



Editors' Update

Your network for knowledge

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Scott Virkler

Protecting copyright in the Internet age

Content providers are in the middle of a period of significant change as search engines transform the search and discovery process for content. Over the past few years, Elsevier has chosen to work with several search engines, including market leader Google. Just as importantly, Google has chosen to work with Elsevier in addressing previously identified issues. By actively working with Google as a partner, Elsevier is making strides towards its goals of providing wide dissemination of authoritative content while also protecting copyright.

In May 2005, the International Association of Scientific, Technical and Medical Publishers (STM) sent a letter to Google's CEO expressing concerns about "Google's cavalier attitude towards the intellectual property rights of our members". These concerns centered around the Google Print for Libraries program and were threefold: "that Google intends to (1) digitize our copyright-protected works without our consent, (2) retain a copy of our digitized content for Google's own commercial use, and (3) deliver a copy of the digitized content to the participating libraries".

This episode highlights the difficulties in protecting copyright in an age when millions of Web searches take place every day. Individual authors have no chance whatsoever of being able to monitor the correct use of their work and very little power to take action when their copyright is breached. Elsevier is actively working with industry groups, search engines and others to address these issues.

Copyright ownership

Consequently, Elsevier has long urged its authors to transfer the copyright on their

work to Elsevier itself, for several reasons. "From Elsevier's perspective, having the copyright allows us to protect the value add we provide in the publishing process," explains Scott Virkler, Vice President Web Search Strategy. "In exchange for securing the income stream associated with the journal/article, we take on the obligation to manage the aggregation, coordination and publishing of the authoritative content in print and online. This model allows us to ensure the availability of the content over time and without it, we wouldn't be able to fund those processes in the long term."

From the author's perspective, a major advantage of transferring copyright to Elsevier is that it enables the company to ensure the widest possible dissemination of the authoritative work and that this version remains available over time. "Our efforts with Scopus on the Web have revealed that only one third of web citations can actually be found and are available," Virkler continues. "The problem is particularly extensive in universities, where servers tend to come and go over time due to changes of location,

technology and infrastructure. Some of the articles available on Elsevier websites are more than 100 years old and the intention is that they will always remain available."

Working together

Referring back to the Google situation, Virkler says that, in general, Google continues to use its own interpretation of copyright laws, but is now much more willing to work with Elsevier as a partner. "Google is an aggressively competitive company and tries not to let the market dictate its direction, but when in competitive situations it does tend to be much more accommodating," he says.

"In 2006, Microsoft launched its Windows Live Academic Search website and reached an agreement with CrossRef that addressed many of the organization's concerns about copyright. Google also entered into an agreement with Elsevier, which not only allows for protection of Elsevier authors' work, but also ensures the authoritative version, hosted by Elsevier, is the first-ranked result in Google Scholar for similar results. This is good for everyone involved - users, authors, Elsevier and Google

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- as the authoritative version of a journal or article receives preference over other versions in Google's search results."

"Of course, we should not underestimate the benefits of working with Google, which are mainly increased usage and exposure," Virkler continues. "We all go to search engines first when we need information, so it makes sense for links to Elsevier content to be included in Google search results, and those of other search engines. Interestingly, however, the increase in usage of Elsevier material through external search engines is not always very high – only 5% in some cases – because Elsevier does a very good job of disseminating information through its existing partners and its own publications and websites, such as ScienceDirect."

External partnerships

Elsevier works with various free and subscription-based external search engines to ensure the wide dissemination of its publications. "We work with dozens of subscription-based search engines and the free search engines fall into two categories," Virkler explains. "There are the extremely large consumer search engines - Google, Microsoft and Yahoo - and then there are specialized vertical search engines for specific market sectors, such as Healthline, GlobalSpec (engineering) and PubMed (health). We will continue to expand our cooperation with specialized search engines over time and are willing to work with any free search engine under the

agreement conditions we have with Google and Microsoft. This is all part of our mission to ensure that content is discoverable

Who gets what?

Elsevier's agreements with Google and other external search engines give them access to the full article text, but only for indexing purposes. This enables the search results to better match users' search queries, while ensuring that the search engines do not display more content than they are authorized to. "Part of the value we bring to the publishing process is making sure our partners use material correctly," says Virkler. "It would be impossible for an individual author, or even most companies, to monitor all the different

"Individual authors have very little power to take action when their copyright is breached by a large web-based corporation."

sources of information available, but Elsevier can spread and absorb the costs within its overall budget."

The level of content accessible by users is typically governed by subscriptions. Anyone can see the abstract of an article, but further access depends on the subscription status of the IP address range of the server through which the search is performed. "If it's a subscribing university server or that of another subscriber, users can gain access to the full article" Virkler continues. "For

non-subscribers, there is always a pay-per-view option and we are also testing a variety of new models, including making the full text available online for free after a certain period of time, for example 12 months. We're constantly looking for new methods to balance the revenue equation and the publishing equation, while achieving the widest possible dissemination of articles."

One of a kind

"Elsevier's agreements with the major search engines are one of a kind, as far as we know, and certainly unique within the STM community," Virkler concludes. "Only a handful of publishers around the world have agreements that even come close. The reason for this is the scale on which we operate. Other publishers, even global ones, simply don't have the same quality and quantity of exceptional content. Elsevier's scale and quantity of exceptional content is unique and it enables us to ensure the widest possible dissemination of our material through a variety of partners, while maintaining the authors' rights, especially copyright."

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