



Copyrights – Why is It a Big Deal?

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Science As a Global Public Good

	Excludable	Non-Excludable
Rivalrous	Private Goods food, clothing, cars, personal electronics	Common Goods fish stocks, timber, coal
Non-Rivalrous	Club Goods cinemas, private parks, satellite tv	Public Goods air, national defense

- 'science' by definition is meant to be reproducible and universal.
- Excludable (Can a party be stopped from consuming it?)
- Rivalrous (Does its consumption reduce its availability for others?)

Source: <https://courses.lumenlearning.com/boundless-economics/chapter/public-goods/>

Why is copyright in research such an important issue?



Copyright = A set of **exclusive rights** granted to the creator of a work. It includes the right to **make copies**, publicly **display** a work, **perform a work** and **create derivative works** based on it.

Things can not be copyrighted - names, facts and ideas. Hence, ideas and the facts learnt during research are not copyrightable. But papers themselves (the expression) can be copyrighted.

What can it do?



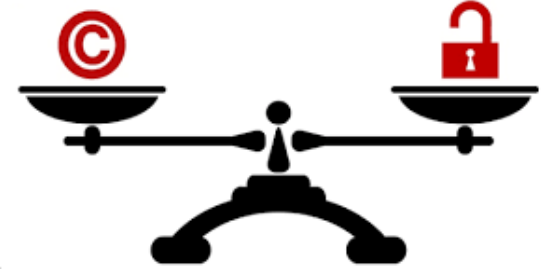
- Copyright limits how others can use that paper.
- Without permission from the copyright holder, no one can legally post it, share it in a journal or even use lengthy passages of it for research. (fair use, an exemption to the exclusive rights of the copyright holder, may protect short quotes, copyright still limits the use of longer passages and the creation of derivative works).
- However, copyright is like any other property. You can license others to use a copyrighted work and even sell it or give it away.

Scholarly publishing..... a sad story

Current modes of research assessment incentivise scholars to publish their research outcomes in journals. -commercial publishers step in, -'regular protocol for publication', ask to sign a copyright transfer form.

- Ironically, Public knowledge acquired using taxpayers' money becomes the private property of big corporations.
- The plot and the timing

Whats the plan?



- [Plan S](#) encourages scholars to publish research outcomes in open repositories and journals.
- cOAlition S recently launched an online campaign titled “Publish with Power: Protect your rights”, to guide researchers and create awareness on intellectual property rights.
- [Rights Retention Strategy](#) - A strategy for author compliance, mandates grantee authors to indicate to the journal that any [accepted author manuscript](#) arising from a submission is already [CC BY](#) licensed.
- A few other campaigns by SPARC and other organisations for creating awareness. But are they enough?

And what's the Problem

- Europe led- not representative of the global south
- Deterrent- Complexity of the legal framework -author-led copyright negotiation,
- Administrative and legal burden.
- [Author addendum](#)
- **CC Licenses**- Series of 6 licenses varied in rights that the copyright holder retains BY: All Creative Commons licenses (other than public domain dedications) require attribution. This means that all licenses begin with the BY modifier.



Criminalising Information Sharing



- In 2014, Diego Gomez, a Columbian wildlife management researcher, ran afoul of US copyright law- He shared a master's thesis article on Scribd with citation. The author claimed that Gomez had deprived him of "economic and related rights."
- Diego was prosecuted—facing a maximum sentence of eight years.
- With legal help he was acquitted on May 24, 2017.
- The International Association of Scientific, Technical, and Medical Publishers, created the "[How Can I Share It](#)" site to advise scientists on sharing within the existing guidelines.

Remembering Aaron Swartz.



Yesterday, we lost one of the smartest, most politically aware, and most dedicated advocates for freedom we have had so far in the Internet age; we also lost a truly engaged, honest, and fundamentally good-hearted young person, who was unfairly hounded by U.S. federal prosecutors for a non-crime (in fact, an act intended as a service) that they have misrepresented throughout their prosecution.

[Aaron Swartz](#) took his own life yesterday, at the age of 26. He was facing multiple felony charges; if convicted he could have gone to jail for thirty-five years, and owed over a million dollars in fines. His “crime” was that he downloaded too many articles from JSTOR, an online service providing access to academic articles. He downloaded more articles than JSTOR’s terms of service allowed, therefore he was in violation of their terms of service, therefore (according to the prosecution’s interpretation) he violated the Computer Fraud and Abuse Act. JSTOR themselves were not interested in pressing charges – this was federal prosecutors deciding to make an example. Now they have unintentionally succeeded, tragically and in a way that I hope, for the sake of their own souls, they never anticipated. Stubbornly, and characteristically, Aaron was unwilling to take a plea deal and be labeled a “felon” when he had

Dear Author,

*The copyright is yours to retain,
Beware! Ignorance you cannot blame.
Profiteering in the name of publishing,
Big Businesses are indeed flourishing.
Think again before you sign the transfer form,
Donating intellectual Property is not the norm.
To bring about change here is a strategy;
Deposit your manuscript in an OA repository.
It's not easy, but familiarity vanquishes fright,
#Publish with power, protect your right.
A revolution while abiding by the law,
Yes! It's true, don't drop your jaw.*

Further Reading:

- https://council.science/current/blog/copyright-and-scholarly-publishing/?utm_source=rss&utm_medium=rss&utm_campaign=copyright-and-scholarly-publishing
- <https://firstmonday.org/article/view/1006/927>
- Criminalizing Information Providers: the cases of Sharina, Gómez, Elbakyan and Swartz, [Ramirez-Ordoñez, David](#); [Simón, Virginia Inés](#). **[Progressive Librarian; Lawrenceville Iss. 46,](#)** (Winter 2017/2018): 120-127.
- [Aaron Swartz And The Case Against Intellectual Property](#)

Academy of Science of South Africa (ASSAf)

ASSAf Research Repository

<http://research.assaf.org.za/>

B. Academy of Science of South Africa (ASSAf) Events

I. Other

2022-11

Annual National Scholarly Editors' Forum (NSEF) Meeting

Academy of Science of South Africa (ASSAf)

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<http://hdl.handle.net/20.500.11911/259>

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