---- Forwarded Message -----

**From:** Tim Hopkins <<u>t.r.hopkins@kent.ac.uk</u>> **To:** Chris Kormanyos <<u>ckormanyos@yahoo.com</u>>

Cc: T.R.Hopkins@kent.ac.uk

Sent: Monday, June 6, 2011 7:44 PM

Subject: Re: Manuscript TOMS-2009-0032 (Algorithm 910)

On 05/06/11 21:44, Chris Kormanyos wrote:

## Chris:

- > Could you please provide us with explicit permission to create
- > a work derived from Algorithm 910 for inclusion in boost?
- > http://www.boost.org/
- > I believe that licensing a work derived from Algorithm 910
- > under the boost general license falls under point 3 below.
- > At first, we only want to include the big-number back ends
- > in boost, not the special functions. Our derived work will
- > require both architectural refactoring as well as an overall
- > renaming scheme.
- > boost has licensing conditions that differ from those of the ACM.
- > Therefore, the controllers at boost request explicit permission to
- > include a work derived from Algorithm 910 in their library.
- > Again, could you please provide us with explicit permission
- > to derive a work from Algorithm 910 for boost?

I have passed this on to someone in ACM for advice. Personally I don't see that ACM need to do anything as they say derivative works are allowed.

Will get back to you as soon as I have something.

Tim
Chris:
I think the appended message says it all !!
Let me know if I can be of any further help.
Tim
Original Message
Subject: RE: Re: Manuscript TOMS-2009-0032 (Algorithm 910)
Date: Mon, 6 Jun 2011 10:13:57 -0700
From: Bernard Rous < rous@hq.acm.org>
To: 'Tim Hopkins' <t.r.hopkins@kent.ac.uk></t.r.hopkins@kent.ac.uk>

CC: 'Bernard Rous' <rous@acm.org>, Deborah Cotton <cotton@hq.acm.org>

Hi Tim,

Yes, you have explained things correctly to the author.

A new derivative work (Major Revision of =>25% new material) is owned by the author. (The fact that portions of this new derivative work are copyrighted by ACM does not really give ACM any control over the work other than being properly cited.)

A Minor Revision of a work copyrighted by ACM (<25% new material is considered a Minor Revision rather than a new derivative work) is still copyrighted by ACM.

It is really up to the author to determine when he creates a Major or Minor revision and then to follow the rules.

Since this author wishes to commercialize his own work himself, he should do so and I agree completely that ACM should not have any interest in it.

However, if a third party should ask ACM for permission to commercialize this author's algorithm as published, normally ACM would grant permission and collect a standard fee. Since we ask that people first seek agreement from the author before obtaining permission from ACM, the author has an opportunity to say no.

The relevant portion of the Policy is appended below.

Regards,

Bernie

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ACM-copyrighted work. If the new work is substantially developed, it is considered a new derivative work. The author owns the copyright in the new work and may do as she wishes with it. The author must incorporate a citation to the previous work with a notice

"This work is based on an earlier work: TITLE, in PUBLICATION, {VOL#, ISS#, (DATE)} © ACM, YYYY. <a href="http://doi.acm.org/10.1145/nnnnnn.nnnnnn">http://doi.acm.org/10.1145/nnnnnn.nnnnnn</a>" If the work is a minor revision, copyright remains with ACM and the notice should read

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To distinguish between a new derivative work and a minor revision, ACM

uses, respectively, a rule of greater than or less than 25% changed. Obviously, word counts are not an absolute measure. The author is in the best position to judge when a work is merely revised or offers a significant new contribution.

<><<<<<< Bernard Rous ACM Director of Publications rous@hq.acm.org 212 626-0660

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