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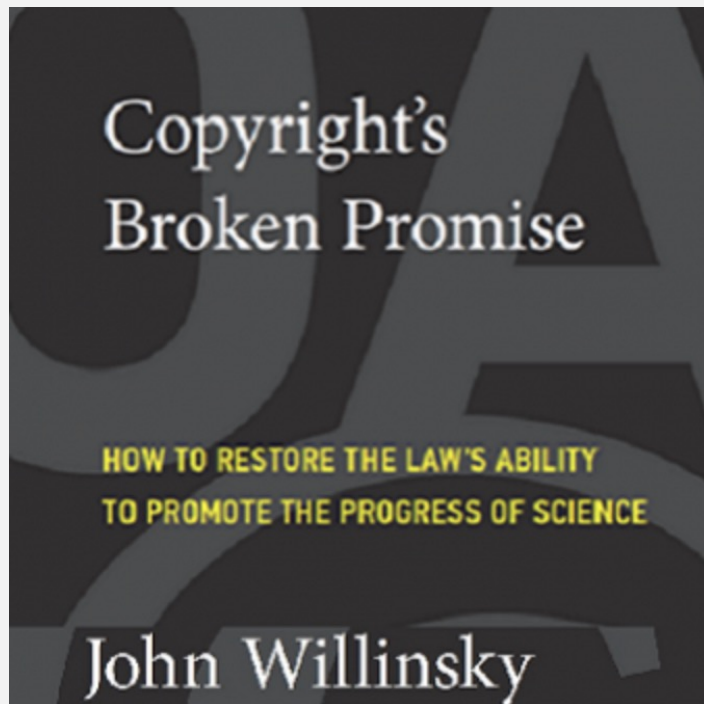
# A Workshop on Adding Copyright Reform to the Open Access Agenda

## Comments

Trento, 7 October 2022

Roberto Caso – Giulia Dore

# Willinsky: «provocation»



- Proposal: Open Access compulsory [statutory] licenses
- «That is, my best efforts at setting out a path for legislative reform may simply serve as a provocation for others».

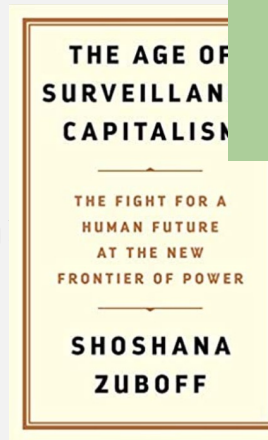
# An American way

- Compromising
- Pragmatic

# An European perspective

- Reforming copyright is only a partial solution to the broader issues of «knowledge capitalism and «surveillance capitalism»
- The exploitative strategy of publishers is gradually moving from research publication to research evaluation, research platforms and data analytics, each of which may easily require another change of prospective and of legal remedies.

## Stop Tracking Science Surveillance Publishing



The major academic publishers have made collection and trading of data about the research interests of individuals, groups and research institutions their new business model. Data about your scientific activities are collected in real time across the research workflow. The publishers take notes and sell the knowledge about you to third parties. This business model is in direct opposition to academic freedom. We have to stand up against these corporations!

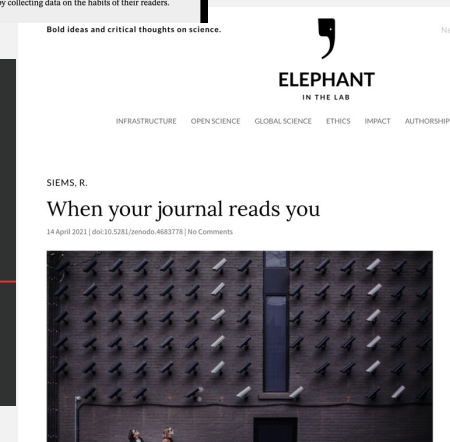
### Stop Tracking Science!

« Mysterious Triality | Main | The Binary Octahedral Group »  
December 4, 2021  
Surveillance Publishing  
Posted by John Baez  
Björn Brembs recently explained how  
"massive over-payment of academic publishers has enabled them to buy surveillance technology covering the entire workflow that can be used not only to be combined with our private data and sold, but also to make algorithmic (aka 'evidenced') employment decisions."  
Reading about this led me to this article:  
• Jefferson D. Pooley, [Surveillance publishing](#).  
It's all about what publishers are doing to make money by collecting data on the habits of their readers.  
Let me quote a bunch!

Jefferson D. Pooley

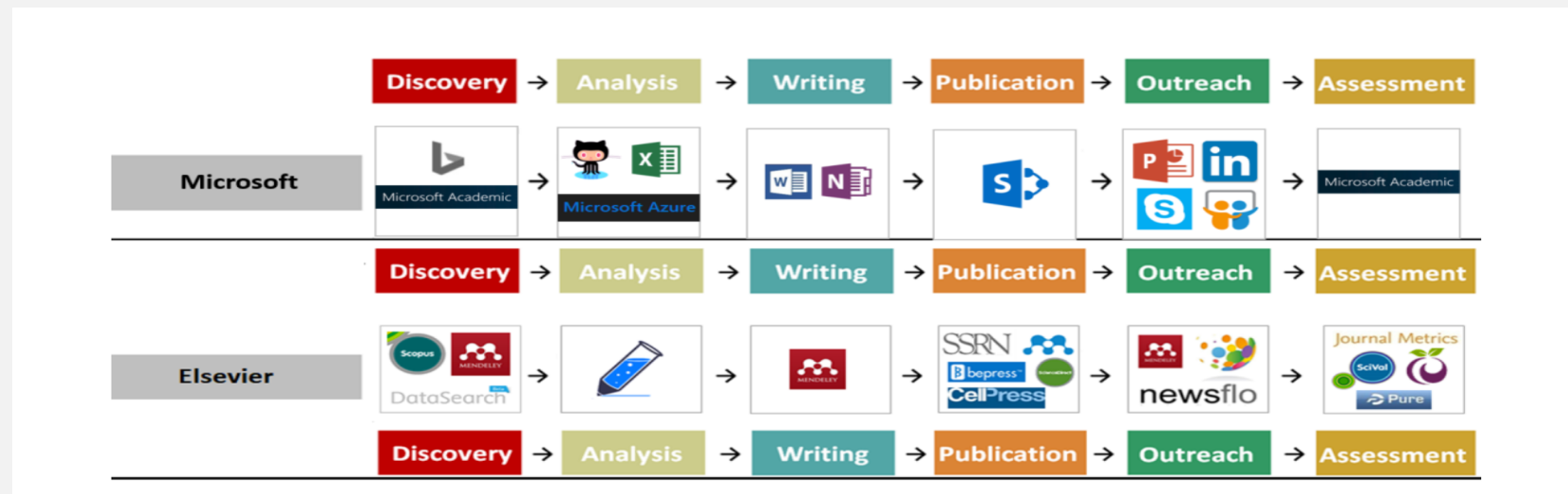
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*A working paper, under review*



# Brembs et al. Plan I [2021]

«While public institutions hesitantly deliberate, commercial providers act»



# Karen Maex 8.1.2021



- “[...] And so **private companies continue to enlarge their role while the public character of our independent knowledge system is further eroded.**
- [...] What applies to **the future of democracy** applies equally to **the future of universities** and of independent education and research as vital building blocks for the organisation of knowledge. We cannot simply leave the future of knowledge to the corporate boardrooms”.

# Karen Maex 8.1.2021: Digital University Act

1. Public storage and access to research data organised by universities and public infrastructure.
2. Freely accessible university research publications. Open access must not give rise to high publication fees or, worse, to a private company lock-in, whereby universities find themselves trapped in a growing commercial data-analysis industry.
3. Control over digital learning and research tools (productivity tools, learning environments, video conferencing, etc.). These tools should be supplied partly as public infrastructure and partly through collaboration with platform companies, with universities retaining control over the gathering and processing of user data as well as influence on the development of such tools.
4. Access to platform data. The EU should require that researchers and teachers also are given access to platform data for teaching and research purposes. This is crucial for moderating the public space and monitoring public communication

# Defending academic freedom [Caso, Dore]: a copyright reform

1. Strengthen the right to exercise open access by reinforcing secondary publication right (research publications)
2. Expanding the scope and operation of exceptions and limitations to copyright
3. Introducing statutory licensing (cf. Willinsky): funders have right to republish in Open Access public/non profit archives, repositories and platforms (fair compensation - lump sum - determined by public authority)
4. Defending and expanding public domain: term of protections and other legal aspects (e.g. cultural heritage regulation)



# References

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- J. Willinsky [2022], Copyright’s Broken Promise. How to Restore the Law’s Ability to Promote the Progress of Science, MIT Press, 2022

# Copyright

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