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Law, liability, and grey literature: resolving issues of law and compliance

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Compliance challenges to GL

- Local, national, and international law
- Institutional policy
- Standards
- Multiple types and formats of publications, including media
- Multiple types of authors (sole, group, corporate) from a variety of nations and institutions
- Copyright and permissions
- Obtaining official affiliation
- Licensing
- Distribution



Consequences of noncompliance

- Unable to distribute legally
- Author and editor opt-out
- Legal liability, lawsuits, and possible financial consequences
- Mistrust among collaborators



Identifying systems

Regulatory

Local & national law

International law

Institutional policy

Standards

Personnel

Authors

Editors

Distributors

Other

Content

Text

Data

Media

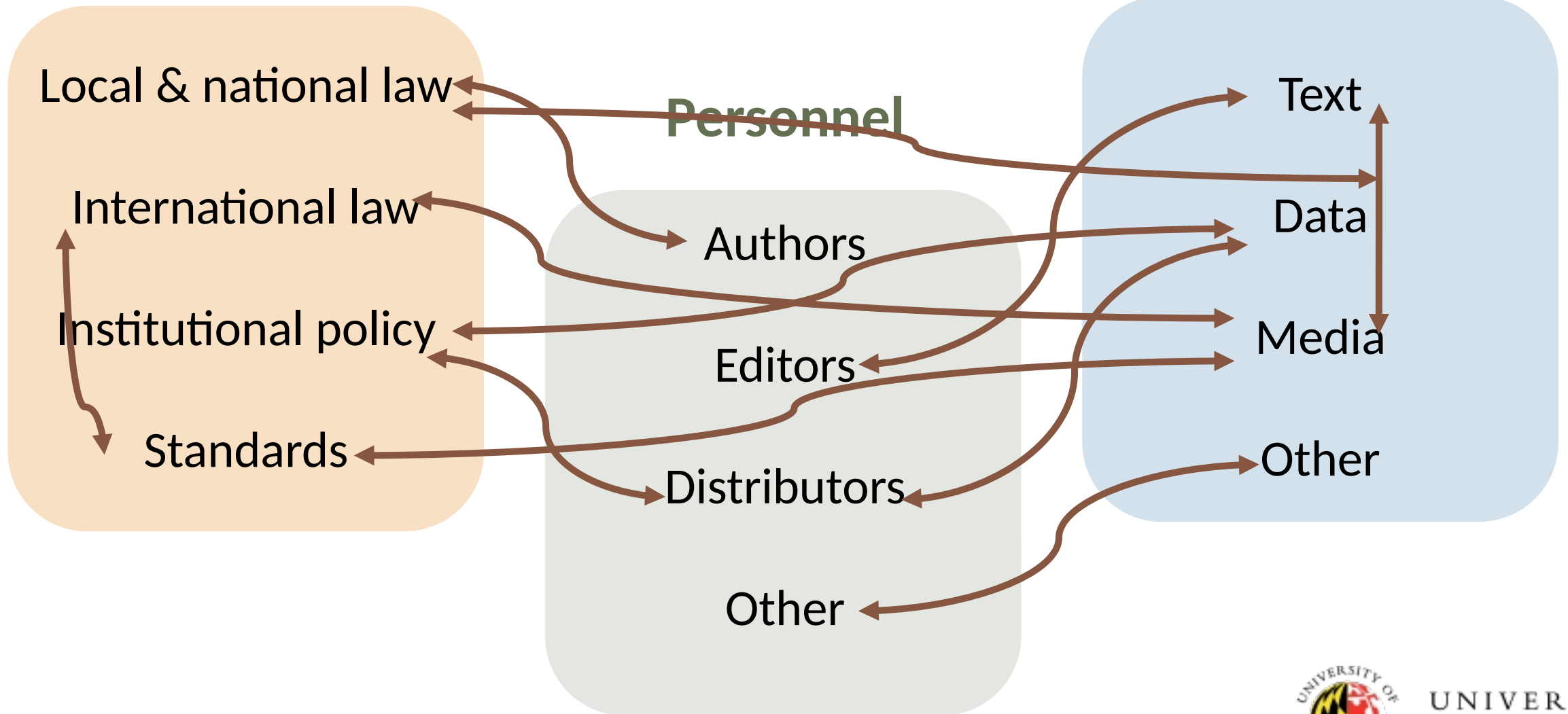
Other



Identifying interactions

Regulatory

Content



Human resources for compliance

- Researchers, authors and editors
- Administrators
- Legal counsel
- Print, web and other developers
- There may be a cost associated with use of human resources; calculate time and cost, and include in operating or grant budget



Resources for compliance: copyright and standards

- European Union: [https://
ec.europa.eu/digital-single-market/en/policies/cop
yright](https://ec.europa.eu/digital-single-market/en/policies/copyright)
- Italy: [http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato
:legge:1941-04-22;633!vig](http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1941-04-22;633!vig)
=
- United Kingdom: [https://
www.copyrightservice.co.uk/copyright/p01_uk_co
pyright_law](https://www.copyrightservice.co.uk/copyright/p01_uk_copyright_law)
- United States: copyright.gov
- International Standards Organization (ISO): [iso.org](https://www.iso.org)



Creative Commons:

<https://creativecommons.org>

“Creative Commons provides free, easy-to-use copyright licenses to make a simple and standardized way to give the public permission to share and use your creative work—on conditions of your choice.”

- Choose from a variety of licenses controlling use and commercialization:

<https://creativecommons.org/share-your-work/>



SPARC: <https://sparcopen.org>

“SPARC (the Scholarly Publishing and Academic Resources Coalition) works to enable the open sharing of research outputs and educational materials in order to democratize access to knowledge, accelerate discovery, and increase the return on our investment in research and education.”

- Author Addendum to maintain Open Access rights:

<https://sparcopen.org/our-work/author-rights/>

- Alternative OA Publishing Models:

<https://sparcopen.org/our-work/alternative-publishing-models/>



Creating compliance: identifying system interactions & solutions

Identifying interactions

- What are the regulatory obligations?
- Who are the personnel involved?
- What content is involved?

Identifying solutions

- Copyright, licenses and standards
- Research, administrative, legal, technical support personnel
- Regulatory and technical requirements



Conclusion: results of compliance

Addressing regulatory, personnel, content, and format challenges will result in distribution of grey literature that is:

- In compliance with local, national, and international law
- Meets requirements institutional policies and regulations
- Supports needs of all personnel involved

This will minimize or eliminate liability for researchers, distributors, and others involved in production and distribution of grey literature.

Questions or comments?

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