

Journal article with copyright images held within it

Scenario: Academic E wishes to place an electronic copy of a journal article he wrote in the repository. The article was published in October 2007. Academic E also

had to source and purchase from a commercial picture library the right to use some images within the article for illustrative purposes.

Rights Issues: If the article was created as part of his normal employment then the employer will own copyright in it. If this is the case Academic E still has the moral right to be identified as the author, but he has no right to exploit the work without the consent of the copyright owner (the employer). The publisher may also have rights depending on what sort of terms the article was accepted under. The images used within the article are likely to have been licensed for a sole purpose, i.e. one named publication.

Resolution: Academic E should confirm with his employer who owns the rights to the work in question. Traditionally, duplicate publishing and dissemination has been frowned upon by the publishing world as a threat to their business model. However more recently a growing number of publishers challenge this assumption and do allow for deposit of published articles in repositories, either immediately or after a set period of embargo, or for a fee. Depositors should contact the publisher for clarification before any deposit is made. The images used in the article almost certainly cannot be used in the repository version without further clearance sought from the rights owner (the image library). If this is not possible, the institutional copyright expert will be able to offer advice on sources of legally obtainable free images that can perhaps be used instead.