

## ON LIBRARY TOPICS

PhD Course in Clinical and experimental Oncology and Immunology 2020/2021

DIGITAL LIBRARY & V. PINALI MEDICAL LIBRARY





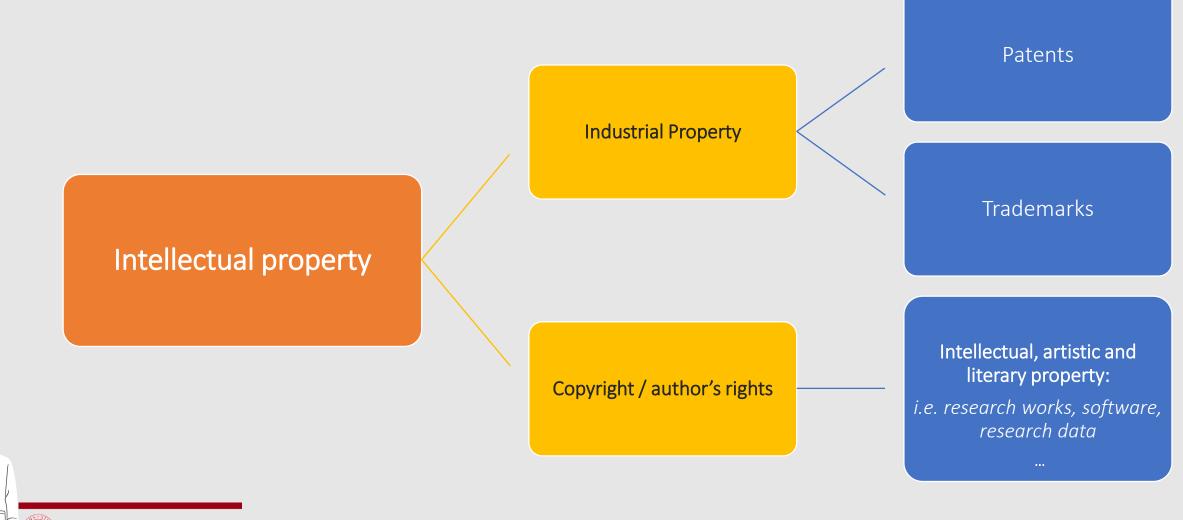
## **ON LIBRARY TOPICS**

#### 4. OPEN ACCESS & INTELLECTUAL PROPERTY

Mauro Apostolico – mauro.apostolico@unipd.it



#### Intellectual Property (IP) Framework



SBA SISTEMA BIBLIOTECARIO

DEGLI STUDI DI PADOVA

1 A

## What is meant by copyright...

**Copyright** does **not protect ideas**, **but only their expression** in a particular creation. This requirement enables to **reconcile the interests of both creators and society**, by preserving the free movement of ideas.

**Copyright protects the form given to an idea**, it is the envelope not the essence. Copyright is a formal asset, a social agreement based on consensus.

There are different legal systems - which regulate Intellectual Property and Copyright is different in each country - that are harmonized by WIPO activity and regulated by international treatises (TRIPs) and by the Universal Convention of Berna



#### What is meant by copyright...

In Europe the *droit d'auteur* system is oriented to protect the author (personal/moral rights)

In the US *copyright system* the moral rights are lighter: copy/right = user right to make a copy of the work



## What is meant by copyright, publishing rights, related rights...

## 1. Moral Rights

## 2. Economic Rights



### What is meant by copyright...

Moral Rights aim at protecting creator's personality which is expressed through the work

Moral Rights are: Paternity & Integrity\* \*which enables the author to refuse any modification to the work (or its context) or any re-use of it.

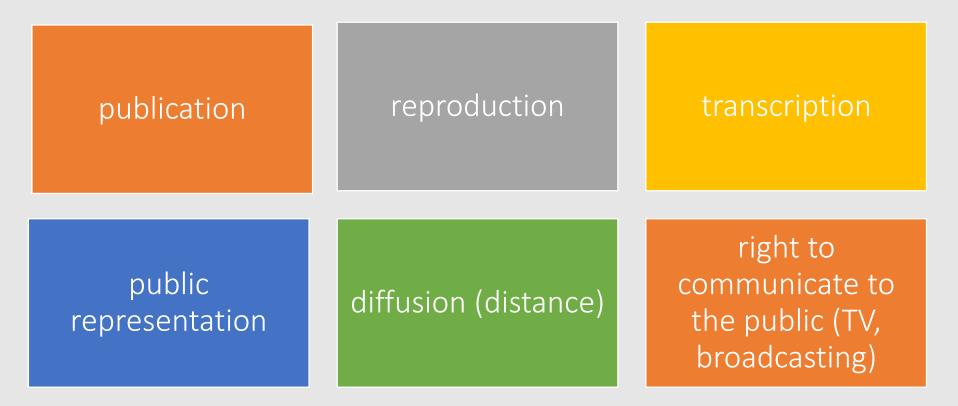
#### Moral Rights can not be transferred

The author always remains the owner of the Moral Rights





#### Economic & exclusive rights



distribution (market); translation; pub inside a collective work, reworking





## Management and control of Research rights: between patents and copyrights

Copyright	Patent
Protects expression not ideas	Protects ideas that have been reduced to practice
Life of author + 70 years	20 years from filing
Fair use	No Fair use No Research Exemption
Works for hire	Employee/inventor owns
Protects against copying	Innocent infringement not a defense
Protection is automatic (registration is relatively simple)	Extensive examination process before any rights granted
Originality (low bars)	Novelty and Nonobvious (high bars)

#### Who holds the rights and on what: *authorship vs* ownership

#### Authorship refers to who made it **Ownership refers to who owns it**

> Authorship is a moral right (paternity): it can't be transferred, bought or sold

> Intellectual Property and copyright ownership rests with the creative/author until there is a formal written transfer of rights (i.e. Academic Publishing, patents explotation & technology transfer)

> The author/inventor is the first owner of Intellectual Property: it is an economic right and it can be transferred, bought or sold (i.e. to a publisher, to a client in a work made for hire or, to the Employer, in a Employer-Employee Relationship)



## Who holds the rights and on what: academic publishing models - *traditional way*

The *traditional business model* of academic publishers is to archive and disseminate works whose authors have transferred exclusive publication rights to the publisher.

The **revenue of publishers is based upon providing paid access** to the papers

This is reflected by the authors' choice, often face upon publication, to transfer exclusive publication rights of the paper



#### Who holds the rights and on what: academic publishing models - traditional way

Copyright transfer agreements often asks you to transfer all of your rights!

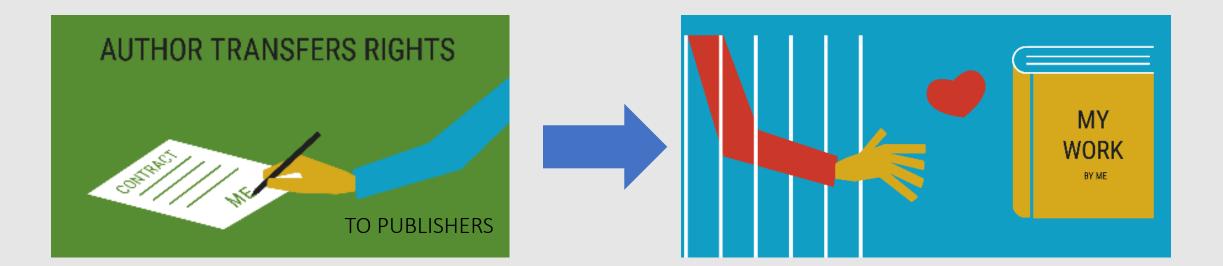
"The Author(s) assigns to Publisher exclusive copyright and related rights in the Article, including the right to publish the Work in all forms and media including print and all other forms of electronic publication or any other types of publication including subsidiary rights in all languages."

You (very often) lose your:

- Right to distribute copies
- Right to use copies in your classroom
- Right to make derivative works
- Right to archive the published copy into a disciplinary or institutional repository



#### Many Scholarly or Academic Publishers require authors to sign away their rights to their own works!

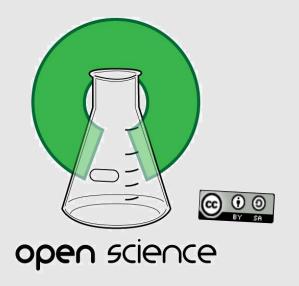




# Who holds the rights and on what: academic publishing models - *"retain copyright models"*

For researchers and authors a wide variety of publishing models are emerging, that do not follow the traditional academic pattern of outright assignment of copyright to publishers or data owner...









#### **Open Access**

Through Open Access research outputs are freely available online and do not have to be bought from the publishers' paywalls

Authors (may) retain copyright and users must properly cite and acknowledge the authors

OA Results raise research visibility, APC funded OA articles are supposed to exhibit citation advantages in almost all fields.



### **Open Access**



Authors are increasingly retaining their copyrights and managing them in innovative ways, using **licences to contents**.

Many authors/ scientific societies **retain their copyrights** and **grant rights to the publishers** that are:

- entirely non-exclusive (OA)
- rights that are exclusive only for a limited period of time (OA embargo)
- exclusive rights that pertain only to the publisher's final formatted version and not to the author's pre-print or post-print version (Green OA)





#### Licenses

> License is a unilateral permission to use someone else's property or Intellectual Property

> Contract is an exchange of obligations, either of promises for promises or of promises of future performance for present performance or payment

*i.e. with respect to software, those obligations by users include promises not to decompile or reverse-engineer the software, and not to transfer the software* 

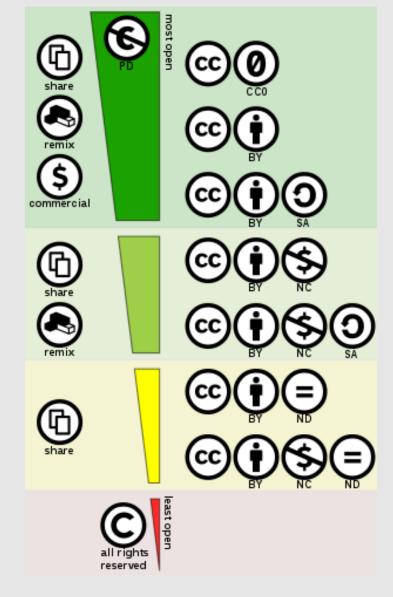
See also: https://lwn.net/Articles/61292/

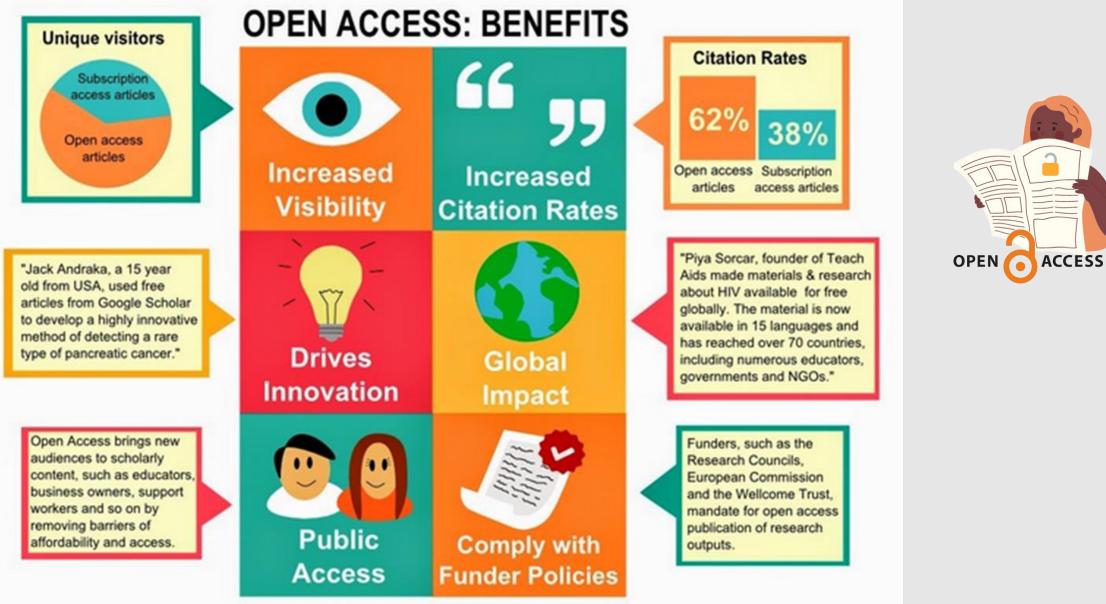


#### **Open Licenses : Craeative Commons**

**Creative Commons** Licenses explained, at a glance. You can redistribute (copy, publish, display, communicate, etc.) the works. You have to attribute the original work (title of work, creators name, link, CC license). You can use the work commercially. You can modify and adapt the original work. Provided you indicate how you changed it. You can choose any license for your adaptations of the work. \* Intellectual property rights have expired, have been forfeited, or are inapplicable (e.g. works of Shakespeare, Beethoven, etc.) Disclaimer. This document by its pative cannot be comprehensive and is provided to assist clients to clarify and identify legal issues on which they should neek legal advice. Please consult p pressional legal staff for achies specific to your situation.

		COPY & PUBLISH	ATTRIBUTION REQUIRED	(S) COMMERCIAL USE	MODEY & ADAPT	CHANGE
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Open Access publishing for Aston authors: OA publishing explained – Aston University





#### ResearchGate is NOT OA

	<b>Open access repositories</b>	ResearchGate
Supports export or harvesting	Yes	No
Long-term preservation	Yes	Νο
Business model	Nonprofit (usually)	Commercial. Sells ads, job, posting services, data analysis.
Sends you lots of e-mails (by default)	Νο	Yes
Wants your address book	Νο	Yes
Fulfills requirements of Unipd's OA policies	Yes	Νο

### Sci-hub is NOT OA





Sci-Hub reroutes paywalled scholarly articles and makes them available at an alternative, unofficial location at no monetary cost to users.

For those requiring quick viewing and downloading of otherwise paywalled scholarly articles, Sci-Hub currently offers an illegal option. In the case of, for example, medical or legal research, the 'free' availability of otherwise-paywalled papers, *regardless of the legality of the mechanism itself*, should be seen as potentially life-saving. (...)

Sci-Hub demonstrates, however, that there is increasing frustration with traditional scholarly publishing, that has in general terms done very little to reduce barriers to access and much to merely seek its own commercial interests (...) Sci-Hub breaks the law in order to achieve an immediate goal that however distracts us from important sustainable solutions.

From: Priego, E. (2016). Signal, Not Solution: Notes on Why Sci-Hub Is Not Opening Access. The Winnower, 3, e145624.49417. doi: 10.15200/winn.145624.49417

#### **Open Access**



#### Publish in a fully OA journal (Free or Author pays APC)

Hybrid journal: you pay a fee to have a single article OA in an otherwise subscription-based journal.

Nowadays @Unipd we have some Transformative Agreements (Springer, Wiley, CUP, ACS, Emerald, DeGruyter) APCs are covered by read & publish subscriptions. Self Archive your work in an openly accessible repository (at institution and/or for discipline) *i.e* medRXiv http://www.Medrxiv.org/



#### Green Open Access & content versioning

VERSION OF A CONTENT (PUBLISHED OR SUBMITTED TO A JOURNAL)	VERSION CONTENT & VISUAL FORM	FILE TYPE / Link to published version, or Journal of submission	PEER REVIEWED	COPYRIGHT
PREPRINT	Scholarly manuscript, author's version of a research manuscript prior to formal peer review at a publisher	PDF of the original manuscript version, text file / You must provide a Link to final published version, or Journal of submission	NO	Content is owned or licensed by Author or in compliance with publisher's policies on self- archiving
POST PRINT	Accepted version, after first formal peer review. Content is made available without publisher's final layout	Accepted PDF without minor revisions / You must provide a Link to final published version, or Journal of submission	YES	Content is owned or licenced by Author or Publisher in compliance with publisher's policies on self-archiving, usually after an embargo period (STM 6- 12 months)
VERSION OF RECORD VoR	Final version (from e- pub ahead of print to final published version)	PDF	YES	Generally it's owned by publisher. Only full OA VoR articles are owned by Authors



### Preprints in Medicine, the IEG "Forgotten Experiment" (1961-67)

The usage of preprints in the clinical world is drastically increasing, especially during the current COVID-19 pandemic.

The use of preprints as a means for science dissemination may seem like a movement that began only recently; however, experiments seeking to facilitate early and rapid dissemination of research started much earlier, even before the 2000s.

In **1961**, the National Institutes of Health (NIH) in the US launched the so-called "**Forgotten Experiment**", whose purpose was to rapidly disseminate early scientific results among researchers. The system, formally known as a collection of Information Exchange Groups (IEGs), was "intended to provide speedy, verbatim, professional communication, on a worldwide basis" to researchers in the same field. Information was shared via a "memo", which scientists would mail to the NIH. Then, the NIH Office of Printing and Reproduction would make copies of the memo, which would be sent out to every member (3000+) of the IEG.

During the experiment's course, a total of 2,561 memos were mailed, ~90% of which ended up published in a journal. Some of the IEGs could be considered clinically relevant, such as those focused on Immunopathology, Molecular Basis of Muscle Contraction, and Nucleic Acids and the Genetic Code.

From: https://asapbio.org/clinical-preprints-in-history



## Preprints in Medicine, the "Forgotten Experiment" (1961-67)

The **IEG system was not shared by journal publishers**, who felt that their prestige and business model may be impacted by IEG usage.

The American Association of Immunologists voted in 1966 that *The Journal of Immunology* would not accept articles that had been shared as memos in the IEG program for publication.

Other journals, such as *Nature* and *Science*, also took an aggressive stance against IEGs.

13 biochemistry journals, which overlapped in scope with the disciplines of the largest IEGs, also indicated they would not consider IEG memos for publication.

These actions, along with concerns about increasing costs, prompted the closing of the first wide-scale experiment for the exchange of scientific information outside of journal channels in 1967.

From: https://asapbio.org/clinical-preprints-in-history



# Green OA self-archiving : institutional repositories (IR)

In IRs you can upload & find:

- > Scholarly Articles (versioning) Pre print Post print Version of record
- > Dissertations
- > Conference Papers
- > Scholarly Book chapters





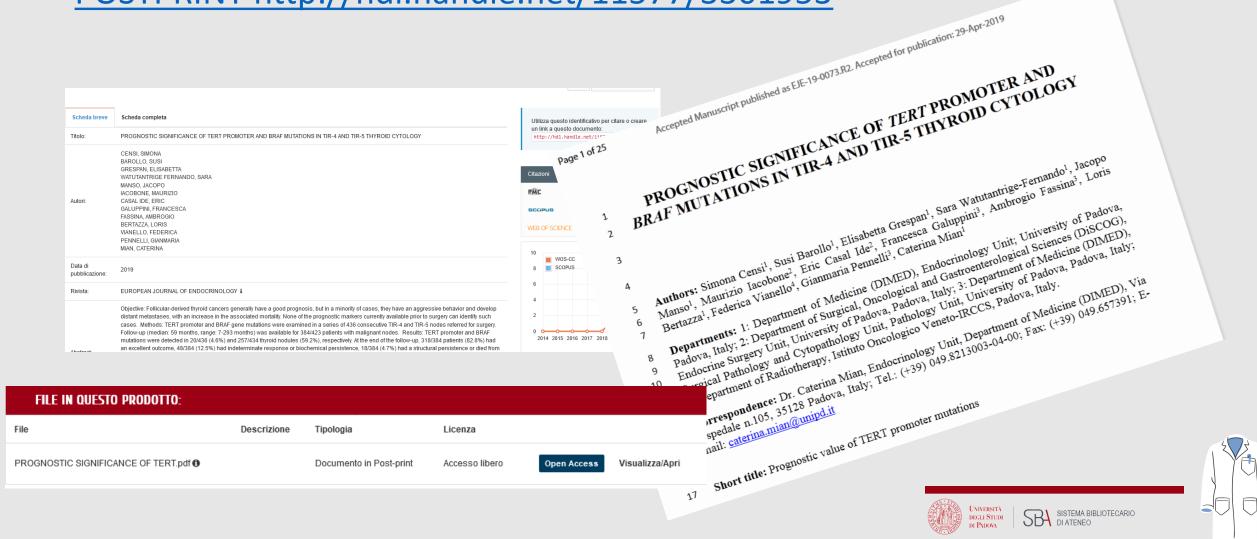






#### Green OA @ Padua Research Archive (aka IRIS)

POSTPRINT http://hdl.handle.net/11577/3301953





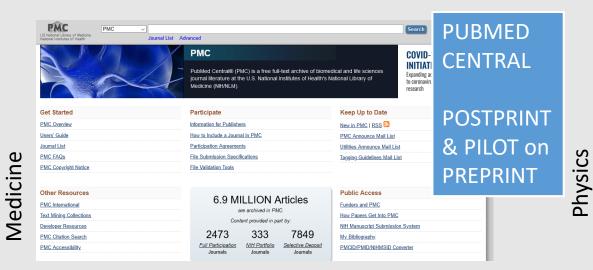
#### PREPRINT http://hdl.handle.net/11577/3288925

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Green OA

#### Green OA self-archiving: Disciplinary Repositories



	ARXIV
arXiv.org	
active is a free distribution service and an open-access archive for 1.376.002 scholarly articles in the fields of physics, mathematics, computer science, quantitative biology, quantitative thance, statistics, electrical engineering and systems science, and computers. Minimate on this are not open-revenued by Joint. Subject sarch and browse: Physics	CONCENT Owned Calls See COVE-19 SARS-Call-2 preprints from and// and// medificial and bioRxiv
News Read about recent news and updates on activity blog. (View the former "what's new" pages here). Read robots beware before attempting any automated download.	context to guide clinical practice or health-related behavior and should not be reported in news media as established information without consulting multiple experts in the field.
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Mathematics

CSH Cold Harbor

medRχiv

#### THE PREPRINT SERVER FOR HEALTH SCIENCES

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	Advanced Search



Biology



THE PREPRINT SERVER FOR BIOLOGY

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Advanced	l Search

COVID-19 SARS-CoV-2 preprints from medRxiv and bioRxiv



Search

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## Green Open Access availability: how to find it?

REPOSITORY ARE INDEXED WITH OTHER SERVICES AS...

#### DATABASE:

**European Pubmed Central, University discovery tools, Web of Science and Scopus** are directly linking to OA versions of subscription-based contents indexed, also if available from Green OA institutional or disciplinary repositories

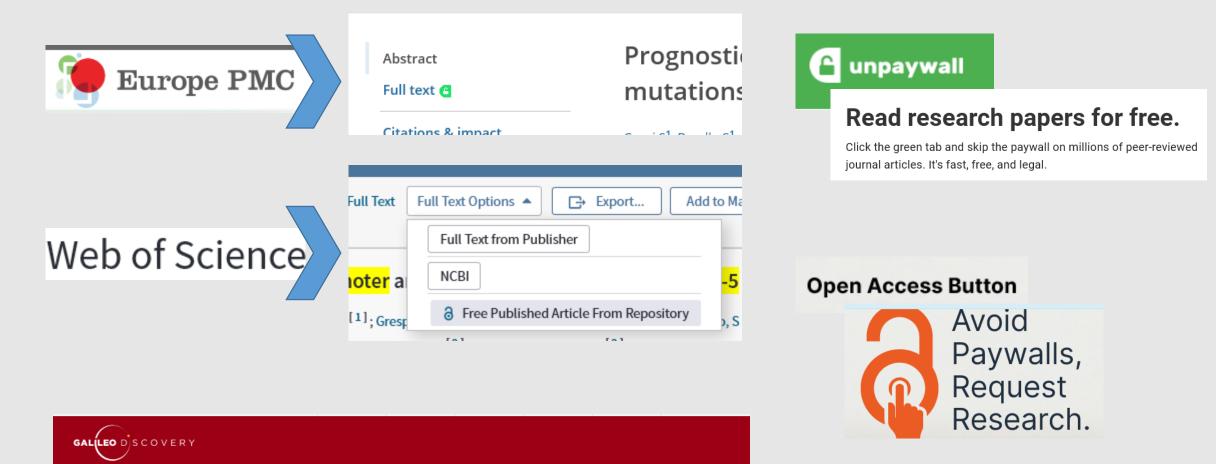
WEB BROWSER / ONLINE TOOLS

**UNPAYWALL or Oabutton, OpenAIRE explore** 



## Green Open Access availability: how to find it?





Padua Research Archive

Cerca tutto





#### **Gold Open Access**

**Gold Open Access**: the work is made immediately available by the publisher in a **full Open Access journal or OA book**, upon **payment of a fee called APC** (article processing charge).

Generally the copyright is retained by the authors and the work is published with an open license that allows different levels of reuse.

• <u>Facilitations</u> may be provided for authors on the payment of the APC, as discounts via Institutional membership (centrally paid or without costs).

@UNIPD Gold OA discount with MDPI, BMJ, Royal Society of Chemistry, and Taylor&Francis



#### Hybrid Open Access & Transformative agreements

**Hybrid Open Access** takes place when a paper is published in a paywalled journal but becomes, after the payment of APCs, immediately available on the publisher's website; the publication is always shared with an open license (generally CC - Creative Commons).

 This model implies the phenomenon of the increase in costs to read and publish, the so-called double dipping, faced by funders, Institutions of research and universities through the adoptions of <u>transformative read &</u> <u>publish agreements</u>, subscription agreements within APC discounts or subscriptions called "Subscribe to open".

@UNIPD transformative agreements are signed with publishers as Springer, Wiley, DeGruyter, Cambridge University Press, American Chemical Society, Emerald.

@UNIPD APC discounts in hybrid journals are available with Elsevier, Royal Chemistry Society, BMJ and Taylor&Francis



Hybrid OA



### Subscribe to Open (S2O)

S2O allows publishers to convert journals from subscriptions to OA, one year at a time.

Using S2O, a publisher offers a journal's current subscribers continued access. If all current subscribers participate in the S2O offer (simply by not opting out) the publisher opens the content covered by that year's subscription. If participation is not sufficient—for example, if some subscribers delay renewing in the expectation that they can gain access without participating—then that year's content remains gated. The offer is repeated every year.

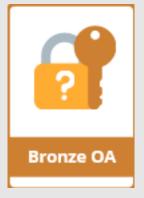


#### **Bronze Open Access**

**Bronze Open Access**: when the published work is immediately available for free on the publisher's website, but without a reuse license or any transparent declaration of licenses and copyright.

This brings to an **unclear status** of IP and re-use of the published content, although payment by the authors of an APC is sometimes required

- Interestingly, different researches [see i.e.PeerJ <u>10.7717/peerj.4375</u>] found that a relevant percentage of OA articles are Bronze–hosted on publisher websites, either without a license at all or without an open license.
- In particular, Bronze OA may be significant in a policy context, since, unlike other publisher-hosted OA, Bronze articles do not extend any reuse rights beyond reading, making them *libre access* (NOT compliant with funders' policies on OA). How much of Bronze OA is also *Delayed OA*?





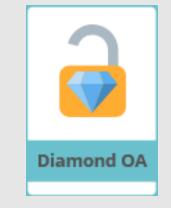
#### **Diamond Open Access**

**Diamond Open Access: immediate Open Access publication without paying any APC fee.** Copyright can be retained by the authors and the open licenses applied allow sharing and reuse (see Creative Commons licenses).

- The Directory of OA Journals (DOAJ) makes it easy to locate non-profit Diamond academic journals.
- A subgroup of these journals is called Platinum Open Access, when the only license applied to the contribution (published in OA without APC) is the Creative Commons CC-BY that allows the widest use of the published content.

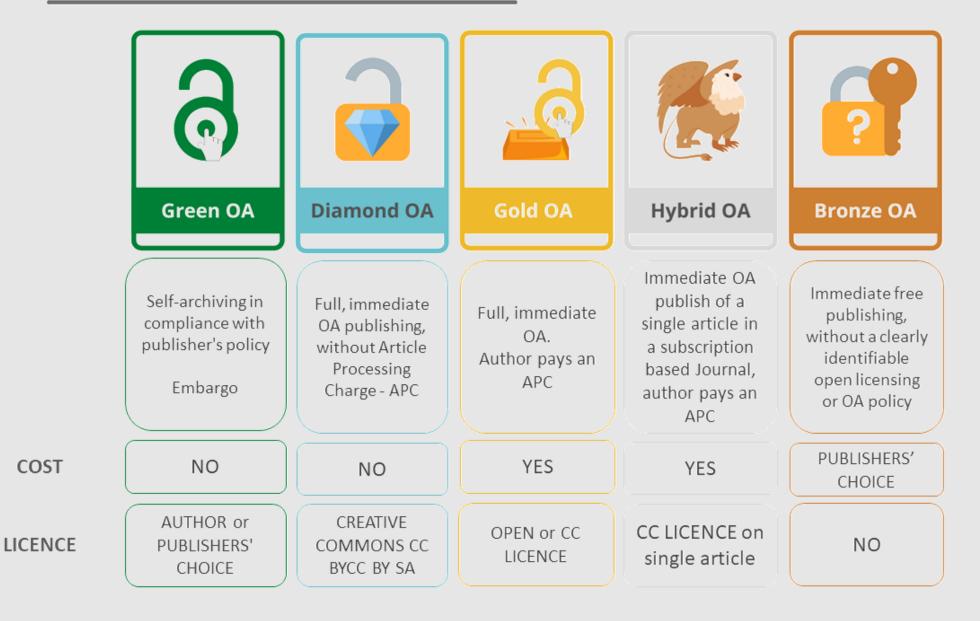
*Diamond* OA in Oncology *i.e.*:

<u>https://www.jglioma.com</u>; <u>https://www.ejcrp.org</u>; <u>https://www.journals.elsevier.com/hematology-oncology-and-stem-cell-therapy</u>; <u>https://onlinelibrary.wiley.com/journal/23987324</u>; <u>https://sciendo.com/journal/FCO</u>



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#### **OPEN ACCESS COLORS**



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#### **Open Access and Citation Impact**

Concerning impact, the most likely cited OA type is the Hybrid OA. However, if papers include *funding acknowledgements*, the Bronze OA and Green OA publications increase their citation likelihood. Similarly, when Gold OA articles *include international collaboration*, there is a greater chance of citation. With these findings, it is possible to venture that OA publishing will be useful for all research fields, although their specific features should be considered. Consequently, funders should be aware of these particularities to stimulate OA without compromising the quality of the research.

Morillo, F. Is open access publication useful for all research fields? Presence of funding, collaboration and impact. *Scientometrics* **125**, 689–716 (2020). <u>https://doi.org/10.1007/s11192-020-03652-w</u>



#### **Open Access journals and Bibliometrics**

#### OA search filter: It's easy to find Impact Factor (JCR) or CiteScore (Scopus) indexed full OA Journals

Compare Journals	Compa	re Selec	ted Journals Add Journ	Add Journals to New or Existing List		
View Title Changes	Select All		Full Journal Title	Journal Impact Factor 🔻	Average JIF Percentile	
		1	Molecular Cancer	15.302	97.296	
Select Journals		2	Journal of Hematology & Oncology	11.059	95.384	
Select Categories		3	Journal for ImmunoTherapy of Cancer	10.252	93.836	
Select JCR Year		4	Liver Cancer	9.720	91.743	
2019		5	Blood Cancer Journal	8.023	91.361	
Select Edition		6	Clinical and Translational Medicine	7.919	90.793	
Open Access		7	npj Precision Oncology	7.717	88.730	
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2nd quartile			4	Blood Cancer Journal Open Access		9.0	
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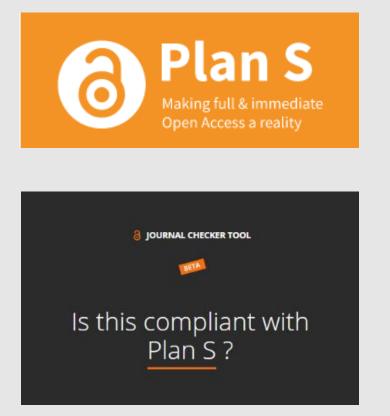
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#### InCites Journal Citation Reports

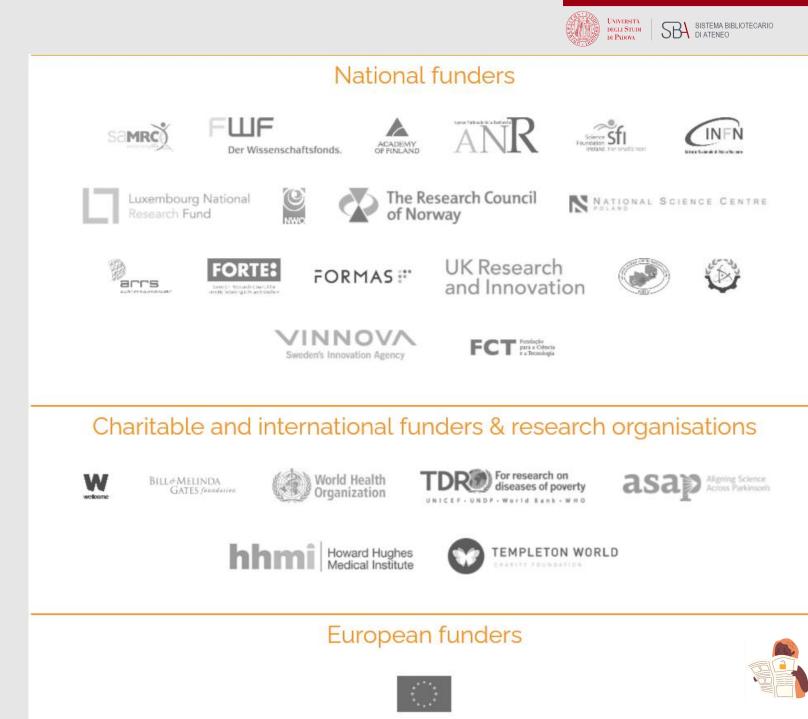


### **Funders: OA Mandatory Policies**

- By Italian Law 112/2013 = Publicy funded research (+ 50%) outputs in Scholarly Journals (18-24 month embargo, preprint, AM, VoR)
- ERC [Article 29.2]= mandatory deposit 6-12 M Embargo AM o VoR version. The ERC Scientific Council recommends as disciplinary repos : <u>Europe PubMed Central</u> for publications in the life sciences domain and <u>arXiv</u> for publications in the physical and engineering sciences. Recommended repository for monographs (etc.) is the <u>OAPEN Library</u>.
- **Plan S & cOAlition S** funders= rights retention via mandatory deposit with CC-BY licence, no embargo, AM o VoR version, Hybrid OA only under *Transformative Arrangement*
- EU Horizon Framework (H2020 / H Europe MSCA fellowships) see Plan S & Open Res. Europe
- MIUR (ITA) SIR 2014, PRIN 2015, PRIN 2017, PRIN 2020 see Law 112/2013
- UniPD Supporting TAlent in ReSearch STARS Grants 2019, 2020, 2021 see UniPD OA policies
- UniPD promotes the free and open distribution online of the University's research results, as defined in its Statute [Title III, Art. 56, Paragraph 3] and its Open Access Policies: "<u>Policy sull'Accesso Aperto (Open Access) alla letteratura scientifica</u>" and <u>"Regolamento per l'Accesso Aperto (Open Access) alla produzione scientifica dell'Università di Padova</u>".
   <u>http://bibliotecadigitale.cab.unipd.it/bd/per\_chi\_pubblica/OA</u>



Plan S was launched in Sept. 2018. The plan is supported by an international consortium of research funding and performing organizations. Plan S requires that, from 2021, scientific publications that result from research funded by public grants must be published in compliant OA journals or platforms.



#### New Frontiers :

Fast publication and open peer review for research stemming from Horizon 2020 funding across all subject areas.



Enables researchers to publish any research they wish to share, supporting reproducibility, transparency and impact.



Uses an open research publishing model: publication within days of submission, followed by open invited peer review.



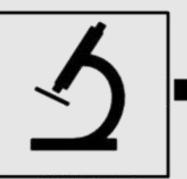
Includes citations to all supporting data and materials, enabling reanalyses, replication and reuse.

LEARN MORE

https://open-research-europe.ec.europa.eu



# Predatory publishers



Publicly funded researchers conduct research and write up results.



Manuscripts peer review is unclear, many ethical issues are common in predatory publishing



Manuscripts are ALWAYS accepted for publication



Author's rights?





Economic damage & no scientific progress



Predatory journals & e-books do not have the hallmarks of legitimate scholarly contents



Predatory publisher always request APC to authors.

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SBA

Model and text adapted from Timothy Volimer and Teresa Sempere García"Research article cycles " http://wiki.creativecommons.org/File/Research\_articles\_cycles.jpg

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#### 6 Ways To Identify Predatory Publishers or vanity Press

**<u>1</u>**The journal does not identify a formal editorial/review board.

2 The publisher has no policies or practices for digital preservation. Check DOAJ!

<u>3</u> The publisher begins operations with a large fleet of journals, often using a template to quickly create each journal's home page.

<u>4</u> The publisher provides insufficient information or hides information about author fees, offering to publish an author's paper and later sending a previously-undisclosed invoice.

5 The name of a journal does not adequately reflect its origin.

<u>6</u> The journal falsely claims to have an impact factor, or uses some made up measure (e.g. view factor), feigning international standing.

From: https://beallslist.net/wp-content/uploads/2019/12/criteria-2015.pdf



## Thank you!

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