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Copyright issues in the digital environment: Open Access

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Key Perspectives Ltd

Enabling Open Scholarship



The scholarly communication system

- Scholarly (academic) literature
- Peer-reviewed
- Circa 30,000 academic journals
- From 10,000 publishers
- Publishing around 3 million articles per year now
- Prices range from €100 to €40,000 per year
- Academic libraries purchase access to a subset
- Even Harvard's Library cannot afford what it needs



Open Access

- Access to the peer-reviewed literature
- For free
- And free of restrictions on re-use
- Including for text-mining and data-mining (TDM)



Why TDM?

- Create new knowledge from existing knowledge in scientific articles
- Computer-based technologies



An example

- European Molecular Biology Laboratory-European Bioinformatics Institute
- Wanted to look for 'Inflammatory bowel disease' and genes in the same sentence
- Mined 800,000 articles and found 6000 relevant sentences
- Took researchers less than a day to do this using text-mining technology
- Note: these articles could be in journals published by hundreds of different publishers



The problem

- Truly Open Access articles come with a licence that permits TDM: no problem here
- Articles in subscription-based journals are copyrighted by the publishers (authors hand over copyright)
- There is no right to mine this copyrighted content, even if the researcher's library has a subscription to the journal
- That means getting permission from publishers



Permission to use TDM

- There could be hundreds – or thousands – of publishers involved
- The picture is very fragmented
- Wellcome Trust estimates that a malaria researcher it funds would spend 62% of of their time just obtaining permission to do TDM from the publishers involved

Benefits of TDM outside academia

- Innovation sector is becoming increasingly reliant on such technologies:
 - ‘Business intelligence’
 - ‘Data science’
 - ‘Competitive intelligence’
- As well as public-private research partnerships with the academic sector
- Hampered in what they can do legally if they operate on a commercial basis
- So, self-restricting TDM activities (and limiting the training of the knowledge workers of tomorrow)



Copyright law in Europe

- UK now has an exception for research (non-commercial)
- EU needs to at least mirror this
- Better, an exception for commercial research as well
- N.B: this would enable the UK to extend its exception to cover commercial work



Thank you for listening

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