Congress Presentations and Duplicate Publication

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The following case presented to the Committee of Publication Ethics (COPE)1), discusses the issue of prior publication, specifically regarding recorded audio material from conferences. Before reading the content of this case, it is important to understand how the International Committee of Medical Journal Editors (ICMJE) views this issue. The ICMJE states that “prior publication can include release of information in the public domain. This policy applies whether presentations at conferences are made in person or via the Web or online”; 2)

Based on this, audiotapes from conferences would be considered prior publication although it will not prevent the author from being able to publish that as a full publication, therefore no need to consider the possible risk of duplicate publication. However, would the situation be different if the conference retained copyright of such materials?

Case number: 18–103) Are copyrighted conference audiotapes considered “prior publication”?

Case text (Anonymized)

An editor received a query from an author: “Your guidelines are clear that presenting data at a society meeting does not preclude publication. But what if the society records the presentation, retains copyright of that recording, and posts it online? Is asking presenters to turn over copyright of a recording of data presented at a prepublication stage and disseminating the recording as they see fit crossing the “prior publication” line?”

Question(s) for the COPE Forum

• Are presentation audiotapes considered prior publication?
• If tapes are copyrighted, does that preclude publication?

Advice:

Copyright laws are there to protect publishers and they cover only the presentation of something and not the underlying research or data. In the case of audiotapes, the organization only owns the audio rights not the paper rights, so the editor should check the copyright that has previously been assigned. It is also possible that the audiotapes are behind a paywall for members only, so the distribution of the material might be very limited. There is a need, however, to seek legal advice in such cases and the editor should consult the legal department of the publisher if there is any question. Additionally, when a paper is presented, it is not generally presented in the same format as a scholarly paper submitted to a journal, so there might be significant differences between the audio and the written material, with the exception of the data presented. The main concern is duplicate publication; however, audiotapes are not generally considered primary sources for the purpose of reviews of the literature.

There is a similar situation with dissertations. Do poster presentations have the same copyright rules? Generally, previous presentations in the form of papers presented at a conference are allowed although there might be some text overlap with the abstract, which is usually all that is printed. In other situations, a published abstract in English might accompany an article written in another language, but with appropriate credits, a
The parameters of prior publication are a journal decision. For example, journals can decide to publish papers arising out of a dissertation or an audit that has been circulated internally in an institution, but they should be transparent and disclose previous publication or copyright of any portion of the material. One view from the Forum was that copyright issues support paternalistic ideas of protecting people from something that has not been peer reviewed, and this might be an issue for certain disciplines. Another question journals might consider relates to their policies of issuing press releases. Some journals employ the Ingelfinger Rule and embargoes to preclude the spread of misinformation, particularly in research related to public health and safety.

Follow up:
The matter was resolved in the author’s favor. The association changed its policy requiring presenters to have presentations taped and to hand over copyright.

Resolution: Case Closed Year: 2018
According to the Ingelfinger Rule, which owes its name to the editor of the New England Journal of Medicine (NEJM), who expressed it in 1969, although an earlier version of the same policy had been stated earlier by Samuel Goudsmit, editor of the Physical Review Letters, in 1960, material published elsewhere would not be considered for publication in the NEJM. The policy of the NEJM is very strictly enforced, and that journal will not consider for publication any material that has appeared in any form whatsoever.

Thus, presenting material at a conference, strictly speaking, would contravene the Ingelfinger Rule, but one must remember that this edict was promulgated in the era before electronic publishing, archiving, and data sharing. As a result of the latter, the modus operandi of scholarly publications have been, and will be further, changed. This was pointed out by Stevan Harnad in his perceptive manuscript.\(^4\) In this, he points out that interoperable, widely-distributed, eprint archives can now be harvested and shared optimally electronically, significantly affecting journals’ revenue streams. He reasons that journals will be forced to rely financially on their quality control and certification services, paid for by author/institutions on a per-paper basis. He concludes succinctly: “Ingelfinger over-ruled.”

[日本語訳]
Ingelfinger Ruleの名称は、それを1969年に表明したNEJMの編集長の名前から来ている。しかし、同じ方針は、それより早く1960年に、Physical Review Lettersの編集長であったSamuel Goudsmitにより表明されている。NEJMではどこか他で掲載されたものについては掲載を考慮しないとした。この方針は非常に厳格に施行され、NEJMは、どのような形式で他で掲載されたものは掲載対象とみなしていなかった。
したがって、厳密に言えば、学会で発表されるものはIngelfinger Ruleとは矛盾するだろう。しかしIngelfinger Ruleが電子媒体による掲載、文書保管、データ共有の時代が到来する前に公表されたものだということを思い出さなければならわない。その結果、学術論文などの掲載方法は、変わってきており、今後さらに変化するだろう。これについては、Stevan Harnadが彼の洞察力のある原稿の中で指摘している。彼によれば、現在では、相互に情報交換可能なフォーマットで配信されるデジタル原稿のアーカイブを、最も効率的に電子的に収集し、共有することができ、それはジャーナルの収入の動向に重大な影響を及ぼしている。ジャーナルは、掲載する論文などの品質管理と科学的真実の保証サービスに注力し、財政的には論文1本ごとに著者や所属施設から支払われる掲載料金に頼らざるをえなくなるだろうと論じている。そして、彼は「Ingelfinger Ruleは覆された」と簡潔に結論づけている。

Closing Message

As editors observing changes over the past decades in medical publishing and medical publishing ethics, which are in fact the raison d’être of COPE, we have noted that the situation has now changed to such an extent that the Follow-up conclusion reached by COPE concerning this instance is in fact something with which we can totally agree.

With increasing methods of disseminating information, careful understanding about issues such as prior publication, duplicate publication, and copyright become essential in protecting authors.

References

1) The Committee on Publication Ethics. http://publicationethics.org/ [Accessed January 20, 2019].
2) International Committee of Medical Journal Editors. Recommendations for the Conduct, Reporting, Editing, and Publication of Scholarly Work in Medical Journals [Internet]. Available from http://www.icmje.org/ [Accessed January 20, 2019].
3) The Committee on Publication Ethics. http://publicationethics.org/cases [Accessed January 20, 2019].
4) Harnad S. Ingelfinger Over-Ruled: The Role of the Web in the Future of Refereed Medical Journal Publishing. The Lancet Perspectives. 2000;256(December Supplement):s16.