

VERSION TWO

A Guide to Developing Open Access Through Your Digital Repository

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DEST funded Open Access to Knowledge Law Project
OAK Law Project

A Systemic Infrastructure Initiative (SII) funded project and part
of the Commonwealth Government's *Backing Australia's
Ability – An Innovation Action Plan for the Future*

April 2007



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1.0 Introduction

1.1 What is open access?

Open access defined

The advent of the Internet and other digital reproduction and communication technologies has meant that people are now able to access information far more easily than ever before. The Internet has removed many of the restrictions traditionally associated with access to knowledge, including geographical barriers, time restrictions and delays in dissemination, and availability barriers that limited the range of sources that could be accessed by a single person. Improved access has the benefits of enabling researchers to study their context more broadly, reducing the amount of duplicative research, and helping researchers to produce better informed and therefore better quality research.¹ For these reasons, the open access movement aims to help disseminate knowledge broadly and freely across the Internet in a timely fashion.²

Open access principles

The open access movement as we know it today began in the early 1990s. Initially, there were not any overarching statements of principles describing the open access movement and its goals; rather, the movement began unofficially with the launch of several databases and free online peer reviewed journals. The journals included the Electronic Journal of Communication (launched 21 September 1990), the Electronic Journal of Analytic Philosophy (launched August 1993), and the Electronic Journal of Sociology (launched September 1994).³ The databases included GenBank, a database of all publicly available DNA sequences, launched by the National Center of Biotechnology Information in 1992.⁴ Other relevant events in the early open access movement include:

- In 1993, CERN, the world's largest particle physics laboratory, created an electronic preprint repository for deposit of CERN Scientific Documents;⁵

¹ John Houghton, Colin Steele and Peter Sheehan, *Research Communication Costs in Australia: Emerging Opportunities and Benefits* (September 2006) Centre for Strategic Economic Studies, Victoria University, Melbourne, p32 <http://www.dest.gov.au/NR/rdonlyres/0ACB271F-EA7D-4FAF-B3F7-0381F441B175/13935/DEST_Research_Communications_Cost_Report_Sept2006.pdf> at 19 March 2007.

² Professor Brian Fitzgerald, Dr Anne Fitzgerald, Professor Mark Perry, Scott Kiel-Chisholm, Erin Driscoll, Dilan Thampapillai and Jessica Coates, *OAK Law Project Report No 1: Creating a Legal Framework for Copyright Management of Open Access Within the Australian Academic and Research Sector* – a report for the Department of Education, Science and Training (DEST) (August 2006), 87 (hereinafter OAK Law Report).

³ See Peter Suber, Open Access Timeline <<http://www.earlham.edu/~peters/fos/timeline.htm>> at 19 March 2007.

⁴ Ibid.

⁵ See Joanne Yeomans, "CERN's Open Access E-print Coverage in 2006 : Three Quarters Full and Counting", *High Energy Physics Libraries Webzine*, issue 12, March 2006 <<http://library.cern.ch/HEPLW/12/papers/2/>> at 18 April 2007, CERN Action on Open Access <<http://open-access.web.cern.ch/Open-Access/pp.html>> at 18 April 2007, <<http://cdsweb.cern.ch/>>

- In March 1994, the National Academies Press began creating free online full text editions of its printed books. The National Academies Press reported that this practice actually helped to sell editions of printed, priced books; and
- In 1994, the Human Genome Project activated its open access web site with information about the project and gene sequencing.⁶

One of the first international statements on open access was the Bermuda Principles in 1996, which provided a basis for rapid free sharing of pre-published data on gene sequences among scientists.⁷ The Bermuda Principles were developed by scientists involved in the International Human Genome Sequencing Consortium, and their funding agencies. The intent was to make entire genome sequences freely available in the public domain for research and development, in order to maximise benefits to society.⁸ The Bermuda Principles were reaffirmed in January 2003 by an international group of genome data producers and users, journal editors and funding body representations convened by the Wellcome Trust at Fort Lauderdale.⁹ The group confirmed that open release of genome sequence data had greatly benefited scientific research.

In 2002, open access principles were extended to peer-reviewed journal literature with the Budapest Open Access Initiative (BOAI). The BOAI was developed at a meeting of the Open Society Institute in Hungary in December 2001, and was dedicated to removing access barriers to primary scientific literature through self-archiving and open access journals. The BOAI has been significant in advancing the open access movement generally, articulating the importance of open access:

Removing access barriers...will accelerate research, enrich education, share learning of the rich with the poor and the poor with the rich, make this literature as useful as it can be, and lay the foundation for uniting humanity in a common intellectual conversation and quest for knowledge.¹⁰

As of 13 March 2007, 4275 individuals and 380 organizations have added their names to the BOAI.

Following the BOAI, there was a strong surge in the open access movement worldwide. This resulted in the development of more well-defined, thorough and progressive open access statements adopted by academic institutions, funding bodies and international organisations. Among these statements was the Bethesda Statement on Open Access Publishing, released on 20 June 2003.¹¹ The Bethesda Statement had the goal of providing open access to primary scientific literature as quickly as

⁶ See Peter Suber, Open Access Timeline <<http://www.earlham.edu/~peters/fos/timeline.htm>> at 19 March 2007

⁷ <http://en.wikipedia.org/wiki/Bermuda_Principles> at 14 March 2007.

⁸ Ibid.

⁹ The Wellcome Trust, *Sharing Data from Large-scale Biological Research Projects: A System of Tripartite Responsibility*, Report of a meeting organised by the Wellcome Trust and held on 14-15 January 2003 at Fort Lauderdale, USA, available at <<http://www.wellcome.ac.uk/assets/wtd003207.pdf>>.

¹⁰ <http://www.soros.org/openaccess/read.shtml>.

¹¹ <http://www.earlham.edu/%7Epeters/fos/bethesda.htm>.

possible. To facilitate this, it contains a working definition of Open Access Publication, being a publication that satisfies the following conditions:

1. The author(s) and copyright holder(s) grant(s) to all users a free, irrevocable, worldwide, perpetual right of access to, and a license to copy, use, distribute, transmit and display the work publicly and to make and distribute derivative works, in any digital medium for any responsible purpose, subject to proper attribution of authorship, as well as the right to make small numbers of printed copies for their personal use.
2. A complete version of the work and all supplemental materials, including a copy of the permission as stated above, in a suitable standard electronic format is deposited immediately upon initial publication in at least one **online repository that is supported by an academic institution, scholarly society, government agency, or other well-established organization** that seeks to enable open access, unrestricted distribution, interoperability, and long-term archiving (for the biomedical sciences, PubMed Central is such a repository).¹²

Also released in 2003 was the Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities.¹³ The Berlin Declaration was drafted to “promote the Internet as a functional instrument for a global scientific knowledge base and human reflection.”¹⁴ It supports the intrinsic merit of providing resources and contributions over the Internet (such as in online repositories) for all to access. The Berlin Declaration also provides a definition of Open Access Publication, which mirrors the definition contained in the Bethesda Statement. On the basis of this definition set out in the Berlin Declaration, the Open Society Institute, in its Open Access Publishing and Scholarly Societies Guide, has extracted what it terms the “essentials” of open access:

There are three main essentials: free accessibility, further distribution, and proper archiving. Open access is real open access if:

1. The article is universally and freely accessible, at no cost to the reader, via the Internet or otherwise, without embargo.
2. The author or copyright owner irrevocably grants to any third party, in advance and in perpetuity, the right to use, copy, or disseminate the article, provided that correct citation details are given.
3. The article is deposited, immediately, in full and in a suitable electronic form, in at least one widely and internationally recognized open access repository committed to open access and long-term preservation for posterity.¹⁵

The Berlin Declaration has been significant in advancing open access to research and scholarly material and as of 13 March 2007 has been signed by 227 organisations from all over the world.¹⁶

Funding organisations (including government funding organisations) have adopted international open access principles to mandate or encourage researchers to deposit funded research results in open access repositories.

¹² <http://www.earlham.edu/~peters/fos/bethesda.htm>.

¹³ <http://oa.mpg.de/openaccess-berlin/berlindeclaration.html>.

¹⁴ <http://oa.mpg.de/openaccess-berlin/berlindeclaration.html>.

¹⁵ Open Society Institute, *Open Access Publishing and Scholarly Societies: A Guide* (2005) http://www.soros.org/openaccess/pdf/open_access_publishing_and_scholarly_societies.pdf at 13 March 2007, 6.

¹⁶ <http://oa.mpg.de/openaccess-berlin/signatories.html>.

In America, the National Institutes of Health (NIH), the world's largest funder of medical research, requests that all NIH-funded researchers make their research articles publicly available in the NIH digital repository, PubMed Central.¹⁷

In the United Kingdom, the Wellcome Trust, an independent charity dedicated to promoting research to improve human and animal health and the UK's largest non-governmental source of funds for biomedical research,¹⁸ makes it a condition of research funding grants that -

a copy of the final manuscripts of all research papers supported in whole or in part by the Grant must be deposited into PubMed Central (or UK PubMed Central once established) upon acceptance for publication, to be made freely available as soon as possible and in any event within six months of the journal publisher's official date of final publication.¹⁹

In January 2006, the European Commission (EC) published a Study on the Economic and Technical Evolution of the Scientific Publication Markets of Europe.²⁰ A central recommendation of the study was –

RECOMMENDATION A1. GUARANTEE PUBLIC ACCESS TO PUBLICLY-FUNDED RESEARCH RESULTS SHORTLY AFTER PUBLICATION

Research funding agencies have a central role in determining researchers' publishing practices. Following the lead of the NIH and other institutions, they should promote and support the archiving of publications in open repositories, after a (possibly domain-specific) time period to be discussed with publishers. This archiving could become a condition for funding.

The following actions could be taken at the European level: (i) Establish a European policy mandating published articles arising from EC-funded research to be available after a given time period in open access archives, and (ii) Explore with Member States and with European research and academic associations whether and how such policies and open repositories could be implemented.

One year later, in January 2007, the EC issued a petition encouraging this recommendation to be adopted as a matter of urgency among European research funding agencies and academic institutions. As of 14 March 2007, the petition has 23,575 signatories from all over the world.²¹

In Australia, the Australian Research Council (ARC) included the following paragraph in its Funding Rules for funding commencing in 2008:

The ARC therefore encourages researchers to consider the benefits of depositing their data and any publications arising from a research project in an appropriate subject and/or institutional repository wherever such a repository available to the researcher(s). If a researcher is not intending to deposit the data from a project in a repository within a six-month period, he/she should include the reasons in the

¹⁷ See the NIH Public Access Policy <<http://grants.nih.gov/grants/guide/notice-files/NOT-OD-05-022.html>> at 28 November 2006.

¹⁸ For more information, see <<http://www.wellcome.ac.uk/aboutus/>>.

¹⁹ <<http://www.wellcome.ac.uk/assets/wtx026668.pdf>>.

²⁰ See <http://ec.europa.eu/research/science-society/pdf/scientific-publication-study_en.pdf> at 14 March 2007.

²¹ See <<http://www.ec-petition.eu/index.php?p=index>> at 14 March 2007.

project's Final Report. Any research outputs that have been or will be deposited in appropriate repositories should be identified in the Final Report.²²

Likewise, in December 2006 the National Health and Medical Research Council (NHMRC), an organisation dedicated to maintaining and developing public and individual health standards in Australia, released its Project Grants funding policy for funding commencing in 2008. The NHMRC policy does not go as far as the ARC policy in requiring researchers give explanations if they do not deposit their research in a digital repository. The NHMRC policy provides:

To maximise the benefits from research, findings need to be disseminated as broadly as possible to allow access by other researchers and the wider community. The NHMRC encourages researchers to consider the benefits of depositing their data and any publications arising from a research project in an appropriate subject and/or institutional repository wherever such a repository is available to the researcher(s). Any research outputs that have been or will be deposited in appropriate repositories should be identified in the Final Report.²³

Most recently, on 9 March 2007, the Australian Government Productivity Commission released a Research Report on Public Support for Science and Innovation. In the Report, the Commission stated –

The Commission continues to hold the view that funding agencies should take an active role in promoting open access to the results of the research they fund, including data and research papers. Although the ARC and NHMRC's recent announcement of promoting voluntary access is to be commended, the Commission considers that the progressive introductions of a mandatory requirement would better meet the aim of free and public access to publicly-funded research results...The Commission considers that its proposal that there be a clear requirement for open access publication be implemented progressively by funding agencies to enable all participants sufficient time to adjust.²⁴

On an individual level, open access advocates include Peter Suber, a research professor at Earlham College, Indiana, and Stevan Harnad, a professor of cognitive science at the University of Southampton, who first proposed the concept of self-archiving in June 1994²⁵. Both Peter Suber and Stevan Harnad maintain blogs on the open access movement.²⁶

Summary

It is advisable to develop some general open access principles or “touchstone principles” based on the international open access declarations, which your institution

²² Australian Research Council, Discovery Projects: Funding Rules for funding commencing in 2008, <http://www.arc.gov.au/pdf/DP08_FundingRules.pdf> at 1 February 2007, 13

²³ National Health and Medical Research Council, Project Grants funding policy for funding commencing in 2008, p21 <http://www.nhmrc.gov.au/publications/_files/profundingpol.pdf> at 16 February 2007.

²⁴ Productivity Commission 2007, *Public Support for Science and Innovation*, Research Report, Productivity Commission, Canberra, 240-241.

²⁵ See Peter Suber, Open Access Timeline <<http://www.earlham.edu/~peters/fos/timeline.htm>> at 19 March 2007.

²⁶ See Peter Suber's blog at <<http://www.earlham.edu/~peters/hometoc.htm>> and Stevan Harnad's blog at <<http://openaccess.eprints.org>>.

can adhere to when establishing and running your open access repository (and other relevant schemes within your institution). A sample set of touchstone principles is set out below. If you want to take a strong open access position, you may want to adopt all of these principles. You may also choose to omit some of the principles, or add some principles of your own, as suits your institution.

General Open Access Principles Endorsed by the Institution

- 1.0 We support the principles of open access to knowledge.
- 1.1 Open access facilitates the wide dissemination of knowledge including, but not limited to, original research results, scholarly articles, raw data and metadata, source materials, digital representations of pictorial and graphic materials, and scholarly multimedia materials.²⁷
- 1.2 Open access to knowledge is important for the following reasons:
 - 1.2.1 Research is an interdependent process whereby later work is informed by the earlier works of others.²⁸ Easy and open access to scholarly and research output allows for the production of more accurate and progressive research results, providing for scholarly and intellectual advancement;²⁹
 - 1.2.2 Broader access to information aids more rapid scientific development, which benefits the community at large, particularly in the area of medicine;³⁰
 - 1.2.3 The global sharing of knowledge and learning encourages social unity and cultural advancement;³¹ and
 - 1.2.4 The principle that all people, whether rich or poor, should have free and equal access to information.³²

²⁷ Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities (2003) <http://www.zim.mpg.de/openaccess-berlin/berlin_declaration.pdf> at 18 January 2007.

²⁸ Bethesda Statement on Open Access Publishing (2003) <<http://www.earlham.edu/~peters/fos.bethesda.htm>> at 16 November 2006.

²⁹ See, for example, Messina Declaration (2004) <<http://www.aepic.it/conf/viewappendix.php?id=49&ap=1&cf=1>> at 16 November 2006, Budapest Open Access Initiative (2002) <<http://www.soros.org/openaccess/read.shtml>> at 16 November 2006, Group of Eight Statement on open access to scholarly information (2004) <<https://mx2.arl.org/Lists/SPARC-OAForum/Message/754.html>> at 16 November 2006, Association of College and Research Libraries Principles and Strategies for the Reform of Scholarly Communication (2003) <<http://www.ala.org/ala/acrl/acrlpubs/whitepapers/principlesstrategies.htm>> at 16 November 2006, OATS: Open Access Team for Scotland – Declaration (2005) <<http://scurl.ac.uk/WG/OATS/declaration.htm>> at 16 November 2006.

³⁰ See, for example, OATS: Open Access Team for Scotland – Declaration (2005) <<http://scurl.ac.uk/WG/OATS/declaration.htm>> at 16 November 2006.

³¹ See, for example, Messina Declaration (2004) <<http://www.aepic.it/conf/viewappendix.php?id=49&ap=1&cf=1>> at 16 November 2006, Association of College and Research Libraries Principles and Strategies for the Reform of Scholarly Communication (2003) <<http://www.ala.org/ala/acrl/acrlpubs/whitepapers/principlesstrategies.htm>> at

- 1.3 We believe that the traditional methods of sharing information, primarily through conventional print publishing, while still relevant, are no longer suitably adapted to the wider dissemination of knowledge that new technology allows.³³ Electronic publishing and the Internet offer the opportunity to exchange information globally, immediately and effectively.³⁴ We commit to embracing these new technologies and their role in removing traditional barriers to access.
- 1.4 We adopt this policy on the basis that where researchers and scholars are willing to share their work, without payment, for the sake of inquiry, knowledge and public benefit, they should not be prevented by restrictive laws, practices or publishing contracts.³⁵
- 1.5 We assert the importance of open access to the results of publicly funded research in particular. This research, as well as being funded by the community, is undertaken to benefit the physical, social and cultural health of the community. Therefore, ideas and knowledge derived from publicly funded research should be made accessible to the community as rapidly and effectively as possible.³⁶

16 November 2006, OATS: Open Access Team for Scotland – Declaration (2005)

<<http://scurl.ac.uk/WG/OATS/declaration.htm>> at 16 November 2006.

³² Budapest Open Access Initiative (2002) <<http://www.soros.org/openaccess/read.shtml>> at 16 November 2006.

³³ Access to research publications: Universities UK position statement (2003)

<http://www.universitiesuk.ac.uk/mediareleases/downloads/Open%20Access_UUK%20policy%20principles_FINAL.pdf> at 16 November 2006.

³⁴ Bethesda Statement on Open Access Publishing (2003)

<<http://www.earlham.edu/~peters/fos.bethesda.htm>> at 16 November 2006.

³⁵ Budapest Open Access Initiative (2002) <<http://www.soros.org/openaccess/read.shtml>> at 16 November 2006, Association of College and Research Libraries Principles and Strategies for the Reform of Scholarly Communication (2003)

<<http://www.ala.org/ala/acrl/acrlpubs/whitepapers/principlesstrategies.htm>> at 16 November 2006.

³⁶ Association of College and Research Libraries Principles and Strategies for the Reform of Scholarly Communication (2003) <<http://www.ala.org/ala/acrl/acrlpubs/whitepapers/principlesstrategies.htm>> at 16 November 2006, Research Councils UK' updated position statement on access to research outputs (June 2006) <<http://www.curl.ac.uk/Presentations/MembersNovember06/ResearchCouncilsUK.pdf>> at 18 January 2007, OATS: Open Access Team for Scotland – Declaration (2005)

<<http://scurl.ac.uk/WG/OATS/declaration.htm>> at 16 November 2006, see also Productivity Commission 2007, *Public Support for Science and Innovation*, Research Report, Productivity Commission, Canberra, 227-228.

- 1.5.1 We support any moves by research funders to promote open access to the published output of research that they fund, including requiring researchers to publish in open access journals or to deposit their output in digital repositories.³⁷
- 1.6 We acknowledge the important role played by digital repositories in providing open access to knowledge.³⁸ We have established an institutional/faculty/disciplinary repository for the deposit of faculty and research output. This repository conforms to OAI (Open Archives Initiative) standards so that it is interoperable with search engines and other archives.

³⁷ Research Councils UK' updated position statement on access to research outputs (June 2006) <<http://www.curl.ac.uk/Presentations/MembersNovember06/ResearchCouncilsUK.pdf>> at 18 January 2007, OATS: Open Access Team for Scotland – Declaration (2005) <<http://scurl.ac.uk/WG/OATS/declaration.htm>> at 16 November 2006, see also Productivity Commission 2007, *Public Support for Science and Innovation*, Research Report, Productivity Commission, Canberra, 232-236, 240-241.

³⁸ See, for example, Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities (2003) <http://www.zim.mpg.de/openaccess-berlin/berlin_declaration.pdf> at 18 January 2007, Bethesda Statement on Open Access Publishing (2003) <<http://www.earlham.edu/~peters/fos.bethesda.htm>> at 16 November 2006, Budapest Open Access Initiative (2002) <<http://www.soros.org/openaccess/read.shtml>> at 16 November 2006, Association of College and Research Libraries Principles and Strategies for the Reform of Scholarly Communication (2003) <<http://www.ala.org/ala/acrl/acrlpubs/whitepapers/principlesstrategies.htm>> at 16 November 2006, Research Councils UK' updated position statement on access to research outputs (June 2006) <<http://www.curl.ac.uk/Presentations/MembersNovember06/ResearchCouncilsUK.pdf>> at 18 January 2007, OATS: Open Access Team for Scotland – Declaration (2005) <<http://scurl.ac.uk/WG/OATS/declaration.htm>> at 16 November 2006, Access to research publications: Universities UK position statement (2003) <http://www.universitiesuk.ac.uk/mediareleases/downloads/Open%20Access_UUK%20policy%20principles_FINAL.pdf> at 16 November 2006, Wellcome Trust Position Statement in Support of Open and Unrestricted Access to Published Research, <http://www.wellcome.ac.uk/doc_WTD002766.html> at 16 November 2006, NIH Public Access Policy (2005) <<http://grants.nih.gov/grants/guide/notice-files/NOT-OD-05-022.html>> at 28 November 2006.

- 1.6.1 We strongly encourage, and where possible mandate, researchers, authors and scholars to deposit a complete version of papers accepted for publication and other appropriate material into our digital repository.³⁹ Material should be deposited as soon as possible after publication, or where otherwise complete, and at most within six months of publication.⁴⁰
- 1.7 We encourage authors to retain copyright in their work where possible (by not assigning copyright to the publisher), and where the publisher insists on a transfer of copyright, to assert their right to deposit their work in an institutional repository. We support publishing and copyright agreements that allow authors to retain copyright (by only taking a licence to publish) or that allow authors to self-archive.
- 1.8 We commit to educating colleagues, researchers and the public about the importance of open access.⁴¹ We will undertake campus advocacy to increase awareness about our digital repository and its corresponding open access policy.⁴²

³⁹ Wellcome Trust Position Statement in Support of Open and Unrestricted Access to Published Research, <http://www.wellcome.ac.uk/doc_WTD002766.html> at 16 November 2006, see also, Research Councils UK' updated position statement on access to research outputs (June 2006) <<http://www.curl.ac.uk/Presentations/MembersNovember06/ResearchCouncilsUK.pdf>> at 18 January 2007, OATS: Open Access Team for Scotland – Declaration (2005) <<http://scurl.ac.uk/WG/OATS/declaration.htm>> at 16 November 2006.

⁴⁰ Wellcome Trust Position Statement in Support of Open and Unrestricted Access to Published Research, <http://www.wellcome.ac.uk/doc_WTD002766.html> at 16 November 2006, Research Councils UK' updated position statement on access to research outputs (June 2006) <<http://www.curl.ac.uk/Presentations/MembersNovember06/ResearchCouncilsUK.pdf>> at 18 January 2007.

⁴¹ Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities (2003) <http://www.zim.mpg.de/openaccess-berlin/berlin_declaration.pdf> at 18 January 2007, Bethesda Statement on Open Access Publishing (2003) <<http://www.earlham.edu/~peters/fos.bethesda.htm>> at 16 November 2006.

⁴² See, for example, Association of College and Research Libraries Principles and Strategies for the Reform of Scholarly Communication (2003) <<http://www.ala.org/ala/acrl/acrlpubs/whitepapers/principlesstrategies.htm>> at 16 November 2006.

1.2 What are digital repositories?

Digital repositories defined

A digital repository is essentially an online archive where authors and academics can deposit their work, thus making the work freely available in digital form on the Internet. The term ‘digital repository’ is also used to describe the infrastructure or organisation with the responsibility of long-term maintenance of digital resources and the responsibility of making these resources available to the public or specified communities of users.⁴³

Wikipedia identifies five different types of repositories:

Institutional repositories – “A repository established by a particular university or other research institution is known as an institutional repository. It can be intended to collect and preserve – in digital form – the intellectual output on an institution.”⁴⁴

Departmental repositories - “A repository established for the use of a particular academic department or laboratory is properly called a departmental repository, though the term institutional repository is also use.”⁴⁵

Subject repositories – “A repository established to collect and preserve material in a particular subject is called a subject repository; they can be organized by a government, a government department, or by a research institution, or be autonomous.”⁴⁶

National repositories – “A repository for general use by scholars working in a particular country is a national repository, but such repositories can also be organized on a more local basis.”⁴⁷

Material repositories – “A repository can also be intended for a particular type of material, such as a these repository or a newspaper repository.”⁴⁸

A subject repository may also be called a disciplinary repository. For example, the Australasian Legal Information Institute (AustLII) offers a database of purely law-related material. One repository included under the AustLII framework is the University of New South Wales Faculty of Law Research Series.⁴⁹

The Scholarly Publishing and Academic Resources Coalition (SPARC), an international alliance of universities, research libraries and organisations,⁵⁰ defines “institutional repositories” as “digital collections capturing and preserving the

⁴³ Research Libraries Group Inc (RLG) and Online Computer Library Center (OCLC), Attributes of a Trusted Digital Repository: Meeting the Needs of Research Resources (Draft for Public Comment), August 2001, <<http://www.rlg.org/longterm/attributes01.pdf>> at 13 March 2007, 5.

⁴⁴ Repository (publishing) <http://en.wikipedia.org/wiki/Repository_%28publishing%29> at 14 February 2007.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ <<http://www.austlii.edu.au/au/journals/UNSWLRS/>> at 13 March 2007.

⁵⁰ For more information, see <<http://www.arl.org/sparc/about/index.html>> at 14 February 2007.

intellectual output of a single university or a multiple institution community of colleges and universities.”⁵¹

According to SPARC, an institutional repository has four characteristics. It is:

- institutionally defined;
- scholarly;
- cumulative and perpetual; and
- open and interoperable.⁵²

Most repositories operate at an institutional level (i.e. across a whole university), at a disciplinary level (e.g. a biochemistry repository, which may include content from several institutions) or at a faculty level (e.g. within the School of Computing or within the Science faculty). Where necessary, there can also be a single repository that operates across several institutions. For example, the RUBRIC (Regional Universities Building Research Infrastructure Collaboratively) Project focuses on developing sustainable repository infrastructure for smaller and regional universities. The project involves several partner institutions – the University of Southern Queensland (USQ), the University of New England, the University of the Sunshine Coast, the University of Newcastle and Massey University in New Zealand – working together to “evaluate, trial and implement an Institutional Repository solution”.⁵³

Why should you have a digital repository?

There are many benefits to establishing a digital repository, including the opportunity to provide a wider range of educational resources to your faculty, and the positive impact this may have upon your institution’s scholarly reputation.

A digital repository:

- enables staff and other subscribers to have easy access to scholarly and research material generated by members of your institution;
- provides access to a range of materials at other institutions worldwide, where your repository forms part of a global system of interoperable repositories;
- provides stable, long-term archiving of information and research output thereby preserving it for the future;

⁵¹ SPARC Institutional Repository Checklist and Resource Guide, prepared by Raym Crow, SPARC Senior Consultant, 2002, <http://www.arl.org/sparc/IR/IR_Guide.html#repository> at 14 February 2007 (hereinafter Crow, Institutional Repository Checklist).

⁵² A Case for Institutional Repositories: A SPARC Position Paper, prepared by Raym Crow, SPARC Senior Consultant, 2002, <http://www.arl.org/sparc/IR/IR_Final_Release_102.pdf> at 14 February 2007 (hereinafter Crow, A SPARC Position Paper).

⁵³ See <www.rubric.edu.au/docs/home.htm> at 20 March 2007.

- allows for information to be widely and quickly disseminated so that it achieves the highest impact (this can be contrasted with traditional publishing models which are based on restricting, through costly subscriptions, access to information);⁵⁴
- increases the academic reputation of your institution by demonstrating the quality and relevance of the research output produced by members of your institution and by increasing your institution's general visibility, which can translate into tangible benefits such as increased funding from both public and private sources; and
- facilitates greater citation of deposited articles, thereby increasing the profile of contributing authors.⁵⁵

Management frameworks surrounding digital repositories

The Accessibility Framework

In 2004, the Australian Government announced that it would establish an Accessibility Framework for Publicly Funded Research.⁵⁶ The primary goal of the

⁵⁴ See Bill Hubbard, 'SHERPA and Institutional Repositories' (2003) 16(3) *Serials* 243-247 <<http://eprints.nottingham.ac.uk/archive/00000095/01/sherpa&instrep.pdf>> at 12 January 2007 (hereinafter Hubbard, SHERPA and Institutional Repositories).

⁵⁵ Various studies have found that articles deposited in digital repositories are cited more often than articles that are published in subscription journals and not archived: Christopher Gutteridge and Stevan Harnad, *Applications, Potential Problems and a Suggested Policy for Institutional E-Print Archives* (19 August 2002) <<http://eprints.ecs.soton.ac.uk/6768/01/eprintsolicy.pdf>> at 12 January 2007 (hereinafter Gutteridge and Harnad, *Applications, Potential Problems and a Suggested Policy*); Arthur Sale, *Generic Risk Analysis – Open Access for your institution* (6 March 2006) <http://eprints.utas.edu.au/266/01/Risk_Analysis-v1.0.pdf> at 12 January 2007 (hereinafter Sale, *Generic Risk Analysis*); Stephen Pinfield, Mike Gardner and John MacColl, 'Setting up an institutional e-print archive' (2002) 31 *Ariadne* <<http://www.ariadne.ac.uk/issue31/eprint-archives/intro.html>> at 4 January 2007 (hereinafter Pinfield, Gardner and MacColl, *Setting up an institutional e-print archive*); Stevan Harnad, *Generic Rationale and Model for University Open Access Self-Archiving Mandate: Immediate-Deposit/Optional Access (ID/OA)* (2006) *Self Archiving Policy* <<http://openaccess.eprints.org/index.php?archives/71-GENERIC-RATIONALE-AND-MODEL-FOR-UNIVERSITY-OPEN-ACCESS-SELF-ARCHIVING-MANDATE.html>> at 25 September 2006 (hereinafter Harnad, *Generic Rationale and Model for University Open Access Self-Archiving Mandate*); Hubbard, SHERPA and Institutional Repositories.

⁵⁶ Australian Government Department of Education, Science and Training (DEST), 'Accessibility Framework' <http://www.dest.gov.au/sectors/research_sector/policies_issues_reviews/key_issues/accessibility_framework/default.htm> at 16 January 2007, see also Productivity Commission 2007, *Public Support for Science and Innovation*, Research Report, Productivity Commission, Canberra, 228-229, Professor

Accessibility Framework is to assist universities and publicly funded research bodies to develop and manage information infrastructure so that information and research outputs are discoverable, accessible and shareable.⁵⁷ For researchers, this means “improved access to digital repositories and research facilities and correspondingly improved mechanisms for dissemination of their research outputs.”⁵⁸

In advancing the Accessibility Framework, the Government has funded, through the Department of Education, Science and Training (DEST), a number of Systematic Infrastructure Initiative (SII) projects.⁵⁹

The SII projects include:⁶⁰

- Australian Research Repositories Online to the World (ARROW) – led by Monash University, this project aims to identify and test software solutions to best support institutional digital repositories;⁶¹
- IMS Australia – based at Macquarie University, IMS aims to keep Australia abreast of key international developments in technology standards applicable to repositories;⁶²
- Meta Access Management System (MAMS) – led by Macquarie University, this project helps to develop technical services (metadata searching and authentication) to enhance research dissemination, especially through sophisticated access control mechanisms so that there can be different levels of access to a repository and not just an everyone or no one dichotomy of access;⁶³
- Australian Partnership for Sustainable Repositories (APSR) – led by the Australia National University (ANU), this establishes a centre of excellence for the management of digital collections;⁶⁴

Brian Fitzgerald, ‘Building Blocks for the Australian Accessibility Framework’, *Campus Review*, 30 January 2007.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ See Australian Government Department of Education, Science and Training (DEST), ‘Accessibility Framework’

<http://www.dest.gov.au/sectors/research_sector/policies_issues_reviews/key_issues/accessibility_framework/default.htm> at 16 January 2007.

⁶⁰ There are currently 60 SII-funded projects. For the full list, see

<http://www.dest.gov.au/sectors/higher_education/programmes_funding/programme_categories/research_related_opportunities/systemic_infrastructure_initiative/sii_funded_projects.htm> at 14 February 2007.

⁶¹ The ARROW Project is discussed throughout this document, see in particular [6.0](#). Also see

<<http://www.arrow.edu.au/>>.

⁶² IMA Australia is part of a global consortium, see <<http://www.imsglobal.org/resources.html>> at 14 February 2007.

⁶³ For further discussion of the MAMS project see 3.2 Also see

<<http://www.melcoe.mq.edu.au/projects/MAMS/>>.

⁶⁴ For more information see: <<http://www.apsr.edu.au/>>.

- Molecular Medicine Informatics Model (MMIM) – developed at the University of Melbourne, MMIM enables medical researchers to link and map records, tissue banks, images, clinical data and genetic data across common diseases;⁶⁵
- Middleware Action Plan and Strategy (MAPS) – established at the University of Queensland, this project identifies software and services (middleware) that are currently being used in Australia to link applications across a range of resources on networks and computer systems in Australian universities;⁶⁶
- Dataset Acquisition, Accessibility and Annotation e-Research Technology Project (DART) – led by Monash University, the DART project seeks to provide tools and database solutions to deal with the life cycle of research, from data through to publication;⁶⁷
- Bluenet – established at the University of Tasmania, Bluenet is the Australian Marine Science Data Network, which links data repositories and marine resources that currently reside in individual academic and government institutions;⁶⁸
- Australian Digital Thesis Program Expansion and Redevelopment (ADT) – led by the University of New South Wales, this project creates a national collaborative database of digital theses;⁶⁹
- Joint Academic Scholarships On-line Network (JASON) – hosted by the University of Melbourne in association with a number of other universities, JASON is a database on postgraduate scholarships to study at an Australian institution, to study overseas as part of an Australian degree;⁷⁰
- Open Access to Knowledge (OAK) Law Project – hosted by Queensland University of Technology (QUT), the OAK Law Project is developing legal protocols for managing copyright issues in an open access environment;⁷¹ and
- Legal Framework for e-Research Project – also hosted by QUT, this project extends the OAK Law project to develop a framework for understanding how e-Research legal issues can be managed, structured and reformed to facilitate collaboration.⁷²

⁶⁵ See <<http://mmim.ssg.org.au/>> at 14 February 2007.

⁶⁶ See <<http://www.middleware.edu.au/>> at 14 February 2007.

⁶⁷ See <<http://dart.edu.au/>> at 14 February 2007.

⁶⁸ See <<http://www.bluenet.org.au/>> at 14 February 2007.

⁶⁹ For more information see: <<http://www.anu.edu/caul/adt/adt2006-2009businessplan.doc>> The deposit of digital theses is not extensively covered in this guide.

⁷⁰ See <<http://www.jason.edu.au/>> at 14 February 2007.

⁷¹ See <<http://www.oaklaw.qut.edu.au>> at 26 March 2007

⁷² See <<http://www.e-research.law.qut.edu.au>> at 26 March 2007

The Research Quality Framework

The Research Quality Framework (RQF) is a federal government initiative designed to ensure that government funding is being distributed to research of the highest quality and research that will benefit the wider community.⁷³

In assessing research under the RQF, two factors are taken into account:

- Research Quality – the quality of original research including its intrinsic merit and academic impact; and
- Research Impact – the social, economic, environmental, and/or cultural benefit of research to end-users in the wider community regionally, nationally and/or internationally.⁷⁴

Both Research Quality and Research Impact are assessed on a five point scale. A dual rating system recognises that while both research impact and excellence in research are important, they do not necessarily occur simultaneously in all research projects and institutions.⁷⁵ Research may be of high quality but have little impact in the wider community, or conversely may have an enormous impact even though the quality of the research paper is not rated particularly high. Quality of a research paper is judged according to a number of factors, including the impact of the journal in which the paper is published. Small or new journals may not have acquired a high impact rating yet, which may result in their papers being rated at a lower quality.⁷⁶ The RQF recognises this possibility, but also rewards research that rate highly on both scales.

Interestingly, studies show that articles that have been deposited in digital repositories are downloaded and cited twice as much as articles that are not deposited in digital repositories,⁷⁷ thereby increasing the impact of that article on the general and academic communities.

Who else has a digital repository?

Many universities throughout Australia have already established digital repositories (see below). This follows an international institutional repository movement, particularly in the UK and the USA. One of the more notable university repositories is the DSpace Repository at the Massachusetts Institute of Technology (MIT), which

⁷³ Australian Government Department of Education, Science and Training (DEST), 'The Research Quality Framework' <<http://www.dest.gov.au/NR/rdonlyres/2C544F63-8BFC-48DF-9BE6-C0C47867F64E/14984/RQF.pdf>> at 19 January 2007.

⁷⁴ Australian Government Department of Education, Science and Training (DEST), *Research Quality Framework: Assessing the quality and impact of research in Australia*, 'The Recommended RQF' (October 2006) <http://www.dest.gov.au/NR/rdonlyres/7E5FDEBD-3663-4144-8FBE-AE5E6EE47D29/14867/Recommended_RQF_Dec2006.pdf> at 19 January 2006.

⁷⁵ Australian Government Australian Research Council (ARC), 'Research Quality Framework: Response to the Preferred Model' (October 2005) <http://www.arc.gov.au/pdf/ARC_response_to_PREFERRED_Model_051005.pdf> at 19 January 2007, 11.

⁷⁶ The exception in PLoS, which despite being a relatively new open access publisher nonetheless has a high impact rating.

⁷⁷ See for example, Harnad, *Maximising Research Impact Through Institutional and National Open-Access Self-Archiving Mandates*.

stores, indexes, preserves and distributes digital research material.⁷⁸ DSpace repository software was released by MIT in 2002, and is now also used by Cornell University in America and by the University of Technology Sydney in Australia. Another popular repository software program is Eprints, which was created in 2000. Eprints is free, open source software that aims to help institutions generate open access repositories. Eprints is used by Oxford University in England, and in Australia by QUT, the University of Melbourne, the University of Queensland, the University of Tasmania, Victoria University, University of Southern Queensland, and James Cook University.

Most recently, the Australian Research Repositories Online to the World (ARROW) project is developing and testing new software to assist institutions to more easily set up and manage institutional repositories.⁷⁹ The project is funded by the Department of Education Science and Training, and once complete will offer software that enables “more creative uses of repositories and more flexible ways in which repositories integrate with other knowledge management tools.”⁸⁰ The ARROW consortium comprises of Monash University, National Library of Australia, the University of New South Wales, Swinburne University of Technology and University of Southern Queensland.⁸¹ ARROW Community members are Queensland University of Technology, Central Queensland University, University of South Australia, University of Western Sydney and La Trobe University.⁸²

⁷⁸ See <<https://dspace.mit.edu/>> at 12 January 2007.

⁷⁹ See <<http://www.arrow.edu.au/docs/files/ARROW%20project.pdf>> at 2.

⁸⁰ <<http://www.arrow.edu.au/about/>>.

⁸¹ <<http://www.arrow.edu.au/>>.

⁸² <<http://www.arrow.edu.au/>>.

1.3 Open access policies for digital repositories

Why have an open access policy?

When setting up your digital repository, it is important to have an open access policy.

This policy will:

- establish the scope of materials that may be placed in your repository, and what conditions will attach to them;
- set out your obligations in managing and maintaining the repository;
- ensure authors understand the purpose of the repository, and their rights in relation to it (e.g. deposit of material does not transfer copyright to the repository); and
- inform end-users about how to use the repository, and how they may deal with the material accessed in the repository.

An open access policy will be most effective at an institutional level. If there is any resistance or delay in establishing an institutional-wide open access policy, particularly a mandatory open access policy (see 3.1 Deposit Requirements), you may be able to implement open access policies at departmental levels, which could later be brought together to form a wider policy at the institutional level. This approach has been termed the “Patchwork Mandate” by Arthur Sale.⁸³

Are other institutions already using open access policies?

In late 2006 and early 2007, an analysis was undertaken by the OAK Law Project into Australian universities with digital repositories and open access policies. The universities found to have digital repositories, as at 13 March 2007, were:

⁸³ For more on this, see Arthur Sale, *The Patchwork Mandate* (Jan/Feb 2007) *D-Lib Magazine* 13(1/2) at <http://eprints.utas.edu.au/410/02/The_Patchwork_Mandate.pdf> at 14 March 2007 (hereinafter Sale, *The Patchwork Mandate*).

- Australian National University (ANU);⁸⁴
- Bond University;⁸⁵
- Central Queensland University;⁸⁶
- Curtin University;⁸⁷
- Flinders University;⁸⁸
- James Cook University;⁸⁹
- Monash University;⁹⁰
- Queensland University of Technology (QUT);⁹¹
- Southern Cross University;⁹²
- Swinburne University;⁹³
- University of Adelaide;⁹⁴
- University of Melbourne;⁹⁵
- University of New South Wales;⁹⁶
- University of Queensland (UQ);⁹⁷
- University of Southern Queensland (USQ);⁹⁸
- University of Sydney;⁹⁹

⁸⁴ Australian National University (ANU) Eprint Repository principles
<<http://eprints.anu.edu.au/information.html>> at 2 October 2006.

⁸⁵ Bond University e-publications repository <<http://epublications.bond.edu.au/>> at 31 January 2007.

⁸⁶ Central Queensland University Institutional Repository Policy
<<http://policy.cqu.edu.au/Policy/policy.jsp?policyid=679>> at 1 February 2007.

⁸⁷ Curtin University espace@Curtin server principles
<<http://library.curtin.edu.au/espaces/faqabridged.html>> at 9 October 2006.

⁸⁸ Flinders Academic Commons <<http://www.lib.flinders.edu.au/~dspace/faq.html>> at 31 January 2007.

⁸⁹ JCU ePrints <<http://eprints.jcu.edu.au/researchpapers.html>> at 31 January 2007.

⁹⁰ Monash University ARROW Repository guide
<<http://arrowprod.lib.monash.edu.au:8000/access/about.php>> at 2 October 2006.

⁹¹ Queensland University of Technology (QUT) E-print repository for research output policy
<http://www.mopp.qut.edu.au/F/F_01_03.html> at 11 September 2006.

⁹² Southern Cross University e-publications <<http://epubs.scu.edu.au/>> at 31 January 2007.

⁹³ Swinburne Research Bank <<http://researchbank.swinburne.edu.au/access/about.php?>> at 31 January 2007.

⁹⁴ University of Adelaide Digital Library <<http://digital.library.adelaide.edu.au/dspace/faq/faq.jsp>> at 31 January 2007.

⁹⁵ University of Melbourne E-print Repository Collection Policy
<<http://www.lib.unimelb.edu.au/eprints/collectionpolicy.htm>> at 2 October 2006.

⁹⁶ University of New South Wales ARROW Repository Policy <<http://arrow.unsw.edu.au/policy.html>> at 31 January 2007.

⁹⁷ University of Queensland (UQ) ePrint Archive policy
<<http://www.library.uq.edu.au/database/efaq.html>> at 2 October 2006.

⁹⁸ University of Southern Queensland (USQ) ePrints Collection Development Policy
<<http://www.usq.edu.au/eprints/policies/collpol/eprints.htm>> at 2 October 2006.

- University of Tasmania;¹⁰⁰
- University of Technology Sydney;¹⁰¹
- University of Wollongong;¹⁰² and
- Victoria University.¹⁰³

Some of the policies used by these repositories are still being developed and improved, but they are a good indication of how open access principles are being applied in the Australian education and research sector. Information derived from the OAK Law Project analysis is included in this guide to demonstrate what kinds of open access policies have been implemented to date and how effectively they operate in practice. Additionally, a brief summary of the open access policies of each of these institutions is included at the conclusion of this report, in Appendix One.

⁹⁹ Sydney eScholarship Repository policy <<http://setis.library.usyd.edu.au/ses/roles.html>> and <<http://setis.library.usyd.edu.au/ses/faq.html>> at 31 January 2007.

¹⁰⁰ University of Tasmania ePrints <<http://www.eprints.org/openaccess/policysignup/fullinfo.php?inst=University%20of%20Tasmania>> at 2 October 2006 and <<http://www.utas.edu.au/copyright/eprints/faq.html>> at 12 January 2007.

¹⁰¹ University of Technology Sydney e-Press Institutional Repository <<http://epress.lib.uts.edu.au/dspace/>> at 31 January 2007 .

¹⁰² University of Wollongong Research Online <<http://ro.uow.edu.au/about.html>> at 31 January 2007.

¹⁰³ Victoria University Policy: E-print Repository for the Research Output of Victoria University Staff and Students <<http://wcf.vu.edu.au/GovernancePolicy/PDF/POI041116000.PDF>> at 31 January 2007.

1.4 Using this guide

Your open access policy should be comprehensive, but clear and easy for both authors and end-users to understand. This guide will help you to construct your open access policy, and will outline the information that should be contained therein.

This guide is designed to be easy to use. It will explain the terms frequently used in relation to open access information, and will help you to determine the scope of open access that your repository will provide. It will also help you to define the extent of your obligations in relation to the repository.

Proceed through the guide step-by-step. At each step, consider what is best for your particular institution. The boxes next to each option can be ticked to record and track your choices, so that essentially this guide can be used as a checklist to help you formulate an open access policy that covers all necessary issues. Where appropriate, examples of the policy choices made by other Australian universities have been included for comparison.

2.0 Depositors

Consider: Who can deposit in your repository?

<input type="checkbox"/>	Staff
<input type="checkbox"/>	Students
<input type="checkbox"/>	Postgraduate
<input type="checkbox"/>	Research
<input type="checkbox"/>	All
<input type="checkbox"/>	Research scholars
<input type="checkbox"/>	Other creators/authors affiliated with the university (e.g. visiting academics)

Open access policies will almost always apply to staff. All university policies analysed by the OAK Law Project were expressed to apply to staff members. The authority to require (or strongly encourage) staff to deposit their work into the repository will usually arise from the terms of the staff member's employment.

You should also decide whether or not you wish your policy to apply to students. Many institutions apply their policies to postgraduate students only. However, Curtin University's policy applies to undergraduate students if the student is working with academic staff on specific research or publications, and Swinburne's policy applies to students within a Swinburne research centre. The University of New South Wales, James Cook University and ANU apply their policies to students generally.

It is not uncommon to allow visiting or adjunct academic staff to deposit material in the repository. Monash University, Bond University, Central Queensland University, University of Melbourne, Swinburne University of Technology, University of New South Wales, ANU and Curtin University all allow submission by authors and creators affiliated with the university, such as visiting academics.

Things to consider when deciding who should be allowed to deposit in your repository include:

- how strongly you would like the depositor to be connected with your institution; and

- the kind of material you would like in your repository. For example, would you like theses to be deposited? If so, the open access policy will need to apply to postgraduate students.¹⁰⁴

You may also like to have different deposit requirements for different groups of depositors. For example, you might make it mandatory for staff to deposit research articles, but only voluntary for postgraduate students or adjunct academics to deposit research articles. This may be an administration issue depending on your institution's capacity to enforce mandatory deposit requirements against larger groups of depositors. The interplay between compulsory and voluntary deposits is considered in more detail at 3.1_{below}.

¹⁰⁴ PhD and Masters by Research theses may be contained in a separate repository specifically for electronic theses and dissertations – for more on this OAK Law Report, Chapter 6.

3.0 Material

Consider: What material can be deposited in your repository?

- Books and chapters in books
- Research papers
- Journal articles
- Magazine articles
- Newspaper articles
- Conference papers
- Working papers
- Data sets
- Theses¹⁰⁵
- Technical reports
- Teaching materials
- Published patents
- Unpublished literary work, or artistic work if accompanied by text
- Drafts of work, if there is substantial content in the draft not contained in the final version
- Dissertations forming part of a coursework Masters or Doctorate degree
- Research reports forming a substantial part of an undergraduate degree, if agreed to by the Dean of Faculty
- Multimedia objects
- Computer programs

What material is usually deposited in institutional repositories?

All of the Australian universities with existing open access policies request (with QUT mandating and the University of Tasmania in the process of mandating) the deposit of journal articles, research papers and theses (although theses are usually deposited into a separate ADT repository). Most allow deposit of books and book chapters, conference papers, working papers, data sets and technical reports. Less

¹⁰⁵ Ibid.

common are open access policies that provide for teaching materials, creative works and computer programs. In fact, computer programs can only be archived at Curtin University if written permission is obtained from the university.

3.1 Deposit requirements

Mandatory and voluntary deposits

Consider: Will deposit in the digital repository be mandatory or voluntary?

This is relevant, because if deposit is to be mandatory for some or all material or for some depositors, it is important that you inform academics of the extent to which they *must* deposit their work.

You can:

- Impose compulsory deposit requirements on staff, and allow students and others (e.g. visiting academics) to deposit voluntarily; or
- Impose compulsory deposit requirements on some material (e.g. theses) but not other material (e.g. data set deposits may be optional); or
- Make deposit of material into the repository completely voluntary for all staff and students to whom the policy applies.

Studies undertaken by Arthur Sale, a leading open access advocate at the University of Tasmania, indicate that a mandatory deposit policy works better than a voluntary deposit policy.¹⁰⁶ This is because authors are generally willing to comply with a requirement to deposit, resulting in a high level of content in the repository.¹⁰⁷ In fact, a survey undertaken by the Joint Information Systems Committee (JISC)¹⁰⁸ in the UK found that 95% of authors would comply willingly (as opposed to comply reluctantly or not comply) with a self-archiving mandate. Usually, a mandatory policy in itself will be enough to compel co-operation, and there is no need to impose penalties for non-compliance.¹⁰⁹

¹⁰⁶ Arthur Sale, 'Comparison of content policies for institutional repositories in Australia' (2006) 11(4) *First Monday* <http://firstmonday.org/issues/issue11_4/sale/index.html> at 25 September 2006 (hereinafter Sale, Comparison of content policies for institutional repositories in Australia); Sale, *Generic Risk Analysis*; Sale, *The Patchwork Mandate*. See also Harnad, *Generic Rationale and Model for University Open Access Self-Archiving Mandate*.

¹⁰⁷ Sale, Comparison of content policies for institutional repositories in Australia; Sale, The acquisition of open access research articles; Sale, *The Patchwork Mandate*.

¹⁰⁸ JISC was established in April 1993 and aims to provide world-class leadership in the innovative use of Information and Communication Technology to support education and research. For more information, see <www.jisc.ac.uk>.

¹⁰⁹ Sale, *The Patchwork Mandate*.

At QUT, a mandatory deposit policy applying to staff and post-graduate students has been in place since 1 January 2004.¹¹⁰ The policy commenced when QUT's ePrint repository was established, so no comparison can be made at QUT alone between the effect of a mandatory policy and the effect of a voluntary policy. However, by examining the impact of deposit policies at various universities around Australia, Arthur Sale determined that "[b]efore a mandatory deposit policy is established, documents dribble in to the repository even many years after the date of publication. [Yet] [o]nce a mandatory policy is established, the pattern changes dramatically, and deposit occurs around the date of publication."¹¹¹ Voluntary deposit policies do not result in significant levels of content in the repository - usually only 10-20% of the available research output.¹¹² In contrast, mandatory policies result in content rates that are much higher.¹¹³ At QUT, close to 50% of all research content produced by QUT in 2005 had been deposited in the repository by the years end.¹¹⁴ The number of deposits is expected to grow each year, until close to 100% of research output is retained.

If you do not wish to implement a mandatory deposit policy, it is advisable to conduct extensive advocacy campaigns to make academics aware of your repository and the benefits of depositing.¹¹⁵ Publicising your repository will result in more content being deposited and will remind authors to deposit their work sooner rather than later.¹¹⁶

Full text deposits

Consider: Will you require the full text of the material to be deposited?

Some repositories are limited to full text material only. However, other repositories are not so restricted, and also contain abstracts of material. While full text should generally be preferred, the deposit of an abstract may be useful where copyright has been assigned to a publisher who will not permit the author to self-archive.

Where a publisher will not permit self-archiving, an author may:

- (a) post to the repository the bibliographic details of their article so that it may be catalogued, notwithstanding the full text is not available; or
- (b) post both the bibliographic details of their article and a short abstract.

¹¹⁰ QUT ePrint repository policy <http://www.mopp.qut.edu.au/F/F_01_03.html> at 10 January 2007.

¹¹¹ Sale, The acquisition of open access research articles.

¹¹² Sale, Comparison of content policies for institutional repositories in Australia; Sale, The acquisition of open access research articles; Sale, *The Patchwork Mandate*; Sale, *Generic Risk Analysis*; Harnad, *Generic Rationale and Model for University Open Access Self-Archiving Mandate*.

¹¹³ Sale, The acquisition of open access research articles.

¹¹⁴ Statistic obtained from Paula Callan, QUT's eResearch Access Coordinator.

¹¹⁵ See 7.0 Advocacy.

¹¹⁶ Sale, The acquisition of open access research articles.

The bibliographic details include the title of the article, the name of the author, the date of publication etc. In digital repository terminology, those details are known as “metadata”. Metadata enables a record to be kept of university output. It can also be made available to search engines, which increases the visibility of the article. Finally, metadata allows the author to construct a publication list of their own work.¹¹⁷ Where a publisher has imposed an embargo period between the date of publication and the date when the material may become available as open access, metadata and/or an abstract can be included from the date of publication, with the material itself becoming available at the conclusion of the embargo period.

Deposit of full text may be mandatory for some material and only optional for others. There may even be different combinations of mandatory and optional deposit requirements for one type of material.

Example: journal article

Option 1

- Mandatory to deposit the full text of the article

Option 2

- Mandatory to deposit the abstract
- Optional to deposit the full text

Option 3

- Optional to deposit either the abstract or the full text

At this stage, it may be useful to consider the following flowchart, in relation to each type of material that you intend to be deposited in the digital repository:

Material:

- Abstract
 - Mandatory
 - Optional
- Full text
 - Mandatory
 - Optional

¹¹⁷ Gutteridge and Harnad, above n49; Stephen Pinfield, Mike Gardner and John MacColl, above n49; Raym Crow (2002) The Case for Institutional Repositories: A SPARC Position Paper. Washington: SPARC (The Scholarly Publishing & Academic Resources Coalition) <http://www.arl.org/sparc/IR/IR_Final_Release_102.pdf> at 12 January 2007.

3.2 Metadata

Metadata is the information that describes the material deposited in your repository. For example, metadata includes such details as the name of the article deposited and the name of the author of the article. Usually, metadata will be entered into the repository at the time of deposit.

Standardised metadata is important because it enables end users to easily and effectively search, find and retrieve information from the repository.¹¹⁸ For example, an end user should be able to conduct a search for “Smith” and retrieve any articles written by authors with the name of Smith. What is searched is the metadata describing the content of the repository, not the actual content itself (because this would take too long).

Ideally, a repository should be interoperable with multiple search engines and discovery tools.¹¹⁹ This would allow different end users to search different databases and still locate material in your repository. Making your repository interoperable increases its visibility and results in a greater number of citations of material in your repository.¹²⁰

The Open Archives Initiative (OAI) is a committee dedicated to promoting interoperability between digital repositories.¹²¹ It has developed the OAI Metadata Harvesting Protocol, which “creates the potential for interoperability between e-print archives by enabling metadata from a number of archives to be harvested and collected together in a searchable database.”¹²² The OAI Protocol requires repositories to include metadata fields employed in the ‘unqualified Dublin Core metadata’.¹²³ The Dublin Core Metadata Initiative (DCMI) is an organisation that encourages the widespread adoption of interoperable metadata standards.¹²⁴

The unqualified Dublin Core metadata are:

- Title of the article/material;
- Creator – the name(s) of the author/s;
- Subject matter of the material;

¹¹⁸ Pinfield, Gardner and MacColl, Setting up an institutional e-print archive.

¹¹⁹ Crow, Institutional Repository Checklist.

¹²⁰ Gutteridge and Harnad, *Applications, Potential Problems and a Suggested Policy*; Sale, *Generic Risk Analysis*; Pinfield, Gardner and MacColl, Setting up an institutional e-print archive; Harnad, *Generic Rationale and Model for University Open Access Self-Archiving Mandate*; Hubbard, SHERPA and Institutional Repositories.

¹²¹ See <<http://www.openarchives.org>>.

¹²² Pinfield, Gardner and MacColl, Setting up an institutional e-print archive.

¹²³ See <<http://dublincore.org/documents/dces>>.

¹²⁴ See <<http://dublincore.org/about>>.

- Description of the content of the material;
- Publisher;
- Contributor – a person or corporate contributor to the material’s content;
- Date that the material was created, modified or made available;
- Type – the nature or genre of the material’s content;
- Format in which the material appears;
- Identifier – an unambiguous reference to the material within a given context. Usually material is identified by a string or number conforming to a formal identification system, for example, the International Standard Book Number (ISBN);
- Source – a reference to a resource from which the material is derived;
- Language (if the material is written in a foreign language, then metadata may appear both in English and in that foreign language. The eprints software supports multilingual metadata);
- Relation – a reference to a related resource;
- Coverage – the extent or scope of the content of the material, typically a spatial location, temporal period, or jurisdiction;
- Rights – information about the rights held in and over the material, including intellectual property rights, copyright etc. This information may include whether or not the resource is Creative Commons licensed.¹²⁵

Metadata is not limited to these baseline requirements. A repository may impose additional metadata fields, such as whether the material has been peer reviewed, whether the full text of the material is available, and the status of the material (published, in press, or unpublished).

Eprints, DSpace and ARROW repository software is OAI-compliant. When installing the software, you will need to configure the metadata formats and customise the user interface. This is simple to do initially, but is more complex to alter once you have started to upload material.¹²⁶ Therefore, you should ensure that you are satisfied with the metadata formats selected before you upload too many documents.¹²⁷

¹²⁵ See 5.2.2.

¹²⁶ Pinfield, Gardner and MacColl, Setting up an institutional e-print archive.

¹²⁷ Ibid.

It is important that metadata is entered correctly into the repository, otherwise the resource that the metadata is supposed to be describing will not be found by users in a search. Unfortunately, academic authors are often reluctant to provide high-quality metadata, because the process of entering metadata can be mundane and time-consuming.¹²⁸ It may, therefore, be necessary for the repository manager or another staff member to check the quality of metadata when it is entered, to ensure that it is sufficiently detailed and accurate. The Eprints software contains a metadata review and approval process, whereby a system administrator must approve an item before it will become accessible. The administrator can accept, edit or reject a submission at this stage.¹²⁹

You should also make contributing authors aware that it is essential for them to enter accurate metadata so that their work can be easily found and accessed by end-users.

¹²⁸ Markland, M. and Brophy, P (2005) SHERPA Project Evaluation, Final Report. Manchester: CERLIM (Centre for Research in Library & Information Management)
<http://www.sherpa.ac.uk/documents/SHERPA_Evaluation.pdf> (hereinafter Markland and Brophy, SHERPA Project Evaluation Final Report).

¹²⁹ Pinfield, Gardner and MacColl, Setting up an institutional e-print archive.

3.3 Conditions about material quality

Pre-prints and post-prints

If you have accessed the open access policies of other established repositories, especially in the UK, you may have noticed that they distinguish between material at the ‘pre-print’ stage and material at the ‘post-print’ stage.

A pre-print is the version of an academic paper which is submitted by an author for peer review.¹³⁰ A post-print is the final version of an academic paper, incorporating the revisions made as a result of the peer review process or as accepted for publication if no changes were made.¹³¹

Some repositories allow both pre-prints and post-prints to be deposited, while others prefer post-prints only. Essentially, this is an issue of quality control. The process of peer review allows other experts in the field the opportunity to find and correct any mistakes in an article, thus ensuring authors meet the standards of their discipline. For academics using the repository to determine what prior research has been conducted on a particular topic, peer review provides a level of assurance that the material accessed is accurate.

This does not mean that pre-prints should not be allowed in your repository. However, if you do allow pre-prints to be deposited, you should inform the end user that the material that they are accessing has not been peer-reviewed. This information can be provided in a metadata field.¹³²

Important copyright issues arise in relation to the classification of material as a pre-print or a post-print. Some sources will tell you that if permission has been denied by the copyright owner of a post-print for the post-print to be archived, then the pre-print of that article can be archived instead and copyright will not be infringed. This is not the correct position, unless:

- (a) the pre-print is not substantially similar to the post-print such that it will not constitute a copyright infringement; or
- (b) permission has been given by the copyright owner for the pre-print to be deposited.

The reasons why the deposit of a pre-print may infringe the copyright in a post-print are explained at 4.1.1, below.

Format of material

You may wish to impose conditions about the format of the material deposited in the repository. These conditions may be imposed if you want all the content in the repository to be consistent, or to ensure that material is provided in only high quality,

¹³⁰ See <<http://eprints.qut.edu.au/faq.html>> accessed at 25 September 2006.

¹³¹ Ibid.

¹³² Discussed at 3.2.

easily readable formats. Some repositories allow material in a number of formats, including PDF, Microsoft Word and HTML, whereas other repositories will be more restrictive. PDF is the preferred format for reading most documents, but many authors will not have access to the required software to convert their files to PDF themselves.¹³³ In these situations, it will be necessary to have staff who can help authors to convert their documents into PDF format. Some universities, such as the University of Adelaide and Victoria University, provide instructions and tools on their websites to help authors convert their documents to PDF format.¹³⁴ Others, like QUT, allow authors to deposit their article in any format (most commonly authors will deposit Microsoft Word documents) and library staff then convert the file to PDF format for the author.

Repositories will usually acquire from authors the right to alter the format of deposited work for the purposes of the repository.¹³⁵ Thus, even if an author deposits work in an unacceptable format, the repository can convert the material into the correct format so that it can nonetheless be included in the repository.

The Integrated Content Environment for Research and Scholarship (ICE-RS) project at the University of Southern Queensland is developing systems and processes to enable documents to be stored and accessed in multiple formats, including HTML (which allows users to skim and sample content more easily) and PDF (which can be configured to make reading long documents a “more comfortable experience”).¹³⁶ “ICE...gives every author access to PDF creation software and automatically produces HTML documents, reducing the need for re-processing of documents by web teams.”¹³⁷

¹³³ See e.g. Crow, Institutional Repository Checklist.

¹³⁴ See <<http://digital.library.adelaide.edu.au/dspace/faq/faq.jsp>> and <<http://eprints.vu.edu.au/guidelines.html>> at 31 January 2007.

¹³⁵ See Repository Deposit Licences at 4.2.

¹³⁶ ICE-RS <http://ice.usq.edu.au/introduction/ice_rs.pdf> at 2 February 2007, p5.

¹³⁷ ICE-RS <http://ice.usq.edu.au/introduction/ice_rs.pdf> at 2 February 2007, p6.

3.4 Other conditions

You might wish to impose other conditions on the deposit of material.

These can include:

- All material deposited must have a relationship with the institution
- Material intended for commercialisation should not be deposited
- Material containing confidential information should not be deposited
- Material that would infringe a legal obligation of the author or the institution, or that would infringe a legal right of a third party should not be deposited
- Material that is restricted due to cultural sensitivity should not be deposited
- Material in languages other than English may be deposited
- If the author wishes to post their material on their own website, they should place a link on their homepage to the repository

Generally, the first condition above will be inherent in parts of the policy relating to who may deposit and what materials may be deposited. However, you may also expressly state this condition if you wish.

QUT, Swinburne University, University of Wollongong, University of New South Wales, University of Victoria, James Cook University and Monash University all include the above conditions two, three and four in their open access policies. Conditions three and four are particularly important in ensuring legal obligations are not breached. The USQ policy states that material that is confidential or restricted due to cultural sensitivity should not be included in the repository.

Monash University, Curtin University and QUT policies also contain the final condition above. This condition ensures that visitors to the author's website access the correct version of the material, and also serves to raise awareness about the university's repository.

ANU is the only university of those examined by the OAK Law Project that expressly accepts material in any language.

Overview: the content deposit process¹³⁸

- 1) Author submits material to the repository and completes the relevant metadata to describe the material.
- 2) At the time of submission, the author must provide a permission agreement (Repository Deposit Licence) that grants the repository the necessary rights to make the material available to end users. (This is covered at 4.2).
- 3) Repository should check that:
 - a. the author is an approved depositor;
 - b. the material is of a kind that can be deposited;
 - c. the material is in the correct format;
 - d. deposit of the material does not infringe copyright;¹³⁹
 - e. the metadata entered is correct; and
 - f. all other conditions have been met (e.g. the repository may require the material to have been peer reviewed).
- 4) The repository may:
 - a. accept the material without changes;
 - b. make any changes necessary to fulfil deposit requirements and accept the material (e.g. the repository may convert the format of the material, or may amend incorrect metadata);
 - c. inform the author that the material must be corrected and resubmitted (and is otherwise rejected); or
 - d. reject the material as inappropriate and delete it from the repository (e.g. if the author is not authorised to deposit).
- 5) Once the material is accepted, it is assigned a unique identifier and a persistent URL to ensure its perpetual availability.

¹³⁸ Based on and developed in accordance with the SPARC Institutional Repository Checklist & Resource Guide, p31-32: Crow, Institutional Repository Checklist.

¹³⁹ See 4.0 generally.

4.0 Repository – Depositor Relationship

4.1 Copyright issues

What is copyright?

Copyright is a collection of legal rights that attach to an original work when it is created. Copyright allows the copyright owner to control certain acts to do with their material (e.g. copying) and to prevent others from using the protected material without permission.

Copyright ownership

The basic principle of copyright ownership is that the first owner of copyright in a work will be the author of the work. However, copyright can be assigned, and many publishers will require an author to assign copyright to them before they will publish a work. If the work has been created by an employee in the course of their employment, the employing institution may take copyright in the work instead of the employee. For work generated by staff and students, you may need to refer to your institution's Intellectual Property Policy to determine whether the author or the institution owns copyright. Where the institution is the copyright owner of the material, it will be easier to mandate deposit of material in your institution's digital repository, as there will be no issues with obtaining permission from publishers or other copyright owners.

Copyright conditions in your open access policy

Your open access policy should provide that a depositor must own copyright in the work being submitted to the repository, or must have permission from the copyright owner to deposit. Any mandatory deposit requirements will be subject to this rule.

Obtaining permission

An author who is not the copyright owner will need to have the copyright owner's permission to deposit their material in the repository. Usually, the copyright owner will be the publisher of the work, where the publishing agreement assigns copyright to the publisher. It is important to check the publishing agreement carefully, because some agreements will contain terms expressly permitting an author to self-archive their work. A publisher may also indicate on their website whether or not they will allow authors to self-archive their work. It is a good idea to confirm with the publisher any policy statements made on their website in this regard. The SHERPA List and the forthcoming OAK List provide a directory of the copyright and self-archiving policies of journal publishers in the UK, USA and Australia.

Where the publishing agreement and the publisher's website are silent about self-archiving, it will be necessary for authors to obtain an express permission from the publisher by specifically requesting permission to deposit their work in the digital repository. A safe form of express permission is a licence allowing the author to make their work available in an open access digital repository. An author may also attach an author's addendum to their publishing agreement, to include terms allowing self-archiving in the agreement. This is discussed in more detail at 4.2.1 Power to enter into a Repository Deposit Licence.

Restrictions

If the depositor does not own copyright, or does not have permission to deposit, you can impose the following restrictions:

- Material cannot be deposited at all; or
- Material cannot be deposited in full; or
- Material should still be deposited, but access will be restricted.

Monash University, ANU, Victoria University, Swinburne University, Flinders University and University of Melbourne all have open access policies that provide that material cannot be deposited at all unless the depositor owns copyright or permission is obtained from the copyright owner (usually the publisher). The policies at USQ and Curtin University state that the material cannot be deposited in full unless the depositor owns copyright or has permission to deposit. Where material is not deposited in full, this may mean that only the abstract or the metadata of the material is deposited.¹⁴⁰

Where a publisher will not allow material to be openly accessible, they may still allow deposit of it into a repository if access is restricted. This will depend upon the wording of the publishing agreement. The most common scenario is where the publisher will allow open access eventually, after an embargo period. An embargo period is a period during which the publisher prohibits open access, but after which an author may self-archive. The most common length of time for an embargo period is six months, although some publishers will insist upon one year.¹⁴¹ Where an embargo period is imposed, an author may be permitted to deposit the work, but have access blocked to all but the metadata.¹⁴² Authors are usually more keen to deposit their work soon after they have written it or soon after publication.¹⁴³ However, by the

¹⁴⁰ For more information, see 3.1 and 3.2.

¹⁴¹ Sale, *The acquisition of open access research articles*; see, for example, the Exclusive Licence Form of Blackwell Publishing, which impose an embargo period of 12 months (<<http://mc.manuscriptcentral.com/societyimages/avj/AVJ-ELF-06.pdf>> at 12 January 2007).

¹⁴² Sale, *Generic Risk Analysis*; Harnad, *Generic Rationale and Model for University Open Access Self-Archiving Mandate*.

¹⁴³ *Ibid.*

time an embargo period has passed they may have lost interest in depositing their work.¹⁴⁴ If authors can deposit their work immediately upon completion, but have access restricted until after the embargo period, then they can be sure that they are not breaching the publisher's agreement. Authors will also be satisfied that the repository can automatically make their work publicly available at the end of the embargo period, without the author needing to do anything further. This increases the likelihood of articles actually being placed in the repository.

¹⁴⁴ Ibid.

4.1.1 Pre-prints and post-prints: clarifying the issues¹⁴⁵

Some commentators suggest that where:

- copyright in a post-print has been assigned to a publisher; and
- the publisher has refused to give the author permission to deposit their work in the repository;

the author may deposit the pre-print of the article without the publisher's permission.

This position is based on the assumption that copyright has been assigned in the post-print only, and the pre-print is a completely different article in which the author retains copyright and can deal with as they like.

This is not correct.¹⁴⁶

When the publisher takes copyright in the post-print, they take the exclusive right to reproduce and communicate the material or to allow someone else to reproduce/communicate it. If someone reproduces or communicates the material without the publisher's permission, this will be a copyright infringement and monetary penalties may be imposed.

What is a reproduction?

There will be a reproduction of the copyrighted work where there is "objective similarity between an alleged reproduction and the copyrighted work, such that one is recognisable as a copy of the other."¹⁴⁷ A reproduction will infringe copyright where it reproduces a substantial part of the copyrighted work, both in terms of quality and quantity.¹⁴⁸

What is a communication?

A communication, in the copyright context, means to "make available online or electronically transmit [to the public]."¹⁴⁹ Thus, the act of uploading an article to a digital repository that is available for access via the Internet or onto a website that is publicly accessible will constitute a communication at law.

¹⁴⁵ See: Michael Carroll, *Copyright in "Pre-Prints" and "Post-Prints"* (blog) (3 May 2006) Carrollogos <<http://carrollogos.blogspot.com/2006/05/copyright-in-pre-prints-and-post.html>> at 27 November 2006.

¹⁴⁶ Ibid.

¹⁴⁷ Jill McKeough, Andrew Stewart and Philip Griffith, *Intellectual Property in Australia* (3rd edition, 2004), 214.

¹⁴⁸ Ibid, 216.

¹⁴⁹ Section 10(1) *Copyright Act 1968* (Cth); see also Jill McKeough, Andrew Stewart and Philip Griffith, *Intellectual Property in Australia* (3rd edition, 2004), 228-229.

Can a pre-print be a reproduction of a post-print?

Even though the pre-print of an article would have preceded the post-print, it will be deemed to be an infringing reproduction of the post-print if:

- it is posted online or remains online after copyright is assigned in the post-print;
- the author does not have permission from the publisher to post the article (either the pre-print or the post-print) online; and
- the pre-print is substantially similar to the post-print.

In reality, there will usually be little difference between the pre-print and the post-print of an article, such that the requirement of objective similarity will be satisfied. Therefore, it is important to check the publisher's agreement and policy carefully. If the publisher will not allow a post-print article to be archived then the pre-print should not usually be archived either. A publisher may in fact allow a pre-print to be archived, despite prohibiting archival of the post-print. In this situation, it is of course acceptable to deposit the pre-print in a digital repository even if it is substantially similar to the post-print. Whether or not either version can be deposited will depend on what the publisher allows.

4.1.2 Copyright and conference papers

Many institutions, including ANU, Curtin University, University of Sydney and QUT, allow conference papers to be included in their digital repository. As far as copyright is concerned, conference papers are often perceived to be a difficult area. However, at law, copyright in a conference paper will rest on the same principles that apply to copyright in a journal article. The author of a conference paper will own the copyright in that conference paper, unless copyright is assigned to another party such as the conference organisers.

The University of Tasmania ePrints website provides the following information about conference papers and copyright –

Often authors retain copyright in conference papers even though the conference organisers might compile them and distribute copies. However, some major conferences publish the proceedings as a journal or a monograph and sometimes require authors to assign or exclusively licence their copyright to them.¹⁵⁰

Authors of conference papers should check with the conference organisers as to the terms under which papers are submitted to or delivered at the conference. The conference may have issued conditions or guidelines about copyright ownership of conference papers, conference proceedings and conference materials. Some conference organisers will seek an assignment of copyright, in which case authors should check the conference policy on self-archiving or seek permission from the conference organisers to self-archive, just as they would seek permission from a publisher to self-archive a journal article. Other conference organisers will allow authors to retain copyright in their conference papers. For example, the Australian Association for the Teaching of English (AATE) and the Australian Literacy Educator's Association (ALEA) provided that for their 2005 National Conference Publications, "copyright of a conference paper with regards to publication in other forms of journals, texts or magazines remains with the author."¹⁵¹

¹⁵⁰ <<http://www.utas.edu.au/copyright/eprints/faq.html#thesis>> at 14 March 2007.

¹⁵¹ <<http://www.alea.edu.au/conf/papers2005/review.htm>> at 14 March 2007.

4.2 Repository Deposit Licences

You should require authors to agree to a Repository Deposit Licence before they can deposit material into your repository. This licence is important because it establishes a formal relationship between the repository and the author. It defines what the repository can and cannot do with the deposited material, informs the author about the purpose of the repository, and reassures the author that the repository does not take copyright ownership in the work.

The Securing a Hybrid Environment for Research Preservation and Access (SHERPA) Project, a UK-based project that sought to facilitate worldwide dissemination of research by developing open-access institutional repositories in research universities, issued a report in 2004 on the use of Repository Deposit Licences.¹⁵² They found that “few e-print repositories establish formal agreements with depositing authors, because such agreements are thought to discourage authors from depositing.”¹⁵³ More than a third of the repositories surveyed by SHERPA took it on trust that the author had the right to deposit the document.¹⁵⁴ Legally, this is a risky position to take, because if an author does not in fact have the right to deposit the work (e.g. has not obtained permission from the publisher) and deposits the work anyway, then copyright liability will attach not only to the author, but to the repository and end-users as well. A Repository Deposit Licence clarifies the legal positions of the depositing author, the repository and to some extent end-users, and provides a safety-net for the repository to avoid copyright infringement.

The Repository Deposit Licence should be available online for authors to enter into at the time of depositing their material. Because it is crucial for the repository to get the necessary assurances from the author in order to deal with the deposited work, the licence should take the form of a click-wrap website agreement. This means that before an author can deposit their work, they must read the terms and conditions of the licence and click an ‘I accept’ button or they will be prevented from proceeding.

As the author is required to accept the Repository Deposit Licence before they can deposit, it is important that they understand what they are agreeing to. Therefore, the licence should be as clear and easy to follow as possible. Additionally, you should educate staff and students about the legal implications of making their work available in the repository, and about Repository Deposit Licences and what they entail.

¹⁵² Gareth Knight (2004) SHERPA Project Document – Report on a deposit licence for E-prints <http://www.sherpa.ac.uk/documents/D4-2_Report_on_a_deposit_licence_for_E-prints.pdf> at 11 January 2007.

¹⁵³ Ibid, p1.

¹⁵⁴ Ibid.

Your Repository Deposit Licence should set out:

- The author grants to the repository the non-exclusive right to reproduce, publish, electronically communicate, translate (to any medium or format for the purpose of preservation) and distribute the material worldwide in print and electronic format in any medium;
- The author represents that they have the authority to grant to the repository the rights contained in the licence (i.e. the right to reproduce, publish etc – as set out above), or that they have the permission of the copyright owner to grant the necessary rights;
- The repository may keep a copy of the material for security, back-up and preservation;
- The author represents that the work is original (i.e. not copied from someone else);
- The author represents that the material does not infringe upon someone else's copyright;
- Where the material has been sponsored by another organisation (e.g. a funding body), the author represents that they have fulfilled any obligations required under the agreement with the sponsor about the use of the material;
- The repository is not legally responsible for any mistakes, omissions, or legal infringements within the deposited material;¹⁵⁵
- Assenting to the licence and depositing material in the repository does not transfer copyright to the repository, so the author retains the right to make use of current and future versions of the work elsewhere;
- The repository will not alter the material (except as allowed by the licence);
- The author has the right to provide updated versions of the work;
- Where the material has been published, citation of the published version should be included and clearly visible;
- Conditions under which administrators can remove material from the repository (e.g. where it is discovered that the research contained in the work is falsified);
- Whether the repository administrators have any obligation to take legal

¹⁵⁵ Ibid.

action on behalf of the author and/or copyright owner if intellectual property rights in the material are breached; and

- The basis on which the material is made available, and the rights of end-users to access, use and further distribute the work. These rights can be determined in two ways:
 - Author deals only with the repository, so the rights of end-users are determined by the scope of the Repository Deposit Licence ;¹⁵⁶ or
 - Author deals with end-users through a direct licence (called an Author Distribution Agreement), for example through a Creative Commons Licence.¹⁵⁷

It may be necessary for a repository manager to check some of the assurances made by authors in the Repository Deposit Licence, in particular, that proper permissions have been obtained from publishers where relevant.¹⁵⁸

Although your Repository Deposit Licence needs to include all of the above terms and conditions, this does not mean that the licence must be long and complicated. For an example of a basic deposit licence, see the SHERPA sample e-print licence¹⁵⁹ set out in Appendix Two. The University of Adelaide, the University of New South Wales and Flinders University all make their Deposit Licences available on their websites.

The OAK Law Project is developing a Model Repository Licence and this will be released on the OAK Law Project website in coming weeks.¹⁶⁰

¹⁵⁶ See 5.2.1.

¹⁵⁷ See 5.2.2.

¹⁵⁸ See 6.5.

¹⁵⁹ <http://www.sherpa.ac.uk/documents/D4-2_Report_on_a_deposit_licence_for_E-prints.pdf> at 11 January 2007.

¹⁶⁰ See <<http://www.oaklaw.qut.edu.au>>

4.2.1 Power to enter into a Repository Deposit Licence

In order to deposit material in the digital repository and enter into the Repository Deposit Licence, the depositor must:

- own copyright or have permission from the copyright owner to deposit;
- have authority to grant to the repository the rights necessary to deal with the material in the repository; and
- have authority to grant the relevant rights to end-users to deal with the material as appropriate.

Issues arise where copyright has been assigned to a publisher and the publisher refuses to give, or is reluctant to give, permission to the author to deposit the material and to grant the repository and end-users the necessary rights to deal with the material.

As repository manager, you can do two things to address this problem:

- be very careful about checking that authors actually do have permission to deposit their material in the repository and enter into a Repository Deposit Licence; and
- encourage authors to be more proactive in asserting their rights when dealing with publishers.

What can authors do to assert their rights?

Where possible, resist assigning copyright to a publisher

Instead of assigning copyright to a publisher, an author may instead issue the publisher with a non-exclusive licence to publish the work in the particular journal that the publisher represents. A licence gives permission to someone to deal with the work for certain purposes, without actually assigning any of the copyright to them. A licence allows the author to retain all copyright and all rights necessary to archive their work and enter into a Repository Deposit Licence. This is the best option for authors as it leaves them with the most rights. However, it can be extremely difficult to get a publisher to agree to these limited terms, particularly when the publisher is used to having copyright assigned to them.

Publish in an open access journal

Open access journals are journals that publish material online and in accordance with the principles of open access. This means that they typically allow the author to retain

copyright. The published work will often be available to readers under a licence that allows use, distribution and reproduction of the work in any medium, provided that the original work is properly cited. Two examples of successful open access publishers are the Public Library of Science (PLOS),¹⁶¹ which is a non-profit publisher, and BioMed Central,¹⁶² which does publish for profit. Both licence published material under a licence equivalent to the Creative Commons Attribution Licence.¹⁶³ An open access publisher is a good option for authors because the publisher will generally be amenable, and may even encourage, the author to deposit their work in an institutional or disciplinary repository. A listing of open access journals can be found online with the Directory of Open Access Journals (DOAJ), hosted by Lund University Libraries.¹⁶⁴ However, authors should be aware that some open access publishers including BioMed Central and PLoS, which are called “Gold” publishers, will charge the author a publication fee or an “article processing fee” for publishing the article, since costs are not recovered from subscriptions fees as per the usual model.¹⁶⁵

¹⁶¹ <<http://www.plos.org>>.

¹⁶² <<http://www.biomedcentral.com>>.

¹⁶³ See 5.2.2 and <<http://www.creativecommons.org.au>> for more information about the Creative Commons Attribution Licence. For the PLoS licence, see <<http://www.plos.org/journals/license.html>> (accessed on 6 December 2006), and for the BioMed Central licence, see <<http://www.biomedcentral.com/info/about/license>> (accessed on 6 December 2006).

¹⁶⁴ See <<http://www.doaj.org>> at 26 March 2007

¹⁶⁵ See OAK Law Report, 81:

“At least two different publishing models have evolved in relation to OA. One is the ‘gold’ publishing model, such as the Public Library of Science (PLOS) which explains its model in the following way:

‘To provide open access, PLoS journals use a business model in which our expenses — including those of peer review, of journal production, and of online hosting and archiving — are recovered in part by charging a publication fee to the authors or research sponsors for each article they publish.’

<<http://www.plos.org/journals/pubfees.html>> at 20 April 2007

‘Our goal is not to have publication charges place any additional financial burden on researchers. Publication is a fundamental part of the scientific and medical research process, and the costs of publication should therefore be treated as a small but essential part of the cost of research. Many of the funding agencies that support research now recognise this view.’ <<http://www.plos.org/about/faq.html#pubquest>> at 20 April 2007

The other is the so called ‘green’ model:

...many researchers opt instead for the ‘Green Road’. Rather than publishing with an OA publisher, they continue to publish in traditional subscription-based scholarly journals, but then ‘self-archive’ an electronic copy of their papers, either on their home pages, or in an e-print archive such as their institutional repository or a centrally-based archive like PubMed Central (cf. sources) or arXiv (cf. sources).”

Obtain a licence

If copyright must be assigned, or already has been assigned to the publisher, the author may ask the publisher to licence back to them the necessary rights to allow them to deposit their work in a digital repository.

Some institutions and open access advocates have drafted author addenda that can be attached to publishing contracts in order to alter the contract and allow the author to retain certain key rights. The three main addenda that have been circulated online are:

- The Scholarly Publishing and Academic Resources Coalition (SPARC) Author's Addendum;¹⁶⁶
- The Science Commons Scholar's Copyright OpenAccess-CreativeCommons 1.0 Addendum;¹⁶⁷ and
- MIT Amendment to Publication Agreement.¹⁶⁸

The MIT addendum gives the author rights to use, reproduce, distribute and create derivative works from the article, provided the rights are exercised in connection with the author's teaching and scholarly works or for the author's academic and professional activities. The addendum also allows the author to make, or authorise others to make, the final published version of the article available in a digital repository. The same rights are given to the author's employing institution. Unfortunately, the MIT addendum does not seem to anticipate that the author will need not only the right to self-archive their work, but also the authority to grant to end-users the necessary rights to deal with the deposited work.¹⁶⁹ Thus, the author does not have the full authority necessary to enter into the Repository Deposit Licence as far as end-users are concerned. If an author has attached the MIT addendum to their publishing agreement, the repository must be careful in allowing end-users access to the work – you may still need to check with the publisher that the work is being dealt with in an acceptable way.

The SPARC Addendum and the Science Commons Addendum both give the author the right to deposit their work in open-access digital repositories and also to grant to others the right to make any non-commercial use of the work so long as the author is

¹⁶⁶ <http://www.arl.org/sparc/author/docs/AuthorsAddendum2_1.pdf>.

¹⁶⁷ <<http://www.sciencecommons.org/projects/publishing/scaa-openaccess-creativecommons-1.0.pdf>>
The Science Commons has also drafted two other addenda – the Scholar's Copyright OpenAccess-Publish 1.0 Addendum <<http://www.sciencecommons.org/projects/publishing/scaa-openaccess-publish-1.0.pdf>>, which limits the author's use to professional activities (rather than just non-commercial activities), and which refers to making the work available on a 'web server' (as opposed to using the term 'repository'), and the Scholar's Copyright OpenAccess-Delay 1.0 Addendum <<http://www.sciencecommons.org/projects/publishing/scaa-openaccess-publish-1.0.pdf>>, which imposes a delay of 6 months before the author can make the published version of the work freely available.

¹⁶⁸ <<http://libraries.mit.edu/about/scholarly/amendment.pdf>>.

¹⁶⁹ For further discussion, see Peter B. Hirtle, 'Author Addenda: An Examination of Five Alternatives' (2006) 12(11) *D-Lib Magazine*, Cornell University Library <<http://www.dlib.org/dlib/november06/hirtle/11hirtle.html>> at 4 December 2006.

credited and the journal is cited as the source of first publication.¹⁷⁰ This grants to the author the necessary rights to enter into the Repository Deposit Licence as it applies to both the repository and to end-users. The author is only limited by the ‘non-commercial’ term in the addendum. It means that if the author wants to licence their work to end-users through a Creative Commons Licence, then that licence must be limited by a non-commercial use term.¹⁷¹

Some authors may question whether publishers will be amenable to including an addendum in their agreement. Fortunately, most publishers will be quite willing to include the addendum once they understand that its purpose is to allow the author to place a copy of their article on their institution’s website, and not to publish the same article in a competitor’s journal or digital repository.¹⁷²

¹⁷⁰ Ibid.

¹⁷¹ See 5.2.2.

¹⁷² Kerin Friedman, Alex Golub, Kambiz Kamrani and Christopher Kelty, *Author’s rights agreements: how to make them work for you* (2006) Open Access Anthropology <<http://blog.openaccessanthropology.org/2006/12/02/authors-right-agreements-how-to-make-them-work-for-you/>> at 4 December 2006; see also: Markland and Brophy, SHERPA Project Evaluation Final Report..

5.0 End-Users

5.1 Access to the repository

Consider: who should have access to your repository?

- General public
- Anyone within the institution (e.g. all staff and students)
- A select group within the institution (e.g. staff only, or research staff only, or all staff and PHD students only)
- Only people “signed up” to the repository, which may include people from other approved institutions

It may be appropriate for different groups to have access to different material. You may wish to grant some groups wide access rights, but only allow other groups much narrower access rights. Thus, once you have considered who will have access to your repository, you should ask: what will be the scope of their access?

- The same access rights apply to all material in the repository and to all end-users;
- Some material will be widely accessible to end-users, but access to other material will be limited depending on the status of the end-user; or
- The scope of access to the material will be decided in agreement with the depositor.

If you chose to only have one over-arching access principle, you should ensure that the depositor is aware of this and has agreed to it before material is deposited.

If you want to have different access principles applying to different material and different groups of end-users, you should clearly define the scope of these access rights. For example, you may want to make journal articles available to everyone, but technical reports only available to staff in the relevant field.

Finally, the scope of access can be determined in agreement with the depositor. Some authors may be comfortable with allowing end-users wide access rights, whereas

others may prefer their material to be available only to certain groups of end-users. It is important to remember however, that if you take this final option and allow the depositor to choose who may access their material, you will need to be careful in managing the repository and all the different levels of access provided.

When determining access rights and whether or not access should be restricted, you should refer back to your stated commitment to open access and ensure that the level of access you are providing is both lawful and accords with your fundamental objectives.

5.2 Scope of rights to use

The rights given to an end-user to deal with the material will depend on what the copyright owner permits, either through the Repository Deposit Licence¹⁷³ or through an End User Licence.¹⁷⁴

The rights given to an end-user may be to:

- View only;
- View and use for personal purposes; or
- View, use, and further distribute (usually non-commercially).

You should provide a framework that best ensures the end-user understands their rights before accessing any material. This may take the form of a click-through screen that they must read before being allowed access to the material, which sets out their rights and any limitations on use of the material. You may also wish to include a metadata field that sets out whether or not the material is licensed under Creative Commons and any important restrictions on use of the material.

5.2.1 Repository – End-User Relationship

The Repository Deposit Licence, agreed to by the author at the time of deposit, will set out the access rights that end-users may have in relation to the material deposited.¹⁷⁵ You will need to ensure that end-users do not deal with the material in a way that goes beyond the rights granted by the Repository Deposit Licence. An agreement should be entered into between the repository and end-users to this effect. This is called a Repository Distribution (End User) Agreement, and it grants rights to end-users to access and re-use deposited material that are consistent with the Repository Deposit Licence.

The Repository Distribution (End User) Agreement should be clearly displayed on the repository website, so that it is brought to the end-user's attention. If significant restrictions are placed upon the end-user's rights to access and use the material, then the agreement should be in a click-wrap form. This requires the end-user to read the terms and conditions of the agreement and to click an 'I agree' or 'I accept' button

¹⁷³ See 5.2.1.

¹⁷⁴ See 5.2.2.

¹⁷⁵ See 4.2.

before they are permitted to proceed to the repository. If, however, there are very few restrictions placed upon end-users, then the agreement may be accessed by hypertext links on the web page, or may be in a browse-wrap form, which requires the end-user to view the terms of the agreement, but does not require them to click a button agreeing to the terms before they proceed.

5.2.2 Author – End-User Relationship

An author who retains copyright may wish to directly authorise an end-user to use their work. They may therefore enter into an Author Distribution Agreement, which grants a non-exclusive licence to end-users to use the work subject to any conditions imposed by the author. One example of this is the Creative Commons Licence.¹⁷⁶

What is a Creative Commons Licence?

A Creative Commons Licence gives end-users rights in relation to a work, subject to certain conditions as selected by the author. The rights given are the rights to copy, distribute, display and perform the work.

The conditions that may be imposed are:

- Attribution – this applies to every Creative Commons licensed work and means that whenever the work is copied or redistributed the author must be reasonably credited;
- Non-commercial – the work can be used for non-commercial purposes only;
- Non-derivative – only exact copies of the work (not derivative works based on the original work) can be made, displayed, distributed and performed; and
- Share-alike – end-users may distribute derivative works, but only under a licence identical to the one that governs the original work.

These conditions may be combined in multiple different ways. For example, an author may wish to licence their work under an Attribution-Share-Alike Licence, which allows others to use the work provided they credit the author properly and they licence any derivative work they create under the same type of Creative Commons Licence. The only conditions that are incompatible and may not feature in the same licence are the non-derivative and share-alike terms. The non-commercial term may appear frequently in Creative Commons Licences chosen by self-archiving authors, particularly if the author is required to include this term by a publishing agreement or an author addendum attached to a publishing agreement.

¹⁷⁶ See <<http://www.creativecommons.org.au>>.

A good example of an open access policy that provides for authors directly licensing to end-users is MIT's DSpace Licence.¹⁷⁷ There, the depositing author must enter into a Non-Exclusive Deposit Licence with MIT, which allows the work to be included in the repository. The author is also given the option of entering into a Creative Commons Licence to apply to end-users, through a Creative Commons form which is built into DSpace.

You may wish to expressly state in your open access policy that authors have the option of entering into an Author Distribution Agreement with end-users in addition to the Repository Deposit Licence agreement entered into with the repository.

¹⁷⁷ See <<http://libraries.mit.edu/dspace-mit/build/policies/license.html>> at 15 November 2006.

6.0 Technical Considerations

6.1 Software

There are several software packages available to help you create and maintain a digital repository,¹⁷⁸ including EPrints¹⁷⁹ (from Southampton University), DSpace¹⁸⁰ (from MIT) and Fedora¹⁸¹ (from Cornell and the University of Virginia). The Eprints, DSpace and Fedora software are made freely available for anyone to use.¹⁸²

All the software packages are designed to be easy to use. However, some institutions have found that while “other library staff can perform much of the policy-based component of the repository, setting up the repository technical infrastructure – even using a largely turn-key solution such as the Eprints software – requires the assistance of a technical administrator.”¹⁸³ The staff time required to install and configure the repository software is approximately four to five days – one to two days for software installation, and around three days for web interface customisation.¹⁸⁴

The ARROW project, led by Monash University in association with National Library of Australia, University of New South Wales and Swinburne University of Technology, was funded to “identify and test a software solution or solutions to support best practice institutional digital repositories comprising a range of content types.”¹⁸⁵ To date, ARROW has developed software called VITAL (using Fedora software as a base), which supports six content types and complies with open standards.¹⁸⁶ ARROW also intends to develop software tools to support deposit of non-traditional repository content, such as data and creative works.¹⁸⁷

6.2 Costs

Repository software can be obtained and installed for free, and can run on a basic hardware configuration. However, funds may need to be expended on improved hardware, as “disk storage, server capacity, and perhaps other specifications would

¹⁷⁸ For a comparison of the different software packages available, see Open Society Institute (2004) A Guide to Institutional Repository Software (3rd ed) <http://www.soros.org/openaccess/pdf/OSI_Guide_to_IR_Software_v3.pdf> at 11 January 2007.

¹⁷⁹ See <<http://www.eprints.org>> at 11 January 2007.

¹⁸⁰ See <<https://dspace.mit.edu>> at 11 January 2007.

¹⁸¹ For more information see <<http://www.fedora.info/index.shtml>> at 14 February 2007 and <<http://www.dcc.ac.uk/resource/technology-watch/fedora>> at 29 November 2006.

¹⁸² See Eprints <<http://www.eprints.org>> at 11 January 2007; DSpace <<http://www.dspace.org/>> at 14 February 2007; and Fedora <<http://www.fedora.info/index.shtml>> at 14 February 2007.

¹⁸³ Crow, Institutional Repository Checklist.

¹⁸⁴ Ibid. See also Pinfield, Gardner and MacColl, Setting up an institutional e-print archive.

¹⁸⁵ ARROW Stage 2 Public Project Description, August 2006, <<http://www.arrow.edu.au/docs/files/ARROW%20Stage2%20PublicDescription.pdf>> at 14 February 2007.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

need to be upgraded as the repository moved from a pilot stage into public operation and heavy use.”¹⁸⁸

There will be some costs associated with acquiring technical staff to assist in installing the repository software. Most labour costs, though, will relate to non-technical staff. In particular, staff will need to be appointed and trained in the ongoing management of the repository, including assisting authors to deposit their work, and the checking of copyright permissions from publishers. Money will also need to be spent in advocacy and marketing the repository.¹⁸⁹

6.3 Uploading material

Your open access policy should provide that it is the responsibility of authors and researchers to upload their material to the repository. However, you should develop an online guide to inform your authors of how to submit to the repository. This will be a technical guide, rather than a legal one, and should address the process of attaching and uploading a document.¹⁹⁰ It is important that authors clearly understand how to upload their material and what they are actually uploading, because evidence shows that the process can often be confusing for depositors. A survey into deposits in the NIH repository revealed that 24% of authors surveyed claimed to have submitted the full text of their material to the repository, when in fact many had just posted their abstracts or believed that the journals had done the posting on their behalf.¹⁹¹

6.4 Organising material

Once you have decided what material will be deposited, make sure you know how it will be organised. Some institutions, such as QUT, require material to be organised in the repository according to the same categories used for the reporting of research to the Department of Education, Science and Training (DEST).¹⁹² The four DEST research publication categories are: Books, Book Chapters, Refereed Journal Articles and Refereed Conference Papers (provided all materials meet the DEST definition of research).¹⁹³ Material may also be organised according to discipline (e.g. Science, Law etc).

¹⁸⁸ Crow, Institutional Repository Checklist.

¹⁸⁹ See 7.0.

¹⁹⁰ See, for example, <<http://eprints.library.qut.edu.au/depositguide.html>>.

¹⁹¹ Paul Hutchings, *Open Access now Openly Accepted: a study of NIH authors* (2006) Kindle Research <http://www.kindleresearch.com/wp-content/documents/Kindle_Online_Script.doc> at 11 January 2007 (hereinafter Hutchings, *Open Access now Openly Accepted*).

¹⁹² See, for example, <<http://www.research.qut.edu.au/data/pubcollections/dest/>>.

¹⁹³ Ibid.

6.5 Managing the repository

Once material is uploaded to the repository, it is the responsibility of the institution to manage the repository and the material therein.

Responsibilities may include:¹⁹⁴

- Technical maintenance of the repository;
- Assisting authors to deposit their work into the repository;
- Helping authors convert their files to PDF or other accepted digital formats;
- Checking that documents are uploaded to the repository correctly;
- Checking (or even entering) metadata;
- Performing copyright checks;
- Removing any unauthorised material for the repository;
- Helping end-users access material in the repository;
- Assisting authors and end-users with queries about the repository and the associated licenses; and
- Publicising the repository to staff and students.

Ideally, a repository manager should be appointed to deal with these responsibilities. For example, MIT has hired a part-time Scholarly Publishing Consultant to advise faculty about their open access options within scholarly publishing.¹⁹⁵ QUT has a fulltime eResearch Access Coordinator, who manages QUT's digital repository for research publications, and who supports QUT researchers in making their work publicly available online.¹⁹⁶ Additional staff can be appointed, or library staff can be trained to assist the repository manager where required.

6.6 Ongoing considerations

Once your digital repository is set up and you have an open access policy in place, you may wish to consider imposing additional conditions to compel academics to deposit in the repository. For example, your institution may require that any articles

¹⁹⁴ Markland and Brophy, SHERPA Project Evaluation Final Report.

¹⁹⁵ Peter Suber, *MIT's new Scholarly Publishing Consultant* (blog) (12 December 2006) Open Access News <http://www.earlham.edu/~peters/fos/2006_12_10_fosblogarchive.html> at 14 December 2006.

¹⁹⁶ See <http://www.library.qut.edu.au/contacts/staff/p_callan.jsp> at 14 March 2007.

to be considered in a promotion or tenure review must be on deposit in the institution's digital repository.¹⁹⁷

You may also like to offer some further services and benefits to authors who do self archive. These can include implementing a system to inform authors of how many times their article has been accessed and cited, and producing personal publication lists for individual academics.¹⁹⁸ “Each institution's [repository] is the natural place from which to derive and display research performance indicators: publication counts, citation counts, download counts, and many new metrics, rich and diverse ones, that will be mined from the OA corpus, making research evaluation much more open, sensitive to diversity, adapted to each discipline, predictive, and equitable.”¹⁹⁹

¹⁹⁷ Peter Suber, *What you can do to promote open access* (2006)

<<http://www.earlham.edu/~peters/fos/do.htm>> at 18 December 2006 (hereinafter Suber, *What you can do to promote open access*).

¹⁹⁸ Gutteridge and Harnad, *Applications, Potential Problems and a Suggested Policy*; Pinfield, Gardner and MacColl, Setting up an institutional e-print archive.

¹⁹⁹ Steve Hitchcock, *Why repository mandates, research assessment and metrics are connected* (blog) (3 January 2007) EPrints Insiders <<http://www.eprints.org/community/blog/index.php?/archives/177-Why-repository-mandates,-research-assessment-and-metrics-are-connected.html>> at 4 January 2007.

7.0 Advocacy

The key to your repository's success will be whether your staff and students are aware of your repository, why it is there and how they can deposit material in it. It is, therefore, important that they have read your open access policy and know their rights and obligations, especially if you have adopted a mandatory policy.

You should not underestimate the importance of making authors aware of your digital repository and open access policy. When QUT first established its repository in 2004, only 10% of documents published in that year were deposited by the year's end, despite the mandatory deposit policy.²⁰⁰ In response to this low acquisition rate, QUT commenced a publicity campaign in 2005, to great success. In that year, the number of deposits rose to close to 50% of the content produced by QUT.²⁰¹ Similarly, a survey undertaken of NIH funded authors found that most did not have a proper understanding of the NIH Public Access Policy (only 18% knew a lot about it), and this was a significant reason why archival in the repository was low.²⁰²

In order to promote awareness of your digital repository, it will be necessary to conduct advocacy campaigns. These may include faculty presentations about open access and the digital repository, individual meetings with academics, producing promotional material such as leaflets, setting up a project website, and publishing articles in in-house newsletters and magazines to inform staff of the progress the repository makes over time.²⁰³

An essential part of your advocacy will be addressing authors' concerns about the repository and the deposit process. The most common concerns can be broken down into three main categories:

- Concerns about the repository itself – how will it look? Is it an alternative to conventional publishing models? Does deposit into a repository mean the author relinquishes control over their work?
- Concerns about their rights – many authors will be unsure about their rights under copyright law, and whether or not they are allowed to deposit work into a digital repository.
- Concerns about the deposit process, especially the time and effort required to deposit, enter metadata, and gain permissions from publishers.

²⁰⁰ Sale, The acquisition of open access research articles.

²⁰¹ Ibid.

²⁰² Hutchings, *Open Access now Openly Accepted*.

²⁰³ Markland and Brophy, SHERPA Project Evaluation Final Report; Pinfield, Gardner and MacColl, Setting up an institutional e-print archive; Crow, Institutional Repository Checklist.

Concerns about the repository

A study undertaken in England indicated that academics are generally concerned about how their individual texts will appear in the repository and also about how the repository material is organised as a whole.²⁰⁴ They want their work displayed at a high standard and formatted correctly.²⁰⁵ They also want content to be organised so that the repository is browsable in as many different ways as possible (e.g. so users can browse by subject, department, author or year).²⁰⁶ These concerns can be addressed by first establishing a well-structured repository, and then demonstrating this repository to academics. Demonstrations can be done through large faculty presentations or on a one-on-one basis with individual authors. Alternatively, it may be possible to set up an online demonstration on a project website that is linked to the repository.

Some authors think that self-archiving in a digital repository is the same as self-publishing.²⁰⁷ Self publishing can be defined as “the publishing of books and other media by the authors of those works, rather than by established, third party publishers.”²⁰⁸ Authors may be concerned that deposit constitutes a “prior publication”, which may prevent their work being published by a print journal (as most print journals will only publish work that has not been published previously).²⁰⁹ This is a legitimate concern as some publishers will be very strict about the release of pre-published material. However, publishers will usually be more concerned about material that has been published in print before, rather than deposited in a digital repository. It will also be possible, in most cases, to remove material from a repository if the publisher requires. Where material has already been published in print, it is important to explain to authors that material can be both published traditionally *and* deposited in a digital repository, provided all the necessary permissions are obtained. It is not an either/or situation. As advised by the Scholarly Publishing and Academic Resources Coalition (SPARC), “[to] help maintain the distinction between the repository as an informal communication channel and peer-reviewed journals as a formal channel – for the benefit of both faculty and publishers – it would be best to avoid terms such as “submit” and “publish” in referring to faculty contributions, using instead “participate,” “deposit,” “contribute,” or “post”.”²¹⁰

Academics who are unfamiliar with open access may fear that making their work freely available means that they will lose control over it. “They worry irrationally that somehow their work will be easier to plagiarise from a repository...”²¹¹ Academics should be assured that open access does not mean that they are forfeiting their rights or that their work is more at risk. The author’s right to be acknowledged as the author

²⁰⁴ Markland, and Brophy, SHERPA Project Evaluation Final Report at 41.

²⁰⁵ Ibid.

²⁰⁶ Ibid, 42.

²⁰⁷ Pinfield, Gardner and MacColl, Setting up an institutional e-print archive; Crow, Institutional Repository Checklist.

²⁰⁸ See <http://en.wikipedia.org/wiki/Self_publishing> at 26 March 2007

²⁰⁹ Pinfield, Gardner and MacColl, Setting up an institutional e-print archive; Crow, Institutional Repository Checklist.

²¹⁰ Crow, Institutional Repository Checklist at 14.

²¹¹ Markland and Brophy, SHERPA Project Evaluation Final Report.

and other associated rights are still enforceable at law, and indeed are protected through the mechanisms of the Repository Deposit Licence, the Repository Distribution (End User) Agreement and, where applicable, the End User Licence.²¹²

Concerns about copyright

Despite the fact that potential depositors may have been published many times before and have signed many publishing agreements, they may still be unsure about their rights to deal with their work after signing a publishing agreement. Some authors are unaware that a full assignment of copyright to a publisher means that from that point onwards even they cannot deal with their own work without the publisher's permission. The situation is further complicated by the fact that publishing agreements and publisher's policies are often unclear about whether or not the author has the right to self-archive their work after publication.

Generally, authors will be concerned about:

- how to determine whether they have the right to self-archive their work;
- how to seek permission from the publisher to self-archive their work, and whether this will detrimentally affect their relationship with their publisher; and
- whether deposit of their work in the digital repository transfers copyright to the repository.

Your open access policy and Repository Deposit Licence (see section 4.2) should make clear to the author that depositing material into the repository does not transfer copyright in the material and that the author retains the right to make their material available elsewhere.

Authors will need to read their publishing agreements carefully to determine whether their publisher allows self-archiving. Additionally, authors should check their publisher's policy about open access, which can sometimes be found on the publisher's website. The SHERPA List and the forthcoming OAK List, available online, provide a comprehensive directory of journal publisher's copyright and self-archiving policies.²¹³ If the publishing agreement and publisher's website are silent on this issue, authors should be encouraged to contact their publisher and seek permission to self-archive their work. Authors should explain where they will be placing their work, and why they want to self-archive their work. Most publishers will grant permission to the author to self archive, once it is explained that –

- the author is seeking permission to place a copy of their work in their institution's repository, not to publish the same work in another journal or with another publisher;²¹⁴ and

²¹² See 4.2 and 5.2.1.

²¹³ See <<http://www.sherpa.ac.uk/romeo.php>> at 26 March 2007

²¹⁴ Kerin Friedman, Alex Golub, Kambiz Kamrani and Christopher Kelty, *Author's rights agreements: how to make them work for you* (2006) Open Access Anthropology <<http://blog.openaccessanthropology.org/2006/12/02/authors-right-agreements-how-to-make-them-work-for-you/>> at 4 December 2006; see also: Markland, and Brophy, SHERPA Project Evaluation Final Report.

- citation of the published version of the material will be included and clearly visible in the repository, increasing the publisher's exposure to academic audiences.

Practically, authors may consider it too onerous to perform these checks themselves. They may decline to deposit their work into the repository if they feel that the process will be too difficult or time-consuming. Therefore, you should consider whether someone at your institution will be available either to check publisher's agreements and policies on behalf of authors or assist authors in checking their publisher's agreements and policies.

Where possible, you should also encourage authors to issue licences rather than assignments to publishers, or to attach an author addendum to their publishing agreement to retain the right to self-archive.²¹⁵

The repository manager and a copyright officer at your institution should be available to explain these legal issues to authors, and to offer advice as to how the author may retain their rights when dealing with publishers.

Concerns about the deposit process

Academics and researchers are busy people, and as such are usually reluctant to engage in activities that they perceive will unnecessarily increase their workload. In relation to repositories, authors are concerned about the time and effort required to deposit an article, enter the metadata necessary to describe the deposited article, and where necessary, to obtain permission to deposit from their publisher.

Once again, a university officer should be able to assist authors in determining whether or not their publisher will permit them to deposit their work. Once permission is obtained to deposit one article, it should be much easier for the author to convince the publisher to allow them to deposit any future articles.

The deposit process itself is relatively quick and easy, and authors should be shown this in presentations. On average, it only takes an author 6-10 minutes to deposit their first article, and only a few minutes once they are familiar with the process.²¹⁶

The deposit process will only feel like a lot of effort as long as authors accord open access low priority. However, if they feel that open access deposits are worthwhile, the deposit process will not seem as onerous. The benefits of open access repositories should, therefore, be emphasised to authors, in particular:

- Open access means that work can be disseminated far more rapidly and effectively than what traditional publishing makes possible;

²¹⁵ See 4.2.1 Power to enter into a Repository Deposit Licence.

²¹⁶ Suber, *What you can do to promote open access*.

- Interoperable repositories mean that repository content will be searchable in many different search engines, thereby increasing the visibility of deposited content; and
- Increased visibility raises the profiles of both the author and the institution.²¹⁷

Developing “value added services”, such as presenting authors with details about the number of times their article has been accessed and cited, will also fuel enthusiasm about the repository.²¹⁸ Moreover, it may also be helpful to switch the academic’s focus from academic-as-author to academic-as-researcher, by reminding the academic that they too will be able to use the repository to gain access to other people’s work that they may find useful in their own research.²¹⁹

²¹⁷ Markland and Brophy, SHERPA Project Evaluation Final Report.

²¹⁸ Pinfield, Gardner and MacColl, Setting up an institutional e-print archive.

²¹⁹ Markland and Brophy, SHERPA Project Evaluation Final Report.

8.0 Conclusion

This guide was designed to help you to establish digital repository infrastructure in your institution and to establish a lawful and effective management model for your repository that is in line with open access principles.

Your institution should formulate a general open access policy to apply across the entire institution, particularly where research and academic output is concerned. Inspiration can be drawn from international policies and principles and the sample open access principles contained in this guide. An open access policy will assist you in developing your repository and ensuring that access to your repository is not unduly restrictive.

It is important to have both legal and management frameworks in place from the creation of your digital repository. This will prevent problems arising later that could have easily been avoided.

Management frameworks involve defining the limits of your repository regarding –

- (1) depositors – who can and cannot deposit and what authority the repository has to compel deposit;
- (2) material – what should and should not be included in the repository, the appropriate format of material, and whether material should be peer reviewed;
- (3) access rights – who can have access to the repository and what they can do with the material they have accessed; and
- (4) metadata – what metadata fields are necessary to ensure that material is searchable and that a record is retained of the material in the event that it must be removed from the repository for copyright or other reasons. There should also be in place a system for checking the accuracy of metadata entered by depositors.

It is important that the repository is managed properly. Material must be organised in a way that is logical and easily searchable and accessible. You should check that material has been uploaded to the repository correctly and that any unauthorised material is removed from the repository. Authors may need assistance with converting their files to the relevant format (such as PDF) and with depositing their material into the repository.

Once repository infrastructure, including software and management frameworks, is in place, it will be necessary to ensure the ongoing maintenance of that infrastructure. You will also need to make academics, staff and students aware of the repository. Advocacy should promote the repository and should address academics' concerns about the time and effort involved in depositing their work, the copyright implications of depositing published material and how the repository is organised and managed by your institution.

Legal frameworks are vital in ensuring that depositors have the legal rights necessary to deposit material into the repository. It is important to have a comprehensive Repository Deposit Licence to obtain the necessary warranties from depositors so that you can confidently deal with the material in the repository. A Repository Deposit

Licence will also make depositors aware of their rights and responsibilities in relation to the repository.

It is prudent to establish protocols for checking that the depositor actually has the right to deposit the work into the repository. The depositor must be the copyright owner or have permission from the copyright owner in order to deposit the work legally. Often, the copyright owner will be the publisher of the material. In these situations, you may want to check the publishing agreement to ascertain whether copyright has in fact been assigned to the publisher, and if so, whether the publisher allows self-archiving of the material. Some publishers have general policies about digital repositories that are reflected in their publishing agreements or on their website. The SHERPA List and the forthcoming OAK List provide a directory of publishers' policies about digital repositories.²²⁰

As part of the legal framework you will also need to consider the access rights that are granted to end-users. You may require end-users to enter into a Repository Distribution (End User) Agreement to ensure that they only deal with material in the repository in a manner that is consistent with rights granted by copyright owners in the Repository Deposit Licence. You may also wish to provide facilities to authors to place Creative Commons licences on their work.

Australian Government Productivity Commission Research Report: Public Support for Science and Innovation (9 March 2007):

Innovation is critical to Australia's growth and its preparedness for emerging economic, social and environmental challenges....²²¹

...Research infrastructure is an important input to science and innovation...DEST noted that, as well as providing the 'critical capability for the production of world class research', research infrastructure is 'essential' to the operation of the innovation system as a whole. In particular, it drew attention to how research infrastructure makes research more productive, assists in attracting talent and facilitating the development of human capital networks and skills, and integrates Australia into the international research system. Research infrastructure embraces such items as research facilities and equipment (and the services that support them); libraries and ICT networks for storing, moving and accessing research information; and collections, archives, large/complex data sets and records.²²²

²²⁰ See <<http://www.sherpa.ac.uk/romeo.php>>

²²¹ Productivity Commission 2007, *Public Support for Science and Innovation*, Research Report, Productivity Commission, Canberra, Overview xvii

²²² Productivity Commission 2007, *Public Support for Science and Innovation*, Research Report, Productivity Commission, Canberra, 205 - 206

Final checklist for developing open access through your digital repository

Have you:

- Developed a general Open Access Policy for your institution?
- Chosen a software package to create and maintain your repository?
- Decided how your repository will be structured (is it institutional, faculty-based, subject-based or other)?
- Decided who can deposit in your repository?
- Decided what material will be included in your repository?
- Decided whether your deposit policy will be mandatory or voluntary (and to what extent)?
- Decided what format material must be in, whether it must be full text, and whether you will accept pre-prints?
- Chosen your metadata fields?
- Decided what other conditions you want to apply to your repository (for example, that material intended for commercialisation or containing confidential information should not be deposited)?
- Decided how the content in your repository will be organised?
- Developed a Repository Deposit Licence that ensures that depositors own copyright in the material they are depositing or have permission from the copyright owner to deposit?
- Decided who may have access to your repository and the scope of their rights?

- Decided whether you want to provide a facility to enable authors to enter into an Author Distribution Agreement with end-users, for example by attaching a Creative Commons licence to their work?
- Appointed staff to help manage the repository and determined the ambit of their responsibilities?
- Effectively managed the costs associated with creating and maintaining a digital repository?
- Informed staff and students about your repository and open access policy?
- Adequately addressed the concerns of authors about the repository, the deposit process and copyright in their material?

Glossary

Author addendum – A document that can be attached by an author to a publishing agreement to alter their rights (usually to allow self-archiving).

Author Distribution Agreement – a licence granted by an author to end-users to use the author's work subject to any conditions imposed by the author. A common form of an Author Distribution Agreement is a Creative Commons Licence.

Browse-wrap website agreement – Where a user of the web site is required to view the terms and conditions of the relevant agreement, but is not required to click on a button to indicate assent to the agreement before proceeding.

Click-wrap website agreement – A website that requires the user to read the relevant agreement and click an 'I accept' or 'I agree' button before they are able to proceed.

Conference Paper – A paper which is presented at a conference or meeting of practitioners in a given profession.²²³

Copyright - A collection of legal rights that attach to an original work when it is created. Copyright allows the copyright owner to control certain acts to do with their work (e.g. copying) and to prevent others from using the protected material without permission.

Creative Commons Licence – A standard-form licence that gives end-users rights in relation to a work, subject to certain conditions as selected by the author. The rights given are to copy, distribute, display and perform the work. The conditions that may be imposed are: attributing the work to the author; non-commercial use only; non-derivative works only; or derivative works can be made but only if they are licensed under an identical Creative Commons Licence.²²⁴

Digital repository – An online archive where authors can deposit their work, thus making the work freely available in digital form.

DSpace – The name of the repository (and the corresponding software) used at the Massachusetts Institute of Technology (MIT).²²⁵

²²³ See <http://www.usg.edu/galileo/skills/ollc_glossary.html> at 26 March 2007

²²⁴ See <<http://creativecommons.org.au/licences>> at 12 January 2007.

²²⁵ See <<https://dspace.mit.edu/>> at 12 January 2007.

E-prints – Electronic copies of academic papers. E-prints is also the name given to one type of digital repository, and the software that runs it.

Embargo period - A period of time imposed by a publisher, during which the publisher prohibits open access of the published work, but after which an author may self-archive.

End user – This is the person accessing the material in the institutional repository.

Metadata – The information that describes the material deposited in a repository. It includes the name of the article, the name of the author, the date of publication, and other relevant details.

OAI-compliant – A repository that is OAI-compliant is interoperable with multiple search engines and discovery tools, making it easier for end-users to search and locate material in the repository.

Open access (OA) – Aims to disseminate knowledge and materials broadly and freely across the Internet, and in doing so remove most of the traditional access restrictions to these materials, such as cost and geographical barriers.

Post-print – The final version of an academic paper, incorporating the revisions made as a result of the peer review process or as accepted for publication if no changes were made.²²⁶

Pre-print – The version of an academic paper which is submitted by an author for peer review.²²⁷

Refereed – This is also known as peer review. A refereed article is one in which the author's work and ideas have been subject to the scrutiny of others who are experts in the field.²²⁸

²²⁶ <<http://eprints.qut.edu.au/faq.html>> at 12 January 2007.

²²⁷ Ibid.

²²⁸ <<http://encyclopedia.thefreedictionary.com/peer+review>> at 12 January 2007.

Repository Deposit Licence – An agreement between the repository and the depositor that defines the rights and obligations of both parties with regards to the deposited material.

Repository Distribution (End User) Agreement – An agreement between the repository and end-users that grants rights to end-users to access and re-use material in the repository. The rights granted must be consistent with those allowed in the Repository Deposit Licence between the depositor and the repository.

Self-archive – The process of depositing one's own material in an online repository

Unrefereed – A work that has not been subjected to peer review, commonly referred to as a pre-print.

Abbreviations

AATE – Australian Association for the Teaching of English

ADT – Australian Digital Thesis

ALEA – Australian Literacy Educator’s Association

ANU – Australian National University

APSR – Australian Partnership for Sustainable Repositories

ARC – Australian Research Council

ARROW – Australian Research Repositories Online to the World

AustLII – Australasian Legal Information Institute

BOAI – Budapest Open Access Initiative

EC – European Commission

DART – Dataset Acquisition, Accessibility and Annotation e-Research Technology

DCMI – Dublin Core Metadata Initiative

DEST – Department of Education, Science and Training

ISBN – International Standard Book Number

ICE-RS – Integrated Content Environment for Research and Scholarship

JASON – Joint Academic Scholarships On-line Network

JISC – Joint Information Systems Committee

MAMS – Meta Access Management System

MAPS – Middleware Action Plan and Strategy

MIT – Massachusetts Institute of Technology

MMIM – Molecular Medicine Informatics Model

NHMRC – National Health and Medical Research Council

NIH – National Institutes of Health

OA – Open Access

OAI – Open Archives Initiative

OAK – Open Access to Knowledge

QUT – Queensland University Technology

PLoS – Public Library of Science

RUBRIC – Regional Universities Building Research Infrastructure Collaboratively

SHERPA – Securing a Hybrid Environment for Research Preservation and Access

SII – Systematic Infrastructure Initiative

SPARC – Scholarly Publishing and Academic Resources Coalition

UK – United Kingdom

USA – United States of America

UQ – University of Queensland

USQ – University of Southern Queensland

Appendix One

	Australian National University
URL	http://eprints.anu.edu.au/information.html
Who may deposit?	ANU staff, students and affiliates
What material can be deposited?	<ul style="list-style-type: none"> • Papers submitted for journal publication • Papers posted electronically for peer consideration and comment before submission for publication • Books and book chapters • Working papers • Conference papers • Theses • Departmental technical reports
What material cannot be deposited?	
Is it mandatory or voluntary to deposit?	Voluntary
Conditions imposed	Material deposited must be a complete paper with all sections present
Copyright terms	

	Bond University
URL	http://epublications.bond.edu.au
Who may deposit?	Faculty, researchers and students associated with Bond University
What material can be deposited?	<ul style="list-style-type: none"> • Journal articles • Research and academic papers • Working papers • Theses • “Associated Files” including sound clips, data sets, images, charts and tables

What material cannot be deposited?	
Is it mandatory or voluntary to deposit?	Voluntary
Conditions imposed	
Copyright terms	The Bond ePublications website advises depositors to check their author agreement with their publisher before depositing material in the website. It also confirms that the repository would constitute non-commercial use.

	Central Queensland University
URL	http://policy.cqu.edu.au/Policy/policy.jsp?policyid=679
Who may deposit?	CQU staff and post-graduate students. Also, researchers external to the University, if they are co-authoring with CQU authors or are affiliated with the University.
What material can be deposited?	<ul style="list-style-type: none"> • Refereed research articles and contributions at the post-print stage of publication. • Theses as prepared for the ADT program (http://adt.caul.edu.au/) • CQU projects and theses resulting from non-research awards, including professional doctorates, final year engineering projects, honours theses and research reports forming a substantial part of an undergraduate degree, where submission is agreed by the Dean of the Faculty • Non-refereed research literature such as conference contributions, chapters in proceedings and book chapters • University related research material such as books, working papers, discussion papers, government submissions, reports and inaugural lectures • Ancillary research material such as data sets, statistics and surveys
What material cannot be deposited?	<ul style="list-style-type: none"> • Administrative reports, such as the University annual report, meeting minutes, committee papers and/ or similar material which is collected in the official administrative archives. • Output intended for commercialisation or individual royalty payment or revenue for the author or CQU.
Is it mandatory or voluntary to deposit?	Voluntary

Conditions imposed	<p>Access to material will be suppressed in the following circumstances:</p> <ul style="list-style-type: none"> • if the journal in which a paper is formally published requires it • if the paper proves scurrilous, plagiarizes, is libellous or breaches copyright • if the author requests removal and the Director, DLS approves its removal
Copyright terms	The University may chose to restrict access to works, whether in part or in full, if copyright permission is in doubt or unavailable.

	Curtin University
URL	http://library.curtin.edu.au/espaces/faqabridged.html
Who may deposit?	<p>Authorised staff and students:</p> <ul style="list-style-type: none"> • Research papers will have been produced as a member of Curtin Uni • Research output by visiting or adjunct academic staff is accepted, provided the research is related to the visiting academic status and reflects Curtin's involvement • Postgraduate students <p>Undergraduate students if the student is working with academic staff on specific research and publications</p>
What material can be deposited?	<ul style="list-style-type: none"> • Journal articles, book chapters, conference papers, newspaper or magazine articles, working papers, or departmental technical reports, if: <ul style="list-style-type: none"> - refereed/peer reviewed and published; or - refereed/peer reviewed and in-press (post print); or - produced by a Uni research centre and approved by authorised person; or - defined under Section C: Research Outputs Material within the research performance index and awarded RPI points • Datasets • Computer programs if written permission is obtained from the uni, or from the copyright owner if it was developed as an employee of a different institution

What material cannot be deposited?	
Is it mandatory or voluntary to deposit?	Voluntary
Conditions imposed	<ul style="list-style-type: none"> • University requests, where possible, the personal version/draft of the author's post print, as this is the version that most publishers request is placed in the repository • Authors can post material in repository and on own website, and can use the espace@Curtin URL link elsewhere
Copyright terms	<ul style="list-style-type: none"> • Must own copyright or have permission from copyright owner • Under the Uni IP Policy: <ul style="list-style-type: none"> - The university owns copyright in all computer works, course material and other material created by staff in the course of their duties, and in all work commissioned by the university - Staff owns copyright for all work created outside the course of their duties - Students generally own copyright in their work - The university claims no ownership in artistic works

	Flinders University
URL	http://www.lib.flinders.edu.au/~dspace/faq.html
Who may deposit?	<p>Flinders University faculty and staff</p> <p>The archive is organised into communities (departments, research centres or other categories). Communities determine the personnel who can contribute.</p>
What material can be deposited?	<p>Communities define the kinds of material they want to include.</p> <p>“Examples of appropriate content include statistical datasets, working papers, technical reports, and other scholarship not usually submitted for peer-review publications, as well as previously published material if the publisher permits.”</p>
What material cannot be deposited?	
Is it mandatory or	Voluntary

voluntary to deposit?	
Conditions imposed	
Copyright terms	<p>Authors retain copyright in materials deposited to the repository.</p> <p>Depositors are required to click on a licence that signifies they own the copyright and have the right to deposit or have permission to deposit from the copyright owner. The licence grants to Flinders University a limited non-exclusive licence to disseminate the material through the repository and to migrate the material (i.e. back it up or copy it) for preservation purposes.</p>

	James Cook University
URL	http://eprints.jcu.edu.au/researchpapers.html
Who may deposit?	JCU staff and students
What material can be deposited?	<ul style="list-style-type: none"> • Journal articles • Conference papers, proceedings and posters • Books and book chapters • Theses • Working papers • Departmental technical records • Research reports and significant project reports • Preprints • Some multimedia items
What material cannot be deposited?	<ul style="list-style-type: none"> • Material intended for commercialisation • Papers containing confidential material • Papers which, if disseminated, would infringe a legal commitment by the University and/or the author • Administrative materials such as meeting minutes, committee papers, University annual reports etc • Teaching materials such as lecture notes, reading lists and multimedia resources

Is it mandatory or voluntary to deposit?	Voluntary
Conditions imposed	
Copyright terms	<p>Depositing work in JCU ePrints has no effect on the ownership of copyright in the document.</p> <p>JCU offers some advice to authors on managing their copyright and retaining the right to self-archive when negotiating with publishers – see website for more details.</p>

	Monash University
URL	http://arrowprod.lib.monash.edu.au:8000/access/about.php
Who may deposit?	<p>Research: Monash Uni staff and students, or a creator with an affiliation with Monash, such as a visiting scholar</p> <p>Academic Papers: academic staff and postgraduate students</p>
What material can be deposited?	<ul style="list-style-type: none"> • Journal articles • Books and book chapters • PHD Theses • Research papers, conference papers, working papers • Technical reports • Multimedia objects <p>All publications must be scholarly or research orientated. Research publications must be associated with or sponsored by Monash.</p>
What material cannot be deposited?	<ul style="list-style-type: none"> • Material intended for commercialisation • Publications containing confidential information • Publications which, if disseminated, would infringe a legal obligation of Monash or the author or the legal rights of a third party
Is it mandatory or	Voluntary

voluntary to deposit?	
Conditions imposed	<ul style="list-style-type: none"> • Monash Uni repository will not seek transfer of the copyright from the author • Author may also post their publication on their own website
Copyright terms	Depositor should own copyright or seek permission from publisher to deposit

	Queensland University of Technology
URL	http://www.mopp.qut.edu.au/F/F_01_03.html
Who may deposit?	QUT staff and post-graduate students
What material can be deposited?	<ul style="list-style-type: none"> • Refereed research articles and contributions at post print stage • Refereed research literature at pre print stage • Theses • Unrefereed research literature, conference contributions and chapters in proceedings
What material cannot be deposited?	<ul style="list-style-type: none"> • Material to be commercialised or intended for individual royalty payment or revenue for the author or QUT • Material containing confidential information • Where the promulgation of the material would infringe a legal commitment of the author or QUT
Is it mandatory or voluntary to deposit?	Mandatory
Conditions imposed	<ul style="list-style-type: none"> • It must be the author's manuscript (preferably the final draft) that is deposited, not the publisher-formatted version (exception: IEEE requires authors to use the published version) • If the author has a home page, links should be provided to the article as submitted to the QUT E-Print repository
Copyright terms	<ul style="list-style-type: none"> • Access to the contributions will be subject to any necessary agreement with the publisher • Access to the full-text of deposited book portions are restricted unless the depositor indicates that they own the copyright or the publisher has given permission for the manuscript to be accessible

	Southern Cross University
URL	http://epubs.scu.edu.au
Who may deposit?	Faculty, researchers and students associated with Southern Cross University
What material can be deposited?	<ul style="list-style-type: none"> • Journal articles • Research and academic papers • Working papers • Theses • “Associated Files” including sound clips, data sets, images, charts and tables
What material cannot be deposited?	
Is it mandatory or voluntary to deposit?	Voluntary
Conditions imposed	
Copyright terms	The website advises depositors to check their author agreement with their publisher before depositing material in the website. It also confirms that the repository would constitute non-commercial use.

	Swinburne University of Technology
URL	http://researchbank.swinburne.edu.au/access/about.php?
Who may deposit?	Creators with an affiliation with Swinburne – Swinburne staff and students, and visiting scholars
What material can be deposited?	<p>Research publications, objects or collections must be associated to, or sponsored by Swinburne University and must be scholarly or research orientated.</p> <ul style="list-style-type: none"> • Journal articles • Research papers/reports • Discussion papers • Working papers • Technical reports

	<ul style="list-style-type: none"> • Conference papers • Books and book chapters • Theses
What material cannot be deposited?	<ul style="list-style-type: none"> • Material intended for commercialisation • Research publications or collections which contain confidential material • Research publications or collections which, if disseminated by Swinburne Research Bank will infringe a legal obligation of Swinburne University and/or the author/s or the legal rights of a third party
Is it mandatory or voluntary to deposit?	Voluntary
Conditions imposed	
Copyright terms	<p>Papers can only be deposited where the author retains copyright or has permission from the publisher to deposit. Swinburne Research Bank staff will assist authors in contacting publishers about their institutional research archive policy.</p> <p>The repository does not have a self-deposit form yet.</p>

	University of Melbourne
URL	http://www.lib.unimelb.edu.au/eprints/collectionpolicy.htm
Who may deposit?	Academic staff, postgraduate students and general staff where appropriate. “Outsiders” may contribute if they are co-authoring with Uni of Melbourne authors or are affiliated closely with the uni (e.g. hold honorary appointments)
What material can be deposited?	<ul style="list-style-type: none"> • Pre-prints • Working papers • Published articles • Books and book chapters • Online journals • Research reports • Conference papers

	<ul style="list-style-type: none"> • Data sets • Theses <p>The collection is restricted to deposits of full text electronic research output</p>
What material cannot be deposited?	
Is it mandatory or voluntary to deposit?	Voluntary
Conditions imposed	
Copyright terms	<p>Contributors are required to sign a form where they warrant that:</p> <ul style="list-style-type: none"> • they are the copyright owners or have permission from the copyright owners • the e-prints are original works • the university's use of the e-prints will not infringe the IP rights of a third party • the university is not liable for any breach of the creator's IP rights as a result of use of the e-prints

	University of New South Wales
URL	http://arrow.unsw.edu.au/policy.html
Who may deposit?	UNSW staff and students. Creators with an affiliation with UNSW, such as a visiting scholar to UNSW
What material can be deposited?	<p>The research publication, object or collection must be associated to or sponsored by UNSW, and must be scholarly or research orientated.</p> <ul style="list-style-type: none"> • Journal articles • Research papers/reports • Working papers • Technical reports • Conference papers • Books and book chapters • Theses (honours only as postgraduate theses are captured through ADT) • Small-sized datasets accompanying papers/articles/reports

	<ul style="list-style-type: none"> • Images used for research • Multimedia objects • Rich media
What material cannot be deposited?	<ul style="list-style-type: none"> • Material intended for commercialisation • Research publications of collections which contain confidential material • Research publications or collections which, if disseminated by ARROW@UNSW, would infringe a legal obligation of UNSW and/or the author/s or the legal rights of a third party
Is it mandatory or voluntary to deposit?	Voluntary
Conditions imposed	
Copyright terms	<p>Copyright of any material deposited in ARROW@UNSW is retained by the creator.</p> <p>For published material, UNSW provides a sample letter to send to publishers to request permission to self-archive</p>

	University of Queensland
URL	http://www.library.uq.edu.au/database/efaq.html
Who may deposit?	UQ staff and postgraduate students (both past and present)
What material can be deposited?	<ul style="list-style-type: none"> • UQ accepts both pre-print and post print publications • Conference papers and proceedings • Newspaper or journal articles • Books and book chapters • Online journals • Working papers • Departmental technical reports • Data sets • Some theses

What material cannot be deposited?	
Is it mandatory or voluntary to deposit?	Voluntary
Conditions imposed	
Copyright terms	<ul style="list-style-type: none"> • The author holds the copyright for the pre-refereed pre-print, so that can be self-archived without seeking anyone's permission • Permission may be required for a refereed post-print. UQ provides a sample permissions letter that can be presented to publishers. • UQ also advises that authors attempt to modify future contracts by including the clause "I retain the right to distribute my paper for free for scholarly/scientific purposes, in particular, the right to self-archive it publicly online in a Web-based institutional repository such as ePrintsUQ" • If permission is not obtained, authors can deposit a corrigenda file to accompany an already archived pre-print

	University of Southern Queensland
URL	http://www.usq.edu.au/eprints/policies/collpol/eprints.htm
Who may deposit?	USQ researchers, scholars and other staff
What material can be deposited?	<ul style="list-style-type: none"> • Journal article in a journal, magazine or newspaper articles • Books or book chapters • Technical reports and project reports • Working papers and discussion papers • Conference papers • Unpublished manuscript of literary work, and art work if accompanied by text material • Inaugural lectures and Professorial lectures • "Enduring" teaching material of a substantial nature • Patent, published • Data sets • Dissertations forming part of a coursework Masters or coursework Doctorate degree • Research reports forming a substantial part of an undergraduate degree, where submission is agreed by the Dean of the

	<p>Faculty</p> <ul style="list-style-type: none"> • Fourth-year Engineering student projects • Drafts of works, when there is substantial content in the draft that is not contained in the final version
What material cannot be deposited?	<ul style="list-style-type: none"> • Administrative reports • Research degree dissertations • Teaching materials • Material that is confidential, required for subsequent publication, or restricted due to cultural sensitivity • Newspaper articles • Unpublished patent applications
Is it mandatory or voluntary to deposit?	<p>It is mandatory to deposit the “details” (metadata/abstract) of all research books, chapters in research books, refereed journal articles and refereed conference presentations must be submitted, even when the full text of the material is not being deposited.</p> <p>It is voluntary to deposit all other material</p>
Conditions imposed	All material must have a relationship with USQ
Copyright terms	For an article to be deposited in full, the author must hold copyright, or permission must be obtained from the publisher, or the publisher as copyright holder must allow ePrints to be held in an institutional repository

	University of Sydney
URL	http://setis.library.usyd.edu.au/ses/roles.html and http://setis.library.usyd.edu.au/ses/faq.html
Who may deposit?	Authors of work produced or sponsored by a University of Sydney faculty, department, school or research centre
What material can be deposited?	<ul style="list-style-type: none"> • Articles • Technical reports • Working papers • Conference papers

	<ul style="list-style-type: none"> • Theses • Audio/Video • Datasets • Images <p>The policy provides, “Material deposited should primarily consist of academic and postgraduate research material, with the exception of honours theses or exceptions made by the department.”</p>
What material cannot be deposited?	<p>The copy of the work submitted must be a pre-print or a post-print – it cannot be the actual published version of the work</p> <p>Material deposited should not include any administrative records</p>
Is it mandatory or voluntary to deposit?	Voluntary
Conditions imposed	<ul style="list-style-type: none"> • The work must be scholarly or research oriented • The work must be the finished version • If the work is part of a larger series or set of related works, these other works should also be contributed so that as full a set as possible is offered
Copyright terms	<p>Copyright in material deposited in the repository is retained by the depositor/creator.</p> <p>Depositors are advised to check with their publishers as to whether copyright has been transferred and if so, whether self-archiving is permitted. They are also encouraged to attach an Author’s Addendum to future publishing agreements to allow self-archiving.</p> <p>Depositors can elect to restrict access to their material at different levels. However, the general public is always given access to the metadata</p> <p>End-users are advised, “Unless otherwise stated, you should treat the work like any other copyrighted material, and may make “fair use” of it as allowed under law.”</p>

	University of Tasmania
URL	http://www.eprints.org/openaccess/policysignup/fullinfo.php?inst=University%20of%20Tasmania and http://www.utas.edu.au/copyright/eprints/faq.html
Who may deposit?	All current University staff and graduate research candidates. University Honours students and graduates can submit first-class honours theses.
What material can be deposited?	<ul style="list-style-type: none"> • Journal articles • Conference papers and proceedings • Books and book chapters • Technical reports • PhD, Masters and First-class Honours theses undertaken at the University of Tasmania • Other item types may be accepted at the discretion of ePrints staff <p>Preference is given to peer-reviewed post-print items</p>
What material cannot be deposited?	
Is it mandatory or voluntary to deposit?	There was initially a mandatory deposit policy in the School of Computing only. The University has now mandated that all PhD and research Master theses must be deposited in the repository at the time of degree completion. At the moment, most deposits are voluntary, but the University has employed a patchwork mandate whereby each School/Department may individually mandate for deposit of material in the repository, in the hope that eventually there will be an institutional mandate throughout the entire University
Conditions imposed	
Copyright terms	Depositors must hold copyright in the material they are submitting or have permission from the copyright owner to submit. By putting materials in ePrints, depositors are giving the University a right to copy, store and communicate the material.

	University of Technology Sydney
URL	http://epress.lib.uts.edu.au/dspace
Who may deposit?	Staff of UTS, and some research and postgraduate students, where it is appropriate that their material be included in the repository.
What material can be	<ul style="list-style-type: none"> • Articles and preprints

deposited?	<ul style="list-style-type: none"> • Technical reports • Working papers • Conference papers • E-theses • Datasets • Images • Audio files • Video files • Learning objects • Reformatted digital library collections
What material cannot be deposited?	
Is it mandatory or voluntary to deposit?	Voluntary
Conditions imposed	
Copyright terms	<p>A depositor must have the copyright to the material to have permission to submit the material.</p> <p>The depositor should be willing and able to grant the university library the right to preserve and distribute the work in DSpace.</p>

	University of Wollongong
URL	http://ro.uow.edu.au/about.html
Who may deposit?	<p>University of Wollongong staff and postgraduate students</p> <p>Papers can be deposited by a person other than the author of the document provided:</p> <ul style="list-style-type: none"> • the depositing is done with the author's permission • the depositing is done by a registered user • the author confirms that they have retained the right to self-archive

What material can be deposited?	Journal articles and conference papers. The journal articles may contain images. If a person wants to deposit material that is not a journal article or conference paper, they can contact the Project Coordinator to discuss its suitability.
What material cannot be deposited?	<ul style="list-style-type: none"> • Unpublished material • Research output which does not involve UOW staff • Material intended for commercialisation • Papers which contain confidential material • Papers which, if disseminated, would infringe a legal commitment of UOW and/or the author
Is it mandatory or voluntary to deposit?	Voluntary
Conditions imposed	
Copyright terms	The website offers a number of “steps” an author can take to ensure they retain the right to deposit a copy of their work. These include checking the publisher’s policy on self-archiving, amending the publication agreement to allow self-archiving, issuing a non-exclusive licence to the publisher instead of an assignment of copyright, and self-archiving a copy of the pre-print version provided the publisher does not object.

	Victoria University
URL	http://wcf.vu.edu.au/GovernancePolicy/PDF/POI041116000.PDF
Who may deposit?	Victoria University staff and students
What material can be deposited?	<p>Material which represents publicly available research and scholarly output of the University, including:</p> <ul style="list-style-type: none"> • Refereed scholarly and research articles and contributions by current Victoria University staff and students at the post print stage (subject to the agreement of the publisher) • Refereed scholarly and research literature by current Victoria University staff and students at the pre-print stage (with corrigenda added subsequently if necessary) • PhD and Masters by Research degree thesis by Victoria University students

What material cannot be deposited?	<ul style="list-style-type: none"> • Material to be commercialised • Material containing confidential information • Material promulgation of which infringes a legal commitment either by Victoria University or the author • Previously published material where the publisher prohibits inclusion of post prints in a scholarly or digital repository
Is it mandatory or voluntary to deposit?	The policy states, “Contribution of materials to the E Repository by staff and students is encouraged but voluntary.”
Conditions imposed	Where authors or researchers maintain home pages, links should be provided to the article or document which has been submitted to the University E-print repository.
Copyright terms	Responsibility for complying with the University’s copyright policies and procedures; any third party contracts; copyright legislation and publishers’ rights rests with the staff member/student submitting the item.

Appendix Two

SHERPA Sample e-print licence

This repository supports the long-term preservation of e-prints, and free access to them. To undertake this role, the administrators of the repository need permission to store, copy and manipulate the material in order to ensure that it can be preserved and made available in the future.

This Deposit License is designed to give repository administrators the right to do this, and to confirm that the depositor has the right to submit the material to the repository. The Licence is non-exclusive, and the depositor does not give away any of their rights to the repository. For the deposit licence itself, the repository may take one of two approaches. The first approach is to seek a balance between their legal requirements and the need to encourage depositors to submit their work. Where possible, the licence should be short and avoid the use of legal jargon that may confuse the reader. The sample licence, below, is intended as an exemplar for use in existing and planned repositories. When customising it the reader should ensure the following terms are altered appropriately: [Institution]: the university or organisation that currently host the e-print repository. E.g. University of Nottingham.

Your right to publish your work

Rights granted to [the e-print repository] through this agreement are non-exclusive. You are free to publish the Work in its present or future version(s) elsewhere and no ownership is assumed by the repository when storing the e-print.

Depositing with [the e-print repository]

By agreeing to this license, you (the author(s), copyright owner or assignee), grant a **non exclusive licence** to [e-print repository] that authorises the following:

- a) You are the author, copyright holder or assignee and have authority to make this agreement, and give [the e-print repository] the right to publish the Work in a repository.
- b) That the Work is original and does not, to the best of your knowledge infringe upon anyone's copyright.

Permissions given to the repository

[The e-print repository] shall distribute electronic copies of the work for the lifetime of the repository, or based upon an agreed time span, and translate it as necessary to ensure it can be read by computer systems in the future. No charge will be made for distribution, except for media costs necessary for postal distribution.

Withdrawing your work

You may request the Work is removed at any point in the future. Equally, [the eprint repository] reserve the right to remove the Work for any professional, administrative or legal reason. A metadata record indicating the Work was stored in the repository will remain visible in perpetuity.

Disclaimer

While every care will be taken to preserve the e-print, [e-print repository] is not liable for loss or damage to the e-print or other data while it is stored within the repository.

Definition & terms

In this licence document:

'Work': means the e-print being deposited including abstract, text, images and related data.

E-print': means an academic research paper stored in an electronic format.

The licence above is tailored to the target audience of a repository, who are unlikely to be experts in the legal implications of depositing an e-print. A second approach for repositories wishing to consider a more structured approach is to establish a more formal licence framework. The second licence, below, provides a detailed breakdown of the rights of the depositor and the repository.

Depositor's declaration

1. By agreeing to this license, you (the author(s), copyright owner or assignee), grant a **non exclusive licence** to [the institution] on behalf of the [e-print repository] that warrant:
 - 1.1 You are the owner of the copyright in the whole Work (including content & layout) or are duly authorised by the owner(s), or other holder of these rights and are competent to grant under this agreement, a licence to hold and disseminate copies of the material.
 - 1.2 The Work is not and shall be in no way a violation or infringement of any copyright, trademark, patent, or other rights whatsoever of any person.
 - 1.3 That if the Work has been commissioned, sponsored or supported by any organization, you represent that you have fulfilled all of the obligations required by such contract or agreement.

The Repository's Rights and Responsibilities

2 [The e-print repository]:

- 2.1 May distribute copies of the Work (including the abstract) worldwide, in electronic format via any medium for the lifetime of the project, or as negotiated with the depositor, for the purpose of free access without charge (except for associated media costs).
- 2.2 May electronically store, translate, copy, or re-arrange the Work to ensure its future preservation and accessibility, unless notified by the depositor that specific restrictions apply.
- 2.3 May incorporate metadata or documentation into public access catalogues for the e-print. A citation to the Work will always remain visible.
- 2.4 Shall retain the right to remove the Work for professional or administrative reasons, or if it is found to violate the legal rights of any person.
- 2.5 Shall not be under any obligation to take legal action on behalf of the Depositor or other rights holders in the event of breach of intellectual property rights or any other right in the material deposited.
- 2.6 Shall not be under any obligation to reproduce, transmit, broadcast, or display the Work in the same format or software as that in which it was originally created.

Software

- 3.1. Copyright in any additional data, software, user guides and documentation to assist users in using the Work shall belong to [the e-print repository] on behalf of the [institution] and any other parties that [the e-print repository] may choose to enter into an agreement with to produce such materials.
- 3.2. While every care will be taken to preserve the physical integrity of the e-print, the [e-print repository] shall incur no liability, either expressed or implicit, for the e-print or for the loss of or damage to any of the e-print or associated data.

Definition & terms

4. In this Agreement:

- 4.1. 'Agreement': means this licence document including all of its terms and conditions.
- 4.2. 'Work': means the e-print being deposited including abstract, text, images and related data.
- 4.3. 'E-print': means an academic research paper stored in an electronic format.

The legal aspects of these licences have been checked by JISC Legal. However, this does not constitute legal advice, and the reader must consult their own legal team before making use of the licence.

[http://www.sherpa.ac.uk/documents/D4-2_Report_on_a_deposit_licence_for_E-prints.pdf]