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25 May 2007

Editor-in-Chief
Law Review
[address]

Dear Editor-in-Chief:

I am writing to you on behalf of the Open Access Law Program, <<http://sciencecommons.org/projects/publishing/oalaw.html>>, and as Project Leader of Open Access Law Canada, about introducing Open Access Law Canada to [*Law Review*].

The Open Access Law Program, launched in June 2005, is a part of the Science Commons Scholar's Copyright Project, <<http://sciencecommons.org/projects/publishing/index.html>>, which is working to support open access to scholarly research in a wide range of disciplines in science and social science, including law. The Scholar's Copyright Project aims to increase access to knowledge by reducing the technological, economic, and legal barriers that have traditionally restricted access to scholarship. The Open Access Law Program, of which Open Access Law Canada is a part, specifically promotes open access to legal scholarship.

I am writing this letter to you to introduce the Open Access Law Canada program and to encourage [*Law Review*] to join this initiative. Open access provides free public access to scholarly literature and promotes the dissemination of this scholarship, which benefits the author, the law review, and the public. Some of the benefits of open access for law journals are an increase in the readership base; higher impact and citation in academic journals, as well as in legal abstracts, legal blogs, and other media; and the facilitation of international and interdisciplinary scholarly conversations.

The Open Access Law Program provides a number of resources to encourage open access archiving. These resources include the Open Access Principles for Law Reviews, <<http://sciencecommons.org/projects/publishing/oalawjournal.html>>, and information about open access publishing agreements. The websites for Open Access Law Canada, <<http://www.openaccesslawcanada.ca>> (in English), and Libre accès au droit Canada, <<http://www.libreaccesaudroitcanada.ca>> (en Français), provide further information about this program in Canada and a set of open access resources for Canada.

The Open Access Principles are a small number of principles that commit the law review to:

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- taking the least restrictive licence consistent with its needs,
- a promise to provide an electronic copy of the final version (preferably a typeset PDF) of the article to the author, and
- a commitment to allow public access to the law review's standard publishing contract.

The Principles do not ask the law review to undertake the archiving of articles or change the publication format of the law review; they simply ask the review to allow the archiving of articles by authors at university repositories, scholarly portals, and the authors' personal webpages.

The Canadian Model Publication Agreement enshrines these commitments in a neutral contract that is easy for both authors and law reviews to accept. The agreement balances the authors' interests, the users' interests, and the publishers' interests.

- The authors retain ownership of the copyright in their article, including rights to reproduce, publish, distribute, translate, adapt, etc. the article, provided that authors include a notice that the article was first published in the respective journal and a full citation to the journal's print and electronic publication of the article. The authors are given an electronic version of the article (in PDF), which allows authors to post their articles on scholarly portals and university repositories and to use the article for educational purposes.
- The users have access to publicly available scholarship (at the journal's website or in another venue, such as a university or scholarly portal). Further, the agreement allows the articles published in the journal to be used for educational purposes provided that the copies are distributed at or below cost; the author(s) and the journal are identified; and the full correct citation is included, proper notice of copyright is affixed to each copy, and the journal is notified of the use by email.
- The publisher (journal) has a right to publish the articles in print and electronic format, to make them available on the journal website (if the journal chooses to do so), and to make them available on a variety of electronic databases. The journal thus facilitates public access and promotes the dissemination of legal scholarship by making the journal available through a range of media and forums.

We anticipate formally launching the Open Access Law Canada program in fall 2007, and we would like to include the [*Law Review*] in the list of law reviews that have agreed to participate. We would appreciate it if you could inform us by 15 September 2007 if the [*Law Review*] is interested in joining Open Access Law Canada and has pledged to abide by open access principles.

To be included as a part of the program, a law review must adopt the Canadian Model Publication Agreement or a publication agreement consistent with Open Access Principles. A copy of such a publication agreement on the [*Law Review*]'s letterhead should be emailed to <oalc@uottawa.ca> by 15 September 2007. We will then include the name of the [*Law Review*] on the Open Access Law Canada website, which will house a centralized list of all the journals and schools who have joined the initiative, as well as their publication agreements, and we will forward that information to the main Open Access Law program to be posted on their website as well. This list of journals and their publication agreements will be kept updated so that it may be consulted by authors and the public.

Enclosed with this letter you will find a copy of the Open Access Law Principles and a copy of the Canadian Model Publication Agreement. The attached Canadian Model Publishing Agreement, created and used by the *University of Ottawa Law & Technology Journal*, which has committed to open access principles since its inception in 2003 and is currently the only Canadian law review in the Open Access Law program, has been specifically tailored to Canadian law. This model agreement is also available on the Open Access Law Canada website as a template for journals to use.

I would be pleased to discuss the details of the Open Access Law Canada initiative and to answer any questions you may have.

Yours sincerely,

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Enclosures (3)