

# **CC-BY: Experiences from biological and medical publishing**

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## CC-BY can work

- ◆ BioMed Central, PLoS and Hindawi have used CC-BY for all research articles for many years
- ◆ Springer now uses CC-BY for its OA journals and its OA hybrid option
- ◆ Wiley now uses CC-BY for its OA journals

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## But?!

- ◆ So I no longer retain absolute control of my work?
- ◆ Someone could re-use my work even in a way that I don't particularly agree with?
- ◆ Someone could combine my work with their own and that of others?
- ◆ **Correct!**

# What about moral rights?

## From the CC Wiki:

- ♦ CC licenses require that use “must not distort, mutilate, modify or take other derogatory action in relation to the Work which would be prejudicial to the Original Author's honor or reputation.” This prohibits licensees from making uses that would otherwise violate authors’ moral rights of integrity where that right exists. The attribution requirement contained in all of our licenses is intended to satisfy the moral right of attribution.
- ♦ [...] As a general matter, all CC licenses preserve moral rights to the extent they exist (they do not exist everywhere), but allow uses of the work in ways contemplated by the license that might otherwise violate moral rights through a limited waiver or license of the moral rights where that is possible

# In practice?

- ◆ Copyright law and moral rights play little (if any) role in academic good practice
- ◆ A determined plagiarist or data-fabricator would hardly be put off by the fact that their action violates copyright
- ◆ Cultural norms and institutionally-enforced sanctions are far more significant

# What sort of re-use and interoperability does CC-BY enable?



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## User:Open Access Media Importer Bot

### Welcome

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**This user account is a bot operated by Daniel Mietchen (talk).** It is part of the Open Access Media Importer that crawls scholarly publication databases (starting with PubMed Central) for supplementary audio and video files and uploads them to Wikimedia Commons if they are available under licenses compatible with such reuse. The code can be found on [GitHub](#).



It is not a sock puppet, but rather an automated or semi-automated account for making repetitive edits that would be extremely tedious to do manually.

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This bot was approved at [Commons:Bots/Requests/Open Access Media Importer Bot](#)

### Technical details

[\[edit\]](#)

- [Bot request](#)
- Operator: [Daniel Mietchen](#)
- Tasks: upload multimedia files ([10187 so far](#)) from suitably licensed scholarly articles ([gallery](#), [usage](#), [random file](#))
- Mode: run automatically
- Time of operation: continuously
- Maximum edit rate: 6 edits per minute
- Code: <https://github.com/erlehm/erlehm/open-access-media-importer>
- Language: [Python](#)
- Funded by Wikimedia Deutschland as part of the [Wissenswert 2011](#) initiative

## Gallery of recently uploaded files

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See [here](#) for all contributions and [here](#) for a gallery view with more detailed information, e.g. on file categories and licensing, but without teaser image.

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# Any challenges?

- ◆ Crown Copyright, US Government work, IGOs (WHO, United Nations *etc.*)
- ◆ All need special treatment/wording as normal copyright does not apply
- ◆ But this is true for all licensing, not just Creative Commons
- ◆ And it is soluble...

# UK Open Government Licence

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Further context, best practice and guidance can be found in the [UK Government Licensing Framework](#) section on The National Archives website.

<http://www.nationalarchives.gov.uk/doc/open-government-licence/>

# Why not ND?



VS





# Why not ND?

- ◆ Research and scholarship builds on previous work
- ◆ Digital technology facilitates that
- ◆ Restrictive licenses can obstruct it
- ◆ As long as attribution is given, no general reason an author should retain a veto on all future academic work building on their own

## Why not NC?

- ◆ The boundaries of commercial use are extremely difficult to define, so NC inevitably creates collateral damage
- ◆ Scholarly journal articles generally do not generate revenue for authors, so authors are not sacrificing income
- ◆ Public funding for research and academic scholarship is intended to benefit all sectors, including commercial



# Are monographs different?

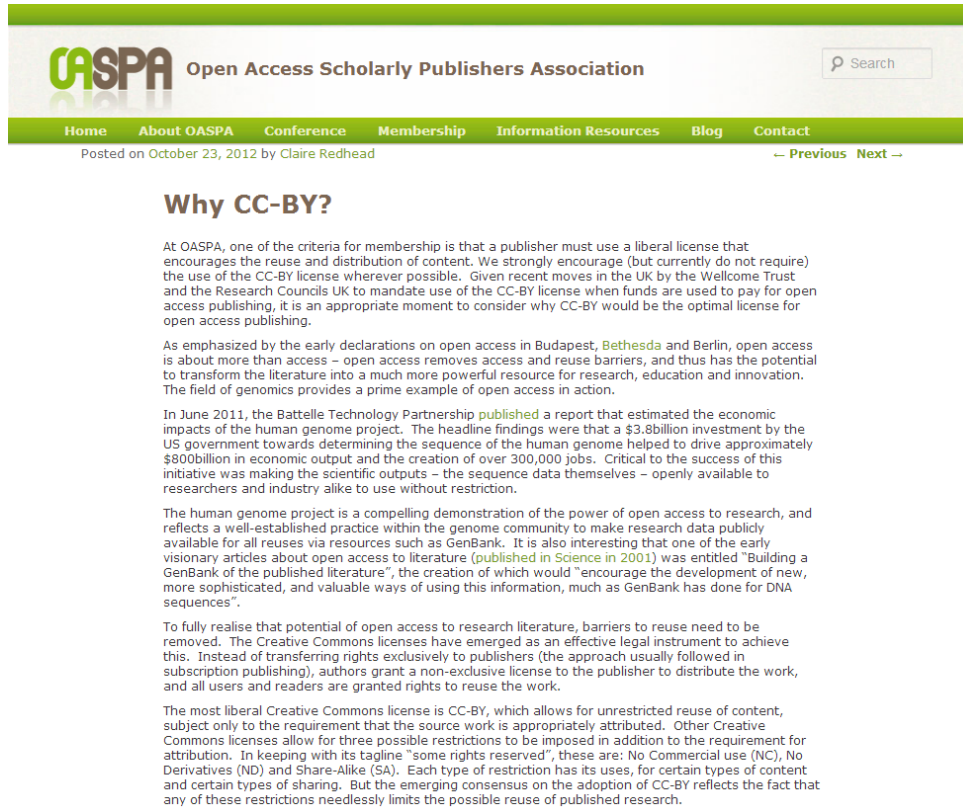
- ◆ Scholarly authors may receive royalties on monographs written while under academic employment
- ◆ Such monographs play a larger role in the humanities and social sciences than in STM
- ◆ This is not the only model, nor necessarily the best, but transition away from it may be challenging
- ◆ CC-BY-NC may offer a useful compromise, retaining free distribution and reuse, but preserving the possibility of royalties for print sales

# The print monograph model probably needs to evolve anyway

'Niko Pfund, President of Oxford University Press USA, commented at the American Historical Association's January meeting, that historians, more than any other group of scholars, remain "absolutely imprisoned in the format of the printed book," a situation, he believed, was "borderline catastrophic".'

Colin Steele, ANU (quoting the New York Times)

# OASPA



**OASPA** Open Access Scholarly Publishers Association

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Posted on October 23, 2012 by Claire Redhead

## Why CC-BY?

At OASPA, one of the criteria for membership is that a publisher must use a liberal license that encourages the reuse and distribution of content. We strongly encourage (but currently do not require) the use of the CC-BY license wherever possible. Given recent moves in the UK by the Wellcome Trust and the Research Councils UK to mandate use of the CC-BY license when funds are used to pay for open access publishing, it is an appropriate moment to consider why CC-BY would be the optimal license for open access publishing.

As emphasized by the early declarations on open access in Budapest, Bethesda and Berlin, open access is about more than access – open access removes access and reuse barriers, and thus has the potential to transform the literature into a much more powerful resource for research, education and innovation. The field of genomics provides a prime example of open access in action.

In June 2011, the Battelle Technology Partnership published a report that estimated the economic impacts of the human genome project. The headline findings were that a \$3.8 billion investment by the US government towards determining the sequence of the human genome helped to drive approximately \$800 billion in economic output and the creation of over 300,000 jobs. Critical to the success of this initiative was making the scientific outputs – the sequence data themselves – openly available to researchers and industry alike to use without restriction.

The human genome project is a compelling demonstration of the power of open access to research, and reflects a well-established practice within the genome community to make research data publicly available for all reuses via resources such as GenBank. It is also interesting that one of the early visionary articles about open access to literature (published in *Science* in 2001) was entitled "Building a GenBank of the published literature", the creation of which would "encourage the development of new, more sophisticated, and valuable ways of using this information, much as GenBank has done for DNA sequences".

To fully realise that potential of open access to research literature, barriers to reuse need to be removed. The Creative Commons licenses have emerged as an effective legal instrument to achieve this. Instead of transferring rights exclusively to publishers (the approach usually followed in subscription publishing), authors grant a non-exclusive license to the publisher to distribute the work, and all users and readers are granted rights to reuse the work.

The most liberal Creative Commons license is CC-BY, which allows for unrestricted reuse of content, subject only to the requirement that the source work is appropriately attributed. Other Creative Commons licenses allow for three possible restrictions to be imposed in addition to the requirement for attribution. In keeping with its tagline "some rights reserved", these are: No Commercial use (NC), No Derivatives (ND) and Share-Alike (SA). Each type of restriction has its uses, for certain types of content and certain types of sharing. But the emerging consensus on the adoption of CC-BY reflects the fact that any of these restrictions needlessly limits the possible reuse of published research.

- ◆ Recommends CC-BY
- ◆ Requires *at least* CC-BY-NC

<http://oaspa.org/why-cc-by/>