

[GOAL] Elsevier Keeps Revising Its Double-Talk (But Remains Fully Green)

Stevan Harnad Tue, 24 Sep 2013 23:40:27 -0700

Here's Elsevier's latest revision of the wording of its author rights

agreement stating what rights Elsevier authors retain for their "Accepted Author Manuscript

[AAM]<<http://www.elsevier.com/journal-authors/author-rights-and-responsibilities?a=105167#accepted-author-manuscript>>

".

*Elsevier believes that individual authors should be able to distribute

their AAMs [Accepted Author Manuscripts] for their personal voluntary needs

and interests, e.g. posting to their websites or their institution's

repository, e-mailing to colleagues. However, our policies differ regarding

the systematic aggregation or distribution of AAMs...

Therefore, deposit

in, or posting to, subject-oriented or centralized

repositories (such as

PubMed Central), or institutional repositories with systematic posting

mandates is permitted only under specific agreements between Elsevier and

the repository, agency or institution, and only consistent with the

publisher's policies concerning such repositories. Voluntary posting of

AAMs in the arXiv subject repository is permitted.*

Please see my prior analyses of this Elsevier

double-talk<<http://j.mp/ElsevierDoubletalk>> about authors retaining the right to make their AAMs OA in their institutional repositories "voluntarily," but not if their institutions mandate it "systematically." Here's a summary:

1. The *author-side* distinction between an author's self-archiving voluntarily and mandatorily is pseudo-legal nonsense: *Authors can truthfully safely assert that whatever they do, they do "voluntarily." *

2. The *institution-side* distinction between voluntary and "systematic" self-archiving by authors has nothing to do with rights agreements between the *author* and Elsevier: It is an attempt by Elsevier to create a contingency between (a) its "Big Deal" journal pricing negotiations with an *institution* and (b) that institution's self-archiving policies. *Institutions should of course decline to discuss their self-archiving policies in any way in their pricing negotiations with any publisher.*

3. "Systematicity" (if it means anything at all) means systematically collecting, reconstructing and republishing the contents of a journal -- presumably on the part of a rival, free-riding publisher, hurting the original publisher's revenues; this would constitute a copyright violation on the part of the rival systematic, free-riding publisher, not the author: An institution does nothing of the sort (any more than an

individual
self-archiving author does). *The institutional repository
contains only
the institution's own tiny random fragment of any individual
journal's
annual contents.*

All of the above is in any case completely mooted if an
institution adopts
the ID/OA

mandate<[https://www.google.be/?
gws_rd=cr&ei=HXZCUoeuCM3HsgbIioG4Cg#q=%22immediate-deposit
%22+harnad+mandate](https://www.google.be/?gws_rd=cr&ei=HXZCUoeuCM3HsgbIioG4Cg#q=%22immediate-deposit%22+harnad+mandate)> ,

because that mandate only requires that the deposit be made
immediately,

not that it be made OA immediately. (If the author wishes to
comply with a

publisher OA embargo policy --*which Elsevier does not have*
-- the

repository's "Almost-OA" eprint-request

Button<<https://wiki.duraspace.org/display/DSPACE/RequestCopy>>
can

tide over researcher needs during any OA embargo with one
click from the

requestor and one click from the author.)

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