

**Proposal on Publishing and Copyright**

Submitted to ISSMFE on June 27, 2013,

by K. Rainer Massarsch

with minor contribution from Bengt H. Fellenius

To

**Dr. Jean-Louis BRIAUD**

**President of ISSMGE**

**International Society for Soil Mechanics and Geotechnical Engineering**

## **Proposal on Publishing and Copyright**

### **1 Background**

The ISSMGE Board decided to establish a Task Force to study the current copyright practice and to develop a formal position for ISSMGE. By letter dated May 14, 2012, the President appointed K. Rainer Massarsch (Sweden) as Chair and Bengt H. Fellenius (Canada) as Vice-Chair and outlined steps to implement the work. The President expected final recommendations from the Task Force before the end of 2012. The Swedish Geotechnical Society endorsed the work of the Task Force and accepted to sponsor the work of the chairman.

The following members accepted to contribute to the work of the Task Force: Dimitrios Zekkos, USA and Andrew Bond, United Kingdom.

After an initial exchange of information between the members of the Task Force, different participants of the publishing process were contacted by the chairman. These contacts included representatives of libraries, publishers of books and journals, organizing committees of ISSMGE conferences and organisations working with copyright issues.

Publishers of geotechnical books and journals were contacted and a meeting was held with one major publisher to discuss copyright issues from their perspective. The present report is based on this information and documents available on the Internet.

During the progress of the work, members of the Task Force and the President were kept informed about the steps taken.

### **2 ISSMGE and the Publishing Industry**

The publishing industry is undergoing rapid changes, due to new, efficient ways of compiling information, producing publications, digital publishing and/or printing and dissemination of information, for instance on the Internet.

Copyright for articles or books plays a central role in protecting the creator of intellectual property. Therefore, the author of an article or book needs to be—but often is not—aware of the consequences when transferring copyright to a publisher.

In this context, ISSMGE as the umbrella organisation of geotechnical and geo-environmental engineers world-wide, has an important function as:

- organizer of conferences and symposia which are documented by proceedings in print and/or digital format;
- sponsor of conferences organized by ISSMGE Technical Committees;
- publisher of technical information on the ISSMGE Web site and elsewhere; and
- representative of the interests of geo engineers world-wide.

In addition, members of ISSMGE contribute as authors, reviewers, and presenters at conferences and meetings to the dissemination of geotechnical and geo-related information. Therefore, ISSMGE should assist its members in their effort of publishing articles, to protect their interest and those of the geo-profession.

Publishers of journals, books, and other publications have been eager to protect their interests by requiring acceptance of extensive copyright conditions from authors. Authors of articles are frequently not aware of the consequences of transferring exclusive copyright to a publisher. For instance, by transferring exclusive copyright to a publisher the authors may require permission from the publisher to use and further develop contents of their own article (text, figures, tables, or images).

A publisher, who has been awarded exclusive copyright, can restrict the author's reproduction of text, figures, tables, or images. Publishers sometimes charge significant fees from the author for reproducing of even limited information (e.g., figures or images) from publications.

Considering the often ambiguous implications of transferring copyright (exclusive or non-exclusive), it is in the interest of the author to give the publisher only exclusive publishing rights. In this way, the author retains many of the important rights of disseminating the information contained in the work.

### **3 ISSMGE Publishing Policy Proposal**

ISSMGE cannot directly change the attitude of publishers of journals or books. However, as organizer of conferences and symposia, ISSMGE can state requirements in negotiations with publishers. ISSMGE conference organizers are frequently not aware of the implications when negotiating publishing contracts, and of the consequences to authors.

A draft of an ISSMGE Publishing Policy is outlined in the attached document "*ISSMGE Publishing Policy and Terms of Use*". Attached is also a draft "*Exclusive Publication Agreement*" which can be used by authors when negotiating with publishers. It is based on an evaluation of guidelines applied by publishers of journals but considers also the legitimate interests of authors.

## 4 Recommendations

The Task Force submits to the ISSMGE Board the following recommendations:

1. This proposal is intended for publications (proceedings of conferences and symposia), which are published within the ISSMGE domain including international and regional conferences as well as other events organized by ISSMGE Technical Committees.
2. According to the recommendations in the “*ISSMGE Publishing Policy and Terms of Use*”, authors of publications shall retain full copyright. Publishers are given the right of exclusive publication.
3. An *Exclusive Publication Agreement* form has been prepared, based on the Publishing Policy document. If endorsed by the ISSMGE Board, this form could be used as guidance document by ISSMGE members when negotiating with publishers of journals.
4. If deemed appropriate, the ISSMGE Board may wish to discuss the Publishing Policy document with ISSMGE sister societies in order to harmonize the publication of technical information.

The present report by the Task Force has addressed publication of articles within the ISSMGE domain.

It is proposed that the Terms of the Task Force are extended to address in the next phase how ISSMGE can contribute actively to the electronic publication of journals or books.

This report is respectfully submitted by the ISSMGE Task Force on Copyright.

Bromma, June 27, 2013

K. Rainer Massarsch  
Chairman

Bengt H. Fellenius  
Vice-Chairman

Attachment

# ISSMGE Publishing Policy and Terms of Use

## 1 General

It is the intention that readers have access to the widest possible range of content and that this content can be shared to enable the most effective research, study, teaching, and practice of geotechnical and geo-environmental engineering and associated fields of application. Efficient dissemination of published information is in the interest of the geo-engineering profession.

The three main players have – sometimes – conflicting interest in the publication and information dissemination process. The primary interests are briefly outlined below:

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Author	<ul style="list-style-type: none"><li>• Retain full copyright to published material</li><li>• Publication by reputed publisher, giving exclusive publishing right</li><li>• Review of manuscript prior to publication</li><li>• Publication in print and in electronic format</li><li>• Permission to post his/her manuscript on own web site</li><li>• Partial re-use of his/her published information in subsequent publications</li><li>• Ability for others to use excerpts of published information (figures, tables, text excerpts) at no cost and without administrative burden</li></ul>
Publisher	<ul style="list-style-type: none"><li>• Obtain complete and exclusive copyright to publication</li><li>• Limit cost for producing publications</li><li>• Restrict free access to information (commercialization)</li><li>• Sale of publications (books, journals etc.) in printed and - increasingly also - electronic format</li><li>• Avoid duplicate publication</li></ul>
Geo-profession	<ul style="list-style-type: none"><li>• High quality of publication assured by review process</li><li>• Facilitate dissemination of information</li><li>• Limit cost for producing publications</li><li>• Limit cost for acquiring publications</li><li>• Ability to reproduce published material</li><li>• Avoid duplicate publication</li></ul>

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The author(s) of a manuscript is usually not aware of the rights and limitations when submitting manuscripts to publishers.

This document outlines the Publishing Policy endorsed by ISSMGE and intended to provide a compromise for producing future publications.

## **2 Rights of Author**

The rights of Author(s) are intended to help in their academic and professional work and are subject to the following conditions:

- a. these rights may not be used for commercial purposes;
- b. these rights should not be used in a way that involves duplicate publication that will compete with the Publisher's own publications; and
- c. each use must contain an acknowledgement to the journal/book as the original source of publication in the form: "[Journal/Book] [Volume/Publication Year] [URL of the item as published by Publisher] [Year]."

Ownership of the copyright contained in the Manuscript ("the Material") remains with the Author(s) who retain the following rights:

1. to post copy of their submitted Manuscript (Pre-print) on their own Web site, an institutional repository, or their funding body's designated archive;
2. to post copy of their accepted Manuscript (Post-print) on their own Web site, an institutional repository, or their funding body's designated archive. Authors who archive or self-archive accepted Publications must provide a hyperlink from the manuscript to the Journal's Web site;
3. Authors and any academic institution where they work at the time may reproduce their Manuscript for the purpose of course teaching;
4. to reuse – as stated in paragraph 3 - part of the Manuscript in other works created by the Author(s), provided the original publication is acknowledged through a note or citation in a format acceptable to the Publisher;
5. to prepare derivative works from the publication.

Permission must be sought for uses other than those defined above. Other than the use outlined above no publication may be captured or downloaded electronically into any format without the Publisher's and Author's specific written permission.

## **3 Publishing Conditions**

The Author(s) retain copyright but assigns the Publisher the exclusive right to publish the Material.

The substantial investment made by the Publisher in protecting and enhancing the quality of the content is recognised. It is necessary, therefore, to impose the following conditions on the use of published Material.

### **3.1 General Rights**

Corresponding Author and contributing Authors grant full and exclusive publishing rights of their Material to the Publisher. In assigning exclusive publishing rights, the Author is not forfeiting the rights to use the contribution as stated in paragraph 2.

### **3.2 Patent and Trademark Rights**

The right to be identified as the Author(s) (i.e. by asserting Authors' rights under copyright law).

### **3.3 Re-use of Material by Author(s)**

In assigning publication permission, the right of the Author to use parts of his or her Material elsewhere are retained. Figures, tables, and other limited extracts may be used without permission as long as they represent less than 20 % of the new work. However, republishing the whole article, or a substantial part of it, requires the permission of the Publisher.

The Publisher shall maintain a firm policy against duplicate publication unless there are exceptional circumstances.

### **3.4 Re-use of Material by Others**

The re-use of three figures, tables or text extracts less than 100 words by third parties is free of charge and permitted without the Author's or Publishers permission. In all case proper credit must be clearly given as stated above.

All requests to reproduce or re-use the whole or a substantial part of the Material in another publication will be conditional upon the Authors' consent and subject to the Publisher's approval.

The party seeking permission will be instructed to write to the Publisher and to obtain the Authors' consent.

## Exclusive Publication Agreement

Publisher: \_\_\_\_\_

Publication \_\_\_\_\_

Title: \_\_\_\_\_

Article Title \_\_\_\_\_

Article reference no: \_\_\_\_\_

Corresponding Author's name and address: \_\_\_\_\_

### **1. Statement of rights and acceptance of conditions of publication by the Corresponding Author on behalf of all authors of the article**

The Author(s) hereby asserts to be identified as the Author(s) of the Work.

The Author(s) warrant(s) that the Manuscript is based on his/her/their original work, that the Manuscript has not been published before, and is not currently under consideration for publication elsewhere, and that it contains no libellous or unlawful statements and that it in no way infringes the rights of others.

The Publisher is empowered to make such editorial changes as may be necessary to make the work suitable for publication in printed and electronic form. The Corresponding Author will be consulted if substantive changes are required. No changes to the work may be made after the date of first publication, whether in print or digitally, other than for gross factual errors, breach of third party copyright, or content that is defamatory or otherwise unlawful.

### **2. Assignment of Exclusive Publishing Right**

(a) Name and address of owner of copyright owner:

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\_\_\_\_\_  
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\_\_\_\_\_



(b) The owner hereby grants the Publisher exclusive permission to publish the Manuscript in paper, electronic, and facsimile formats, and for electronic capture, reproduction, and licensing in all formats, in whole or in part, in the original and also grants non-exclusive rights to deal with requests from third parties.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## NOTES

### **Rights of Author(s)**

The Rights of Author(s) are described in detail in the attached document: “Publishing Policy and Terms of Use” (Publishing Policy).

Publishing Conditions are detailed in Section 3 of the attached Publishing Policy document.

### **Author(s) right to use material**

In assigning publication permission, the right of the Author to use parts of his or her Material elsewhere are retained. Figures, tables, and other limited extracts may be used without permission. However, republishing the whole article, or a substantial part of it, requires the permission of the Publisher. The Publisher shall maintain a firm policy against duplicate publication unless there are exceptional circumstances.

### **Requests from third parties**

The re-use of three figures, tables or text extracts less than 100 words in length by third parties is free of charge and permitted without the Author’s or Publishers permission. In all case proper credit must be clearly given.

All requests to reprint the Material, or a substantial part of it, in another publication will be subject to Publisher’s approval. The party seeking permission will be instructed to submit the request in writing to the Publisher. The Author(s) shall be informed by the Publisher thereof.

### **Employers as copyright holder**

In some cases copyright will be held by the Author’s employer. If so, the Publisher requires non-exclusive permission to deal with requests from third parties, on the understanding that any requests it receives from third parties will be handled as outlined above (i.e., the author and not the author’s employer will be asked to approve the proposed use).

An employer may use material from the Material in reports and elsewhere, but must not republish the whole article or a substantial part of it without permission. The employer must abide by the Publisher terms and conditions for posting of PDFs.

### **Posting material on to servers**

Reference is made to terms and conditions of the Publishing Policy Statement.