



**COMMUNIA International Association on the Public Domain  
Position on EC Horizon 2020 Open Access policy  
November 2012**

The work of Communia is based on a set of [14 policy recommendations](#)<sup>1</sup> which aim to support policies that enable a rich and accessible Public Domain. In light of these recommendations, Communia welcomes the development of a strong Open Access (OA) policy at the European level around the following main ideas:

- All publicly funded research outputs and educational resources must be made available as open access materials (aligned with the Budapest Open Access Initiative).
- Notwithstanding the need to support OA policies, access to copyright protected material for education and research purposes must be improved by strengthening existing exceptions and limitations to copyright, and broadening these exceptions to cover uses outside of formal educational and research institutions.

**Social and Economic Meanings of Open Access**

Open Access is defined by the [Budapest Open Access Initiative \(BOAI\)](#)<sup>2</sup> as the free availability and unrestricted access of research results, without financial, legal or technical barriers. According to the [revised BOAI recommendations](#)<sup>3</sup>, research results should be made available:

- Without payment by the reader,
- Without contractual, legal, or licensing restrictions on use or reuse other than integrity and attribution of the author,
- Without technical restrictions which might prevent indexing, mining, searching, filtering and any other automatic processing making research more useful and likely to be connected with related results for the advancement of research,
- When possible, as “libre OA” (which combines free access as well as liberal open licensing) - preferably under a Creative Commons Attribution (CC BY) license or equivalent.

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<sup>1</sup> <http://www.communia-association.org/recommendations-2/>

<sup>2</sup> <http://www.opensocietyfoundations.org/openaccess>

<sup>3</sup> <http://www.opensocietyfoundations.org/openaccess/boai-10-recommendations>

OA is beneficial for the research community, for the economy and for society as a whole. Researchers need to be able to access research results without having to pay expensive subscription fees. They should be able to read and use what they need to be able to perform their work effectively and efficiently. Universities and funding agencies are not able to sustain the rising prices of an oligopolistic journal publishing industry. Even the most well-funded libraries (such as [Harvard University](#)<sup>4</sup> and the [University of Munich](#)<sup>5</sup>) have had to cancel journal subscriptions because they cannot afford to continue paying the subscription fees.

Academic research is mostly financed through public funding. The current system oftentimes results in the government essentially paying for the research several times: first, when the governmental entity awards research grants; second, when the government subsidizes the salaries of the academics who serve as peer-reviewers; third, when the government pays for libraries in research universities that subscribe to the journals. The public should receive a better return on the investments being made for the research, development, and publication of publicly funded scholarship. OA provides an economic and social return on investment through higher dissemination to citizens, taxpayers, and researchers from other countries and other disciplines, OA fosters interdisciplinary cross-fertilization and international impact.

### **Open Access quick facts**

#### **1. OA is always free (“gratis”) for the reader**

At the very minimum, every Open Access model assumes that content is available for free of charge (gratis) to the reader.

#### **2. Two publications models**

The two OA publication models, just like the traditional conventional (non-OA) model (with financial, legal or technical barriers), are sustainable ways of not only making knowledge available, but also of conducting business activity. OA requirements can be fulfilled through various publishing models combined with various business models:

- **Green OA** designates the self-archival by researchers of their publications in institutional or disciplinary repositories, free of charge to the reader. Most non-OA publishers already authorize an author to deposit in a repository, sometimes after an embargo period. For more than 20 years the discipline of physics has seen high levels of green OA deposit and has not lead to subscription cancellation of non-OA journals.
- **Gold OA** designates publishers or journals which distribute their publications free of charge for the reader under a liberal open license (such as the [Creative Commons Attribution license](#)<sup>6</sup>).

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<sup>4</sup> <http://isites.harvard.edu/icb/icb.do?keyword=k77982&tabgroupid=icb.tabgroup143448>

<sup>5</sup> <http://www.infoday.eu/Articles/ReadArticle.aspx?ArticleID=82474>

<sup>6</sup> <http://creativecommons.org/licenses/by/3.0/>

Various business models can be employed to cover the costs of Open Access publications:

- Public funding, institutional subsidies, advertising, donations: 100% of scientific publications, both OA and non-OA, already rely on external funding and volunteers authors, referees and editors.
- Paid additional services, such as user statistics or other formats.
- Publication or a submission fee by the author, like in many non-OA journals. However those fees can be waived, depending on the origin of the authors, and cannot be understood as the only model for OA.

Gold OA is compatible with market and cost recovery. Some OA publishers are commercial and profitable. Online OA may increase the sales for printed journals.

### **3. OA respects research policy and Intellectual Property**

A well-written OA policy:

- Is consistent with the rules of copyright, and allows the rightsholder to leverage open licensing to communicate a set of rights to downstream users.
- Does not interfere with the academic freedom of the author to publish in the venue chosen by them.
- Does not preclude rightsholders from pursuing the exploitation (such as through a patent) of the findings within the research paper before publishing the results.
- Is aligned with the current peer-review process. Peer review takes place before any publication, while OA focuses on distribution. Scholarship destined to be released as OA undergo the same peer review as Non-OA articles.
- Is impartial with respect to quality. Both OA and Non-OA publications can be of varied quality, and there is nothing about OA that suggests it is of lower quality; all articles should be judged on their merits.
- Operates in tandem with accepted academic integrity and ethics: OA articles are not more likely to contain plagiarism than Non-OA scholarship.
- Can increase the impact of a researcher's work. The researcher may be able to receive more citations because [articles in OA are more likely to be cited than non-OA papers](#)<sup>7</sup>. OA is beneficial for the career of all researchers as readers and as authors.

### **4. OA to data is indispensable**

- In addition to OA to articles, OA to the data associated with the articles is important so that other researchers can confirm and reproduce the results.
- OA to data is compatible with both green and gold OA models: repositories and journals can host data in content management systems linked with publications. OA and non-OA journals are requiring the deposit of underlying data and code in order to assess submissions' validity and quality.

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<sup>7</sup> Swan, Alma (2010) *The Open Access citation advantage: Studies and results to date*. <http://eprints.soton.ac.uk/268516/>

## **COMMUNIA Recommendations**

Communia Association calls the Members of the European Parliament to establish a clear OA policy:

### **1. OA mandate for all publicly-funded research output**

All publicly-funded research outputs (including published articles, preprints or drafts prior to peer-review, books, scientific data, databases, archival records, software source code, conference presentations, audiovisual and teaching material, etc.) must be made available without financial, legal, contractual or technical restriction to access, use and reuse, as aligned with the Budapest Open Access Initiative, as soon as possible.

An OA mandate should require:

- Publications to be released under conditions compatible with a Creative Commons Attribution license.
- Data to be released in the public domain or using a tool such as the CC0 Public Domain Dedication.
- When publications and related data could not be released under those conditions, they should be made available at the latest at the moment of publication or immediately afterwards. An embargo of 6 months counting from the date of publication is acceptable.

A mechanism of incentives, control and sanctions should be devised and enforced for entities who do not comply with the policy.

### **2. Eliminate sui generis rights on databases**

The 1996 Database directive, which imposes additional restriction to the use of data contained in databases, has not demonstrated any benefit and should be annulled.

### **3. Prevent unfair publishing agreements**

Publishing agreements precluding authors to archive their research output in OA repositories or banning authors who are bound by an institutional OA mandate should be prohibited.

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COMMUNIA Association on the Public Domain is built on the eponymous Thematic Network, funded by the European Commission from 2007 to 2011, which issued the *Public Domain Manifesto* (<http://publicdomainmanifesto.org/manifesto>).

The mission of COMMUNIA Association is to foster, strengthen and enrich the Public Domain. To fulfill its mission, COMMUNIA and its members raise awareness in, educate about, advocate for, offer expertise on and research about the Public Domain in the digital age within society and with policy-makers, at the EU level and worldwide. COMMUNIA Association is a WIPO observer since October 2012. More information about COMMUNIA activity and policy recommendations at: <http://www.communia-association.org>.

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