

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

You may encounter different wordings for the same document: *Copyright transfer agreement*, *Publishing contract* or *License to publish*

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.” [1]

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

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

- **Negotiate:** Request non-exclusive rights

Copyright transfer means that the publisher controls how the work is reproduced, distributed and edited. It also handles granting permissions to third parties on authors' behalf.

- **Negotiate:** Retain ownership of the copyright (including ownership of the CC license)

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

- **Negotiate:** Retain as many rights as possible

Archiving right: The right to (a) deposit the manuscript at least in the institutional repository (and if possible also on a personal web page or in a scientific social network such as Research Gate), and (b) make at least the accepted version (if not the published version) available to the public. In some cases, this right might be granted only after an embargo period; EPFL's OA policy states that it should be no longer than 6 months.

- **Negotiate:** The EPFL Author Amendment to Publication Agreement - Extended rights allows authors to request an archiving right that is compliant with EPFL's OA policy.

Reuse rights: The rights to reuse free of charge the entirety or parts of a work 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 publication (potentially commercial), including books. These rights can only be granted with formal permission from the publisher, which may be binding on the author.

- **Negotiate:** The EPFL Author Amendment to Publication Agreement - Extended rights allows authors to request comprehensive reuse rights.

Royalties: Percentage of the benefits deriving from the exploitation of the work or fixed amount paid to the author by the publisher.

- **Negotiate:** Request a fair percentage on all kinds of exploitations (print, 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:** Suggest Switzerland for both applicable law and jurisdiction.

Credits and sources: [1] HILL Gerald and HILL Kathleen, “contract”, The People's Law Dictionary. 1981-2005 [accessed: November 2024]