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**STM submission
on the open public consultation on the European Institute of
Innovation and Technology**

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The International Association of Scientific, Technical and Medical Publishers ("STM") is the leading global trade association for academic and professional publishers. It has over 110 members in 27 countries who each year collectively publish nearly 66% of all journal articles worldwide and tens of thousands of monographs and reference works. STM members include learned societies, university presses, private companies, new starts and established players

EU-based STM publishers publish 49% of all research articles worldwide (STM's members originate approximately 2/3 thereof), employing 36,000 staff directly and another 10-20,000 indirectly, and make a €3b contribution to the EU's balance of trade. STM publishers have actively embraced the opportunities of the digital environment, starting with journal content and other "native" digital products such as software, data and databases, as well as other digital tools. For more than fifteen years now, science and medical researchers, along with medical practitioners, have had ubiquitous access to online tools that include published information, links between references in the literature, data sets and software that can be manipulated by the user, and visual supplemental information such as video and three-dimensional illustrations that can viewed from different perspectives by the user.

STM applauds the EIT's public consultation in support of the Common Strategic Framework for EU Research and Innovation Funding as well as its recognition that Europe's growth depends on research and innovation as key drivers of social and economic prosperity. STM welcomes this opportunity to make its submission as part of the Paper's call for public comment.

Our comments are composed of two parts:

- A. STM's position on access to Scientific Information and Intellectual Property Rights; and
- B. STM's answers to specific questions about the dissemination of knowledge generated by the EIT and its Knowledge and Innovation Communities (KICs)

A. STM's position on access to scientific information and Intellectual Property Rights

Society benefits from the pursuit, distribution, preservation and usage of reliable scientific publications and data. Scientific, technical and medical (STM) publishers are trusted partners in this endeavour and an indispensable link in scholarly communication because they provide the services and infrastructure that enables the discovery, registration, certification, finalization, dissemination, and preservation of research articles through peer-reviewed journals and the web platforms that host them. Both journals and the web platforms that publishers underwrite are an integral part of the scholarly communication system that fuels research and innovation.

STM publishers are fully committed to the wide dissemination and unrestricted access to their trusted content but services and infrastructure that publishers provide must be paid for in some way. STM supports any and all business models of access that are sustainable, and ensure the integrity and permanence of the trusted scholarly record on which progress is built.

A sound intellectual property framework, including robust copyright legislation, as well as adequate and effective enforcement are necessary prerequisites to the continuation of publishers investment in the development and discovery of the trusted research on which innovation is built.

B. STM's answers to specific questions about the dissemination of knowledge generated by the EIT and its Knowledge and Innovation Communities (KICs)

36. The EIT should actively promote excellence and new models of knowledge sharing and open innovation, and ensure this knowledge remains accessible over time?

See answer to question 37 below.

37. The EIT should provide a number of concrete support measures for the dissemination of results from its activities to European innovation stakeholders.

STM publishers are at the forefront of innovation and constantly engaged in supporting, adapting, maintaining and developing cutting-edge technological solutions that enhance the ways in which the research community and society at large produces, accesses, uses and shares trusted scientific knowledge, and how the research community works collaboratively to identify and solve the key challenges facing our world. Because this investment in the future of innovation and research communication has a cost that must be recovered, the EIT should create and maintain a level playing field for the development of sustainable methods of knowledge sharing as well as enabling access to and dissemination of trusted scientific publications and data arising from its Knowledge and Innovation Communities (KICs) and other activities. This means that EIT publication-related policies should be business model neutral and not favour or be biased towards any particular model that communicates scientific results.

Because the public interest is not served if access to and dissemination of trusted scientific publications and data is not sustainable, rules governing publication must

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allow publishers to obtain the exclusive use of copyrighted content in relevant media (e.g. online, electronic, print, micro-fiche etc) so that the substantial investments they make in scholarly communication can be recovered.

Scientists and researchers, whether or not affiliated with the EIT as employees or by virtue of contractual arrangements or funding, must have the freedom to choose where and how to publish their scientific findings.

Any EIT rules governing publication must take into account national intellectual property rights (IPR) laws as currently there is no EU-wide IPR title, except in certain cases for trademarks and designs. Copyright and patents in particular, are a matter of the national law of the EU Member States and any EIT IPR rules must respect the structure, diversity and also the balance struck in those laws.

EIT IPR rules must also respect international treaties, in particular the WIPO Copyright Treaty 1996 (WCT) to which the EU and its Member States are a party. Art. 10 WCT binds the EU to respect the so-called three-step test:

“Contracting Parties may, in their national legislation, provide for limitations of or exceptions to the rights granted to authors of literary and artistic works under this Treaty in certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author. Art. 10(1) WCT, Art. 10(2) WCT mandates the three-step test for exceptions and limitations permitted under the Berne Convention that contracting parties may also apply in their laws.

Thus the three-step test provides the balance and also a test and a guide for competitiveness: market-driven solutions to the creation and dissemination of knowledge.

Reliable papers that report on publicly funded research should be publicly available, but not necessarily for free. The vital role copyright plays in enabling sustainable and trusted scholarly communication must not be eroded because of content in electronic formats. Freedom of research, one of the fundamental rights of EU citizens must be upheld. This also means that the authors of scientific findings must be free to determine whether and in which way their works are published.

In addition to the above considerations, EIT IPR rules relating to EIT employees and contracted researchers should also respect all EU rules on public procurement and be subject to human rights, requirements of fairness and non-discrimination. IPR rules should also ensure that the EU does not compete with private sector publishers.

Respectfully submitted,



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