

WILEY

Licensing in an Open Access Environment

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CC BY – why is there a problem?

Creative Commons suite of licenses to serve different purposes

- Restrictive to permissive
- License copyright – but don't replace it
- Patent, trademark and moral rights not in scope
- All require attribution
- Genuinely innovative with 3 layers
 - Legal Code
 - Commons Deed (human readable)
 - CC Rights Expression Language (machine readable)

Understanding the CC BY

CC BY is most permissive CC licence.

Users can copy, use, adapt, and make commercial use of the article, provided the author is attributed.

Effectively 'no rights reserved' for author or publisher.

Viral licence to world at large - 'free for all'.

Some potential issues

- CC offering is based on informed author choice, not external mandate
- CC licences not designed for scholarly publishing
- Author reputation
- Scholarly integrity
- Prospect of inferior or harmful derivatives and damage to brands
- Difficulties of enforcement

Risk

- Research article is bundle of rights - builds on work of others including text, illustrations, photographs which enrich scholarship.
- Permission based system allows use of third party material in situ.
- CC BY allows deconstruction of article into its components for commercial re-use.
- Licensing obstacles – expectation that permissions will be obtained on CC BY basis?
- Creation of ‘unsafe harbour’ disruptive to scholarship.
- Prospect of statutory damages in US.
- Arts and humanities likely to be affected most.

Alternatives

- Has CC BY been mandated too quickly and without due consideration?
- Possible industry alternatives and use of CC+

