

Addressing research copyright concerns

Issues:

- (a) By law copyright protections cannot be placed on the work of an officer or employee of the U.S. Government (see [17 U.S.C. 105](#) and [17 U.S.C. 101](#)).
- (b) Most peer-reviewed academic journals require authors to release copy rights.
- (c) Many in the PME community are concerned that their faculty therefore cannot publish their research in any journals with this requirement.

Course of Action:

OSD Policy discussed these issues and concerns with **OSD OGC** (Associate General Counsel Richard Gray, their intellectual property SME), **OSD Research and Engineering** within OSD AT&L, the **Defense Technical Information Center** or DTIC (the main central repository for DoD-generated and DoD-funded research and engineering information), and **The MIT Press** (publisher of *International Security* (IS), a top international relations journal).

From all sources we determined that it is standard practice for all academic and technical journals (in the social sciences and physical sciences alike) to include a **government employee exemption clause** to any copyright requirements. Be aware, this exemption is not always clearly presented to the submitting researcher, and every journal appears to state and implement the policy in its own way.

Example exemption clauses:

- [Publication Agreement](#) for *International Security* :
Concerning U.S. (Federal) Government Employees:
Some of the foregoing grants and warranties will not apply if the Article was written by U.S. Government employees acting within the scope of their employment. If you are a U.S. Government employee who prepared this work as part of your official duties and there is no copyright to transfer, please check this box _____. Works produced by individuals employed under government contracts are protected and restricted under U.S. copyright law. However, if you are a contractor of the U.S. Government, you may reserve the right to reproduce the Article for U.S. government purposes by checking this box _____.
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Conclusion and Recommendation:

Most if not all academic journals accept article submissions from U.S. Government employees, acknowledging that government works are in the public domain even in cases where transfer of the copyright is otherwise required. If a PME faculty member encounters a journal that declines an article submission on the basis of copyright requirements (that cannot be overcome via the government employee exemption clause), contact OSD Policy (LTC Stephanie Ahern, stephanie.r.ahern.mil@mail.mil) who will work with OGC and others to try to help resolve the issue.