

New Copyright Law: Effects on *Science*, Contributors, and Users

A new copyright law became effective on 1 January. This law attempts to establish a new balance between the needs of users for access to the ideas expressed in documents and the rights of authors to obtain sufficient benefits from the distribution of documents to encourage them to make their ideas public. Documents are copyrightable, not ideas. The new law recognizes the fact that the fast, relatively cheap copying machines that have become accessible to users since the previous law was written in 1909 have displaced the old balance. These machines enable users to make copies without compensating the author or contributing to the cost of making the document available for use.

The major changes in the law that affect journals are:

1) Statutory copyright begins as soon as a document is written, rather than at the time of publication or registration, and it remains with the author or the author's employer unless he or she formally assigns it, or part of it, to someone else. This provision makes no distinction between authors who make their livings by sale of their writings and authors whose writings are secondary to their research and are contributed to journals.

2) Copyright in a collective work, such as *Science*, is separate from the copyrights in the individual works it contains, which, if they are not formally acquired by the journal publisher, remain with the authors.

3) The court-developed doctrine of "fair use"—that is, use of copyrighted material for nonprofit research and educational purposes without permission of or compensation to the copyright owner—is given statutory recognition.

To comply with these changes in the law, the AAAS must either obtain a copyright assignment from each contributor or arrange to turn over to contributors responsibility for handling requests for permission to use their materials. These requests now average 80 per week. Some contain lists of items, each from a different contributor. Others consist of general requests from university departments, specialized libraries, and abstracting services for use of all items on a particular subject. Moreover, it seems likely that the number of re-

quests will increase under the new law, which places new restrictions on copying (see News and Comment, page 32).

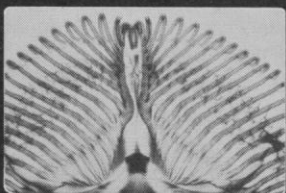
Transfer of these responsibilities to contributors will be cumbersome for users, contributors, and the AAAS. It will make it more difficult and frustrating for users who wish to meet their increased responsibilities to contribute to the cost of making documents available for use. Furthermore, contributors will have to register their own copyrights and pay the registration fees if they wish to establish their right to sue for infringement.

In order to meet its responsibility to encourage use of material published in *Science* and recover a portion of the publishing costs from each user not protected by the "fair use" provisions of the new law, AAAS is taking three steps.

First, authors will be asked to assign their copyrights to AAAS. The document they will be asked to sign will include formal recognition of existing practices—namely, their right to reuse their own material for their own purposes, to veto specific but not general permissions granted by AAAS, and to obtain reassignment of their copyright from AAAS, without fee, if they wish to do so.

Second, AAAS has joined the Copyright Clearance Center, an organization which provides a new mechanism by which copying for uses excluded under the "fair use" provisions can be licensed by publishers without requiring specific permission for each use. This organization will provide a central place to which users can remit copying fees for redistribution to publishers. Participants in this organization will print a code number, including identification and price, on the first page of each article (see page 21). Thus users who do not copy from a journal frequently enough to warrant their taking out a subscription will be able to help pay publishing costs.

Third, *Science* will also establish and maintain, beginning with the first issue in 1978, a stock of reprints of most items published in *Science*, particularly Editorials, Articles, News and Comment, Research News, and Reports. Orders will be accepted for all items, and reprints will be shipped within 1 week from stock and within 2 weeks if printing is required.—R.V.O.

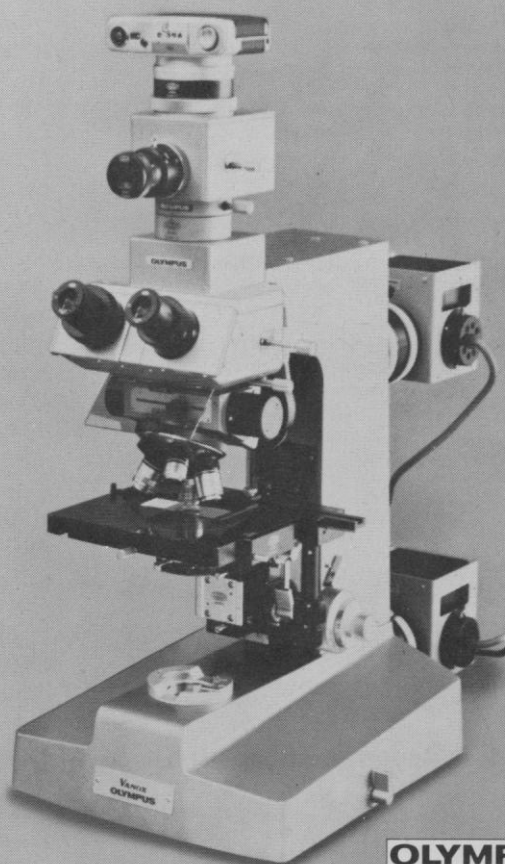


Proboscis of Blow Fly.
Courtesy: Mortimer Abramowitz.

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