

Predator vs. Librarian?

Cecile Farnum and Brian Cameron
Ryerson University Library & Archives

**A Case Study in Open Access, Creative Commons, and Predatory
Publishing**



Predatory publishing: what does that mean?

1. Beall's list of OA journals that charge APCs (article processing fees), engage in dubious publication practices according to Beall's criteria
2. Predatory Conferences which take advantage of the researcher's need to present at conferences. Invite researchers to conferences that charge high registration fees, which appear to be more prestigious and topical than they actually are
3. Republishing or reselling work intended by its authors to be available for free.

“Our best bet is to avoid predatory publishers, including those not on Beall's list...that knowingly or carelessly resells work that was intended by its authors to be available for free. It may be legal, but it isn't right.”

Barbara Fister, 'New Predatory Publishing in Old Bottles'

<https://www.insidehighered.com/blogs/library-babel-fish/new-predatory-publishing-old-bottles>

The article

Partnership

The Canadian Journal of Library and Information Practice and Research

Revue canadienne de la pratique et de la recherche en bibliothéconomie et sciences de l'information

Promoting Professionalism, and Academic Librarianship: Observations on the Marketing of the M.L.S.

Brian Cameron, Cecile Farnum

Abstract

Despite the requirement for librarians to hold an MLS or equivalent, many libraries have not sought opportunities to publicize their credentials. In the college and university environment, this is surprising given the importance placed on credentials and advanced degrees. A brief survey of academic library websites reveals that few are using the web to publicize librarian credentials, and as a result, are missing opportunities to promote their expertise and advanced qualifications to their community.

The discovery

1. ORCID and Google Scholar: awareness around author profiles
2. Discovery that an article from Partnership had been re-published in a book

ORCID

Connecting Research
and Researchers

Member
Organization

Google
Scholar

Promoting Professionalism and Academic Librarianship:
Observations on the Marketing of the M.L.S
Partnership: the Canadian Journal of Library and Information Practice and
Research

2007 | journal-article

Source: Brian D Cameron

 Preferred source



Original Article



Book Chapter



Promoting Professionalism and Academic Librarianship
Library and Information Science

2011-04 | other

DOI: [10.1201/b14542-18](https://doi.org/10.1201/b14542-18)

Source: CrossRef Metadata Search

 Preferred source

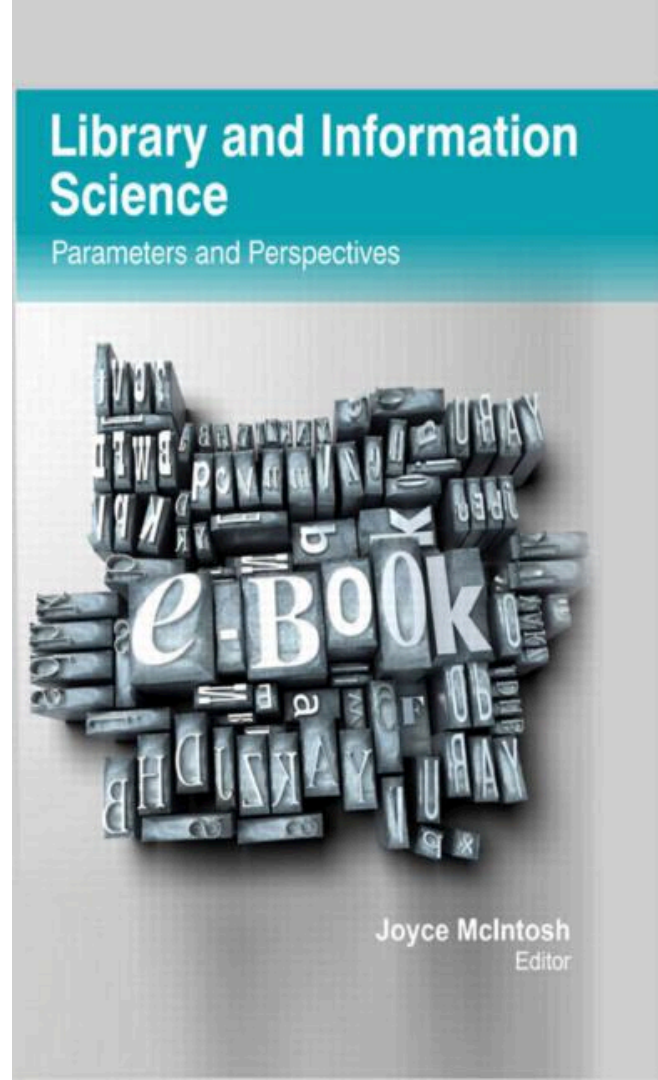


The book

McIntosh J. *Library and Information Science: Parameters and Perspectives*. Apple Academic Press; 2011. (paperback edition, April 2016).

(ISBN: 9781926692746; ISBN-13: 978-1926692746)

Acquired through an approval plan.



The investigation

1. We checked the current Partnership CC licenses, and it was a non-commercial CC license (see below)
2. Spoke to our Copyright Librarian
3. Outrage!

Copyright (c) 2016 Partnership: The Canadian Journal of Library and Information Practice and Research



This work is licensed under a [Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License](https://creativecommons.org/licenses/by-nc-nd/4.0/).

LICENSES



TERMS



BY

Attribution

Others can copy, distribute, display, perform and remix your work if they credit your name as requested by you



ND

No Derivative Works

Others can only copy, distribute, display or perform verbatim copies of your work



SA

Share Alike

Others can distribute your work only under a license identical to the one you have chosen for your work



NC

Non-Commercial

Others can copy, distribute, display, perform or remix your work but for non-commercial purposes only.

<http://jeffco.libguides.com/c.php?g=142356&p=930621>

The investigation continues...

Discovered the 'attributions' - below is an example, which was buried at the back of the book, with no links to the original.

Attribution to our paper:

“17. This work is licensed under a Creative Commons Attribution 3.0 License” p. 303.

The above attribution references a different licence than the one we believed was in place for the journal.

Also, the above may not be a proper attribution. (see: [Best Practices for Attribution](#)).

Lemons, Lemonade, and Lawyers

1. Pitched OLA presentation idea
2. Decided to embark on a thorough investigation of how this happened, with the goal of others learning through our experiences
3. Contacted Legal Counsel

Our letter (excerpt)

Ryerson
University

Office of the General Counsel and Secretary of the Board of Governors

May 24, 2016

By Registered Mail

Apple Academic Press, Inc
3333 Mistwell Crescent
Oakville, ON L6L 0A2
Canada

CRC Press
Taylor & Francis Group
6000 Broken Sound Parkway NW, Suite 300
Boca Raton, FL 33487-2742

The Copyrighted Work is published in *Partnership: the Canadian Journal of Library Information Practice and Research* and is licensed under Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International Public License (the "License"). Pursuant to Section 2 of the License, an individual or entity exercising rights under the License is granted a worldwide, royalty-free, non-sublicensable, non-exclusive, irrevocable license to reproduce and share the Copyrighted Work, in whole or in part, for **non-commercial purposes only**. The commercial sale of the Infringing Work (e.g. on the CRC Press website and Amazon) is thereby in violation of the License.

Letter from Ryerson's Senior Legal Counsel to Apple Academic Press and CRC Press, May 24, 2016

Re:

the article "Promoting Professionalism, and Academic Marketing of the M.L.S." (the "Copyrighted Work") has been authored by Brian Cameron and Cecile Farnum (the "Copyright Owners") in *Partnership: the Canadian Journal of Library Information Science: Parameters and Perspectives* (the

Partnership: the Canadian Journal of Library Information Science) and is licensed under Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International Public License (the "License"). Pursuant to Section 2 of the

License, an individual or entity exercising rights under the License is granted a worldwide, royalty-free, non-sublicensable, non-exclusive, irrevocable license to reproduce and share the Copyrighted Work, in whole or in part, for **non-commercial purposes only**. The commercial sale of the Infringing Work (e.g. on the CRC Press website and Amazon) is thereby in violation of the License.

Your use of the Copyrighted Work is not authorized by the License or by the Copyright Owners, and is not otherwise permitted by law. The presence of the Copyrighted Work in the Infringing Work is an infringement of the copyright of the Copyright Owners.

To remedy this infringement, we request that you please issue a correction indicating that you do not hold the copyright in the Copyrighted Work and acknowledging ownership by the Copyright Owners. Further, we ask that you please contact the Copyright Owners should you plan to publish any future editions or reprints and duly seek their permission.

The reply (excerpt)



 Exclusive worldwide distribution by
CRC Press, a Taylor & Francis Group

US OFFICE:
9 Spinnaker Way
Waretown, New Jersey 08758 USA
Tel: 732-998-5302 • Fax: 866-222-9549
Email: info@appleacademicpress.com

CANADIAN OFFICE:
3333 Mistwell Crescent
Oakville, Ontario L6L 0A2 Canada
Tel: 289-937-6300 • Fax: 866-222-9549
Email: info@appleacademicpress.com

May 26, 2016

Michelle Chaisson

Senior Legal Counsel, Ryerson University

Re: Copyright Infringement Notice (Dated May 24th 2016)

Dear Michelle,

Our commissioning editor tells us that the article was originally published under a Creative Commons license 3.0 that allowed reuse for any purpose provide citation is given; we are told now that the journal has changed to the “non-commercial license.” Please note that we do cite the original publication, though it is placed in the back of the book your article was published in. The Creative Commons license 3.0 does not indicate that permission is necessary from the authors, though we acknowledge that it would have been professional courtesy to contact the authors.

s the copyright infringement of article
rking of M.L.S.,” authored by Brian
ce: *Parameters and Perspectives*, edited

ed under a Creative Commons license 3.0
d now that the journal has changed to
publication, though it is placed in the
license 3.0 does not indicate that
t it would have been professional

As of May 18th 2016, I have gone ahead and taken the book out of print completely, so the book *Library and Information Science: Parameters and Perspectives* will no longer be part of our publishing program anymore. However please do note that some resellers might have few copies in stock and they still might be selling it online, but I assure that we won't be listing or selling this book anymore on our website or on the Taylor & Francis/CRC Press website. I have instructed our distributor to take this book out of their system as well, so it will no longer be available.

On behalf of the book's editor and commissioning editor and myself, I offer my sincere apologies to the chapter authors over this error and assure that we have taken the book out of print as of May 18th 2016.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ashish Kumar'.

Ashish Kumar
Publisher

Letter from Apple Academic Press to Ryerson's Senior Legal
Counsel, May 26, 2016

CC: Brian Cameron, Librarian, Ryerson University

CC: Cecile Farnum, Librarian, Ryerson University

Reply from Taylor & Francis (excerpt)



Taylor & Francis Group, LLC

By Registered Mail

June 6, 2016

We can advise, however, that Taylor & Francis Group, LLC has withdrawn this book from sale and will pulp any remaining stock we may have.

Ms. Michelle Chaisson
Senior Legal Counsel
Ryerson University
Office of the General Counsel and
Secretary to the Board of Governors
350 Victoria Street
Toronto, ON, Canada M5B 2K3

RE: Copyright Infringement Notice

Dear Ms. Chaisson:

We are in receipt of your letter of May 24, 2016 wherein a claim infringement in the book *Library and Information Science: Parameters and Perspectives* by Joyce McIntosh, © 2011 by Apple Academic Press, Inc. is made.

Please be advised that Taylor & Francis Group, LLC only distributed this book, and all claims of infringement should be addressed to Apple Academic Press, Inc. only.

We can advise, however, that Taylor & Francis Group, LLC has withdrawn this book from sale and will pulp any remaining stock we may have.

Respectfully,

Kimberly S. Taylor
Senior Executive Assistant

/kst

cc: Ashish Kumar, Apple Academic Press, Inc.

Letter from Taylor and Francis Press to Ryerson's Senior
Legal Counsel, June 6, 2016

Editors & Authors

1. Emailed journal editor regarding CC licensing, etc. and phone conversation
 - a. Discovered that the license had changed a number of times from a noncommercial to commercial and back to noncommercial over the journal's existence
 - b. Difficult to determine which license was originally attached to our article
2. Contacted book editor, and had email correspondence.
 - a. Other authors had contacted her to express concern
 - b. She had ceased her association with the press
 - c. She was provided with articles and asked to write an introduction

Author feedback

- Contacted other authors from the book, sent brief survey and provided an option to speak with us.
- Scheduled two conversations with interested authors to get more insightful feedback.

Results

1. Only one author knew that this/her article had been republished
2. Three were aware of the CC licence terms
3. All five would have preferred to have been asked
4. Range of responses include outrage, futile acceptance, and encouragement

Some author comments

“Seems like this publisher was looking for free content and was making money out of open access...”

“I’m sure limited profits are made from these kinds of titles, but asking permission is a reasonable thing for a publisher to do in these circumstances.”

“I am ambivalent. On the one hand, I would prefer the content not be used in a commercial publication and particularly not one produced by a publisher of very dubious quality. On the other, I accept that there are consequences to the licenses we sign and I understand that this is part of that.”

“Not sure because it is better to have the original cited and having now found it on Google books...I see it makes NO mention of the origin or attribution...”

“If someone were to take an idea from my article, and use it to invent something new and then commercialize it, I don’t distinguish between that happening, and the creation of this book.”

We are not alone

- 1) A Rant on Strawberries, Open Access Licenses, and the Reuse of Published Papers (<https://schadtlab.wordpress.com/2013/07/02/a-rant-on-strawberries-open-access-licenses-and-the-reuse-of-published-papers/>)
- 2) Apple Academic Press: Predatory publisher of scholarly books (<http://rrresearch.fieldofscience.com/2013/07/apple-academic-press-predatory.html>)
- 3) Apple Academic Press (<https://scholarlyca.wordpress.com/2013/07/05/apple-academic-press/>)

“So it seems that the entire business model of Apple Academic Press is to harvest two-to-four-year-old open-access papers from PubMed Central, change their titles, and republish them at \$100 per volume without drawing attention to the original sources — either not mentioning them at all, or hiding the citations in the bottom of a locked filing cabinet stuck in a disused lavatory with a sign on the door saying ‘Beware of the Leopard’.”

<https://scholarlyca.wordpress.com/2013/07/05/apple-academic-press/>

Quote: “Hitchhiker’s Guide to the Galaxy”

“But the plans were on display...”

“On display? I eventually had to go down to the cellar to find them.”

“That’s the display department.”

“With a flashlight.”

“Ah, well, the lights had probably gone.”

“So had the stairs.”

“But look, you found the notice, didn’t you?”

“Yes,” said Arthur, “yes I did. It was on display in the bottom of a locked filing cabinet stuck in a disused lavatory with a sign on the door saying ‘Beware of the Leopard.’”

Take aways

1. When submitting articles for publication, examine and understand the terms of the license and know that CC licenses are irrevocable
2. Use ORCID and run regular updates
3. Many shades of gray in predatory publishing

More questions than answers...

How strongly do we value open culture?

What are we willing to consider as collateral damage to support and encourage open access scholarship?

Should we reconsider purchasing publications from publishers that engage in these practices?

Is academic freedom under assault when journals dictate the terms of reuse rather than authors?

Questions? Comments?