

additional mechanism for publisher revenue beyond subscription sales.

Fifth, we will estimate the number of publishers which have licensing arrangements with other organizations to handle the licensed photocopying of their publications, and we will also describe the frequency with which the publishers themselves receive and respond to photocopying permission requests, particularly requests received from libraries. Of particular interest will be an analysis of the disposition of these requests, e.g., how often permissions are given.

CONCLUSIONS

These data will be delivered to the Copyright Office early in 1982 for its consideration in its review of the impacts of the new copyright law. The schedule for public release of the data will be determined by the Copyright Office.

ACKNOWLEDGMENT

We would like to acknowledge here the guidance and advice supplied by Christopher Meyer of the Copyright Office, who serves as the government project officer for this project. In

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REFERENCES AND NOTES

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Copyright from a Permissions Person's Point of View[†]

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In order for publishers to effectively and efficiently handle permission requests for further dissemination of information, it is necessary for them to have copyright to the material they publish. Some publishers require that, to the extent possible, copyright be transferred to them. In return, certain rights are generally returned to authors or their employers in the case of works made for hire.

A copyright owner is not the only one who is concerned with copyright. As copyright administrator for the American Chemical Society Books and Journals Division, I get telephone calls, letters, and telegrams from authors, editors, librarians, publishers, lawyers, educators, and users of information. One of the main concerns of a permissions person is to respond to requests for copyright information and reprint permission in a timely manner. Another concern is to ensure that copyright transfer forms are properly signed.

It goes without saying that you must be the copyright owner of requested material in order to be able to grant reprint permissions. Because copyright transfer and ownership is germane to granting reprint permissions, and because we feel that our owning copyrights to works we publish is a service rather than a deterrent to information dissemination, the ACS Books and Journals Division requires authors to transfer their copyright to ACS, except in those cases where a work is in the public domain because authors of a paper are employees of the U.S. Government and have prepared a paper as part of their official duties.

The rights we return to authors, employers, and the U.S. Government appear on the ACS copyright transfer form which is printed every year in the first issue of each of our research journals. We state directly on our form that copyright transfer

becomes effective if and when a work is accepted for publication by ACS. At the top of the ACS form is the statement, "This manuscript will be considered with the understanding you have submitted it on an exclusive basis". If we discover that another publisher is also reviewing a paper that was submitted to an ACS publication, all production on the paper is stopped. We then alert the author to the statement on the ACS form and ask that we be notified in writing of the author's intention as to where the paper is to be published. This is important because it is our policy not to publish any paper in our research journals that has been published elsewhere.

Section A of the ACS copyright form states that authors retain the right to revise, adapt, prepare derivative works, present orally, or distribute their work provided that all such use is for their personal, noncommercial benefit. Section B states that "in all instances where the work is prepared as a 'work made for hire', the employer . . . retains the right to revise, adapt, prepare derivative works, publish, reprint, reproduce, and distribute the work provided that all such use is for the promotion of its business enterprise and does not imply the endorsement of the American Chemical Society". Section E, which for some reason is the most overlooked section, provides that for "works prepared under U.S. Government contract, the American Chemical Society recognizes the Government's prior nonexclusive, royalty-free license to publish, translate, reproduce, use, or dispose of the published form of the work or allow others to do so for U.S. Government purposes". For those authors who receive ACS copyright

[†] Presented (in part) before the Divisions of Chemical Education and Chemical Information, Symposium on "The Copyright Law", 182nd National Meeting of the American Chemical Society, New York, NY, Aug 27, 1981.

forms from either the editors' offices or the ACS office, there is an attachment at the bottom of the form entitled, "Dear Author". This section describes what is and what is not acceptable as far as signing our form. The most important general rules for signing the ACS copyright form are as follows:

Substitute forms or changes to the ACS form are not acceptable.

Any addition or changes made to the form will delay the processing of a paper for publication.

Only one section of the copyright form should be signed.

If one or more authors are *not* U.S. Government employees, the top section of the copyright form should be signed by a non-U.S. Government author.

An original signature must be on the form; photocopied signatures are not acceptable.

These provisions are required so that we can efficiently handle the more than 10 000 copyright forms we receive each year. Most of our editorial assistants, who initially receive and process the copyright forms for our 21 primary publications, are not located at ACS headquarters; they are located throughout the United States. Their primary concern is editing and processing papers for publication. Although our editorial assistants know that we require copyright transfers from authors, they are not familiar with copyright to the extent that they would know what phrases would be acceptable to the Society. Therefore, it is efficient and effective for us to tell them that we only accept the ACS form signed as is, without changes. If an editorial office receives an unacceptable form, they are instructed to either ask the author to submit another ACS copyright form or request that I obtain a correct form from the author. Production on a paper may continue; however, if a paper is ready for publication and we do not have a correctly signed form, the paper will be delayed until an acceptable form is received. Of course, there are exceptions. Sometimes an unacceptable form slips through and a paper is still published. However, even after publication, a thorough check is made of all copyright forms and authors are asked to submit correctly signed forms when necessary.

The American Chemical Society feels that copyright transfer is intrinsic to disseminating scientific information through books, journals, magazines, reprints, photocopies, and other means. We feel that our owning copyright is a service to requestors of information, for they can easily locate us to obtain necessary reprint permission. Also, you can be assured that we handle permission requests within a reasonable amount of time. This is a timesaver for requestors; just imagine if you had to obtain reprint permission from an author who is the copyright owner of a work and who prepared it while attending an academic institution; since that time the individual copyright owner has had several employment positions in various organizations throughout the country. How many telephone calls or letters would it take to locate an individual to obtain copyright permission? The American Chemical Society as well as other organizations who require copyright transfer from their authors take responsibility to respond to permission requests, for they are mostly reliable organizations which can be quickly and easily located.

We feel that quick turnaround time for granting permissions is important. I do not know what the turnaround time is in other permission offices, but we strive to respond to permission requests within 3 working days of receipt for figures and graphs and within 1 week for full articles. Of course, there are exceptions: if someone's request is received by special delivery or by telex, we will respond in the same manner, within reason. If requestors wish to have verbal permission, they may have it as long as their written request is received by us. We then follow up the verbal permission with written permission, usually

within 1 week. This is a precaution so that our material is not misused by individuals who say that they received verbal permission when in fact they did not.

Granting reprint requests is not a small operation for the ACS Books and Journals Division. We handle an average of 20 permission requests for full articles per week; this does not include granting the 200 or so requests for permission to reuse excerpts, tables, graphs, and other illustrations, which is done on a routine basis by rubber stamping a requestor's letter with "permission granted" and the required ACS credit line.

As I mentioned previously, the ACS copyright form specifies rights that are granted to authors, employers, and the U.S. Government. This is only a skeleton guideline for us to use in handling requests for reprint permission. Such requests which are received at ACS are handled in accordance with an 11-page set of working guidelines which was prepared in 1980, 2 years after the Copyright Law went into effect. The guidelines for the reproduction and use of ACS copyrighted material include various types of requests and how to handle them. Of course, with the advancement of technology, new and different types of requests continually arise. Therefore, we made our working guidelines general enough to cover such requests.

We believe that the ACS permissions policy is lenient relative to that of some commercial publishers. Requests to reprint or republish specific tables, figures, and illustrations are usually granted without a royalty charge and without our requesting that the author's permission also be obtained. In the 2 years that I have been with ACS, there has only been one time that a royalty fee was levied for permission to reprint figures and tables. In this case, the illustrations comprised more than one-half the entire article; a token royalty fee was charged, and we required that the requestor also obtain the author's permission.¹

With regard to obtaining reprint permissions in general, the address to which you should send a written request will usually be printed in the front of a publication; look for a section entitled "permissions" or "copyright". On the inside front cover or within the first few pages of most ACS journals, we direct requestors to write to the Copyright Administrator at the ACS Washington address. As a general rule, if you are unable to locate this type of information, direct your request to the publisher and mark it to the attention of the Copyright or Permissions Office. This will expedite your request which might otherwise sit in a mailroom for a day or two until someone reads your letter and determines where to forward your request. I also suggest that you do not send your permission requests to the editor or author of a work unless this is requested by the copyright owner.

Requests for reprint permission should include complete bibliographic information including the title of the publication, year, volume number, issue number, inclusive page numbers of the article if you are copying a full article, authors' names, and the exact information you wish to see, for example, Figures 3, 4, and 8, Table 7, etc. Also, please specify how you intend to use the requested material, for example, to modify a figure, to publish the material in a book, to present the material in a talk which will be published in a proceedings book to be circulated to 500 attendees free of charge, to include it in a specified journal, and so forth. If the material you wish to reuse is cited as a second or third source, I suggest you carefully check to make sure that the information you request is complete and accurate. Also, ensure that you forward your request for reprint permission to the copyright owner. Keep in mind that the more information you provide, the quicker we can handle your request.

I do not know whether I speak for other societies or publishers, but it would make our job easier if your requests for

various figures and tables from several ACS publications were listed on one page.

Besides handling reprint permission requests and making sure that the ACS copyright transfer form is signed correctly, I also draft copyright licensing agreements for final approval by our general counsel. I also serve as a copyright information specialist to those people who call or write to me to find out what rights they have or permissions they need.

A good source of information is the U.S. Copyright Office. Circular R1 (Copyright Basics) is a succinct primer for copyright. Other U.S. Copyright Office circulars which I believe are valuable, quick-reference sources of information, are Circulars R2 (Publications of the Copyright Office), R21 (Reproduction of Copyrighted Works by Educators and Librarians), and R22 (How to Investigate the Copyright Status of a Work).² Please note that these and other publications of the U.S. Copyright Office are available free of charge. If you have any questions about copyright registration, or if you are not sure about copyright in general, you may call the U.S. Copyright Office public information office from 8:30 a.m. to 5:00 p.m. at (202) 287-8700. Their public information specialists are quite helpful; however, note that U.S. Copyright

Office personnel may only state facts and inform you what the copyright law says; they will not offer any interpretation of the law nor will they express any opinion as to the legal significance or effect of any facts that they may provide.

For questions about copyright in general, call or write to the U.S. Copyright Office or contact your organization's reprint permissions person or general counsel or the publisher to whom you submitted your work for consideration of publication. If you have any copyright questions concerning a paper that you submitted to, or material that you wish to use from, an ACS publication, do not hesitate to call us. Keep in mind that if you are not sure whether or not you need to obtain reprint permission, it is a good idea to ask the copyright owner. It is also a good idea to know the basics of the U.S. Copyright Law, for ignorance of the law is no excuse for innocent infringement.

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Journal Copyright Problems: An Editor's View

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Copyright considerations from the point of view of a journal editor are presented.

My task in this symposium is to present copyright considerations from the point of view of a journal editor. There are at least two aspects while considering copyright from the point of view of a journal editor: (1) the technical details of copyright acquisition and (2) the uses for which copyright permissions are granted. A partial understanding of the basis for the decision regarding copyright acquisition and permissions stems from the nature of the journal involved. The *Journal of Chemical Education* is nonprofit and privately owned (by the Division of Chemical Education, Inc.); there are no author page charges associated with publication in the Journal. It exists as a communication medium for all chemistry teachers for keeping up with the advances in their profession—both in the science of chemistry and in the teaching of chemistry. Accordingly, editorial policy is dedicated to maximizing the dissemination of the knowledge and ideas presented in the manuscripts which are judged suitable for publication. We feel this policy also reflects the wishes of authors who would like to have their work (partially or in its entirety) recognized as widely as possible. This we do in several ways: in the pages of the Journal, as reprint volumes published by us, and by other publishers reprinting our articles, with proper acknowledgments.

Our process for copyright transfer is much like that described by Friedman for ACS journals. The important parts of the copyright transfer agreement include the following:

- (1) The author retains the right to revise, adapt, prepare derivative works, present orally, or distribute the work, provided that such use is for his personal noncommercial benefit.
- (2) If the work is one "made for hire", the employer

retains the rights described in (1), including the right to reproduce and reprint for the promotion of his business enterprise, providing it does not imply our endorsement.

(3) For works prepared under U.S. Government contract, we recognize the Governments' prior nonexclusive, royalty-free license to publish, translate, reproduce, use, or dispose of the published form of the work or allow others to do so for its purposes.

The guiding principle of the editorial office is to maximize distribution of our authors' works provided appropriate acknowledgments are made. Thus, permissions are usually fully granted to reproduce portions (usually charts or graphs) of a paper. Permissions are not usually granted for requests that involve reprinting large numbers of entire papers for inclusion in works that are sold for profit. In such cases, we usually anticipate a large interest in collections of papers by publishing our own reprint series, e.g., "Tested Demonstrations", four volumes of papers which originally were published in the Journal on safety, and a computer-oriented series of papers. Such reprint series are usually sold at cost, with editors receiving a modest honorarium.

If the *Journal of Chemical Education* is a model of a noncommercial (i.e., nonprofit or at least break-even) operation, the current copyright practices can be used easily to bring consistency to the process, maximizing the dissemination of the ideas presented on the pages of such journals. The situation where authors hold the copyright usually involves considerable effort in the form of correspondence and record keeping and often leads to unnecessary delays. Although this may appear