought they owned copyright
- 50% multi-authored
- 25% cleared 3<sup>rd</sup> party rights
- Willing to allow display, print, save, share or excerpt if authors attributed and the content unaltered.





# The Publication Process

## Authors and Versions

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- Author Copyright Management Categories
  - U.S. Government author
  - U.S. Government and non-government co-author joint work
  - U.S. Government contractor
  - U.S. Government grantee
- Article Version Management Categories
  - Preprint
    - Author manuscript after Public Affairs review up to galley review
  - Postprint
    - Final author manuscript after peer-review and editing
    - OR
    - Facsimile of published version



# The Publication Process U.S. Government Author

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## § 105. Subject matter of copyright: United States Government works<sup>35</sup>

Copyright protection under this title is not available for any work of the United States Government, but the United States Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise.

A "work of the United States Government" is a work prepared by an officer or employee of the United States Government as part of that person's official duties.

100% written by government employee(s) in performance of their job.  
Not subject to copyright protection.



# The Publication Process

## U.S. Government Author

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### *CENDI Frequently Asked Questions About Copyright*

*3.2.5 Many U.S. Government employees are under the impression that they must transfer copyright in works prepared as part of their job to the publisher of a journal or book in order to have an article published. Is this true?*

- No, a paper, report, or other work prepared by an employee of the U.S. Government as part of that person's official duties is a U.S. Government work.
- Copyright protection is not provided for U.S. Government works under U.S. Copyright Law. Therefore, there is no U.S. Copyright to be transferred.
- **U.S Government employees should** inform the publisher of their employment status and should **not sign any document purporting to transfer a U.S. copyright as a prerequisite to publication.**
- Many publishers have [standard forms](#) that provide a specific space for authors to indicate that they are U.S. Government employees or that they are working on the Government's behalf.



# The Publication Process U.S. Government Author

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## *CENDI Frequently Asked Questions About Copyright*

### *3.2.1 May another publisher or individual republish a U.S. Government work and assert copyright?*

- A publisher or individual can republish a U.S. Government work, but the publisher or individual cannot legally assert copyright unless the publisher or individual has added original, copyright protected material.
- In such a case, **copyright protection extends only to the original material that has been added by the publisher** or individual. ([See 17 USC § 403](#) regarding copyright notice requirements for works incorporating U.S. Government works.)
- Assuming the article is written by a government employee as part of his or her official duties and the publisher does not add original, copyright protected content, then the government may reproduce and disseminate an exact copy of the published work either in paper or digital form.



# The Publication Process U.S. Government Author

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## What to Look for and Where to Look

What?	Where?
Author Biographical Information	Usually found at the bottom of either the first or last page
Organization/ Agency Affiliation	Usually found after or below the author's name. Sometimes found in biographical note
Copyright Notice	Usually found at the bottom of the first page (generally in very small print)

## Sample Statements

- *The text of this article is in the public domain pursuant to Sec. 105 of the Copyright Act of 1976.*
- *"This is a work of the U.S. Government and is not subject to copyright protection in the U.S. Foreign copyrights may apply."*
- *"This material is declared a work of the U.S. Government and is not subject to copyright protection in the United States."*
- *"This work was prepared by a U.S. Government employee and, therefore, is excluded from copyright by Section 105 of the Copyright Act of 1976."*
- *"This article is the work of a U.S. Government employee, and therefore, is a work of the U.S. Government and is not protected by copyright law."*



# The Publication Process: U.S. Government Author

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- Idea/Concept Submitted to Publisher Not subject to copyright
- Written proposal Accepted by Publisher Not subject to copyright

## PREPRINT VERSIONS

- 1st Draft PAO Review Approved for public release Not subject to copyright
- 2nd Draft Peer-Review Revised Not subject to copyright
- 3rd Draft Editorial Review Revised Not subject to copyright
- Author Final Review Approved Not subject to copyright

## POSTPRINT VERSIONS

- Final Manuscript Pre-Publication Not subject to copyright
- Published Version As published \*Maybe publisher copyright
  - **\*Facsimile may be subject to publisher copyright (added material; i.e., new text such as an abstract, subheadings, decorative elements, graphics, but NOT layout or typographical arrangement).**
  - **\*Text and government authored material (photo, chart, etc.) is not subject to copyright**



# The Publication Process: U.S. Government and Non-Government Author

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## *CENDI Frequently Asked Questions About Copyright*

### *3.2.7 Is a work co-authored by a U.S. Government employee and a non-government author copyrightable?*

- A "joint work" is a work prepared by two or more authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole (17 USC [§](#) 101)
- The authors of a joint work are co-owners of the copyright in the work, unless there is an agreement to the contrary (17 USC 201)."
- The non-government author holds a copyright in the work
- However, since co-authors can each copy and distribute the joint work, the Government can copy and distribute works made jointly by non-Government parties and government employees working within the scope of their Government jobs.



# The Publication Process: U.S. Government and Non-Government Author

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- |                    |                        |                          |
|--------------------|------------------------|--------------------------|
| • Idea/Concept     | Submitted to Publisher | Not subject to copyright |
| • Written proposal | Accepted by Publisher  | Non-Gov author copyright |

## **GOVERNMENT CO-OWNER/ DATA RIGHTS ATTACH**

### **PREPRINT VERSIONS**

- |                              |                             |                          |
|------------------------------|-----------------------------|--------------------------|
| • 1st Draft PAO Review       | Approved for public release | Non-Gov author copyright |
| • 2nd Draft Peer-Review      | Revised                     | Non-Gov author copyright |
| • 3rd Draft Editorial Review | Revised                     | Non-Gov author copyright |
| • Author Final Review        | Approved                    | Non-Gov author copyright |

### **POSTPRINT VERSIONS**

- |                     |                 |                          |
|---------------------|-----------------|--------------------------|
| • Final Manuscript  | Pre-Publication | Non-Gov author copyright |
| • Published Version | As published    | Publisher copyright      |





# The Publication Process: Contractor and Grantee Authors

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## *CENDI Frequently Asked Questions About Copyright*

### *4.3 If the Contractor is Allowed to Assert Copyright in a Work Produced Under a Government Contract, What Rights Does the Government Have?*

... While the contractor may assign its copyright in "scientific and technical articles based on or containing data first produced in the performance of a contract" to a publisher,

**the Government's license rights attach to the articles upon creation and later assignment by the contractor to a publisher are subject to these rights.**



# The Publication Process: Contractor and Grantee Authors

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## Typical Publisher Copyright Transfer Agreement Clauses Acknowledges Government Data Rights

- In the case of a Contribution prepared under US Government contract or grant, the US Government may reproduce, without charge, all or portions of the Contribution and may authorize others to do so, for official US Government purposes only, if the US Government contract or grant so requires.
- Authors whose work was performed under a U.S. Government contract but who are not Government employees are required to sign a Copyright Transfer Form. However, the form returns reproduction rights to the U.S. Government when required even though the publisher copyright policy is in effect with respect to the reuse of material by the general public.



# The Publication Process: Contractor Author

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- |                    |                        |                          |
|--------------------|------------------------|--------------------------|
| • Idea/Concept     | Submitted to Publisher | Not subject to copyright |
| • Written proposal | Accepted by Publisher  | Non-Gov author copyright |

## GOVERNMENT DATA RIGHTS ATTACH

### PREPRINT VERSIONS

- |                              |                             |                          |
|------------------------------|-----------------------------|--------------------------|
| • 1st Draft PAO Review       | Approved for public release | Non-Gov author copyright |
| • 2nd Draft Peer-Review      | Revised                     | Non-Gov author copyright |
| • 3rd Draft Editorial Review | Revised                     | Non-Gov author copyright |
| • Author Final Review        | Approved                    | Non-Gov author copyright |

### POSTPRINT VERSIONS

- |                     |                 |                          |
|---------------------|-----------------|--------------------------|
| • Final Manuscript  | Pre-Publication | Non-Gov author copyright |
| • Published Version | As published    | Publisher copyright      |



# The Publication Process: Grantee Author

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- |                    |                        |                          |
|--------------------|------------------------|--------------------------|
| • Idea/Concept     | Submitted to Publisher | Not subject to copyright |
| • Written proposal | Accepted by Publisher  | Grantee author copyright |

## GOVERNMENT DATA RIGHTS ATTACH

### PREPRINT VERSIONS

- |                              |          |                          |
|------------------------------|----------|--------------------------|
| • Not subject to PAO Review  |          |                          |
| • 1st Draft Peer-Review      | Revised  | Grantee author copyright |
| • 2rd Draft Editorial Review | Revised  | Grantee author copyright |
| • Author Final Review        | Approved | Grantee author copyright |

### POSTPRINT VERSIONS

- |                     |                 |                          |
|---------------------|-----------------|--------------------------|
| • Final Manuscript  | Pre-Publication | Grantee author copyright |
| • Published Version | As published    | Publisher copyright      |



# Publisher Policies and Agreements

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The SHERPA/ROMEEO list <http://www.sherpa.ac.uk/romeo>  
Securing a Hybrid Environment for Research Preservation & Access/Rights METadata for Open Archiving



...opening access to research

[Home](#) | [About](#) | [Advice](#) | [Archives](#) | [Links](#) | [Contacts](#)

## Publisher copyright policies & self-archiving: the SHERPA/ROMEEO list

Found 1 publishers when searched for **ieee**:

These summaries are for the publishers *default* policies and changes or exceptions can often be negotiated by authors. *All information is correct to the best of our knowledge but should not be relied upon for legal advice.*

<b>Publisher:</b>	<a href="#">Institute of Electrical and Electronics Engineers</a> (IEEE)
<b>Pre-print:</b>	<input type="checkbox"/> subject to Restrictions below, author <b>can</b> archive pre-print (ie pre-refereeing)
<b>Restrictions:</b>	<ul style="list-style-type: none"> <li>• Must be removed upon publication of final version</li> <li>• Set-phrase must be added once submitted to IEEE for publication</li> <li>• Set phrase must be added when accepted by IEEE for publication</li> <li>• IEEE must be informed as to the electronic address of the pre-print</li> </ul>
<b>Post-print:</b>	<input checked="" type="checkbox"/> author <b>can</b> archive post-print (ie final draft post-refereeing)
<b>Conditions:</b>	<ul style="list-style-type: none"> <li>• Publisher copyright and source must be acknowledged</li> <li>• Publisher's version/PDF *must* be used</li> </ul>
<b>Copyright:</b>	see <a href="#">general policy</a> and <a href="#">copyright form</a> and <a href="#">IPR information</a>
<b>ROMEEO:</b>	This is a <b>ROMEEO green</b> publisher
<b>Update:</b>	<a href="#">suggest update for this record</a>

[Search again?](#)



# Journal Articles Preprint/Postprint Options

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## Controlling office may submit to DTIC:

- Preprints
  - Author's manuscript after agency review but prior to peer-review and depending on journal policy may instruct DTIC to:
    - Display in Public STINET (Code 1)
    - Display in Private STINET for DTIC Users only (Code 1, 20)
- Postprints
  - Author's final manuscript after peer review and editing just before final publication
  - Facsimile of article as published
- Both
- Or cancel preprints and replace with postprints
  - In writing; email accepted.



# References

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- US Copyright Office  
<http://www.copyright.gov>
- CENDI Copyright Working Group  
Frequently Asked Questions About Copyright  
<http://www.cendi.gov/publications/04-8copyright.html>
- DTIC Copyright Guidelines  
<http://www.dtic.mil/dtic/submitting/copyright.html>
- Complying with the National Institutes of Health Public Access Policy: Copyright Considerations and Options by Michel Carroll (2008) <http://www.arl.org/sparc/advocacy/nih/copyright.html>.
- RoMEO Studies 4: An analysis of Journal Publishers' Copyright Agreements. by Elizabeth Gadd, Charles Oppenheim and Steve Proberts (2003) <http://dlist.sir.arizona.edu/646/>
- From manuscript to article: Publishing educational technology research by D.S.Niederheuser, K. Wetzel and D.L. Lindstrom. (2004) *Contemporary Issues in Technology and Teacher Education* [Online serial], 4(2).: <http://www.citejournal.org/vol4/iss2/editorial/article1.cfm>



# Report Documentation Page

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**Ms. Monica Butteriss**  
Team Leader,  
Subject Analysis Division





# Report Documentation Page (RDP)

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## **RDP MADNESS-**

*or: "How can I ensure my article is going to get to the right people?"*

## **THE ANSWER-**

Submit the perfect Standard Form 298  
(SF 298)



# “RDP 101”

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- **Report Date (Block 1)**- *Are you cutting edge?*
  - Date the manuscript was written or published, not the date the SF 298 is completed
  - Helps to distinguish different versions of similarly titled works, and affects the order of processing
- **Report Type (Block 2)**- *Is this the first version or the last?*
  - State the type of report:
    - Journal article preprint
    - Journal article postprint
    - Conference paper preprint
    - Conference paper postprint
- **Dates Covered (Block 3)**- *It took this long...*
  - Enter the timeframe during which the work was performed, but not mandatory for conference papers or journal articles



# “RDP 101”

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- **Title (Block 4)- *And what makes you special?***
  - “Version identifiers” added to the title help distinguish between preprint and postprint, which enables DTIC to differentiate between duplicate titles, and alert a user as to which one is the final peer-reviewed version
    - For Preprints, enter the title/subtitle of the manuscript/article and at the end add the term in parentheses: (PREPRINT)
    - For Postprints, enter the title as is
- **Funding Numbers (Blocks 5a-f)- *Where’s the contract number?***
  - Important in determining government data rights
    - Include all applicable funding numbers related to the manuscript, or if the report was produced in-house, enter “In-house” in the contract number block
- **Authors (Block 6)- *The gang’s all here...***
  - Enter the names (first AND last) of all persons responsible for performing the research, writing the report, or credited with the content of the report
    - A maximum of 10 names can be entered into a citation



# “RDP 101”

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- **Performing Organization (Block 7)- *Tell us about yourself!***
  - Complete names and addresses are needed to determine whether or not a contributor is already in our database (please, no acronyms)
- **Report Number (Block 8)- *Keeping track...***
  - A distinct alphanumeric number assigned by the performing organization
- **Sponsoring/Monitoring Agency (Block 9)- *Which AFRL?***
  - Complete names and addresses of the organization(s) financially responsible for and monitoring the work (acronyms aren't enough)
    - Only one sponsor/monitor is used as the “monitor of record,” (based on the contract number). Additional military sponsors are listed in the Supplementary note field in the citation



# “RDP 101”

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- **Sponsoring/Monitoring Agency Acronym (Block 10)-**
  - Enter the complete acronym of the agency
    - (just putting AFRL is OK here)
- **Sponsoring/Monitoring Agency Report Number (Block 11)-**
  - An alphanumeric report number assigned by the monitoring agency
    - If the report number in block 8 is the same as the one entered in block 11, the number is entered only once in the citation [in the report number field]



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- **Distribution/Availability Statement (Block 12)-**
  - Use DoD-mandated availability statements to indicate public availability or distribution limitations of the report
  - Must match the distribution statement on the cover or restrictions inside the document
  - Common problems are incomplete statements, conflicting statements between the document and the SF 298, inappropriate statements or no distribution statement
    - For unlimited articles/conference papers use “Approved for public release; distribution unlimited”



# “RDP 101”

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- **Supplementary Notes (Block 13)-**  
*Everything you wanted to know about the document but didn't know where to put it*
  - Additional information about the document, such as conference information, publication information, collaborations, previous editions or volumes
    - Specify authorship, copyright status and government data rights:
      1. US Government Work; Not subject to copyright
      2. US Government Joint Work
      3. US Government Contract of Grantee Work:

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Government Purpose Rights License.



# “RDP 101”

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- **Supplementary Notes (continued)-**

- Provide information regarding the publication status of the manuscript
  - For Preprints:
    1. If the paper has been submitted for publication, but not yet accepted, enter: “**Submitted for publication in [journal title].**”
    2. If the paper has been accepted for publication, but not yet published, enter: “**Accepted for publication in [journal title]. Projected publication date (if known).**”
  - For Postprints:
    1. If the paper is the author’s final manuscript and has been published, enter: “**Author final manuscript. Pub. in [journal title], volume, number, pagination (if known), and date of publication.**”
    2. If the paper is a facsimile of the published version, enter: “**Pub. in [journal title], volume, number, pagination, and date of publication.**”





# “RDP 101”

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- **Supplementary Notes (Cont'd)-**

- Provide information regarding release and conference presentations

- If a preprint is not to be publicly released, add the qualifier: “Not to be publicly release prepublication”

- For conference paper preprints or postprints, enter conference information if known, including location and dates

- For example: **Presented at the Fifth International Conference on Polymer Composites, held in Copenhagen, Denmark on September 12-14, 2007.**



# “RDP 101”

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- **Abstract (Block 14)-** *Thank goodness for cut and paste*
  - Brief (2000 characters/200 words) summary of the report
    - Identifies the purpose of the work and the work completed, findings or results and potential application(s) of the effort
    - The abstract for the manuscript is acceptable for use on the SF 298
  - Does this look like a “mu” to you? Formulas and symbols are difficult to verbalize/transliterate; generalized or alternative wording make it more accessible
  - Classified, Unclassified, Limited
    - Prefer the abstract to be approved for public release, but if the abstract contains proprietary or classified information, it will be limited as such



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- **Subject Terms (Block 15)-**

*Hi Ho, Hi Ho, off to find terms I go...*

- Key words or phrases that identify major concepts of a report
- Sources may be the title, abstract, introduction, conclusion, table of contents
- May help identify the type of report
- Opportunity to influence indexing by providing unique terms
- Source of new terminology
  - Descriptors and Identifiers
  - Machine-aided indexing
  - Classified vs. Unclassified- for classified reports individual terms should be marked



# “RDP 101”

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- **Security Classification** (Blocks 16a-c)- *Who sees what*
  - Classification of report, abstract, and the SF 298 page
    - Each can be marked with its own security classification
- **Limitation of Abstract** (Block 17)- *Land of confusion*
  - For limited or classified documents; journal articles which are approved for public release do not need to worry about this information
  - Used to assign distribution limitation to the abstract
    - UU=Unclassified, Unlimited
    - SAR=Same as Report (distribution of abstract=distribution of document)
  - SF 298 instructions do not provide U or UL as an option
    - UL=Unclassified, Limited, not “Unlimited”
    - Blank=will be treated as SAR



# “RDP 101”

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- **Number of Pages (Block 18)-**  
*How long is this document supposed to be?*
  - Important information used to compare the given number on the SF 298 with the actual number of pages[images] in the document
- **Name and Telephone Number of Responsible Person (Blocks 19a-b)-** *Who ya gonna call?*
  - A POC (Point of Contact) for the document



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*Domande?*

*Fragen?*

**Questions?**

**Preguntas?**



# Points of Contact

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