

Should copyright be transferred before a manuscript is accepted?

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Abstract: Academic journals that undergo a process of academic scrutiny often pass a stage of peer review and subsequent editorial approval. In a process that can take weeks or months (in some cases, even years), an author aims to satisfy the requirements of peer reviewer and editorial scrutiny that would merit publication of their work. It is customary to, in traditional, non-open access journals, to then sign over copyright to the publisher, upon which the publisher then issues a proof, and the manuscript is then published. Even though it is obvious that an author would not submit to a journal with the objective of having it rejected, the issue of the timing of copyright transfer is one which does not appear to have been discussed in the literature, possibly because the order of transfer, i.e., after acceptance of a paper for publication, seems naturally logical. With the modernization of online submission systems, the transfer of copyright tends to occur online, after acceptance. However, on occasion, some journals request the transfer of copyright before peer review and editorial processing occurs, i.e., upon the act of submission. This letter examines three cases of Springer Nature plant science journals that demand the transfer of copyright to the journal's society upon submission, in direct violation of their instructions for authors. Authors have no right to challenge this discrepancy, nor can they complete submission in accordance with the instructions for authors because they are forced to submit copyright upon submission. Not only does transfer of copyright at such an early stage of the publishing process constitute a waste of authors' time—a precious commodity in a cut-throat field of science—in the three cases indicated in this paper, they may constitute a violation of authors' rights. The ethics of this request by the journals and publisher need to be debated.

Keywords: Forced decisions; obligatory versus voluntary; unfair and unethical; waste of time

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Publishing is a celebratory act, or at least it should be. Authors, most of all, should celebrate because they have passed a “stress test”, subjected their intellect to supposed experts in their field who have assessed the manuscript meticulously, and had it approved for publication by the editors. Editors and journals should—when the task has been conducted correctly—be proud to publish work that has been critically screened and examined. In traditional journals, the journey—which can sometimes be long, sometimes excessively so (1), and take as much as several months, or more rarely years—the authors then agree to sign over, or transfer, their copyright, to the journal's academic society, or publisher. The act of transferring copyright is an act of trust, in which authors place faith in the publisher to represent that intellectual content, and

disseminate it as widely as possible. Thus, it seems logical that copyright should only be transferred after a manuscript has been peer reviewed, and accepted for publication by the editors. The processes of manuscript submission, copyright transfer and proof corrections are increasingly being automated, with all these operations taking place through online submission systems, or online. In the case of online transfer of copyright, an author cannot sign the document, but has to check a box that indicates that they agree—on their behalf, or if for a group, on behalf of their co-authors—to the conditions specified in the clauses that appear online in the document on their screen at that time. Despite this natural and logical sequence of events, on occasion, one may find journals or publishers that require copyright to be transferred before a paper has been

accepted, during the stage of submission. From experience, most plant science journals published by Springer Nature follow this pattern of copyright transfer. This in fact was formally confirmed via email on April 1, 2017 by Carol Bischoff, the Springer Senior Editor in New York, stating clearly: “Please note it is the policy and practice of this journal and other of our journals published under the Springer Science + Business imprint that a transfer-of-copyright form is executed online by the contact author after manuscript acceptance. Of course, if the author chooses to publish open-access (via Springer Open Choice), then no transfer of copyright is needed or requested. Again, this choice is made by the author online after acceptance”.

The request to transfer copyright prior to editorial processing, peer review and acceptance is odd for the reason indicated above, namely that it only makes logical sense to transfer copyright once a manuscript has been accepted for publication, following peer review, and after the authors agree to that contract. Thus having to transfer copyright during the submission process and prior to peer review and editorial handling—independent of whether the paper is accepted or rejected—is not only a waste of authors’ time, resources and effort, because it usually involves having to print the document, sign it, scan it, and submit it, it simply makes no logical sense to sign over copyright at this stage of the publishing process. Even if the authorship disagrees with the lack of logic of this pre-acceptance transfer of copyright to the journal, society, or publisher, if such a clause is clearly specified in the instructions for authors (IFA), then authors have no choice but to comply, or to submit elsewhere if they feel that they disagree with the logic or the ethics of this request. *The Journal of Immunology*, published by The American Association of Immunologists, Inc., clearly specified this clause in their IFA, stating “All manuscripts are considered to be the property of AAI from the time of submission. Should AAI not publish the paper, AAI releases its rights therein at the time the manuscript is returned to the corresponding author” (2). Knowing this information in the IFA, authors can then make a decision whether to submit to the journal, or not.

Three Springer Nature plant science journals clearly state in their IFAs, in the section entitled “After acceptance”, the following text related to copyright transfer: “Copyright transfer Authors will be asked to transfer copyright of the article to the Society”. In other words, when authors read the IFA of these three journals, they know that only when their manuscript has passed peer review, editorial processing, and acceptance, will the copyright of their paper be transferred to the society in question. The three journals are: *Journal of Plant Biochemistry and Biotechnology*,

published by the National Research Centre on Plant Biotechnology, India, and with an $IF_{2015} = 1.352$ (3) (*Figure 1*), *Physiology and Molecular Biology of Plants*, published by the Prof. H. S. Srivastava Foundation for Science and Society, India, and with an $IF_{2015} = 1.351$ (5) (*Figure 2*), and *Agricultural Research*, published by The National Academy of Agricultural Sciences (NAAS), India, with no impact factor (6) (*Figure 3*). Even though this is clearly stated in the IFA of these three journals (*Figures 1-3*), when an author attempts to submit a manuscript to any of these three journals, in the final step of the submission process, i.e., where the submitting author is requested to upload files, in all three cases, the uploading of a signed copyright transfer form or agreement is mandatory/obligatory (*Figures 1-3*), i.e., an author cannot—and is unable to—complete the submission process without submitting a signed copyright transfer. In other words, even before editorial processing and peer review, and naturally long before a manuscript is destined for acceptance, authors are forced to transfer copyright, in direct violation of these journals’ IFA, and of Springer Nature’s copyright transfer policy, indicated in writing to me by Carol Bischoff.

These three journals are therefore violating authors’ rights. An author that respects the clauses of an IFA when submitting a manuscript, but is then required to break those written clauses, may be considered to be unethical by the scientific community for violating the publisher’s publishing requirements. Yet, in this case, not only are authors’ rights violated, so too is the journal society and publisher acting in bad faith by advertising one clause in the IFA (namely a voluntary transfer of copyright only after acceptance), but then forcing authors to transfer copyright before they have the privilege of having their manuscripts peer reviewed. The issue of authors’ rights is not discussed in great detail in the scientific literature—most likely because such civil liberties does not suit the economic model of intellectual exploitation of scientists currently in place by most mainstream oligopoly for-profit publishers, like Springer Nature (7), that require the transfer of copyright for commercial exploitation. Yet, as science becomes more militarized (8), primarily at the expense of authors’ rights (9), it is the responsibility of authors and scientists to officially record such cases so that the scientific community may begin to appreciate how such rights have become infringed upon, and frayed, in small steps and measures. Most importantly, will Springer Nature force these three Springer Nature journals to conform to its copyright transfer policies, or to flaunt separate rules of engagement?

A springer.com/life+sciences/journal/13562

B <https://www.editorialmanager.com/jpbb/default.aspx>

C

Figure 1 *The Journal of Plant Biochemistry and Biotechnology* (A), published by the National Research Centre on Plant Biotechnology, India, with an $IF_{2015}=1.352$ (*JPB* 2016), and hosted by Springer Nature, makes a request for authors to transfer copyright upon submission, a mandatory (obligatory) requirement (B), even though it contravenes the instructions for authors, that clearly state that copyright is transferred after acceptance (C). Salient aspects indicated by bold red arrows. Screen-shot used under the fair-use agreement for post-publication peer review (4).

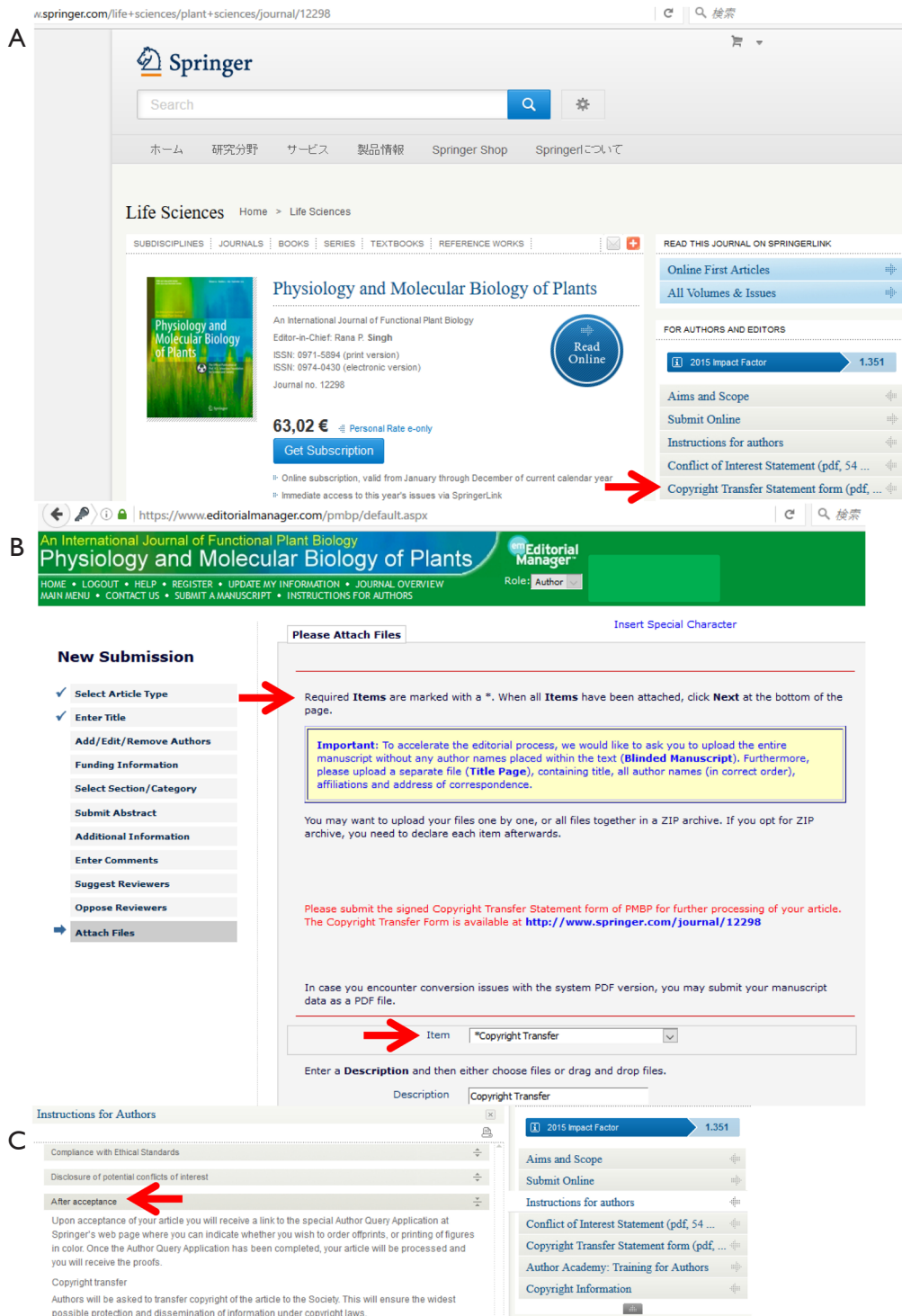


Figure 2 *Physiology and Molecular Biology of Plants* (A), published by the Prof. H. S. Srivastava Foundation for Science and Society, India, with an $IF_{2015} = 1.351$ (PMBP 2016), and hosted by Springer Nature, makes a request for authors to transfer copyright upon submission, a mandatory (obligatory) requirement (B), even though it contravenes the instructions for authors, that clearly state that copyright is transferred after acceptance (C). Salient aspects indicated by bold red arrows. Screen-shot used under the fair-use agreement for post-publication peer review (4).

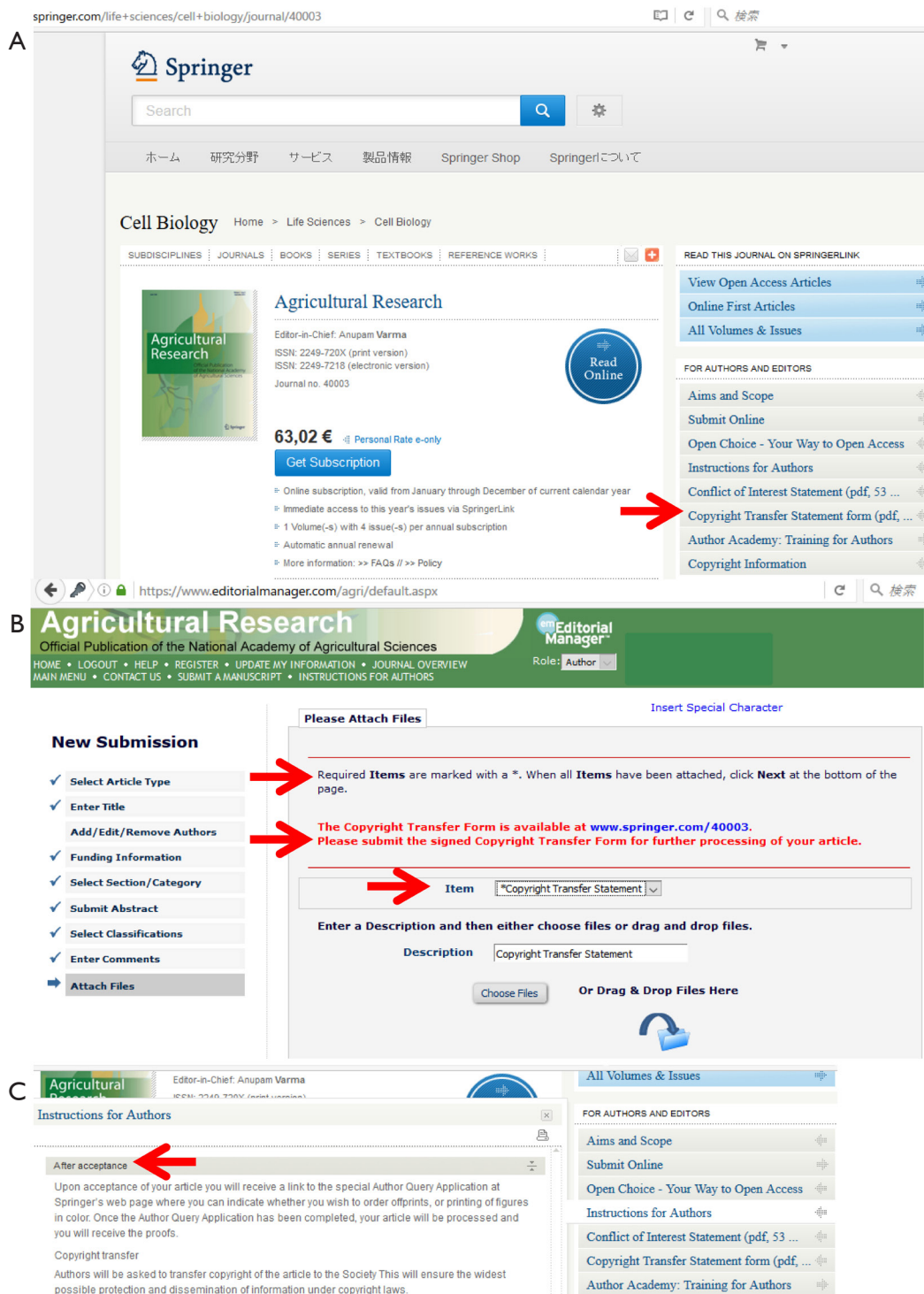


Figure 3 *Agricultural Research* (A), published by The National Academy of Agricultural Sciences (NAAS), India, with no impact factor (AR 2016), and hosted by Springer Nature, makes a request for authors to transfer copyright upon submission, a mandatory (obligatory) requirement (B), even though it contravenes the instructions for authors, that clearly state that copyright is transferred after acceptance (C). Salient aspects indicated by bold red arrows. Screen-shot used under the fair-use agreement for post-publication peer review (4).

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Footnote

Conflicts of Interest: The author has no conflicts of interest to declare.

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