



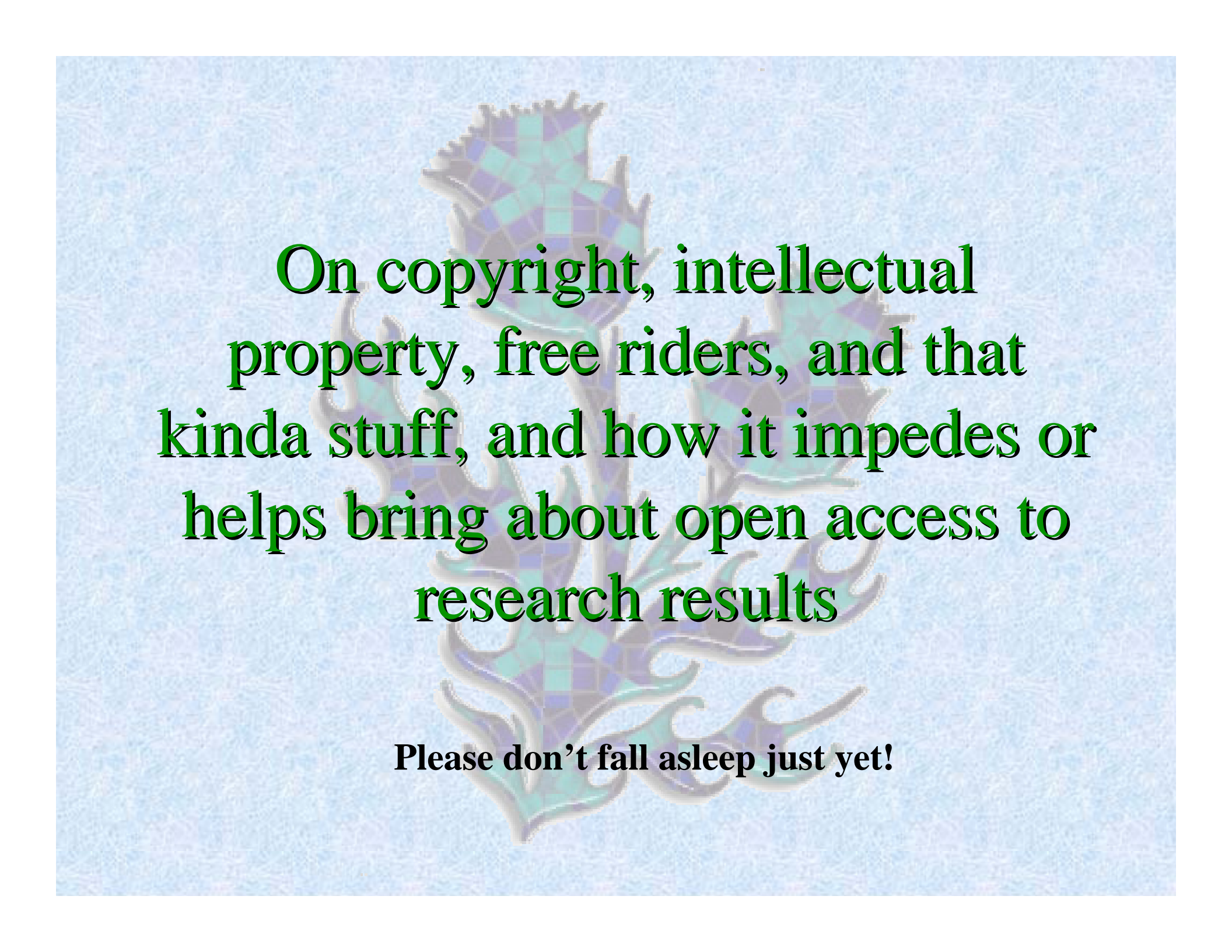
Open Access

An open access publisher's view

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BioMed Central

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On copyright, intellectual property, free riders, and that kinda stuff, and how it impedes or helps bring about open access to research results

Please don't fall asleep just yet!

What is copyright?

When you write the copy you have the right to copyright the copy you write

What is copyright?

- Property? (as in ‘intellectual property’)
- A right, granted by government?



What is copyright?

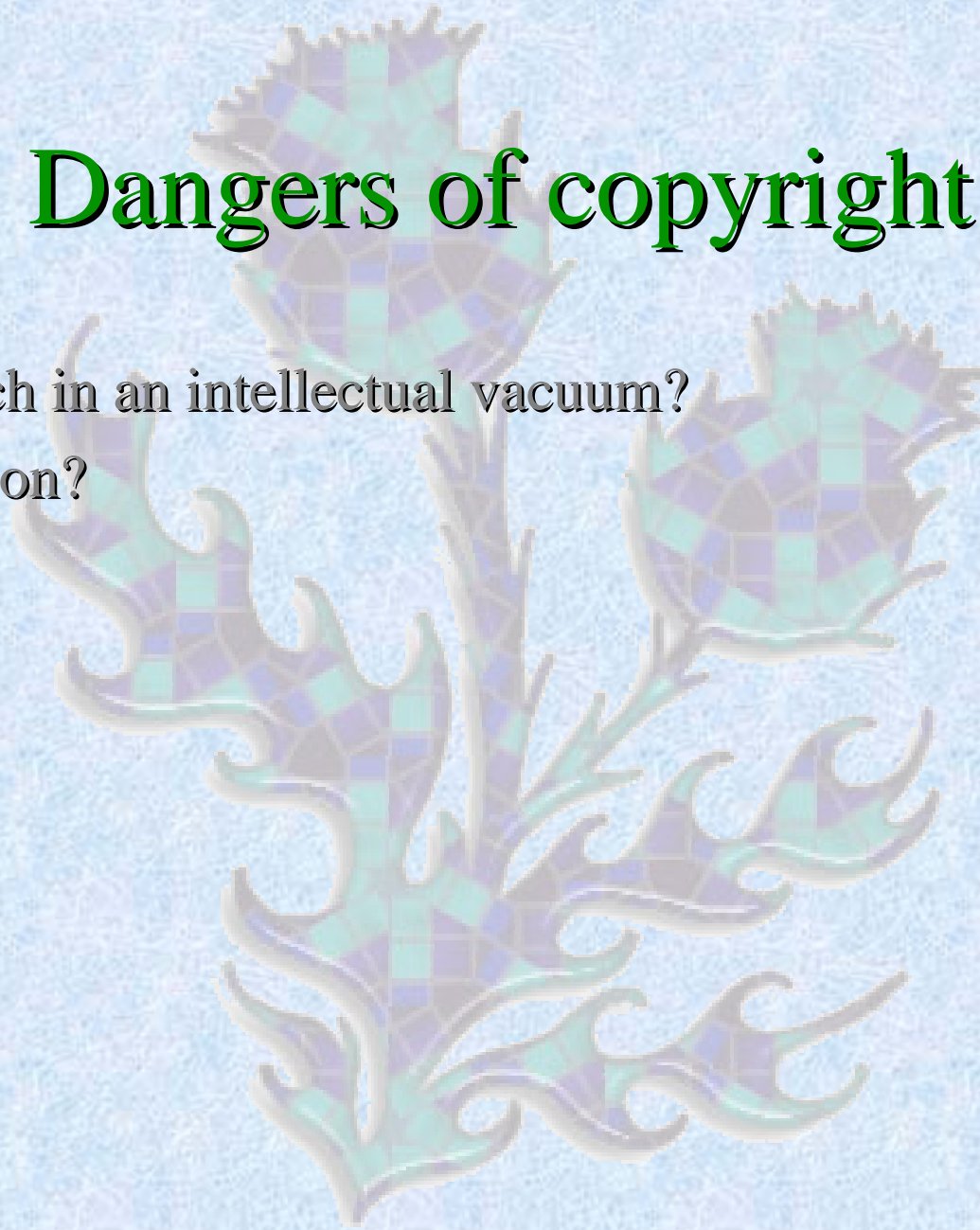
- **Property?** (as in ‘intellectual property’)
- A right, granted by government?
 - If it is a property, isn’t it one obtained with the investment from research funders?
 - Shouldn’t we therefore regard the ‘property’ as ‘mortgaged’?
 - Isn’t the funders’ mission concerned with social benefits of the research (particularly public funders)
 - Shouldn’t the ‘mortgage’ be repaid by securing full open access to the research results to realise its full social value?

What is copyright?

- Property? (as in ‘intellectual property’)
- **A right, granted by government?**
 - Isn’t its purpose to ensure sustainability of creativity by providing enough economic incentive to the creator to keep creating?
 - If it is a right granted by government, isn’t it then comparable to a grant, a gift, a subsidy even?
 - Is it necessary at all in an environment where the incentive is ‘publish or perish’?
 - Isn’t government funding enough of a grant, especially since the ‘moral rights’ to attribution (recognition, citation) is the author’s most treasured and most useful right in the scientific realm?
 - Shouldn’t copyright be used to get open access rather than to prevent it?

Dangers of copyright

- Research in an intellectual vacuum?
- Education?



Dangers of copyright

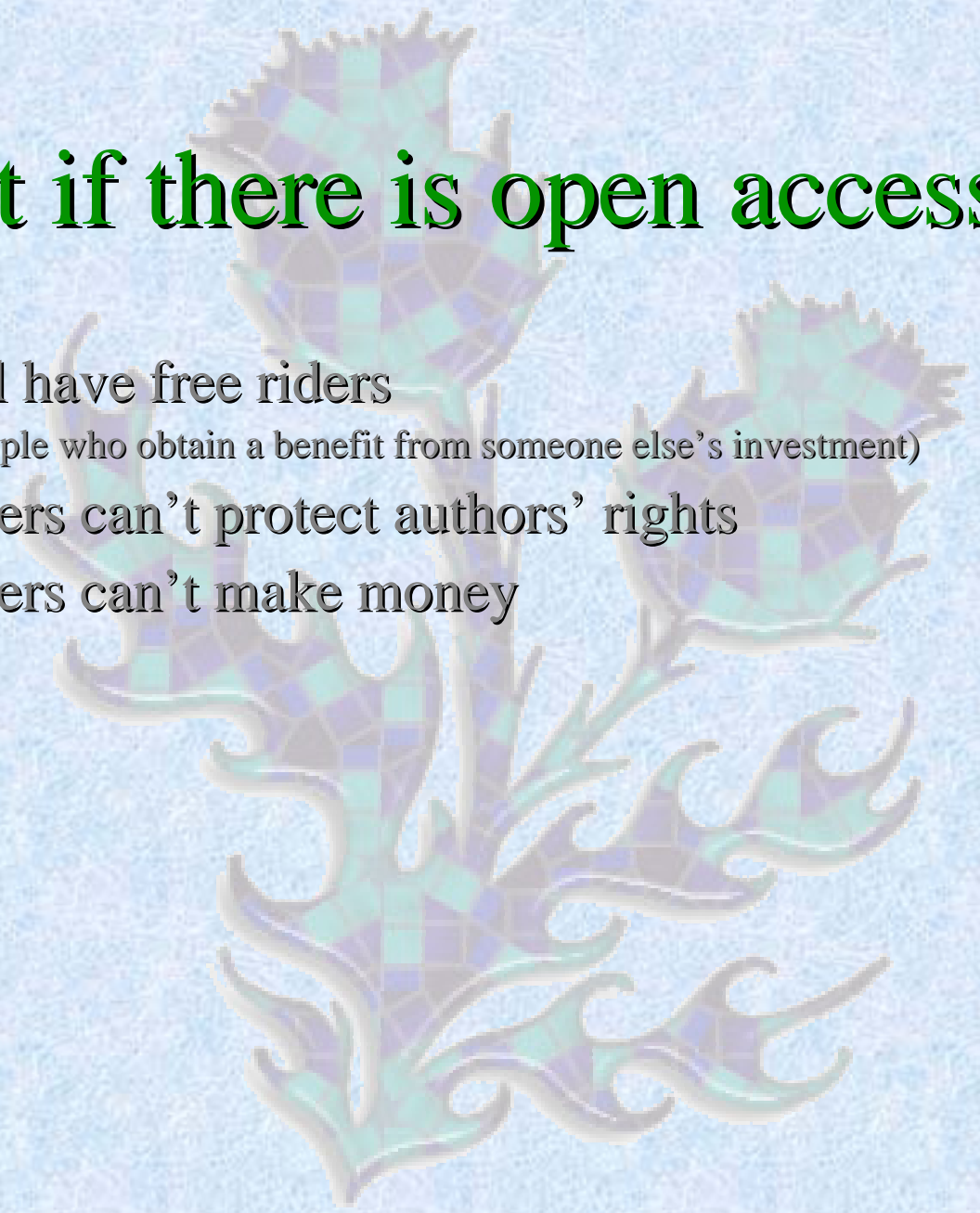
- **Research in an intellectual vacuum?**
- **Education?**
 - Most research incrementally built on existing ideas, so copyright very artificial anyway (“Standing on the shoulders of giants”)
 - Any impediments to being able to freely re-use scientific information slows down research
 - Lack of awareness of, due to lack of access to, scientific information slows down research
 - Main reason for rejecting research from developing world: not quality, but up-to-date-ness
 - Open Access, perhaps not a panacea to all the world’s ills, greatly helps solve the issues above

Dangers of copyright

- Research in an intellectual vacuum?
- **Education?**
 - Isn't an important point of doing research at universities to trickle it down, via education of students, who bring it further into society?
 - Doesn't education by its very nature involve a measure of imitation and “generous indulgence of copying”?
 - Shouldn't material generated from publicly funded research by right be usable in course packs for education?

But if there is open access...

- We will have free riders
(people who obtain a benefit from someone else's investment)
- Publishers can't protect authors' rights
- Publishers can't make money



But if there is open access...

- **We will have free riders**
(people who obtain a benefit from someone else's investment)
- Publishers can't protect authors' rights
- Publishers can't make money
 - Do free riders harm the creator of research articles? Envy?
 - Doesn't copying, re-using, actually enhance dissemination?
 - Isn't that the purpose of science communication?
 - Isn't obtaining a benefit from someone else's investment exactly what publishers do who require authors to transfer copyright?
 - Don't they make it worse by preventing maximum spread and usage in contrast to free riders who just copy or re-use?

But if there is open access...

- We will have free riders
(people who obtain a benefit from someone else's investment)
- **Publishers can't protect authors' rights**
- Publishers can't make money
 - What rights are there to protect if authors transfer them to the publisher?
 - Have publishers ever protected the author's moral rights?
 - Can publishers really not do that if they don't own the rights?
 - Don't authors have a right to maximum dissemination and impact of their articles?
 - How are publishers protecting those rights?

But if there is open access...

- We will have free riders
(people who obtain a benefit from someone else's investment)
- Publishers can't protect authors' rights
- **Publishers can't make money**
 - Can publishers really make no money other than by exploiting copyrights transferred to them for free?
 - Should publishers be 'copyright-mongers' or service providers?
 - Can't publishers just charge for services provided to the author: maximising impact and dissemination?
 - Does all the 'surplus social value' that comes with maximum dissemination have to accrue to the publisher in the form of profit?

Copyright can be used...

- To secure return on investment
- To maximise dissemination and impact



Copyright can be used...

- **To secure return on investment**
- To maximise dissemination and impact
 - Appropriate for material created for direct material gain (hope of gain), such as novels
 - It is appropriate that publishers are usually licensed by the author (who keeps copyright) for a limited period, a limited geographical territory, a limited number of editions

Copyright can be used...

- To secure return on investment
- **To maximise dissemination and impact**
 - Appropriate for material created for optimal impact and widest possible dissemination, and where the 'push' of ideas is more applicable than the 'pull'.

read it?; just buy it!

buy it?; just read it!

Creative Commons Attribution Licence

Tragedy of the Intellectual Commons?

- Common interest and self-interest in conflict? But information is not a finite resource, such as land, fish stocks, the environment
- In science communication, common interest and self-interest may be different; they are not in conflict
- Authors can **use their copyright** to ensure open access
- But do they?
- “What is common to the greatest number has the least care bestowed upon it. Everyone thinks chiefly of his own, hardly at all of the common interest” (Aristotle)
- Individual researchers care for their careers and changing science communication is not part of that
- Those who fund science care for its usefulness to society, so changing science communication to open access is core to their mission



Open Access or not
Depends on the Funders



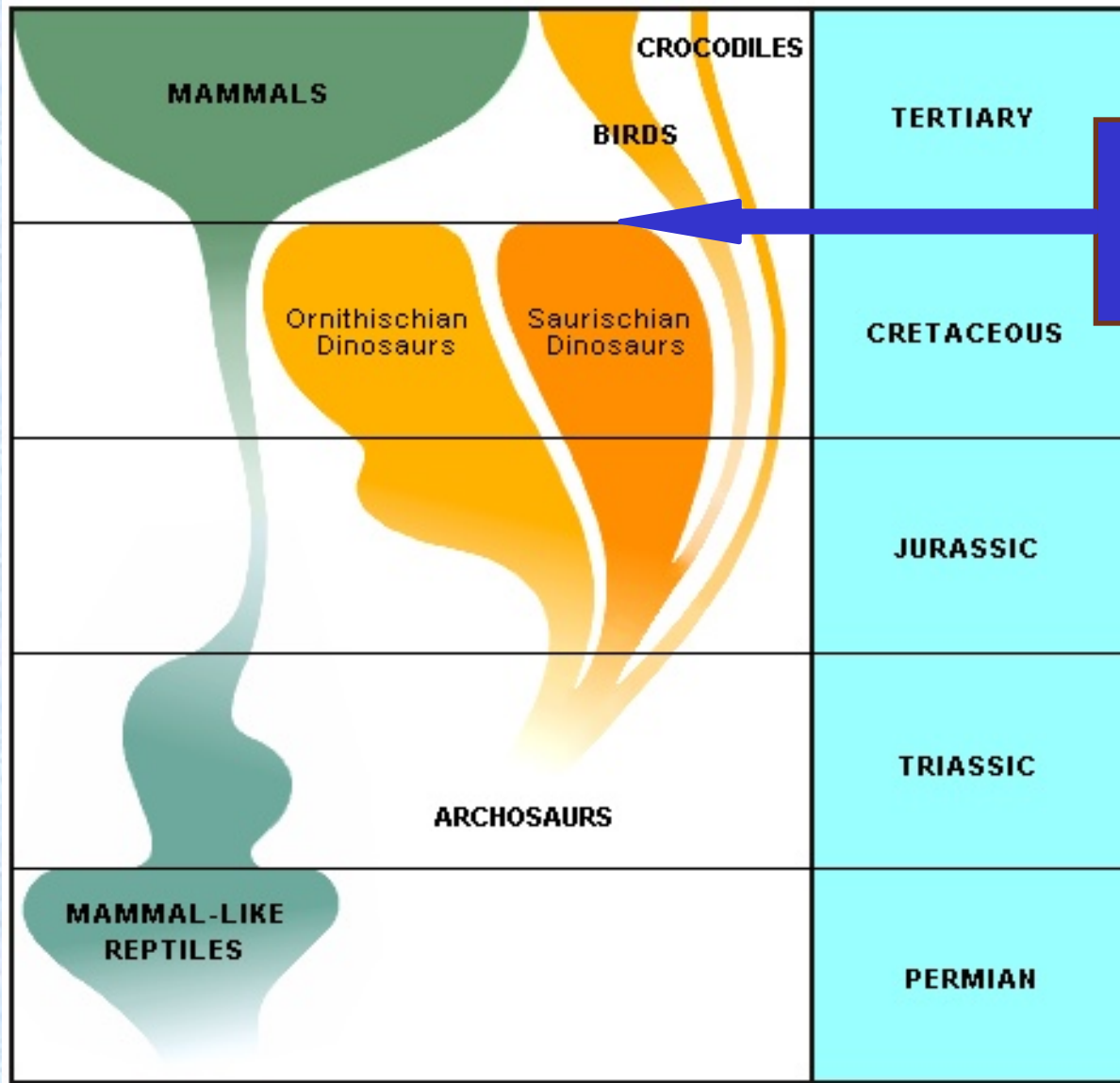
SCOTLAND THE BRAVE

A musical score for the song 'Scotland the Brave' in 2/4 time. The score consists of four staves of music. The first staff begins with a treble clef, a 2/4 time signature, and a repeat sign. The second staff contains a first ending bracketed over the final two measures, with a '2' above it indicating a second ending. The third and fourth staves continue the melody. The piece concludes with the instruction 'D.S. to 2nd ending' written above the final staff.

♩

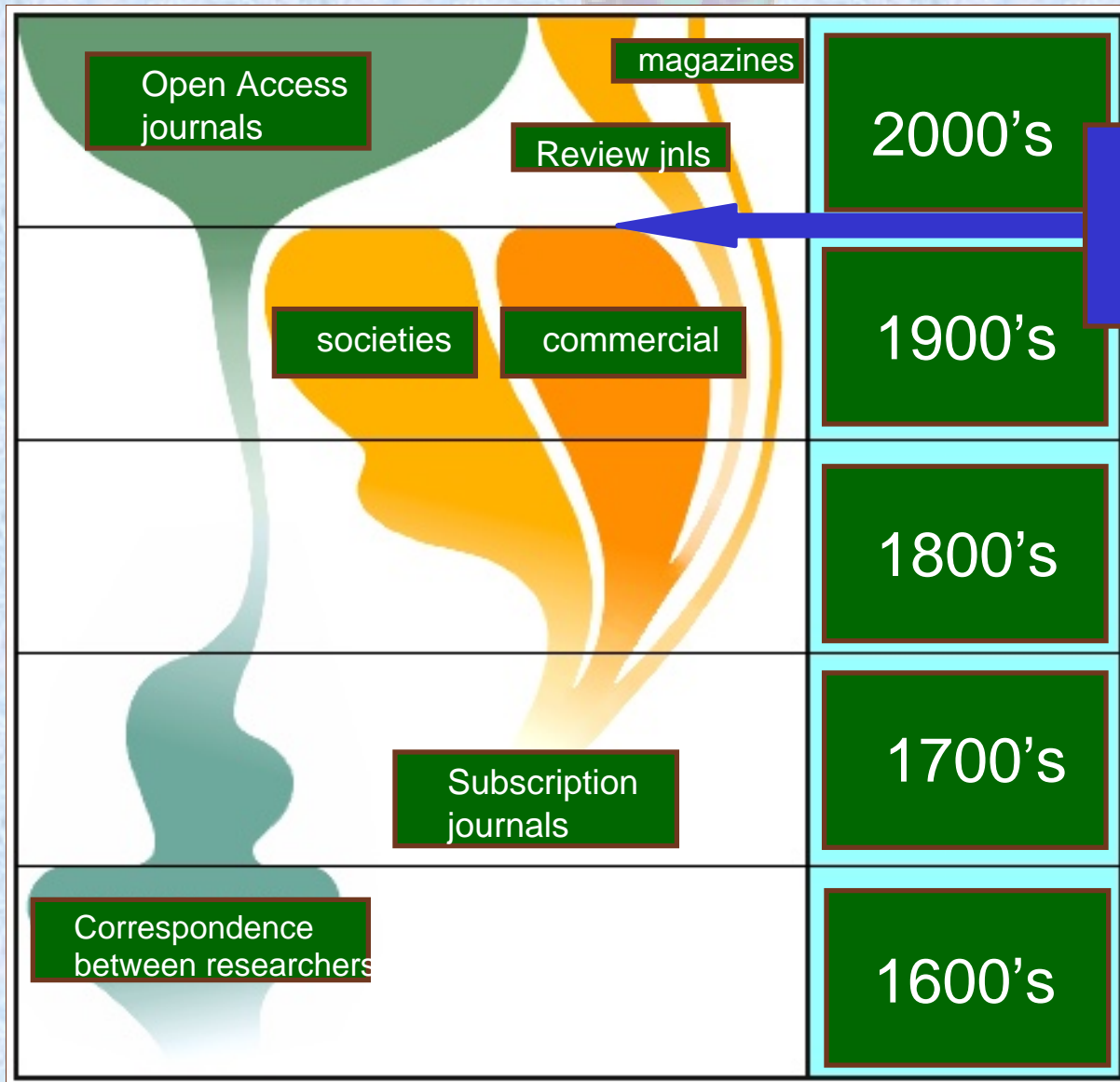
1 2

D.S. to 2nd ending

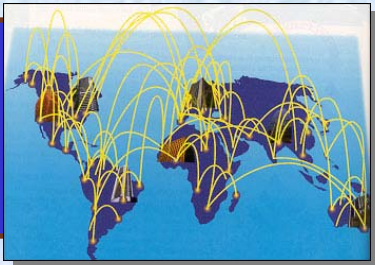


Meteor struck





Internet struck





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Recommended reading:

The rhetoric of Free Riding

Mark Lemley

Preprint available with open access: <http://p2pnet.net/story/2558>

Creating an Intellectual Commons through Open Access

Peter Suber

Available with open access: <http://dlc.dlib.indiana.edu/archive/00001246/>