

You are attending the training on

# Copyright issues related to Open Access

## Manage your copyright to open access to your publications



- The training will be recorded and the video will be available to the ULB community.
- Please turn off your microphone and camera during the presentation. You may turn them on to ask your questions.
- You are invited to watch the first webinar devoted to ***Open Access to publications*** if you have not attended it. The presentation and the video recording are available on the Virtual University: <https://uv.ulb.ac.be/course/view.php?id=103834>

We will not come back to Open Access dissemination issues in the present webinar.





# Copyright issues related to Open Access

## Manage your copyright to open access to your publications



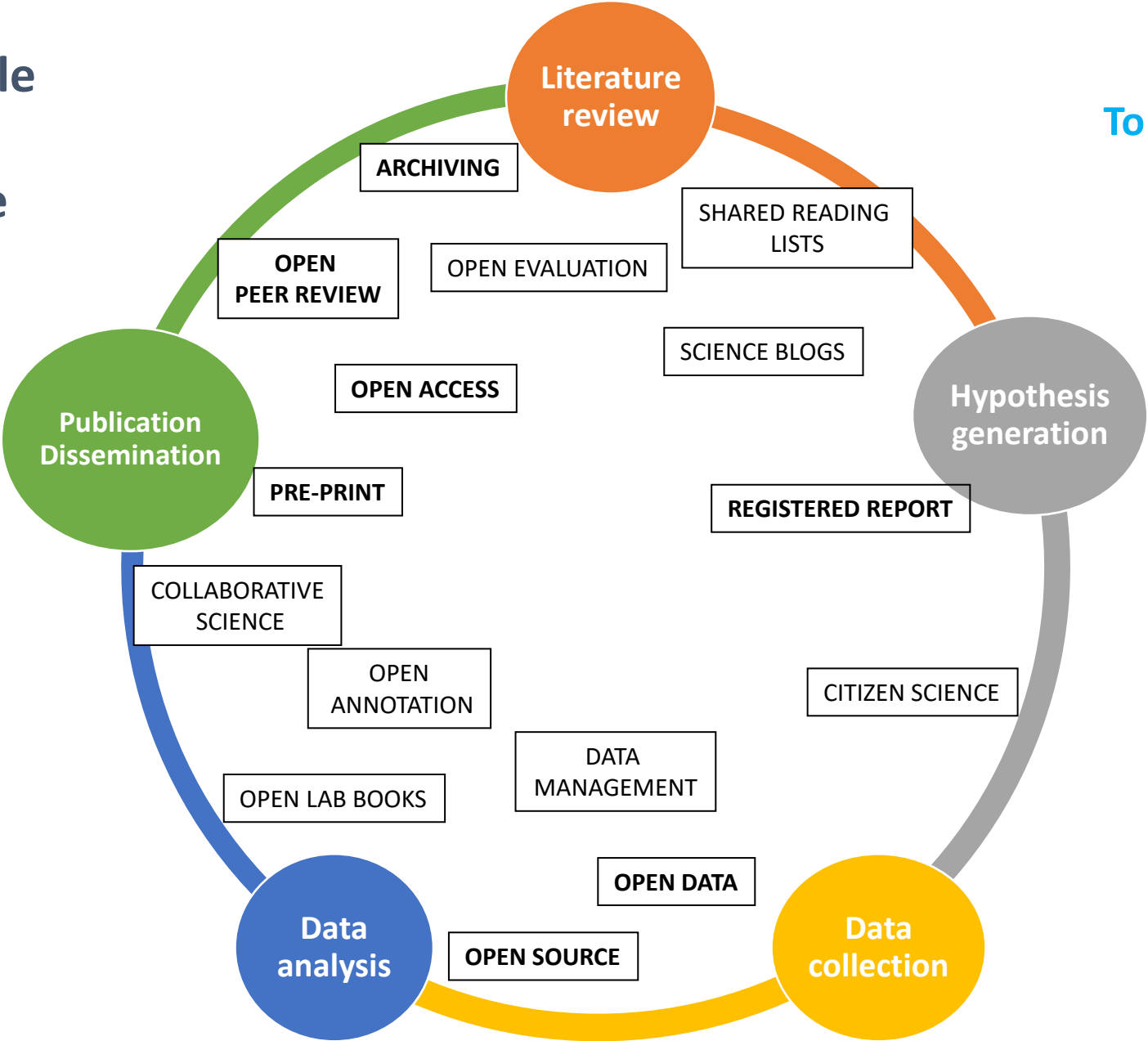
Françoise Vandooren  
Department of libraries and scientific information  
Université libre de Bruxelles  
April 2024

**ULB**



**OPEN SCIENCE**  
in the research cycle

Sharing knowledge  
throughout the  
research process



To make research more

**COLLABORATIVE**

**TRANSPARENT**

**RELIABLE**

**EFFICIENT**



The traditional publishing process of a journal article

Where does copyright come in?

Legislations regarding Open Access in Belgium

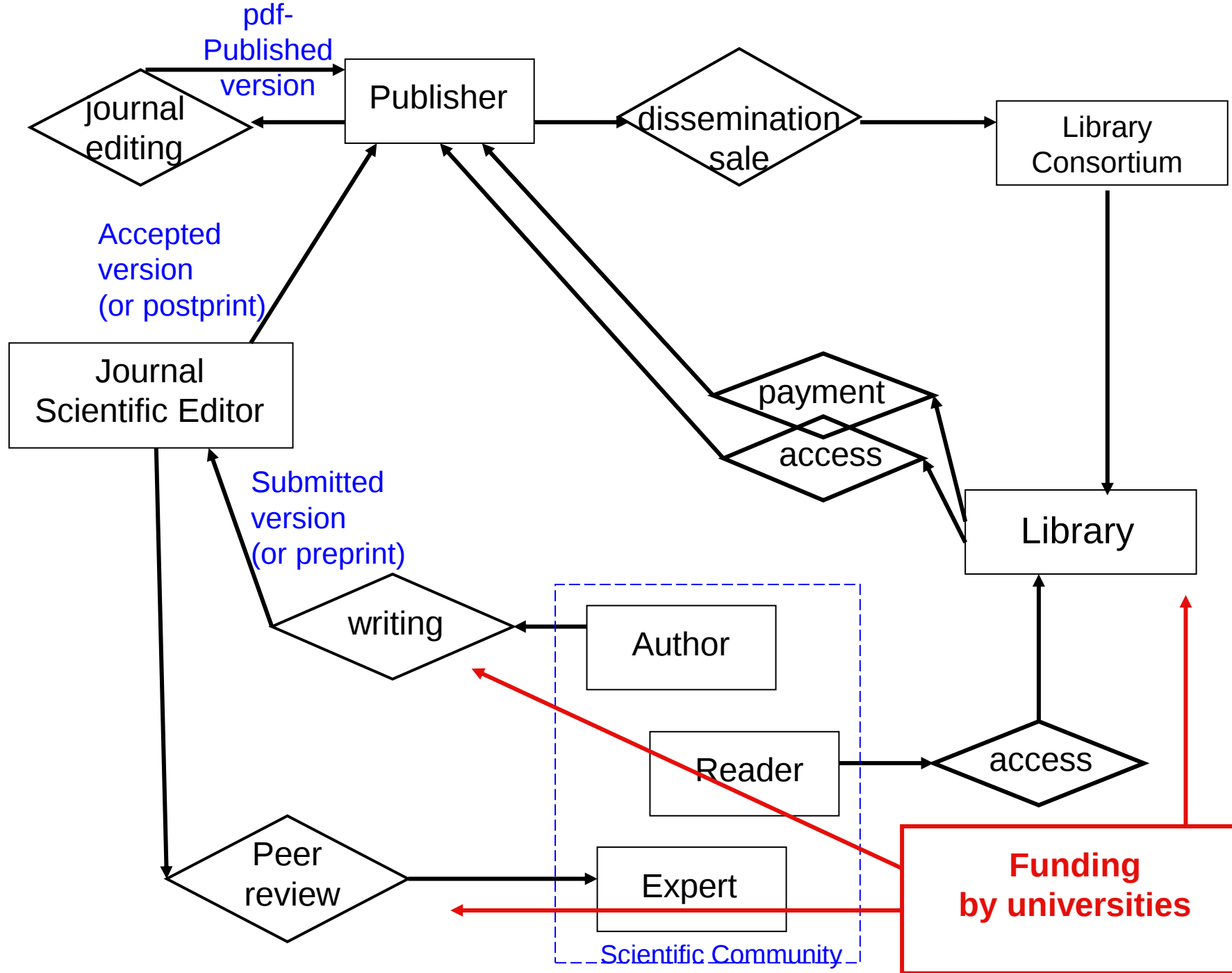
Publishing contracts and Creative Commons licenses

Upload your publications to DI-fusion



The traditional publishing process of a journal article





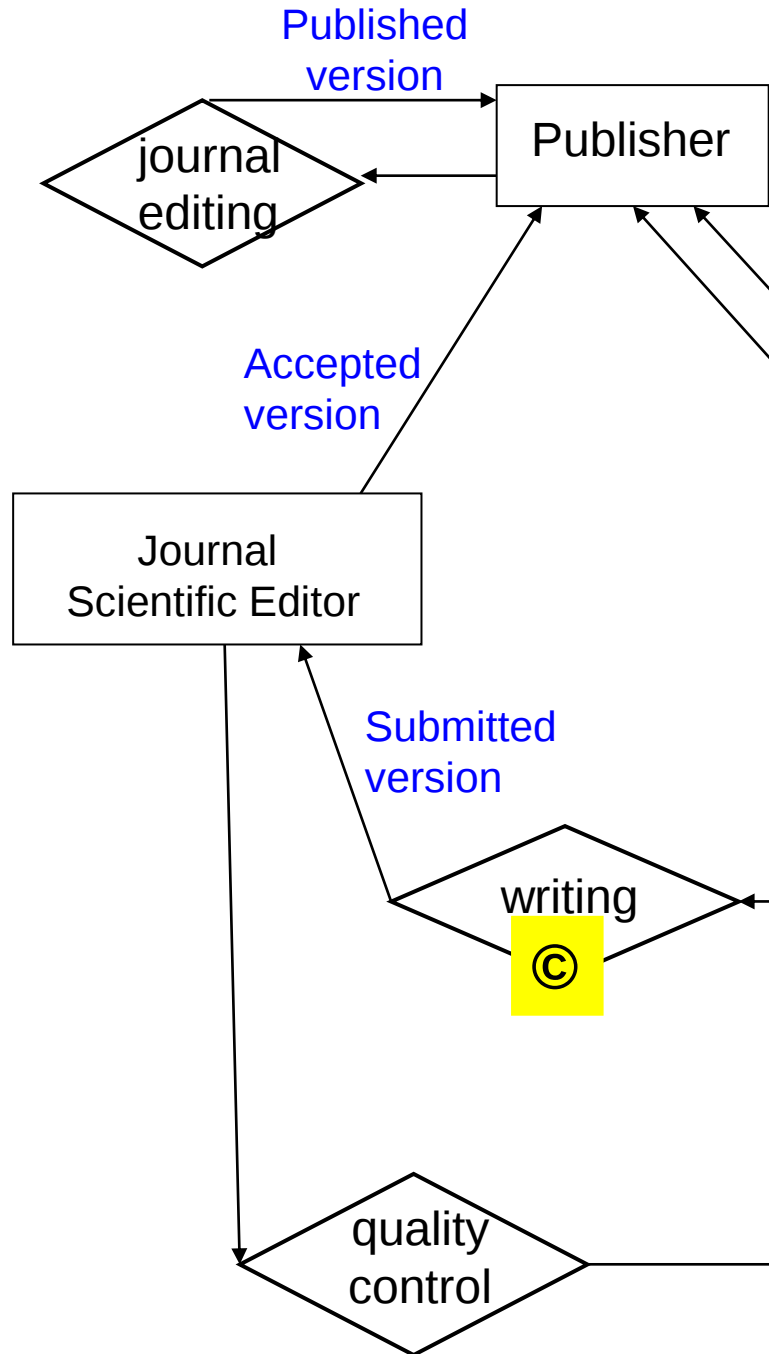


Where does copyright come in?

(a) Writing

(b) Publication

(c) Access to published articles



## The author's rights

(Belgian Code of Economic Law- Book XI- Intellectual property)  
For literary, artistic & scientific works, software, databases

Conditions: originality, formatted;  
No formality required

### Moral right

Divulcation, attribution, integrity  
Non transferable, inalienable

### Patrimonial rights: Transferable

> Exclusive right to exploit the work

- public communication right (read, online...)
- reproduction right (copy, digitize...)
- distribution right
- renting and lending right...

### Duration of protection:

Up to **70 years after** the death of the author

Exceptions and financial compensations

# Author's rights

Belgian Code of Economic Law- Book XI- Intellectual property

## Exceptions included in the law

Some uses are permitted without the prior consent of the author

- Citation
- Private copy
- Uses for research and education purposes, under specific conditions
- Reproduction for heritage preservation purposes
- ...

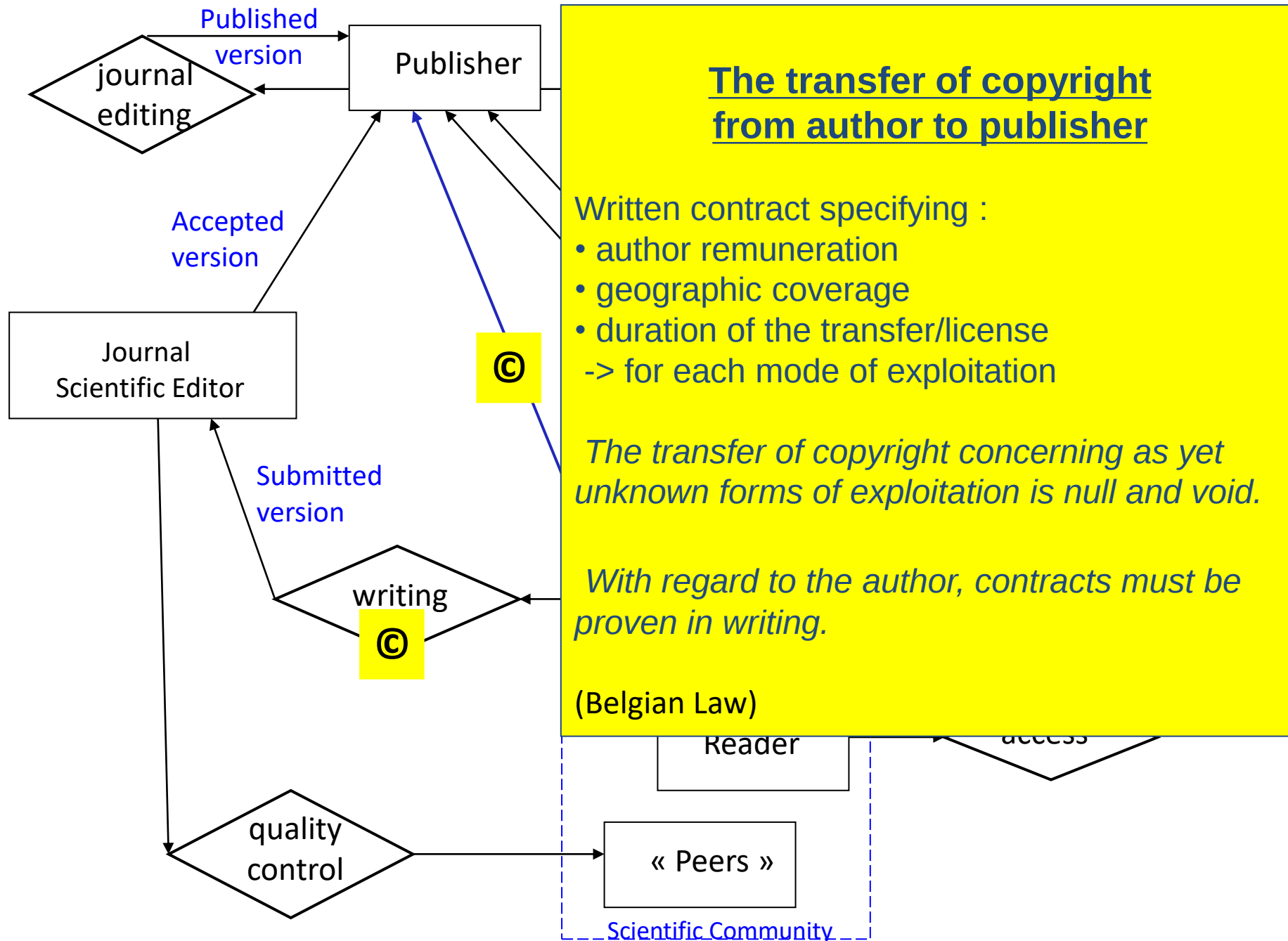


Where does copyright come in?

(a) Writing

(b) Publication

(c) Access to published articles





Where does copyright come in?

(a) Writing

(b) Publication

(c) Access to published articles

## Section 2. DESCRIPTION OF ACCESS AND PERMITTED USE

2.1 Licensor offers controlled access to the Licensed Materials through the use of domain name(s) or IP addresses of the Member Institutions listed in Attachment 2 including their Authorized Users.

2.2 Licensor permits Authorized Users to browse, search, retrieve, display, download, print, and store individual articles or book chapters for scholarly research, educational and personal use as long as such use is consistent with international copyright laws.

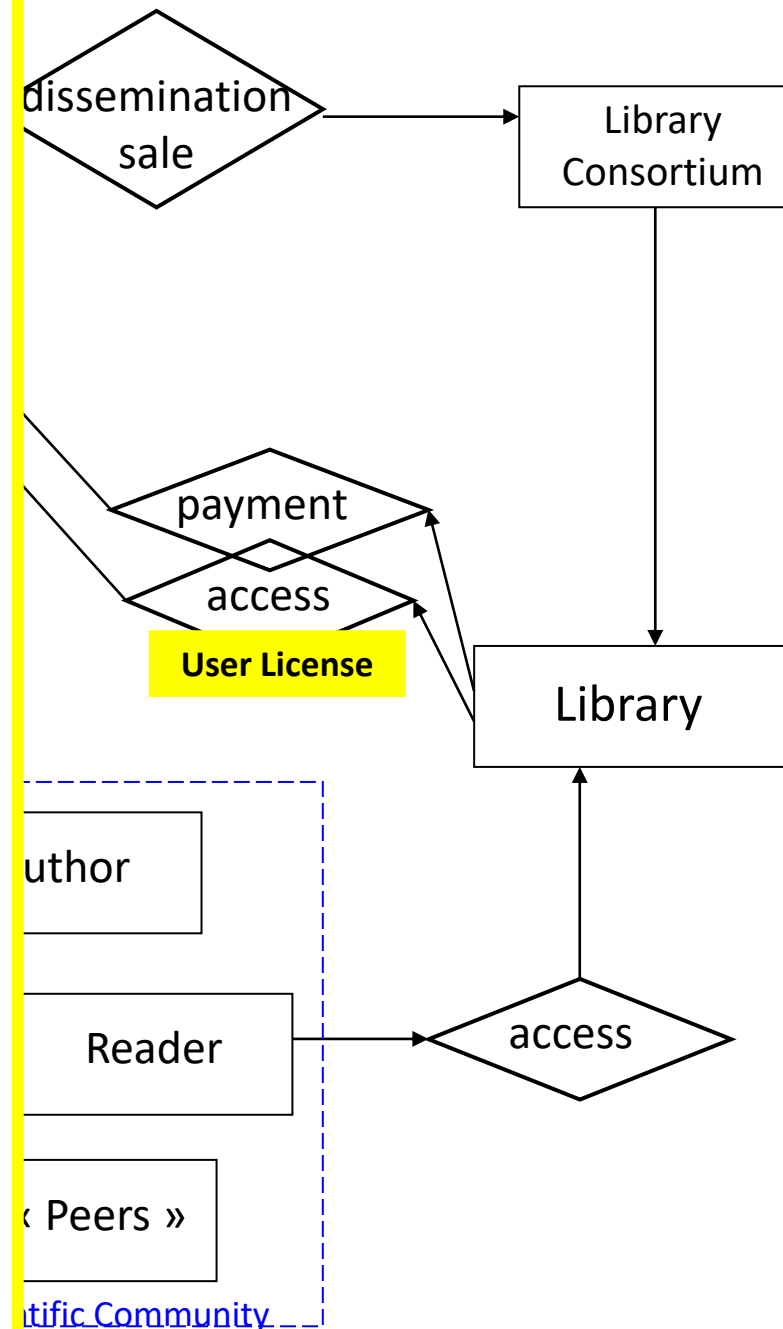
2.3 Incidental and non-systematic sharing by Authorized Users with non-authorized individuals of limited amounts of Licensed Material for collaborative research and scholarly purposes, and not for re-transmission, is permitted.

2.4 Copying and storing is limited to single copies of a reasonable number of individual articles. Copying and storing of entire issues by Authorized Users is not permitted.

2.5 Authorized Users may obtain remote access to the Licensed Materials through secure access procedures established by the Licensee.

2.6 Authorized Users may send single articles to research colleagues outside the Licensee institution for the purpose of non commercial scholarly communication.

2.7 Licensee and its Authorized Users may use a reasonable portion of the Licensed Materials in the preparation of course packs or other educational materials but only for use in connection with classroom instruction. The foregoing grant of rights regarding





## Legislations regarding Open Access in Belgium

## Open Access : definition

### Open access to scientific publications



Open Access means **free** availability on the public internet, permitting any users to reuse the work intellectually or through technical means (indexing, mining...) **without financial, legal, or technical barriers**, as far as the authors keep control over the integrity of their work and are properly acknowledged and cited.

- Budapest Open Access Initiative BOAI 2002
- Bethesda Statement on Open Access Publishing 2003 <http://legacy.earlham.edu/~peters/fos/bethesda.htm>
- Berlin Declaration on Open Access to Scientific Knowledge 2003 <https://openaccess.mpg.de/Berlin-Declaration>

## Obligation to deposit your articles in DI-fusion and open access to them

Application of the [Open Access Decree of FWB](#) (2018) and [ULB Open Access policy](#)



DI·fusion

<https://difusion.ulb.ac.be>

- Open Access to scientific publications allows **public access** to the results of **publicly-funded research**.
- By archiving the full text of articles **on open access** in institutional repositories, **public access** is guaranteed and access is maintained **over time**.





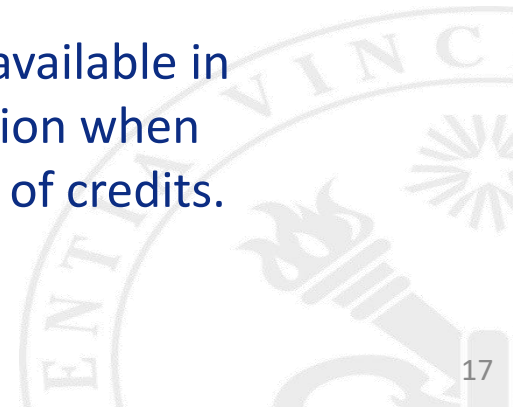
## Open Access Decree in Wallonia-Brussels Federation

### OBLIGATION

- Obligation to **upload to the institutional repository** and to **provide open access** to the **manuscript of articles published from 14/09/2018 onwards**, presenting research funded (even partly) by public funds within a maximum delay of
  - 6 months in sciences, technology, medicine
  - 12 months in social sciences and humanities after publication.

This means that any ULB researcher, including any doctoral student enrolled at ULB, is subject to this obligation.

- **Impact on application files:** for the articles in question, only those available in open access within the expected delay will be taken into consideration when assessing applications for appointment, promotion or the awarding of credits.





Am I **allowed** to upload my articles in Open Access to DI-fusion?

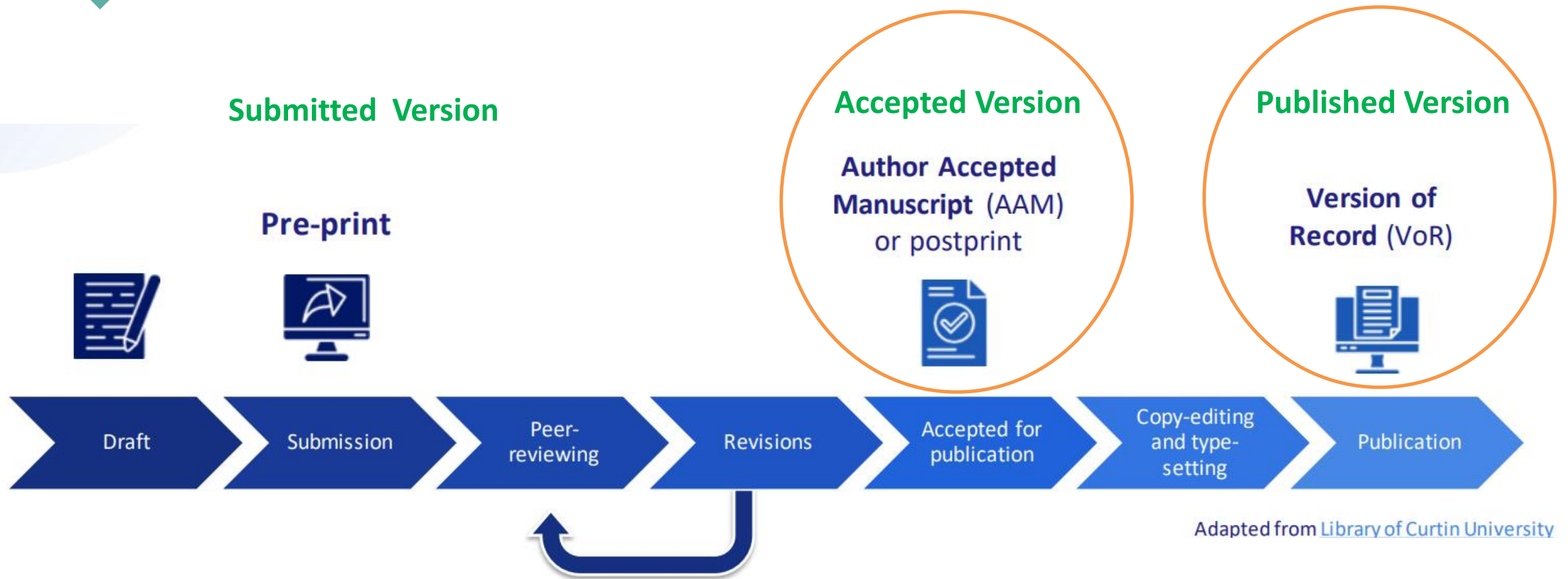
**Answer: YES you have the right**

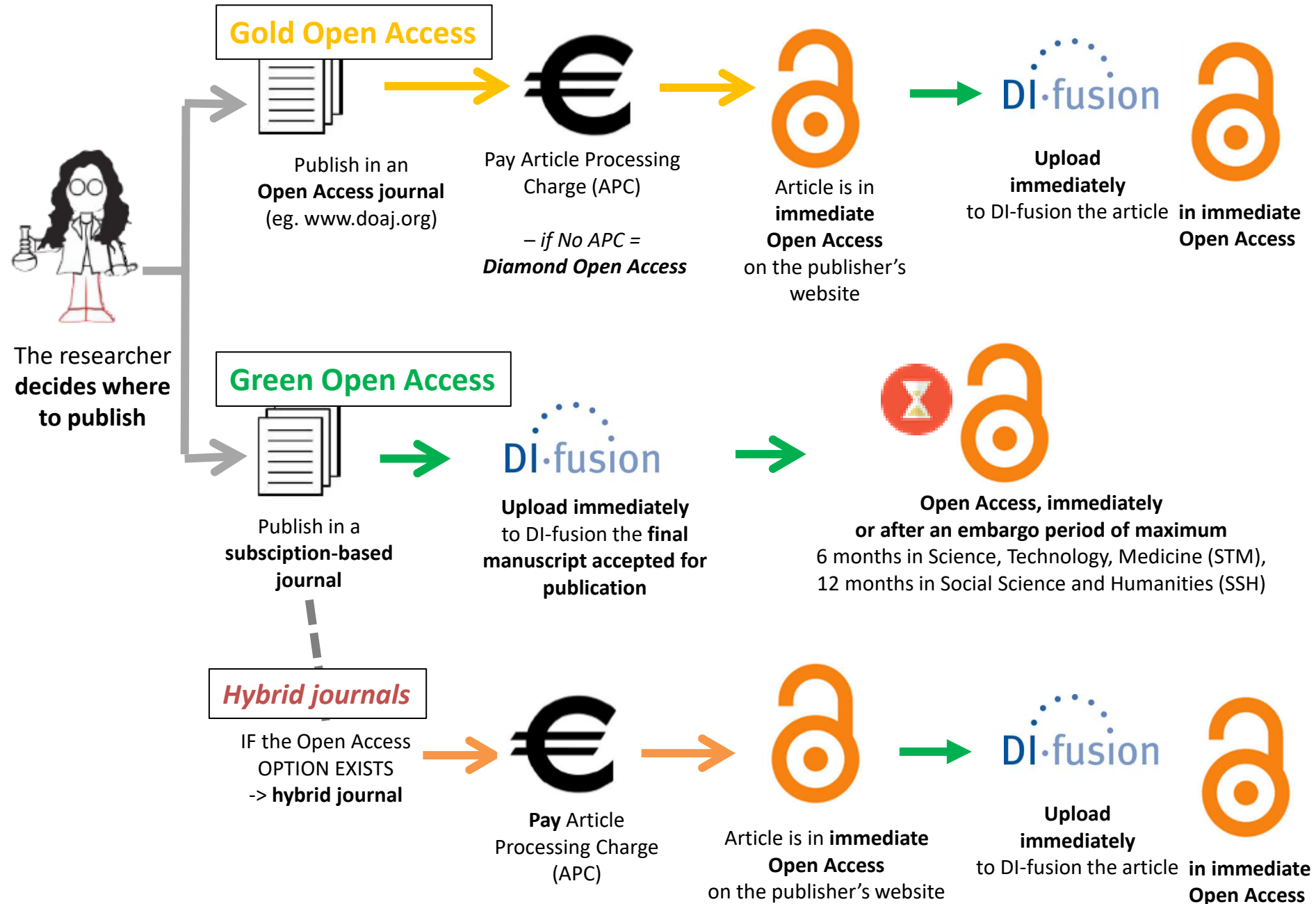
**PROTECTION**

Article of law relating to the publishing contract in the Code of Economic Law [article XI.196 § 2.1](#) (2018) : The author **RETAINS the right** to upload their articles

- in **Open Access**
  - the **version accepted** for publication (Author Accepted Manuscript)
  - with **embargo of minimum** 12 months after publication for social science & humanities and 6 months for other scientific disciplines
  - **regardless of the contract signed with the publisher**
  - article stemming from research that has received at least **half of its funding from public sources**
  - including articles published before the relevant law came into effect (15-09-2018)
- « This is an imperative right; it applies regardless of the law under which the contract was signed, provided that there is a connecting factor located in Belgium. »

# Which version of the article should be uploaded in Open Access to DI-fusion?





# What to deposit in Open Access?

| Version to be uploaded to DI-fusion       |                                                                                                                                                       |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Green<br/>Open Access</b>              | Upload the <b>Author Accepted Manuscript (or Postprint)</b> in open access and specify an embargo period of maximum 6 months (STM) or 12 months (SSH) |
| <b>Gold /<br/>Diamond<br/>Open Access</b> | Upload the <b>Published version</b> in immediate open access without embargo                                                                          |
| <b>Hybrid<br/>Open Access</b>             | Upload the <b>Published version</b> in immediate open access without embargo                                                                          |



## Publishing contracts and Creative Commons licences



# What is a Creative Commons license?

## License granted by the author

to the users of the work\* that is made available to the public, specifying **permitted uses**.

\***Literary or artistic work:** article, working paper, preprint, manuscript, thesis, book, poster, graph, illustration, photo, etc. (not for software)

Three “Layers” Of Licenses



License adapted to the legislation of many countries:

- Legally valid contract
- Simplified version, easy to understand
- Machine readable

<https://creativecommons.org/>

# What is a Creative Commons license?

## Uses permitted by the author:

- Copy, reproduce
- Distribute, disseminate, share
- Communicate, display

If not explicitly forbidden:

- Modify the work
- Commercial use

## Scope and duration:

- Worldwide
- During all copyright protection (= up to 70 years after the author's death)

## Characteristics:

- Cannot be revoked
- Non-exclusive



# What are the **conditions** of use?

Conditions of use which can be imposed by the author:

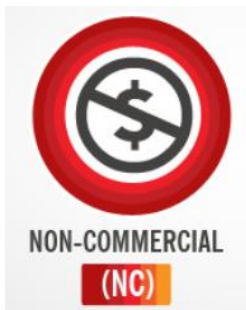


**Attribution:**

Mention the name of the author.



**No derivative work :** No derivatives or adaptations of the work are permitted



**No commercial use :** Only noncommercial uses of the work are permitted



**Share alike:** Adaptations must be shared under the same terms



**Zero: work put in the public domain:** no condition

# Which CC license to choose ?

| CREATIVE COMMONS LICENSES                                                           |               |  COPY & PUBLISH |  ATTRIBUTION REQUIRED |  COMMERCIAL USE |  MODIFY & ADAPT |  CHANGE LICENSE |
|-------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
|    | PUBLIC DOMAIN | ✓                                                                                                  | ✗                                                                                                        | ✓                                                                                                  | ✓                                                                                                  | ✓                                                                                                  |
|    | CC BY         | ✓                                                                                                  | ✓                                                                                                        | ✓                                                                                                  | ✓                                                                                                  | ✓                                                                                                  |
|    | CC BY-SA      | ✓                                                                                                  | ✓                                                                                                        | ✓                                                                                                  | ✓                                                                                                  | ✗                                                                                                  |
|    | CC BY-ND      | ✓                                                                                                  | ✓                                                                                                        | ✓                                                                                                  | ✗                                                                                                  |                                                                                                    |
|    | CC BY-NC      | ✓                                                                                                  | ✓                                                                                                        | ✗                                                                                                  | ✓                                                                                                  | ✓                                                                                                  |
|   | CC BY-NC-SA   | ✓                                                                                                  | ✓                                                                                                        | ✗                                                                                                  | ✓                                                                                                  | ✗                                                                                                  |
|  | CC BY-NC-ND   | ✓                                                                                                  | ✓                                                                                                        | ✗                                                                                                  | ✗                                                                                                  |                                                                                                    |

 You can redistribute (copy, publish, display, communicate, etc.)

 You have to attribute the original work

 You can use the work commercially

 You can modify and adapt the original work

 You can choose license type for your adaptations of the work.

Source: [Foter](#), [CC BY-SA](#)



# Attribution-NonCommercial-NoDerivatives 4.0 International (CC BY-NC-ND 4.0)

This is a human-readable summary of (and not a substitute for) the [license](#). [Disclaimer](#).

## You are free to:

**Share** — copy and redistribute the material in any medium or format

The licensor cannot revoke these freedoms as long as you follow the license terms.

---

## Under the following terms:



**Attribution** — You must give [appropriate credit](#), provide a link to the license, and [indicate if changes were made](#). You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.



**NonCommercial** — You may not use the material for [commercial purposes](#).



**NoDerivatives** — If you [remix, transform, or build upon](#) the material, you may not distribute the modified material.



## Examples of publishing contracts

1. Transfer of copyright (ex: Elsevier Journal Publishing Agreement, AAM licence CC BY-NC-ND)
2. Transfer of copyright permitting deposit in open archive (ex: *Journal of Anthropological Research*; published version 12 months embargo, CC BY-NC, see [Sherpa-Romeo](#))
3. Non exclusive Licence with restrictive conditions (ex: *Ethnos*; AAM 18 months embargo, CC BY-NC, see [Sherpa-Romeo](#)).
4. Article published in Open Access in a hybrid journal : Exclusive licence with CC BY NC ND attached to the article, copyright belongs to publisher (ex: *Cell*)
5. Article published in an Open Access journal : Creative Commons Licence, copyright belongs to authors ([BMC journals](#))

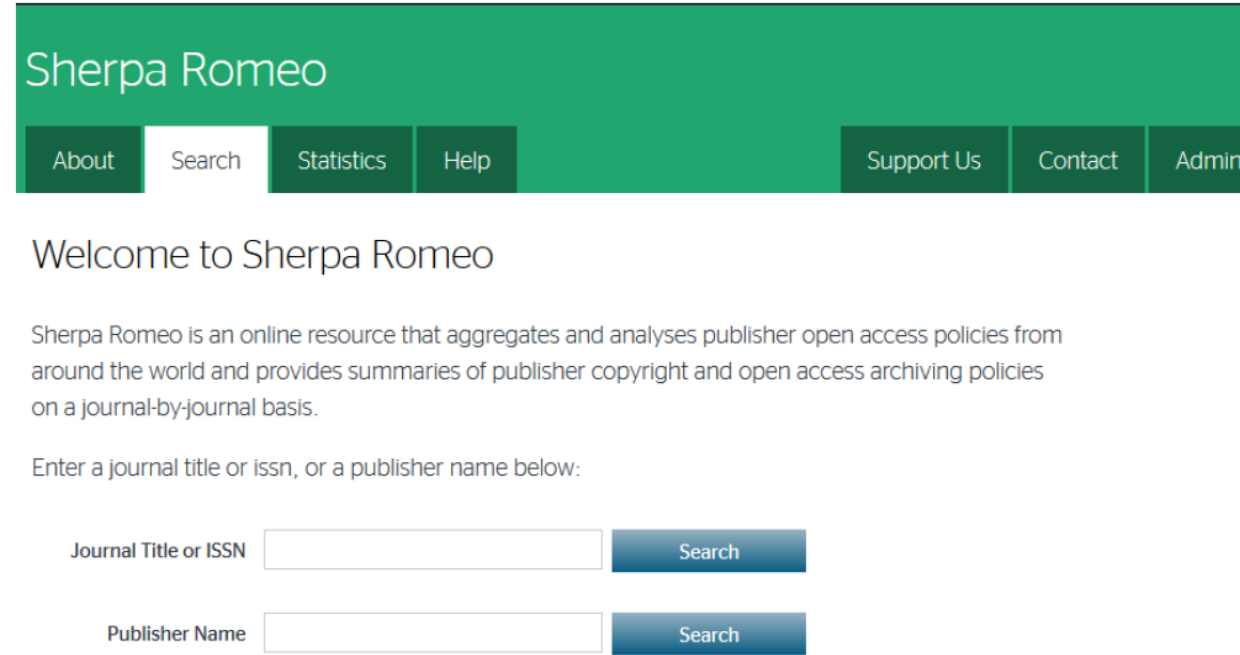
# CHECK THE PUBLISHER'S OPEN ACCESS POLICY

- [Sherpa/Romeo](#) : 4200 publishers - Always check :
  - ✓ The version you can archive
  - ✓ The possible embargo period
  - ✓ The type of open archive that is authorized

Examples:

[Ethnos](#)

[Journal of anthropological research](#)



The screenshot shows the Sherpa Romeo website. At the top is a green header with the 'Sherpa Romeo' logo on the left and a navigation menu on the right containing links for 'About', 'Search', 'Statistics', 'Help', 'Support Us', 'Contact', and 'Admin'. Below the header, the text 'Welcome to Sherpa Romeo' is displayed. A paragraph follows, stating: 'Sherpa Romeo is an online resource that aggregates and analyses publisher open access policies from around the world and provides summaries of publisher copyright and open access archiving policies on a journal-by-journal basis.' Below this, a prompt says 'Enter a journal title or issn, or a publisher name below:'. There are two search input fields. The first is labeled 'Journal Title or ISSN' and has a 'Search' button to its right. The second is labeled 'Publisher Name' and also has a 'Search' button to its right.

### Published Version

[pathway a]



12m



CC BY-NC



Non-Commercial Institutional Repository, Non-Commercial Subject Repository, +2



Embargo

12 Months



Licence

CC BY-NC 4.0



Location

Author's Homepage

Non-Commercial Institutional Repository

Non-Commercial Subject Repository

Preprint Repository



Conditions

Non-commercial use only

Publisher copyright and source must be acknowledged with set statement

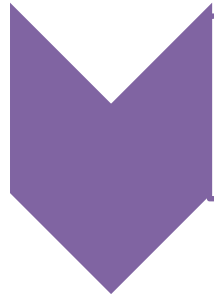
Encouraged to link to publisher version

|                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Published Version                                                                                   | <div data-bbox="975 201 1105 297"></div> <div data-bbox="1161 225 1205 268"></div> <div data-bbox="1314 225 1358 268"></div> <div data-bbox="1378 232 1462 268">None</div> <div data-bbox="1538 225 1582 268"></div> <div data-bbox="1600 232 1699 268">CC BY</div> <div data-bbox="1768 225 1811 268"></div> <div data-bbox="1829 232 1913 268">PMC</div> <div data-bbox="1989 225 2033 268"></div> <div data-bbox="1003 297 1592 339">Any Website, Journal Website, +2</div> | <div>You have to pay to share the published version on OA</div>                                                                                                                            |
| Accepted Version<br><del>[pathway a]</del>                                                          | <div data-bbox="1014 446 1052 489"></div> <div data-bbox="1072 454 1149 489">18m</div> <div data-bbox="1225 446 1268 489"></div> <div data-bbox="1286 454 1442 489">CC BY-NC</div> <div data-bbox="1513 446 1556 489"></div> <div data-bbox="1574 454 1658 489">PMC</div> <div data-bbox="1735 446 1778 489"></div> <div data-bbox="1003 518 1893 561">Institutional Repository, Subject Repository, PMC, +4</div>                                                                                                                                                                                                                                   | <div>In Belgium, you are authorized by law to share on OA the accepted manuscript with <b>an embargo of 12 months in SSH</b>, whatever the embargo length indicated by the publisher</div> |
|  Embargo           | 18 Months                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                            |
|  Licence           | <div>CC BY-NC</div> <div>CC BY-NC-ND</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                            |
|  Publisher Deposit | PubMed Central                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                            |
|  Location         | <div>Academic Social Network</div> <div><u>Institutional Repository</u></div> <div>Named Academic Social Network (Mendeley, ResearchGate, Acadenmia.edu)</div> <div>Named Repository (PubMed Central)</div> <div>Subject Repository</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                            |
|  Conditions      | <div>Published source must be acknowledged</div> <div>Must link to publisher version</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                            |

## Journal

### [IEEE Internet Computing](#)

| Published Version                                                                                   |                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  OA Fee            | This pathway has an Open Access fee associated with it                                                                                                                           |
|  OA Publishing   | This pathway includes Open Access publishing                                                                                                                                     |
|  Embargo         | No Embargo                                                                                                                                                                       |
|  Licence         | CC BY                                                                                                                                                                            |
|  Location        | Journal Website                                                                                                                                                                  |
|  Notes           | Authors must contact publisher stating Creative Commons Attribution requirement                                                                                                  |
| Accepted Version<br>[pathway a]                                                                     |                                                                                                                                                                                  |
|  Embargo           | No Embargo                                                                                                                                                                       |
|  Copyright Owner | Publishers                                                                                                                                                                       |
|  Location        | Any Repository<br>Author's Homepage<br>Institutional Repository<br>Institutional Website<br>Named Repository (arXiv, TechRxiv)                                                   |
|  Conditions      | When accepted for publication, set statement to accompany deposit (see policy)<br>Must link to publisher version with DOI<br>Publisher copyright and source must be acknowledged |

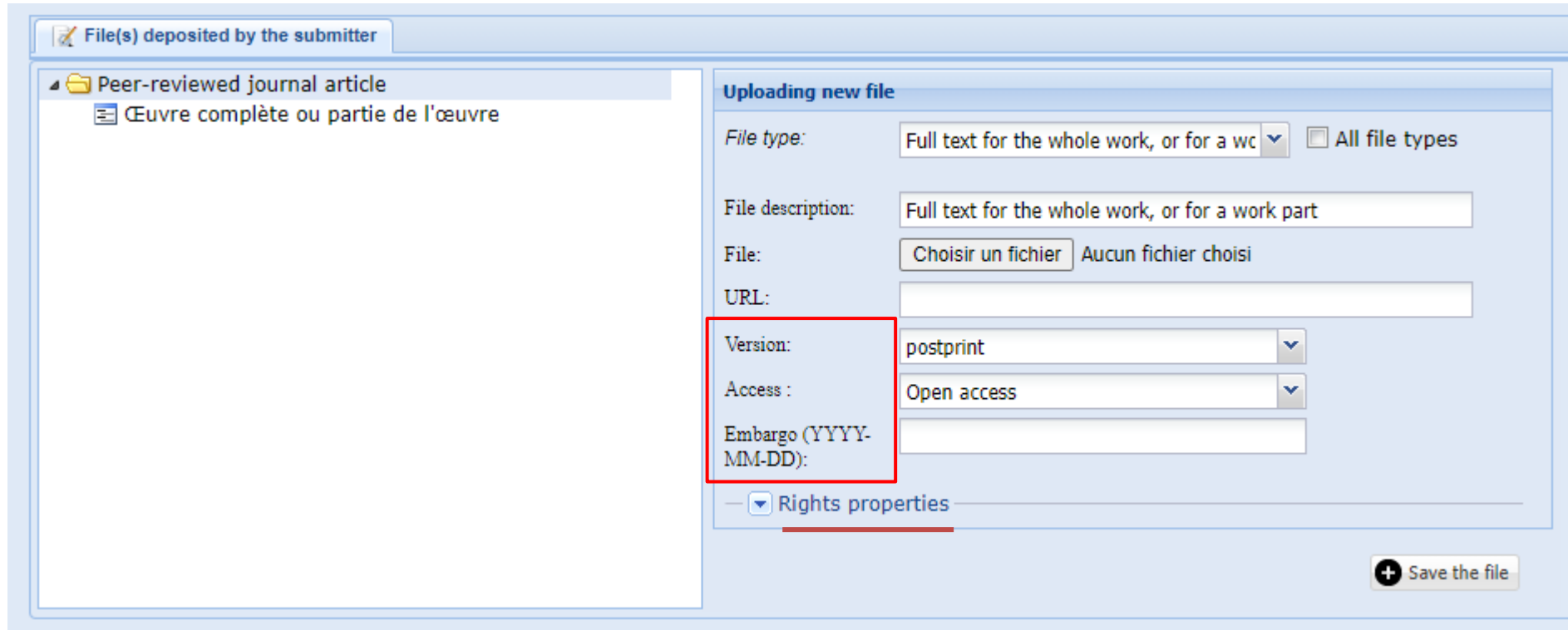


## Upload your publications to DI-fusion

- a) Usage rights of the file uploaded
- b) Licence granted to ULB



-> Upload the file of your publication



File(s) deposited by the submitter

Peer-reviewed journal article

Œuvre complète ou partie de l'œuvre

**Uploading new file**

File type: Full text for the whole work, or for a work part ☐ All file types

File description: Full text for the whole work, or for a work part

File: Choisir un fichier Aucun fichier choisi

URL:

Version: postprint

Access: Open access

Embargo (YYYY-MM-DD):

☐ Rights properties

+ Save the file

-> select **Version**: Postprint (= Accepted version) or Published version

-> select **Access**: Open Access

-> **Embargo** : date of publication + 6/12 months

Eg: published 2024-01-15 -> date end of embargo = 2024-07-14 or 2025-01-14

-> Specify the Usage terms of the file you have uploaded

**Rights properties**

IPR status: protected

Usage terms: Certain uses permitted by Université libre de Bruxe

IPR applicable upon the represented content: Certain uses permitted by Université libre de Bruxelles (ULB)

Original IPR holder: Protected by Creative Commons – Attribution (BY): uses allowed as long as original author is cited

Current IPR holder: Protected by Creative Commons – Attribution, ShareAlike (BY-SA): uses allowed as long as shared alike and original author is cited

Protected by Creative Commons – Attribution, No Derivatives (BY-ND) : uses allowed without any changes and as long as original author is cited

Protected by Creative Commons – Attribution, Non-Commercial (BY-NC) :

-> Grant ULB the licence to communicate the file

 Correct, add or delete a file

**File(s) deposited by the submitter:**

| File                                                                                                                                               | Version   | Access                                                                              | Description                         | Copyright |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-------------------------------------------------------------------------------------|-------------------------------------|-----------|
|  PhDWelcomeDayDecember2020_OpenScience_fr-Vandooren.ppt (2716160) | postprint |  | Œuvre complète ou partie de l'œuvre | Protected |
|  OpenScience_img.png (58115)                                      | postprint |  | Œuvre complète ou partie de l'œuvre | Protected |

☒ By uploading this/these file(s), I agree with the terms and conditions of deposit in DI-fusion.  
[Read the terms and conditions of deposit in DI-fusion.](#)

**non exclusive licence** for reproduction and communication

[https://dipot.ulb.ac.be/dspace/LicenceDI\\_depot\\_v1\\_EN.pdf](https://dipot.ulb.ac.be/dspace/LicenceDI_depot_v1_EN.pdf)



## **Non-exclusive license for reproduction and communication to the public**

The Université Libre de Bruxelles has signed the Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities which implies for the signatories to encourage researchers to publish their work according to the principle of open access.

As part of the implementation of the principles of the Berlin Declaration, the Board of Directors of the ULB, dated May 21, 2007, decided to make it mandatory for researchers and teachers, the deposit of their articles or similar works in the ULB Institutional Repository.

### **By depositing his/her work in the ULB Institutional Repository, the author :**

1. Grants a non-exclusive, free and worldwide license to the Université Libre de Bruxelles for the entire legal duration of copyright for reproduction and public communication via Internet of his/her work and, more specifically:
  - the right to save and reproduce the work for preservation purposes in the Institutional Repository, on electronic/digital media online and on the servers necessary for its communication;
  - the right to communicate the work to the public, in the ways that s/he defined in the previous window :

- 1) public access via the Internet to the whole work
  - immediately
  - or - after an embargo period

Or

# Non exclusive licence granted to ULB

Main terms:

- If you have uploaded a document, you grant ULB a non-exclusive licence for reproduction and communication so that your document can be made available **according to the terms you have defined** ( internet access with or without embargo, ULB Intranet access, or private access).
- You guarantee that **you hold the right** to grant this license to ULB, and that you have obtained all necessary permissions from third parties who would hold copyright on images or any other work integrated in your publication.
- **This license does not operate any copyright transfer.** The author therefore retains the right to use this version of his/her work or any other version through any media of their choice.

# Useful links



Code of economic law – [Livre XI Propriété intellectuelle](#)

Code of economic law Book XI, Publishing contract – article on Open Access [article XI.196 § 2.1](#) (in French)

[Decree on the establishment of a policy of open access to scientific publications in Wallonia-Brussels Federation](#) (2/05/2018) (in French)

[Regulation on ownership, protection and valorization of the intellectual property of the Université libre de Bruxelles \(ULB\)](#)

[ULB Institutional policy on Open Access to publications](#)

Information on the ULB staff portal :

- [Open Access at ULB](#)
- [Copyright](#)
- [DI-fusion](#)

Web site [Assu copie](#): information about author's rights for academic teachers/authors

# Useful links

Sherpa/Romeo Publisher copyright policies and Open Access self-archiving  
<http://www.sherpa.ac.uk/romeo/>

Creative Commons <http://creativecommons.org/>

Guide to Creative Commons for Humanities and Social Science Monograph Authors.  
Collins, Ellen, Milloy, Caren and Stone, Graham (2013)  
<https://eprints.hud.ac.uk/id/eprint/17828/>



<http://difusion.ulb.ac.be>

### Help and training

- [Training sessions](#) for researchers, teachers, doctoral candidates
- [Helpdesk](#) : email ([di-fusion@ulb.be](mailto:di-fusion@ulb.be) ), phone : 02 650 47 39

Thank you!

For further information, please contact me:

Françoise Vandooren  
[Francoise.Vandooren@ulb.be](mailto:Francoise.Vandooren@ulb.be)

# EURAXESS HRS4R

This programme was developed as part of ULB's EURAXESS HRS4R 2022-2025 action plan, which aims to improve the recruitment, working conditions and career development of researchers.

