

From the Editor

Recently I attended an intellectual property workshop led by Catherine Madden Trindle of San Mateo County, California. As a journal editor, my particular interest was in copyright protection, which was addressed in depth in this seminar. As an industrial researcher, I had been quite aware of issues of patent protection, but in the area of copyright there were a number of aspects of which I had not heretofore been aware. For example, since 1978 copyright is implied for any tangible work (image, text, etc.) that is introduced into the “public forum,” e.g., posted on the web. Thus there is an assumed copyright on every e-mail you write! The copyright holder, whose permission must be obtained for reuse of the material, may be the creator, publisher, or, in the case of works made for hire, i.e., for most of us, the employer of the creator. In the case of our journal, the copyright holder for all articles is, by agreement with the submitting authors, the publisher, IS&T.

I was also surprised to learn that US copyright law applies to uses of all material in the United States, even though the material may be of foreign origin and copyright may have been granted or registered in another country. Material which is in public domain in another country, e.g., government documents, may be considered copyrighted with respect to use within the United States, where our journal is published, and appropriate permissions for use must be obtained.

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Specific applications to our journal include a policy, supported by the tradition of scientific publication, of not republishing in the journal articles which represent verbatim repetition of extended conference abstracts. Conferences may be co-sponsored by other scientific societies, who may or may not share in copyright ownership of the abstracts depending on the specific agreement. Republication of such material in an exclusively IS&T journal would be a violation of the rights of the other copyright holders. An additional relevant application is the case of review articles; it is common practice, and often fundamental to the effective presentation of the scientific material, to use figures and graphs which originally appeared in cited literature—literature to

which other publishers hold copyright. In this case, permission of the original copyright holder is required in writing, and to protect IS&T we require that the written permission be submitted to the editorial office along with the manuscript.

There are, however, exceptions to copyright exclusivity. For scientific authors, an important copyright limitation is embodied in the doctrine of fair use, which allows the reuse of portions of copyrighted works, e.g., graphs or figures, quotations, etc., *for personal and for nonprofit educational purposes*. Such use might include preparation of a review article, presenting an academic seminar based on or including material from a copyrighted book, website, or article. The amount or “substantiality” of the portion used becomes a critical issue; in academic circles an amount of an original work that can be fairly used is generally taken as not more than 10%. With respect to the ethics of such reuse, Ms. Trindle pointed out that, “Even if it would fall under the classification of fair use, courtesy should dictate that you contact the copyright holder and ask for permission to use [the material].”

A particularly egregious example of copyright infringement which is currently rampant is the practice of forwarding “interesting” websites or e-mails to extended lists of correspondents from one’s address book. It seems I receive one or two of these each day! These websites and e-mails are copyrighted works which, by their existence on the web, have entered the public forum. It is a violation of courtesy, ethical standards, and copyright law to forward them on, unless the criteria for fair use are met, or the original creator’s permission obtained.

As a practical consideration, how does a scientific author go about obtaining permission to use copyrighted material? Usually the publisher of print or web-based material is clearly identified on the material, e.g., inside front cover of this journal, and the potential user can start the process by contacting this publisher. In some cases the publisher is not clearly identified or no contact information is given. In this case the author can refer to the Copyright Clearance Center, www.copyright.com/cc/home.do. Guidelines for obtaining permission to use copyrighted material are also available from the Social Science Research Network, www.ssrn.com. Further information on copyrights in general, including guidelines for fair use, and US copyright law in particular can be obtained from the US Copyright Office, www.copyright.gov, and from the Association of Research Libraries, www.knowyourcopyrights.org/.

—M. R. V. Sahyun