

editorial

Contribute your copyright

In 1978 a new copyright law becomes effective, and one of the results is that AIP and most member-society journals will be asking authors for transfer of copyright on each article. All of us should understand how this has come about and why it is important.

Traditionally a transfer of copyright from physicist authors to the society owning the journal was assumed to be implicit in the process of submitting a manuscript and getting it refereed and accepted for publication. AIP journals merely carried a statement on the inside of the front cover that "submission . . . is a representation that the manuscript has not been copyrighted, published, or currently submitted for publication elsewhere." On the same page and elsewhere in each journal issue the copyright notice was printed and was taken to apply to the journal issue as a whole and to all the articles in it separately. Armed with this understanding, AIP could not only publish the journal, but could distribute reprints of separate articles, authorize others to reprint selectively or cover-to-cover, negotiate translation rights (for example, *Review of Scientific Instruments* into Russian), authorize indexing and abstracting services to use material from the journals, authorize free fair-use copying by individuals and libraries, produce and market microform editions of the journals and computer tapes of abstracts, etc., etc. All of this has been done successfully in the spirit of actively advancing and diffusing the knowledge of physics.

The new (1978) US copyright law changes the situation in at least three important respects. First, it vests statutory copyright with the authors, or with their employers in the case of a "work made for hire," from the moment a manuscript is written, whether or not this copyright is officially registered. This copyright can now be transferred only in a formal written manner, and the submission of a manuscript for publication gives the publisher only the right to publish it once in the printed journal.

There is a second major change in the law. The copyright to a journal issue, which AIP can register formally with the Register of Copyrights and print on the inside of the front cover of the journal, will now apply only to the issue as a whole, but not to the articles separately. In order for an article to be covered separately, a copyright notice will have to appear on its first page, and this particularly requires a transfer of copyright to AIP from the author. Otherwise, for each future republication use the original authors would have to give written permission. This would be utterly cumbersome and would clearly set back the whole current information-distribution system.

The third major change in the law affecting journals is a much more rigorous definition of the conditions under which libraries may make photographic copies. Individuals (or non-profit libraries acting for them) will continue to be free to make copies of articles for their use in research and teaching. However, for commercial libraries and microfilm services the limits to copying are severe; without clear authorization, for example, from AIP or a member society, distribution through these channels simply cannot legally take place.

This new law provides long-needed protection for authors of popular works, composers and the like. However, our journals will need the copyright to continue the broad dissemination of physics. Thus a transfer-of-copyright agreement will be required with manuscript submission. The author will continue to hold all other traditional rights. For example, proprietary rights other than copyright, such as patent rights, are not transferred. It will continue to be an explicit part of AIP permissions policy that anyone who wishes to republish a figure, table, or other brief excerpt from an article will need the author's permission and, if the whole article is to be republished, AIP's permission as well. In either case the author has veto rights over such use. Finally, the author retains the right to use the article in his or her future works, for example, to include it in a reprint volume of which he or she is the editor. Naturally, authors as individuals will also have fair-use privileges for research and teaching (see news story, page 85).

In summary, although this new situation complicates our lives somewhat, it is not only essential to the well-being of the journals, but also is a distinct advantage to authors desiring wide distribution of their work, to transfer copyright so that we may continue to disseminate physics broadly, and promptly.

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