

# Copyright Issues Related to the NIH Public Access Policy

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## Transferring Copyright

Authors often transfer some or all of their copyrights to a publisher when a journal agrees to publish their article. Some publishers may ask authors to transfer copyrights for a manuscript when it is first submitted to a journal for review.

Authors should work with the publisher **before** any rights are transferred to ensure that all conditions of the NIH Public Access Policy can be met. Authors should avoid signing any agreements with publishers that do not allow the author to comply with the NIH Public Access Policy.

Individual copyright arrangements can take many forms; authors should continue to manage such arrangements as they have in the past. However, in order to comply with the NIH Public Access Policy, authors must make sure that the agreement allows the following:

- Deposit the accepted peer-reviewed manuscript in the NIH Manuscript Submission system (NIHMS) upon acceptance of publication
- Make it available for public posting on PubMed Central no later than 12 months after journal publication.

## Sample Language to Add to a Copyright Agreement

NCI-Frederick suggests this sample language to add to a copyright agreement that does not provide for compliance with the NIH Public Access Policy:

**"Journal acknowledges that Author retains the right to provide a copy of the final manuscript to the NIH upon acceptance for Journal publication, for public archiving in PubMed Central as soon as possible but no later than 12 months after publication by Journal."**

In addition, the NIH provides two model agreements to use when working with publishers, posted at <http://ethics.od.nih.gov/forms.htm> under the titles "**Copyright Notice for an Article/Chapter**" and "**Author Agreement**."

## Publishers That Do Not Comply With the NIH Public Access Policy

If a publisher's copyright transfer agreement does not comply with the NIH Public Access Policy, you should **check with your institutional official**, who may wish to consult with your institution's legal counsel, to determine how the agreement impacts your ability to comply with the Policy.

## More information about the NIH Public Access Policy

- **NCI-Frederick's Policy, Number 118**  
<http://web.ncifcrf.gov/campus/administrative/policies/100admin/118.asp>
- **NIH Public Access Frequently Asked Questions**  
<http://publicaccess.nih.gov/FAQ.htm>
- **NCI-Frederick Scientific Library, NIH Public Access Policy Resources**  
<http://www-library.ncifcrf.gov/openaccess.aspx>  
or contact the Library at x1093 or [NCIFredLibrary@mail.nih.gov](mailto:NCIFredLibrary@mail.nih.gov)