

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).<sup>2</sup> 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

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## REFERENCES AND NOTES

- (1) Friedman, B. A. "Copyright Permissions", presented at the CESSE Meeting, Boston, MA, July 16, 1981.
- (2) U.S. Copyright Office Circulars, Copyright Office, Library of Congress, Washington, DC.

## 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

to be trivial for a few requests, a good scholarly journal publishing exciting papers can expect several hundred requests per year; a task of this magnitude can become onerous. On

the other hand, if the Journal holds the copyright, requests, value judgements, and permissions can be handled expeditiously to the satisfaction of all concerned.

## Facilitating Access to Copyrighted Works<sup>†</sup>

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Means to attract into the CCC system nonparticipating publishers, means of handling transactions beyond the current method of printing identification codes and prices on article first pages, and expansion of the service offered by the CCC so that it would be a single broadly based central permissions and licensing service to which users could turn are described.

Copyright provides the financial underpinning of independent writing and publishing, and authors and publishers view compliance with the new copyright law as essential to their future. This law, although late in coming, finally addressed the problems posed by modern reprographic technology and established reasonable ground rules for its use within a framework of reasonable copyright protection for authors and publishers. However, problems continue to abound, and illegal photocopying continues in significant volume. While much of this illegal copying reflects simple disregard of the law, both conscious and unconscious, some of it also probably stems from frustration at the difficulty sometimes encountered in obtaining necessary permission to make copies under the law.

Authors and publishers believe that a broadening and strengthening of the Copyright Clearance Center (CCC) offers the best hope of a constructive solution to this problem. Therefore, we are now seeking to develop means to attract into the CCC system the great bulk of the remaining nonparticipating publishers and to expand the means of handling transactions beyond the current method of printing identification codes and prices on article first pages. Our long term hope is to expand the service offered by the CCC so that it would be a single broadly based central permissions and licensing service to which users could turn.

Although it is still a bit premature at this point, I will describe in outline one possible means of achieving this goal. Publishers not wishing to utilize the present system (and there are many who say they cannot use it for a variety of reasons) would be given the option of simply stating on their masthead page that all requests for permission to copy should be addressed to the CCC. They would tell the CCC what their

copying charges are, and this information would be kept in computer disc storage. The CCC could then receive permission requests either in writing or, where speed is essential, via incoming 800 WATS lines and immediately call up the necessary information on the computer terminal screen, clear the user to make the desired copies, and record the transaction for future consolidated billing. In instances where the publisher finds it difficult or impossible to quote a standard royalty payment, that information would also be kept in disc storage, and the inquiring user would be directed to the individual from whom an answer could be immediately obtained.

Our near term objective will be to develop and implement such an expanded system for scientific, technical, and medical journal material. In the longer run our hope would be to find a means to include a significant amount of book material in such a system, although obviously this will be considerably more difficult to achieve.

Finally, I should point out that beyond the systems design and hardware problems for which we must find answers, it will require a change in attitude on the part of many in the user community for this effort to succeed. There will be both a significant development cost and a significant increase in fixed operating overhead to implement such a system, and there will have to be much greater voluntary compliance with the law than has been evident to date for the CCC to have the volume necessary to cover these costs. Even on the basis of the old King Study, only a minute fraction of the copying which requires permission or payment under the new law is now being reported. I think the kind of system I have described should easily be financially supportable if the major institutional users will use it, but if a number of their spokesmen continue to claim that the CCC is unnecessary in the first place, and to urge their constituencies to have nothing to do with it, it may be very difficult to get from here to there.

<sup>†</sup> 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, Aug 27, 1981.