

# Open Access in Science: Legal Perspective

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# Overview

- Scientific Publications
  - Open Access Principles
  - Open Access: Green & Gold
- Research Data
  - IP protection?
  - Open Access Conditions

# Open Access Principles

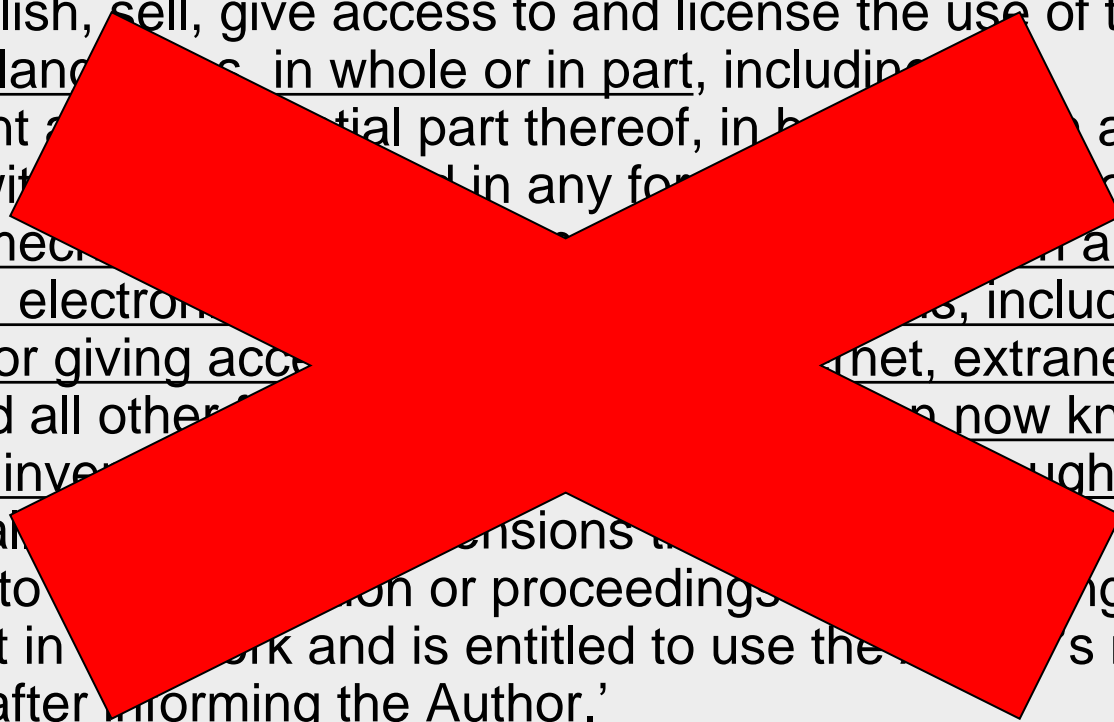
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## ■ Free accessibility, further distribution, and proper archiving

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## COPYRIGHT IN HIGHER EDUCATION

SEARCH Nederlands

### HOEZO AUTEURSRECHTEN REGELEN? WAT IS HET BELANG VOOR MIJ? WAT IS BIJ WET GEREGLD? WAT MOET IK ZELF NOG REGELEN?

HOME WHAT IS COPYRIGHT? LANDSCAPE FREQUENTLY ASKED QUESTIONS PRACTICAL TOOLS SURF AND COPYRIGHT CONTACT

Home → Landscape → Relationships → Author - Publisher

#### Parties

- > The author
- > The institution
- > The publisher
- > The user

#### >Relationships

- > Author - Institution
- > Author - Publisher
- > Author - User
- > Institution - Author
- > Institution - User
- > Publisher - Institution

#### Licence to Publish

Working with the UK Joint Information Systems Committee (JISC), SURF has produced a special licence allowing scientists and scholars to hold onto their copyright. The Licence to Publish is aimed at scientists and scholars who publish in periodicals that utilise the "subscription model".

The licence stipulates that:

- The author grants the publisher permission for commercial activities involving his publication, for example publishing it in printed or digital form, translating it, or adapting it.
- The author retains the right to duplicate the publication in the form in which the publisher publishes it, or to reuse it or publish it via the repository of the institution where the author works.
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The last of these three provisions, in particular, is intended to comply with the interests of publishers. The licence therefore aims to achieve a balance between the rights of the author on the one hand and the interests of the publisher on the

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# Green Road

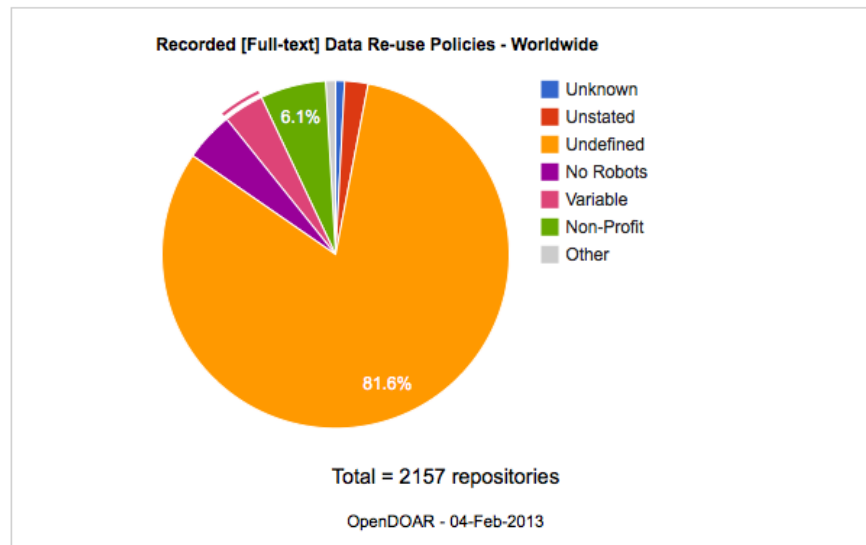
- Author must retain minimum right
  - to post (pre/post-print or final version) on open website;
  - sometimes after an embargo period (recomm. max. 6-12 months)
- And the user?
  - Re-use policy of repositories mostly undefined

# OpenDOAR

## Directory of Open Access Repositories

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### Recorded [Full-text] Data Re-use Policies - Worldwide



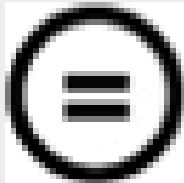
### Further Explanation of [Full-text] Data Re-use Policies

Unknown	Full data item policies unknown
Unstated	Full data item policies not stated
Undefined	Full data item policies explicitly undefined
No Rights	All re-use of full data items prohibited
No Robots	Harvesting full data items by robots prohibited
Unclear	Policy for the re-use of full data items unclearly stated

# CC Licences (6 possible combinations)



Attribution



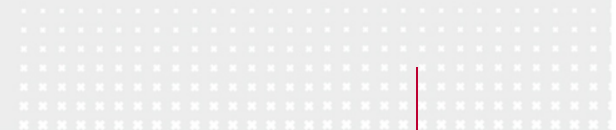
NoDerivatives



Non-Commercial



Share-Alike







The screenshot shows a web browser window with the URL [www.plos.org](http://www.plos.org). The browser's address bar and tabs are visible at the top. The page content includes a sidebar with a list of dates from May 2011 to September 2012. The main content area features a section titled "Latest from PLOS BLOGS" with a sub-header "Wildlife documentaries or dramatic science?". Below this, there is a paragraph about Chris Palmer and his work. Further down, a section titled "PLOS In The News" lists several articles. At the bottom of the page, there is a navigation bar with links to Home, About, Publications, Publish, Support Us, and Contact. A Creative Commons Attribution License notice is also present.

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- September 2012
- August 2012
- July 2012
- June 2012
- May 2012
- April 2012
- March 2012
- February 2012
- January 2012
- September 2011
- May 2011

Keep up with these tenth anniversary programs and new ones to come on the [PLOS](#) home page and the [Official PLOS Blog](#).

## Latest from PLOS BLOGS

### Wildlife documentaries or dramatic science?

FEBRUARY 4, 2013 @ 12:30 PM

I first met Chris Palmer when I attended his lecture about ethics in wildlife film. Palmer is a wildlife filmmaker, and his CV includes IMAX productions like Whales and To the Arctic, and the book Shooting in the Wild: An ...

## PLOS In The News

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- [The Age Factor in Immunity to Viruses](#)
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# Research Data: IP protection?

## ■ Copyright protection unlikely on

- Contents: ideas and facts excluded from protection
- Database: lack of originality in selection and arrangement

## ■ *Sui generis* database protection unclear

- Is there substantial investment in the collection, verification, presentation of the contents of the database?
- If so, who is 'the person who takes the initiative and the risk of investing' eligible to qualify as rights holder? The Funding organization, the University or the researcher?

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