

WHAT IT LOOKS LIKE AND  
HOW TO DEAL WITH IT...

You may encounter different expressions: copyright transfer agreement or publishing contract.

## What is a contract?

"An agreement between two or more persons or entities in which there is a promise to do something in return for a valuable benefit known as consideration."

Source: contract. (n.d.) Burton's Legal Thesaurus, 4E. (2007). Retrieved November 12 2019 from <https://legal-dictionary.thefreedictionary.com/contract>

## Publishing Agreement

## Definitions and object of the agreement

- Author
- Publisher
- Work

## Transferred rights

- Exclusive or non-exclusive
- Ownership of the copyright

## Retained rights

- Sharing/archiving rights
- Reuse rights

## Author's obligations

- Manuscript delivery and revisions (for books)
- Get permission to reuse third parties materials

## Publisher's obligations

- Royalties (for books)

## Applicable law and Governing state

Lausanne (Switzerland), date  
Signature *author* *publisher*

To assign **exclusive rights** to the publisher means that the author will no longer be able to exercise these rights without the publisher's permission.

➤ Negotiate: **Non-exclusive rights**

**Transferring copyright** means that the publisher controls how the work is reproduced, distributed and edited. He also handles granting permissions to third parties on authors' behalf.

➤ Negotiate: Retain the **ownership of the copyright**

**Sharing rights:** The right to share printed/electronic copies internally with colleagues (private use), with attendees of a conference (professional purposes), and with students of a course (teaching purposes).

➤ Negotiate: Retain as many rights as possible

**Archiving right:** The right to deposit and make publicly available at least the accepted version, or the published version, at least in your institutional repository, and also possibly on a personal webpage or in a scientific social network such as Research Gate. This right can be granted after an embargo period, the EPFL OA Policy requests maximum 6 months.

➤ Negotiate: The **EPFL Author Amendment to Publication Agreement – Extended rights** enables authors to request for an archiving right compliant with the EPFL OA policy.

**Reuse rights:** The rights to reuse the entirety or parts of a work without charges for various purposes, notably: in a research thesis or dissertation (i.e. for non-commercial purposes), in training/teaching sessions (non-commercial), in any other (potentially commercial) publication, including books. These rights can be granted only with a formal permission from the publisher, which may be binding for the author.

➤ Negotiate: The **EPFL Author Amendment to Publication Agreement – Extended rights** enables authors to request for comprehensive reuse rights.

**Royalties:** Percentage of the benefits resulting from the exploitation of the work or a fixed amount of money for the author by the publisher.

➤ Negotiate: A fair percentage on all kind of exploitations (print and online, individual and institutional sales, translations, etc.)

**Applicable law and governing state:** The law of the country (or state) that determines the legal standing of a case and the courts that have jurisdiction.

➤ Negotiate: Switzerland for both applicable law and jurisdiction.