

10-20-2009

Open Access Week (Retention of Author Rights)

Mark Perry

The University of Western Ontario, mperry@uwo.ca

Follow this and additional works at: <https://ir.lib.uwo.ca/lawpres>



Part of the [Law Commons](#), and the [Library and Information Science Commons](#)

Citation of this paper:

Perry, Mark, "Open Access Week (Retention of Author Rights)" (2009). *Law Presentations*. 1.
<https://ir.lib.uwo.ca/lawpres/1>

Open Access Week

Mark Perry

Briefly.....

- What can researchers do to retain rights and maximise dissemination??
 - Issues
 - Policy
 - ©
 - Licensing
 - Repository
 - Patent
 - Anything else *you* think of?

Some ferment in research

- PRO's *traditional v new* role?
- What do researchers seek?
- Who cares about IP?
- Which route to follow?

Universities (& PROs)

- Traditionally
 - Public good
 - Public conscience
 - Academic freedom
 - Open dissemination (open science)
- Trend
 - Commercialisation – agencies want technology implementations
 - Service (student=consumer)
 - Fetters

What researchers want

- Resources
 - ie funding & good students
- All the crass incentive stuff:
 - Fame and fortune;
 - Promotion....etc etc
- Projects driven by their ideas and imagination

Nature of IPRs

- Creation of scarcity
- Allocation of scarcity
- Balancing between public and private interests
 - Reward
 - Incentive
 - **Disseminate**
 - (inherent)

??

1. What are we trying to achieve with University (PRO) research?
2. What is a realistic model for university research today?
3. What do computer science faculty expect from the university to support their research?

In short

- Trend in PROs to get IPRs on everything
- Research is a fundamental tool for societal advancement
- Do we, as a research community, want IPR lockup?

©

- Original works... author gets rights automatically, but...
- But but we have a collective agreement
 - (with exceptions faculty keeps)
- Publishers that want everything?
- Better publishers (green publishers)
- Gold standard publishers ([doaj](#))

An example

- IEEE policies



- IEEE shas more than 2 million documents in the IEEE/IET Electronic Library

IEEE © policy

- Prior to publication by the IEEE, all authors or their employers shall transfer to the IEEE in writing any copyright they hold for their individual papers. Such transfer shall be a necessary requirement for publication, except for material in the public domain or which is reprinted with permission from a copyrighted publication.

- In return for the transfer of authors' rights, the IEEE shall grant authors and their employers' permission to make copies and otherwise reuse the material under terms approved by the Board of Directors which shall be specified in the PSPB Operations Manual.

But....

- **. Authors and/or their companies shall have the right to post their IEEE-copyrighted material on their own servers without permission, provided that the server displays a prominent notice alerting readers to their obligations with respect to copyrighted material and that the posted work includes the IEEE copyright notice as shown in Section 8.1.9A above.**

Good example

- Irwin Law
 - <http://www.irwinlaw.com/pages/content-commons/rights-management-information---mark-perry>
- **Creative Commons Legal Code Attribution-NonCommercial-NoDerivs 2.0 Canada**

Solutions

- Negotiate (it would be good if UWO did this on our behalf)
- Read © policy of journal/publisher before submitting
- Local server e-dissemination
- For the future, other means of ‘publication’

Think about!

- <http://www.oaklaw.qut.edu.au/>
 - Look at this site, if you do nothing else
- Can Web 2.0 change everything?
 - If it can it will be slow
- Use UWO servers to disseminate Scholarship@Western

Mark Perry

- Associate Dean Research, Graduate Programmes & Operations, Faculty of Law
- Associate Professor Computer Science
- mperry@uwo.ca
- <http://www.law.uwo.ca>
- <http://www.csd.uwo.ca/~markp>
- Let me know if you have some good ideas on which we can work !