

(3.5) Use of previously published images

You have just finished drafting the text of a manuscript that you hope to submit shortly for publication, although you still need to prepare the figures to accompany the submission. The manuscript deals with a rare entity, and you have only a limited number of sample cases in your teaching files from which to select a final illustration for inclusion. Your teaching files include a particular image that you feel would be ideal for the report. However, you used an image from the same examination for an earlier publication related to this entity in which the manuscript copyright was transferred to the journal at the time of acceptance. You feel that the current manuscript could benefit from these images, although are unsure how to best proceed in view of the earlier publication. You consider selecting a different slice from the same examination, or perhaps annotating the key findings using asterisks rather than arrows, so as to alter the appearance of the images in comparison with the previously published manuscript. What ethical concerns would this approach raise?

Commentary

As stated in the case description, copyright to this particular image was transferred to a different journal at the time of the earlier publication. Currently, there is no uniform opinion among journals regarding exactly what such copyright transfer covers with respect to radiologic images. At least one major imaging journal takes a broad perspective with an explicit policy indicating that simply changing the position of an arrow or selecting a different slice from within a single examination does not comprise a meaningful difference nor obviate the earlier copyright transfer. Therefore, the actions under consideration would not be sufficient to permit usage of the figure for the present submission.

In this case, you may check with the journal regarding its policy and disclose the use of an image that is modified from an earlier submission, potentially providing both the earlier and current images so that the journal may assess the extent of the differences. Nonetheless, many biomedical journals will give permission to reuse an image that was previously published within the journal provided that appropriate acknowledgment is given. Thus, a preferable approach may be to simply seek such permission from the journal originally publishing the image. Such permission will often be provided, thereby avoiding the issue described in the case relating to the appropriateness of incremental modifications to the image. Alternatively, while requiring additional effort, you may be able to find a new case through additional searches, even if not the example that you originally preferred to use for the publication.

References

- 1) AMA Manual of Style Committee. AMA Manual of Style: A Guide for Authors and Editors (10th edition). Oxford University Press, March 2007.
<http://www.amamanualofstyle.com/view/10.1093/jama/9780195176339.001.0001/med-9780195176339-chapter-5> Accessed: December 23, 2015.
- 2) Rossner M, Yamada K. What's in a picture? The temptation of image manipulation. J Cell Biol. 2004;166(1):11-15.
- 3) AJR. AJR Guidelines for Authors.
<http://www.arrs.org/uploadedFiles/ARRS/Publications/authorGuidelines.pdf>
Accessed: December 23, 2015.