

Year IV, v.1 2024 | submission: 03/02/2024 | accepted: 05/02/2024 | publication: 07/02/2024

Author's Rights in Scientific Publication in the University's Institutional Repository Federal of Uberlândia (RI-UFU)

*Loss of Author Rights in Scientific Publication in the Institutional Repository of the University
Federal of Uberlândia (RI-UFU)*

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SUMMARY

The text explains that, by depositing works in the UFU Institutional Repository (RI-UFU), the author retains their copyright under Law No. 9.610/1998, but grants the University a non-exclusive, permanent, and free license to make the work available for academic and scientific dissemination purposes. The author can choose between full or partial release (with embargo), indicating the reason and deadline. It also emphasizes that the author is responsible for the content and that, if the embargo expires without a response, the work will be fully released.

Keywords: Copyright. Institutional Repository (RI-UFU). Scientific publication.
Open access. Embargoed access.

SUMMARY

The text explains that, when depositing works in the Institutional Repository of the UFU (RI-UFU), the author maintains his author rights in accordance with Law nº 9.610/1998, but grants the University a non-exclusive, permanent and free license to make the work available for academic and scientific dissemination purposes. The author can opt for total or partial release (with embargo), indicating the reason and the deadline. It should also be noted that the responsibility for the content lies with the author himself and that, if the embargo expires without manifestation, the work will be released in its entirety.

Keywords: Author rights. Institutional Repository (RI-UFU). Scientific publication. Open access. Access blocked.

1. Introduction

The advancement of new technologies and the internet has allowed for increased access to information and knowledge, as well as greater accessibility for people with special needs, who were able to count on specialized equipment and software that could introduce them into this new context. But even with all the facilities that technology has offered, there are still barriers in education and educational practice for the achievement of cultural and social progress, one of which is barriers the restrictions imposed by copyright legislation that require a balance, aiming at the creation and distribution of intellectual property, but in a sustainable manner without restrictions on these educational practices, thus enabling activities accessible to those interested public for the development of society.

Sharing intellectual works without due observance of legal standards increases cases of misuse, generating conflicts between the possibilities offered by the new technologies and the true intention of the authors regarding the dissemination of their creations. In this context, the Copyright Law (LDA), Law 9.610/98, of 19.02.1998, regulates the legislation on copyright, thus understood as the name of copyright and those that are due to it



related, plays a fundamental role in ensuring the recognition of authors. This legal protection helps to overcome barriers in the socialization of knowledge and encourages researchers to develop technical-scientific materials, preserving their authorship and identity.

2. Recognition and protection of copyright in scientific dissemination

Copyright consists of a set of laws and regulations that protect creations intellectual rights, whether artistic, literary, scientific or technological in nature. These rights have the function of ensuring that the author of a work has control over its use, reproduction and distribution of their work, as well as ensuring that it receives due recognition and, where applicable, remuneration for the use of your creation.

According to the aforementioned Law 9.610/98 (Art. 7 and subsections), intellectual works are protected creations of the spirit, expressed by any means or fixed in any medium, tangible or intangible, known or invented in the future, such as:

I - the texts of literary, artistic or scientific works; II - lectures, addresses, sermons and other works of the same nature; III - dramatic and dramatic-musical works; IV - choreographic and pantomimic works, the stage performance of which is recorded in writing or in any other form; V - musical compositions, whether or not with lyrics; VI - audiovisual works, with or without sound, including cinematographic works; VII - photographic works and works produced by any process analogous to photography; VIII - works of drawing, painting, engraving, sculpture, lithography and kinetic art; IX - illustrations, geographical maps and other works of the same nature; X - projects, sketches and plastic works concerning geography, engineering, topography, architecture, landscaping, scenography and science; XI - adaptations, translations and other transformations of original works, presented as new intellectual creations; XII - computer programs; XIII - collections or compilations, anthologies, encyclopedias, dictionaries, databases and other works, which, by their selection, organization or arrangement of their content, constitute an intellectual creation. (BRAZIL, 1998)

The greater the visibility of a work, the stricter the criteria for authorizing its reproduction. This is where general public licenses emerge, through which the author defines, clearly and in advance, the types of use that are permitted for your work. This ensures that the user knows exactly how far they can use the content, including permissions to reproduce, modify or economically exploit the work, according to the conditions established by the holder of copyright.

On the other hand, there are situations in which the Law does not consider them as subject to copyright protection, for example:

I - ideas, normative procedures, systems, methods, projects or mathematical concepts as such; II - schemes, plans or rules for performing mental acts, games or business; III - blank forms to be filled in with any type of information, scientific or otherwise, and their instructions; IV - texts of treaties or conventions, laws, decrees, regulations, judicial decisions and other official acts; V - information in common use such as calendars, agendas, records or captions; VI - isolated names and titles; VII - industrial or commercial use of the ideas contained in the works. (BRAZIL, 1998)

In Brazil, copyright was initially regulated by Law 5,988, of December 14 1993. Subsequently, on June 19, 1998, Law 9,610 of February 19, came into force. 1998, which brought changes, updates and consolidated copyright legislation. In the Article 1st of its Preliminary Provisions, the law clarifies that it regulates copyright, covering both copyright and related rights (such as those of artists, performers, producers phonographic, performers, among others).

In Brazil, in 2010, the Ministry of Culture (MinC), after promoting discussions with various actors and in various cities, presented a draft bill to reform the LDA, submitting it to a public consultation, a process called the Copyright Forum. (VALENTE, PAVARIN, LUCIANO, 2019)

Proposals to reform the Copyright Law (LDA) in Brazil have not advanced, being left aside due to issues considered more urgent at the time, such as the Civil Framework for Internet. In July 2019, during a seminar of the World Intellectual Property Organization held in the Dominican Republic, one of the most recent initiatives to debate the theme in Latin America. At this event, proposals emerged for the creation of an international agreement that could be adapted and implemented locally.

With the strengthening of society movements always defending access to knowledge and expansion of limitations and exceptions to the Copyright Law (LDA), such as also the new opportunities provided by technologies, which facilitate the creation and sharing content, other initiatives have emerged. Many of these proposals, mainly from developing countries, sought to implement greater flexibility in the rules that govern copyright.

Regional seminars have become one of the main channels for these movements, which is why the meeting that will take place in the Dominican Republic between July 4th and 5th, 2019 is an opportunity to advance in the consolidation of an agreement in international level. (VALENTE, PAVARIN, LUCIANO, 2019)

While copyright protects the interests of creators, it can, in some cases, limit access to essential educational materials. Restrictions such as high transportation costs licensing, geographic limitations and legal bureaucracies often make it difficult to use content educational services in contexts that need them most, such as developing countries and communities low-income.

Currently, there are different types of licenses available. One example is copyright, which establishes restrictions on the partial or total use of a work by third parties without prior authorization. In this case, the author holds all rights to his creation, and the symbol “©” indicates that the content is not can be used without your permission. On the other hand, there is copyleft, a more flexible license that allows you to modify and redistribute the work. However, any changes made to the material must preserve

the same license granted by the original author.

3. Rights of reproduction, distribution and use of scientific works

The dissemination of scientific publications is based on the principle of using licenses that guarantee greater flexibility and legality in the use of these resources, allowing them to be shared with intellectual property license and open access authorization for their use, modification and distribution, as well as technical openness, regarding the use of formats that are easily accessible and editable in different software applications.

Therefore, scientific publishing must prioritize both technical interoperability and legal, to facilitate its use and reuse, is represented by the “5Rs”, which mean in English reuse, revise, remix, redistribute and retain.

Thus, Retain corresponds to the right to retain the material, giving the author the right to do so, own and control copies of content such as downloading, duplicating, storing and managing; Reuse ensures the reuse of content, being able to use the content in different ways, whether in the classroom class, in a study group, on a website, in a video; Revise allows you to review the content, such as the right to adapt, adjust, modify or change the content itself, which may be the translation of the content into another language; Remix allows the right to combine the original or revised content with other material to create something new, being able to incorporate the content into a mashup; and finally Redistribute which allows the right to share copies of the original content, its revisions or your remixes with other people.

Therefore, the availability of scientific production offers the opportunity for researchers can, in fact, take advantage of the resources offered by digital technologies information and communication in a network, becoming true producers of knowledge and cultures, providing recognition and appreciation in a relevant way.

Copyright and scientific publishing are two concepts that converge when it comes to of the production, use and sharing of scientific materials with current technologies. The interaction between these two fields presents opportunities and challenges for the democratization of knowledge and the promotion of accessible and inclusive education.

Therefore, scientific publication must be openly licensed, allowing it to be used in a broader and more flexible manner, ensuring compliance with current legislation. In this sense, There are some important guidelines for the use of content, which ensure ethical use and legal content in the educational context, respecting the authors' rights and contributing to quality education. These are:

- the right to quote, provided that the intellectual production is used for study purposes, criticism or debate, always mentioning its authorship;
- images from the internet can be used, as long as they are licensed under open access and with meson also to the author;
- music and videos may be used if they are in the public domain or duly licenses for use, one of the possibilities being to cite the link to the material in the teaching material;
- materials published by a government agency, even if they are in the public domain, are necessary to check your license for use, always citing the source;
- the teaching materials of the Public Network, they follow the same rules of the Rights Law Copyright (LDA) and the provisions of the Federal Constitution related to the protection of the rights of authors;
- photographs, if the person photographed is public, and it is taken in activities of collective or social interest, authorization is not required. But photos of works of art or people are authorization required;
- works in the public domain may be reproduced and used freely, without the need for authorization or payment of copyright.

The creation of specific legislation that offers legal support and encourages change perspective on the production of scientific publications, would allow for a broader debate on the use and their reuse. This measure would also give authors more autonomy in choosing how make your publications available online. Currently, what is acquired is only the physical material, without the right of reproduction, which ends up generating additional costs for the public coffers. With the obtaining the rights to the work, it would be possible to make it available in open access and license it under Creative Commons, promoting a more strategic and efficient use of public resources.

According to Branco and Britto (2013), it may seem quite reasonable that, if the author of a work spontaneously put it on the internet, it is because he wants to give access to it and, eventually, allow your copy. In this way, information — whether technical, aesthetic, scientific or digital — is free, which can represent both the communication of an idea and the dissemination of the content of a work intellectual property protected by intellectual property. Thus, copyright emerges as a form of protect the creation of knowledge contained in an intellectual work, offering protection specific and always making clear the purpose for which the work was created.

With the increased availability of the internet and digital media, several authors have emerged willing to share their intellectual production, but, in accordance with the legislation, authorizing the use by third parties. This created the challenge of how to authorize each person individually, which became a growing demand due to the wide dissemination of the work. Inspired by the models of free licensing of the Free Software Foundation, standardized public licenses were created,

such as Creative Commons. These licenses define in advance the rights granted to the author, allowing their intellectual production to be accessed, shared, modified and distributed over the internet.




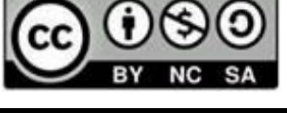

The first version of the licenses appeared in December 2002. Soon after their launch in the United States, countries such as Japan, Finland, and Brazil began using the licensing model. Currently, approximately 50 countries have adopted the licenses. (BRANCO; BRITTO, 2013)

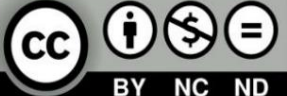
In Brazil, Creative Commons (CC) is managed by the Center for Technology and Society of Getúlio Vargas Foundation Law School is one of the research projects of the institution. The objectives of the Creative Commons project are achieved through the licenses offered to those who wish to use them. Since licenses function as forms of contract, it is important understand the contract system established by the Copyright Law (LDA) to understand better understand how they operate and what the impacts of their adoption are in the context of copyright in Brazil.

Creative Commons (CC) licenses are the most widely used to transform copyrighted content of scientific publications. These licenses provide a set of legal tools that allow authors to maintain their moral rights, while make property rights more flexible. The use of licenses makes it possible to balance the protection of authors' rights with the need to promote the free circulation of knowledge.

The Creative Commons project is managed by a non-profit, non-governmental organization based in San Francisco, California, United States. The organization was founded in 2001 by Lawrence Lessig, Hal Abelson, and Eric Eldred and is currently governed by a 15-person Board. (BRANCO; BRITTO, 2013)

Table 1 - Creative Commons Licenses

Symbol	License Generated	Allows the commercial use	Allow derivatives works
	Attribution (BY)	Yes	Yes
	Share the same License (BY-SA)	Yes	Yes, as long as others share.
	Attribution – Non-Commercial Use (BY-NC)	No	Yes
	Attribution-NonCommercial-Use Share the same License (BY-NC-SA)	No	Yes, as long as others share.
	Attribution – No Derivative Works (BY-ND)	Yes	No

	Attribution-NonCommercial-Use No Derivative Works (BY-NC-ND)	Yes	Yes, as long as others share.
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Source: Chart created by the researcher, images taken from <https://www.revistas.usp.br/wp/noticias/licencas-creative-commons-saiba-mais-sobre-isso/>

As education becomes digitalized and globalized, scientific publishing plays a key role. increasingly important role in the democratization of knowledge. For this movement prosper, it is crucial to promote awareness about the ethical and legal use of materials, invest in infrastructure for its creation and dissemination, and foster partnerships between governments, institutions educational institutions and international organizations. Thus, they not only represent an alternative viable to overcome economic and legal barriers, but also symbolize a more worldview inclusive, where knowledge is treated as a common good accessible to all and generating positive impact on global society.

4. Policies for authorization and licensing of scientific publications at RI-UFU

The Institutional Repository of the Federal University of Uberlândia (RI-UFU) is a open access platform that aims to gather, preserve, organize and disseminate the intellectual production of the institution's academic community. To ensure legality, the transparency and wide use of deposited content, RI-UFU adopts specific policies authorization and licensing of scientific publications stored therein

The authorization process is essential to ensure that the inclusion of documents in the RI-UFU complies with copyright legislation (Law No. 9,610/1998) and with the institutional guidelines in accordance with Reito Ordinance No. 312, of MARCH 28, 2022, which establishes the Information Policy of the Institutional Repository of the Federal University of Uberlândia - RI-UFU.

RI-UFU policies are aligned with the National Policy for Open Access to Production Scientific, established by MEC Ordinance No. 13/2012 and by IBICT guidelines for repositories institutional, in addition to meeting Brazil's international commitments in the field of science open. According to Reito Ordinance No. 312/2022, Art. 3, the repository must be integrated with national and international systems, observing the use of integration standards and protocols in Open Archives model.

All scientific, technical, cultural, artistic and technological production developed within the scope of university must be submitted in full to the UFU RI, respecting the following exceptions:

- I - Books or chapters of books that have contractual restrictions relating to copyright;
- II - articles published in scientific journals whose contract signed with the authors contains a clause that prevents their availability in open access repositories;
- III - research results whose content is capable of being patented or published in books

and chapters; IV - omitted cases will be analyzed by the sector responsible for the UFU RI.
(Ordinance No. 312, 2022)

Therefore, the authorization is:

- Consent of the author or rights holder: The deposit requires the formal consent of the authors or co-authors, through an authorization term, which grants RI-UFU the right to store, preserve and make the work available in digital media.
- Verification of contracts with publishers: In cases of articles already published in journals, an analysis of rights assignment contracts or editorial policies is carried out in order to identify permissions to make available the published version or accepted manuscript (post-print version or preprint).
- Deposit by authorized third parties: Advisors, program coordinators or Librarians may make the deposit, provided they are duly authorized by the author(s).

Thus, the author receives a Publication Authorization Term in the RI allowing access total or partial publication, requesting the following information: I, [Name], holder of CPF [CPF Number], domiciled at [Address], in the city of [City], as the holder of the copyright on my [master's dissertation/doctoral thesis], entitled [Title], defended on [Date of Defense], at the Postgraduate Program in [Name of Program], based on the provisions of Law No. 9,610 of February 19, 1998 (Law of Copyright), I authorize the Federal University of Uberlândia to make the cited work, on a permanent, irrevocable and non-exclusive basis, for the purposes of reading, printing and/or download, for the purpose of disseminating the scientific production generated by the University, from this date onwards. I declare that the release will be: [total] or [partial, with embargo of the file for 2 years], in which case that only the abstract(s) and bibliographic data (author, title, members of the examining board, defense date, keywords, among others). In the case of partial release, I inform you that the reason for the embargo is: [patent in registration / publication in periodical / publication of book or book chapter / personal data confidentiality (LGPD) / others: specify]. I am aware of that, in case of partial release, the document will remain restricted for 2 (two) years, counting from the date of authorization of publication. To extend this period, I must express my opinion formally with SISBI/UFU. If there is no response within the stipulated period, the text The complete dissertation/thesis will be released in full and made available for public consultation. I further declare that the content made available is my sole responsibility and that the reason of the embargo, when applicable, is in accordance with Article 8 of Reito Ordinance No. 312/2022.

Publications are embargoed for 2 years and may be renewed upon request.
renewal of the embargo by the author, as proof of the need for the procedure, this being contracts with publishers, patents, among others, without the document, the renewal of the embargo is not

carried out. So that the author is aware of the final date of the document embargo, it was included in the metadata form the Embargo End field = dc.description.embargo. It was also an Excel spreadsheet was created where all the embargoed works are described with date, title and handle, as Dspace automatically releases the work for open access, but does not change the field Access Type – Open Access or Embargoed Access, requiring this change manually.

Licensing defines how third parties may use, share, adapt or redistribute the materials available at RI-UFU. In this sense, the repository preferentially adopts licenses Creative Commons (CC), aligned with the principles of open access, and as shown in Figure 2, the response the questions will always be “No”,

Figure 3 – Creative Commons RI-UFU

Allow commercial uses of your work? ⓘ

Yes No

Allow modifications of your work? ⓘ

Yes ShareAlike No

Source: RI-UFU

According to Reito Ordinance No. 312/2022,

Art. 4 Digital objects will be freely available for research at the UFU RI in accordance with the Creative Commons public license and the standard non-exclusive distribution license, which allows reproduction and widespread distribution of the document in any medium. (Ordinance No. 312, 2022)

RI-UFU adheres to a clear and standardized Distribution License to protect the repository against copyright disputes, ensure legal security for the availability of content, facilitate interoperability with other scientific information systems, meet the requirements of national and international open access policies, such as MEC Ordinance No. 13/2012 and the IBICT guidelines. Therefore, the license contributes to the storage in digital systems of preservation, availability for online access, printing and downloading, format conversion to preservation or accessibility improvement purposes (e.g., migrating files to formats sustainable), and inclusion of descriptive metadata to facilitate discovery of the work.

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The Federal University of Uberlândia will clearly identify your name(s) as the author(s) or copyright holder(s) of the submitted document, and will not make any changes other than those permitted by this license. (RI-UFU, 2025)

RI-UFU fully respects copyright ownership and does not claim ownership.

intellectual property of the deposited works. The deposit implies only the non-exclusive concession of rights for archiving, digital preservation and online availability.

Although RI-UFU does not have a preservation plan, it follows international standards (such as OAIS – *Open Archival Information System*) and guarantees the integrity and authenticity of the content. If any copyright or licensing infringement is identified, the document may be temporarily removed from public access until the issue is resolved, as provided for in the internal guidelines of the UFU Library System.

Conclusion

The debate on copyright in the context of scientific publishing highlights the need to reconcile the protection of authorship with the democratization of access to knowledge. The current legislation, although essential to ensure the intellectual integrity of authors, still imposes barriers that can hinder educational and scientific practices, especially in developing countries development. In this scenario, open licenses, such as Creative Commons, represent a viable alternative to balance individual and collective interests, promoting ethical, legal and accessible scientific productions.

Within the scope of the Federal University of Uberlândia, the Institutional Repository (RI-UFU) consolidates itself as a strategic space for the preservation, dissemination and open access to academic production, aligning with national and international open science policies. Its authorization and licensing guidelines reinforce the importance of respecting rights legislation copyright, while encouraging open access practices, which are essential to expanding the visibility of scientific production and enhance its social impact.

Thus, it is possible to conclude that the strengthening of open access policies, combined with the use

aware of flexible licenses and respect for current legislation, constitutes a promising path to transform scientific knowledge into a global public good. This perspective not only promotes inclusion and equity in access to information, but also contributes to the advancement of education, science and sustainable social development.

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