

## A Question of Permission

### Solutions

I asked this question many years ago (before 1978!) of the rights and permissions editor at a large publishing house I worked for. The answer given to me then and the one I have adhered to since is that by definition a work made for hire belongs to the organization or publisher that the work is done for, regardless of whether payment was made for the work. In fact, copyright transfer would not apply, because the copyright is automatically owned by the organization that the work is done for, much as the work of a medical illustrator belongs to the author of the article until the author transfers copyright to a publisher or another organization. Therefore, the publisher has the sole right to grant permission for reuse of material from the publication. It might, however, as a courtesy, notify the author of the arrangement.

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A not-for-profit scientific organization self-publishes a quarterly journal that consists primarily of short monographs on a variety of subjects. Each issue in the series is copyrighted by the organization as a "work made for hire", even though the authors of the monographs are not asked to submit copyright transfer forms and are not paid for their services. Should someone wishing to reproduce a part of the publication ask permission of the publisher (in this case, the organization), the editor of the journal, the author of the piece in question, or some combination of the above? Please provide the rationale for your answer.

The key statement in this situation as presented is that each issue as a whole in the series is "copyrighted by the organization"; however, that cannot be true, because the authors of the monographs have not transferred copyright to the organization. Officially, therefore, the organization does not own the copyright to the monographs. (This is an assumption on the part of the organization and represents a failing on its part to follow proper procedures related to copyright release.) The authors retain the copyright to what they have produced. Consequently, someone wishing to reproduce a part of the publication should request permission from the author of the piece in question and provide a copy of the request to the publisher and editor for their information. If this were a monograph prepared by a Government of Canada employee on government time, using government information, title to the monograph would be owned by the Crown, that is, Her Majesty the Queen in Right of Canada, for a period of 50 years; the author could not give permission to reproduce any part of it. Permission would have to be sought from the Crown.

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### New Question: A Question of Coordination

When submitting manuscripts for publication in a biomedical journal, the publication coordinator of a for-profit corporation executes copyright transfer on behalf of its authors to ensure internal clearance of manuscripts and proprietary information in them. How will the cover letter for a manuscript to be submitted reflect the requirement in the journal's information for authors that all authors transfer copyright to the publisher? Are mechanisms in place to obtain all the authors' signatures as well?