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Professor Bertrand Halperin
Chair, APS Publication Oversight Committee
Harvard Univ

Dear Professor Halperin,

Thank you for your suggestion -- we would very much welcome the opportunity to comment on any proposals, and are happy to be available during part of the POC meeting via phone conference.

I enclose an attachment of the two proposals we have made. It is similar to a previous email sent to Prof. Sprouse as part of our discussions on potential solutions. The background to these proposals, as well as some discussion is available on [my webpage](#)¹. We would certainly appreciate any feedback on the proposals in advance of the meeting. Proposal (1) is currently under further review by a lawyer and may change slightly. We would welcome more professional legal views from APS counsel.

As Bill Unruh noted -- we have tried very hard to balance the desire of authors to retain their ability to build on their own work, and the journal's desire to protect their investment in that work through refereeing and publication. We also desire giving the APS the freedom to develop other ways of benefiting from that work and benefiting the authors at the same time.

We believe there is broad agreement on the goals of the Transfer of Copyright (ToC) or license, and that it is essentially a matter of crafting appropriate language which meets the concerns of all parties.

In striking this balance, it may be useful to consider concrete situations. Below are some examples of derivative work which are prohibited by the ToC and current proposals which have been floated:

1. post a figure or parts of your paper (even if rephrased) onto an open

¹ <http://www.damtp.cam.ac.uk/user/jono/item/toc.html>

encyclopedia such as Wikipedia or Quantiki which requires that your work be submitted under the GNU Free Document License (GFDL). In particular, I wanted the option to rework parts of a paper into a tutorial for Quantiki

2. give a talk derived from your paper for which you receive an honorarium or at a conference which charges a fee, like the APS March meeting, especially if the talk is recorded.
3. create a condensed or expanded version of your paper for a conference proceeding (since virtually all of them are published in commercial journals)
4. use parts of your work in a book (if distributed by a commercial entity)

As far as we understand from discussions with Martin Blume and Robert Garisto, none of the above four examples are an issue in and of themselves. I.e. the APS agrees that the author should effectively own their derivative work -- at least as far as we know, they have never gone after a physicist for making a derivative work. So I guess the question is: are there any sorts of derivative works that the APS want to keep control over?

Rather the main issues from the journal's perspective seem to be:

- i) that the APS wants to ensure they would have full freedom to innovate¹ with regard to future technologies (i.e. they don't want to have happen what happened in the New York Times v. Tasini case²)
- ii) that the APS wants to be able to go after rogue publishers who make cheap copies of PRL etc. and sells them to libraries.

We believe that both proposals satisfy these concerns. If there any other concerns we are not aware of, we would certainly be happy to go back to our proposals and see how they might be modified to accommodate them.

Finally, due in part to changes in arxiv licensing options, the issue of what to do with authors who release parts of their paper under a Creative Commons license has arisen over the course of discussion. Although this is partly a separate issue

being redrafted by a lawyer, and will be sent on when it becomes available.

Note the figure of 50% (Bill would rather have had it higher) above which APS retains control of the copyright and below which APS returns all copyright interest

(i.e. they have not considered submission to the arxiv ,under any of the licenses