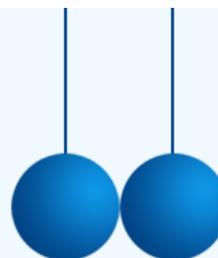


# OPENUCT INITIATIVE

opening scholarship



## Intellectual Property Rights Database for Journals

In November 2012 as part of foundational work for the OpenUCT initiative's pilot with the African Climate & Development Initiative (ACDI), one of my tasks was to assess the legal status of content that was to be shared. A large component of that content was journal articles and in my assessment of the journals I made use of [Sherpa Romeo's](#) website. The Sherpa Romeo website provides publisher information and advises as to the use and reuse of article versions.

At the time, the amount of journal articles I was looking at amounted to 350 and therefore it was manageable and easy to go to the Sherpa Romeo website, query ISSNs and get the relevant information. But I was thinking long term and specifically what would OpenUCT need in order to have a quick turnaround time for assessment of the legal status of journal articles submitted to the future repository. Another issue was that with all legal situations, each situation has its own facts and circumstances, therefore some of the Sherpa Romeo information was either not applicable to the UCT legal situation or the information needed was lacking. I then began to consider developing an intellectual property rights database which would detail information specific to the UCT context based on the Sherpa Romeo information but also including additional information which was needed in order to legally share journal articles via an institutional repository. By developing the database, it will be easier for others to plug in this information to automate a portion of the legal analysis work.

Each of the entries in the spreadsheet details the IP rights that govern the publication of preprints, postprints and publisher PDFs. As I had mentioned, the information is derived from the Sherpa Romeo database but have been modified. The modified entries are the result of analysis of copyright agreements, publisher contracts, website content and communications with publishers considering the specific context within which OpenUCT operates. The legal analysis was done in light of the facts and circumstances of the University of Cape Town's legal context - currently, UCT does not have an open access mandate yet, therefore the terms and conditions which govern their permission rights as contained in this spreadsheet has been tailored for UCT and will be slightly different from other institutions. In addition, the journal articles will mostly be uploaded into the repository and not onto personal or departmental websites - this affects which article versions can be shared and how they are shared.

The key addition in the spreadsheet is the copyright statements which have to accompany each article deposit. This information is not provided by the Sherpa Romeo site, instead, they provide a link to the copyright policy. Not everyone is comfortable or confident when reading legal documents and I wanted this information to be used by non-legal professionals as well, hence the addition of the copyright statement for each journal title and for each article version where relevant. In my assessment of the journal articles I have updated the publisher information and amended the terms and conditions based on information provided by the journal publishers and based on my reading of the publisher agreements. Lastly, I have specified the embargos and restrictions for sharing post-prints and publisher PDFs.

That being said, this spreadsheet should not be solely relied on for legal advice and while I have tried to double check all entries, some of the information here is based is entirely on information compiled by SHERPA. Please consult with your IP office and the authors in the event that there are special agreements in place or other negotiated terms and conditions which may affect the IP rights governing reuse of article versions. This work is licensed in terms of a Creative Commons Attribution Non Commercial Share Alike license because I would love this work to be improved on, adapted, shared and used by everyone. If there are any errors or any updates to the spreadsheet, please let OpenUCT and others know.

This has been quite a rewarding experience for me and I hope that it can benefit others. It is my final output for the University of Cape Town as I leave to pursue other challenges. It has been a great pleasure to work with the OpenUCT and OpenContent teams and with so many other departments, projects and people at UCT.

You can download the spreadsheet here: [IPR Database for Journals](#)

by Shiham Shaikh  
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