

Editorial: APS now leaves copyright with authors for derivative works

When you submit an article to an APS journal, we ask you to sign our copyright form. It transfers copyright for the article to APS, but keeps certain rights for you, the author. We have recently changed the form to add the right to make “derivative works” that reuse parts of the article in a new work. The importance of this change is discussed below.

Why does APS require copyright at all? It has recently become a matter of controversy whether publishers of scientific journals should take copyright from the authors of the articles. It is, after all, the authors’ ideas and hard work that form the content. We are sympathetic to this argument, but we believe that we need to hold copyright as a defense against the uncertainties of our technological society. The APS views its journals as part of a repository for the core knowledge of the field of physics. We take the responsibility to verify papers by peer review, and then preserve and protect them in perpetuity. A part of this responsibility is that of making the archives of the journal available in any medium that physicists might use in the future, even those we cannot anticipate. The APS has recently made its full content, back to volume 1, available on the World Wide Web. If the APS did not hold copyright for all the back issues of our journals, then our move to electronic distribution would have required getting an extended license from all of the authors, because electronic distribution would not have been explicitly covered by a license to publish that was written before the internet age. Similar issues will arise in the future. The physics community should be protected from them.

Since we recognize that transfer of copyright is important for this specific and limited reason, the APS has been very generous, by the standards of journal publishers, in giving rights to its authors to use their articles as they wish. The APS has allowed authors the right to publish the APS-prepared, final, and definitive version of the article on their web site or on the authors’ institution’s web site, immediately upon publication. The author’s final version could also be put onto e-print servers such as the arXiv. Authors and their institutions could make copies of their articles for classroom use, and others could copy the article for noncommercial use. As authors expect additional rights of use, we will consider adding them.

Recently, some of our authors have asked for a new set of rights in regard to the reuse of material from an article in a new work. If substantial material from the original article appears in the new one, the new article is a “derivative work.” Under the “fair use” provisions of copyright law, most scientific, technical, and medical publishers allow reuse in other publications of up to 3 figures and 800 words of text from an article, without permission from the publisher, but with proper attribution. APS has been at least this generous for noncommercial reuse. Most of our authors reuse figures and equations from their articles in conference proceedings and in lectures posted on the web, and we encourage these forms of communication. However, a problem has arisen when our authors write articles for web resources such as Quantiki or Wikipedia. For understandable concerns of their own, these sites are very strict about permissions and require that authors hold copyright to material that they post. When authors write new material for the broader audience that use these sites but make substantial use of equations and figures from their articles, they put themselves in danger of creating a “derivative work” to which they cannot hold rights under the system we have had in place.

We have thus changed our copyright agreement to correct this situation. In the new agreement, copyright rests with the author for derivative works that contain at least 10% new material and not more than 50% of their article that is published in an APS journal. We believe that this will allow authors sufficient freedom to reuse material from their articles in APS journals when writing for a new audience, while protecting APS from the wholesale copying of our content. We recommend that if authors wish to post a complete article from an APS journal, they instead provide a link to our site, or to a free copy of the article on their personal web sites.

The APS has as a part of its mission to disseminate physics as widely as possible to different audiences. We hope that the new copyright transfer agreement will help our authors reach out to new readers while preserving our ability to provide a resource for physics that will always be available. The new copyright form is available now at <http://forms.aps.org/author/copytrnsfr.pdf>.

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Published 1 October 2008
DOI: [10.1103/PhysRevSTPER.4.020003](https://doi.org/10.1103/PhysRevSTPER.4.020003)
PACS number(s): 01.30.-y