

# Open Text Service of the Criminology Information Service (FID Kriminologie) at the UB Tübingen

## Goal

The aim of the open text service is to improve the online accessibility of criminological literature. The German Copyright Act ([§ 38 UrhG](#)) grants authors special rights for the secondary publication of their contributions.

## Open Text Service

The Criminology Information Service (FID) offers researchers a secondary publication service for their criminologically relevant articles. The FID takes care of the rights check, digitisation, cataloguing and secondary publication within the subject repository of criminology. After successful completion, the secondary publications are searchable and accessible in KrimDok. There are no costs involved for the researchers.

## Procedure

- 1) Interested researchers submit their complete bibliography to the FID.
- 2) The transfer of non-exclusive of use to Tübingen University Library is regulated in a contract so that the contributions can be placed in the subject repository.
- 3) If the authors have digital copies of the contributions, they are asked to make them available to the FID.
- 4) The FID checks the legal requirements for a secondary publication of the respective contributions.
- 5) The FID digitises the remaining contributions
- 6) The FID will populate the subject repository of criminology with the secondary publications and list them (as well as all other criminological contributions and monographs) in [KrimDok](#).

## Contact

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## Second publication :: FAQs

### 1 | What is meant by secondary publication?

A secondary publication is the republication of a work in open access. Generally, the first publication is made by a publisher. The right of secondary publication exists regardless of whether the first publication was offered commercially or was already open access.

### 2 | What are the legal framework conditions?

Section 38 of the German Copyright Act regulates the secondary publication of articles and reviews under certain conditions.

### 3 | Does the German secondary publication right also apply to international publishers?

The statutory secondary publication right applies to national publishers. In the case of international publishers, the FID attempts to contact them or - if available - acts in accordance with the open access policies of the individual publishers. Such policies are sometimes also used by national publishers.

### 4 | Which contributions are eligible for a secondary publication?

- Contributions in

o Journals

- after an embargo period of one year has expired.
- if no other agreement exists.

o Collective works (monographs, commemorative publications, congress publications, encyclopedias, handbooks, ...)

- if the authors have not been remunerated for them.
- after an embargo period of one year has expired.
- if no other agreement exists.

### 5 Does the right of secondary publication also apply to joint authorship?

If you have written a contribution together with other authors (joint authorship, Section 8 UrhG), it is only eligible for a secondary publication if all authors agree to the publication. It is the responsibility of the authors to clarify the rights among the co-authors.

### 6 What do I have to consider if my contribution contains images?

If you hold the image copyright the right of secondary publication also includes their publication. Images with free licenses can also be used.

Concerning images from other authors, they have the secondary publication right which can only be exercised jointly with them.

#### 7 | May I publish the article in the publisher's version?

Yes, provided there are no other contractual agreements.

For each contribution, therefore, the question arises as to whether a publishing agreement exists.

#### 8 | Is my contribution eligible for a secondary publication even if a publishing agreement exists?

Yes, under certain conditions.

On the one hand, many publishers allow secondary publication of the manuscript version.

On the other hand, [Section 38 IV UrhG](#) grants authors a right of secondary publication even if contractual provisions state otherwise. In this case, however, the contribution must have been "produced in the context of a research activity that is at least half publicly funded and published in a collection that appears periodically at least twice a year".

Sometimes, however, publishing agreements are no longer available or there is uncertainty as to whether and which agreements have been made with a publisher. In these cases, the FID contacts the respective publishers. In some cases, releases of use can be obtained in the course of contacting the publishers.

#### 9 | What rights do I grant to Tübingen University Library?

You only grant Tübingen University Library non-exclusive rights of use so that the FID can populate the subject repository operated by the Tübingen University Library with your contributions.

Your right to publish your contributions on your homepage or in another repository is in no way affected by the granting of rights to the Tübingen University Library.

#### 12 | What happens to the right of secondary publication after death?

After death, the right of secondary publication passes to the rightful heirs.