

JISC



JISC Conference 2009 Opening Digital Doors



inspiring innovation

Open Access and the researcher

Speakers:

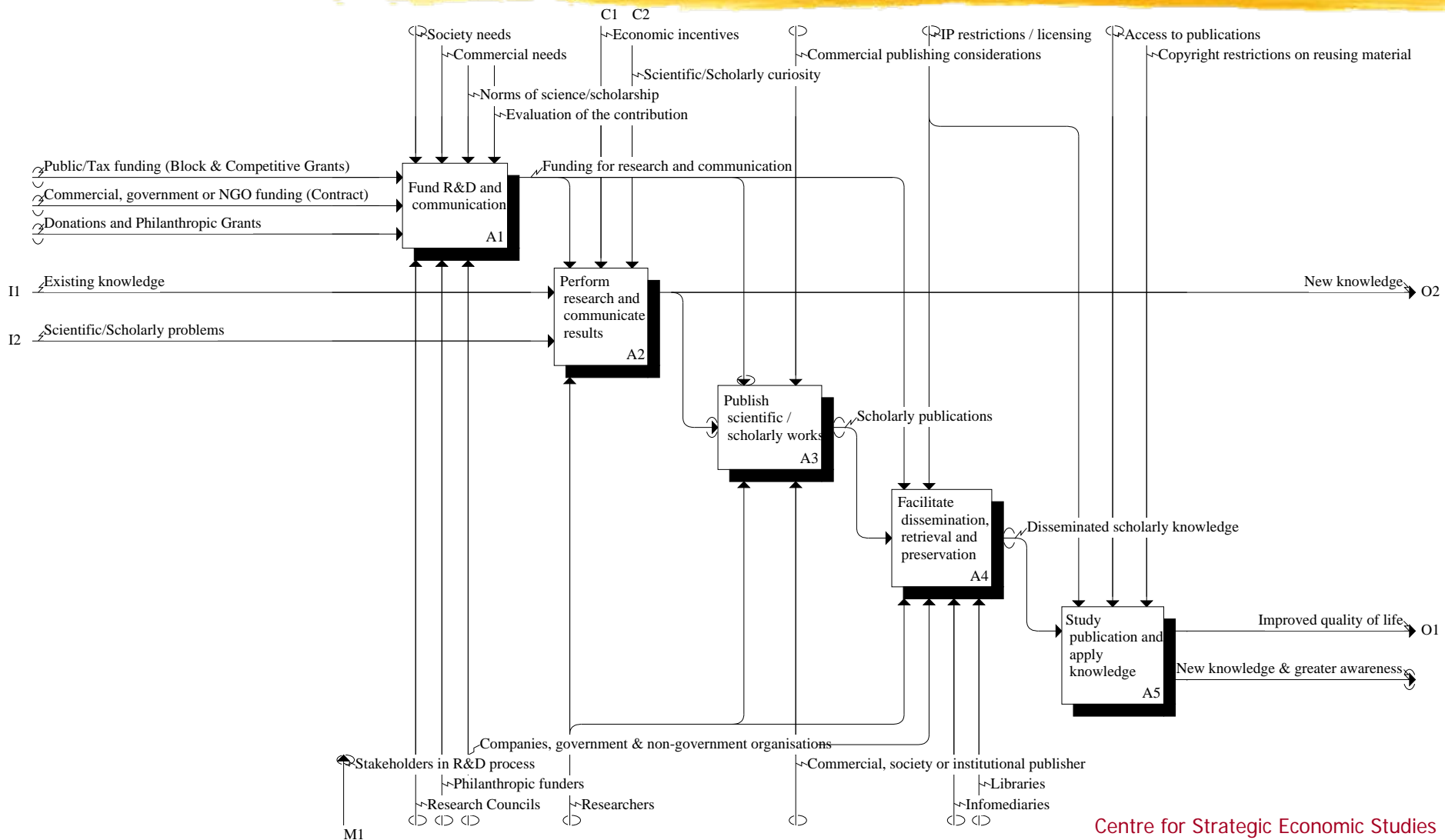
1. Neil Jacobs, Programme Manager, JISC (Session Chair)
2. Professor John Houghton, Centre for Strategic Economic Studies, University of Victoria, Australia
3. Dr Gabriel Egan, Reader in Shakespeare Studies, Loughborough University
4. Hector MacQueen, Professor of Private Law and Co-Director, Edinburgh Law School and AHRC Research Centre Intellectual Property and Technology Law

Implications of alternative publishing models (JISC EI-ASPM Project)

- JISC project on the *Economic Implications of Alternative Scholarly Publishing Models*, in collaboration with Loughborough University.
- The aim of the project was to explore the institutional, budgetary and wider implications of the major models for scholarly publishing (*i.e.* subscription publishing, OA publishing and self-archiving).
- Phase I sought to describe the publishing models, and identify all the costs and potential benefits involved.
- Phase II sought to quantify as many of the costs and benefits as possible, and to compare costs and benefits.

Scholarly communication process model

<http://www.cfses.com/EI-ASPM/SCLCM-V7/>



Activities and data items (costs)

(JISC EI-ASPM Model)

- We created a series of spreadsheets containing each of the elements identified in the process model, then sought to populate the model with cost data.
 - The research funding activities worksheet has more than 350 items;
 - The perform research worksheet has around 565 items;
 - The publisher activities worksheet has around 670 items; and
 - The dissemination activities worksheet, mainly research library activities, has around 730 items.
- So there are around 2,300 activity items that are costed and another 550 or so basic data items (*e.g.* the number of researchers and publications, R&D spending, etc.).

UK national scholarly publishing

(Annual costs in GBP, circa 2007)



	<i>Estimate</i>
Reading (Published Staff)	2,775,000,000
Writing (WoK based estimate)	1,599,700,000
Peer Review (Scaled to publication counts)	202,800,000
Editorial activities (Scaled to published staff)	63,600,000
Editorial board activities (Scaled to published staff)	7,000,000
Preparing Grant Applications (RCUK, Wellcome & Leverhulme)	117,500,000
Reviewing Grant Applications (RCUK, Wellcome & Leverhulme)	18,600,000
Publisher Costs (Scaled to publication counts)	573,900,000
Total National System	5,358,200,000

Source: JISC EI-ASPM Model.

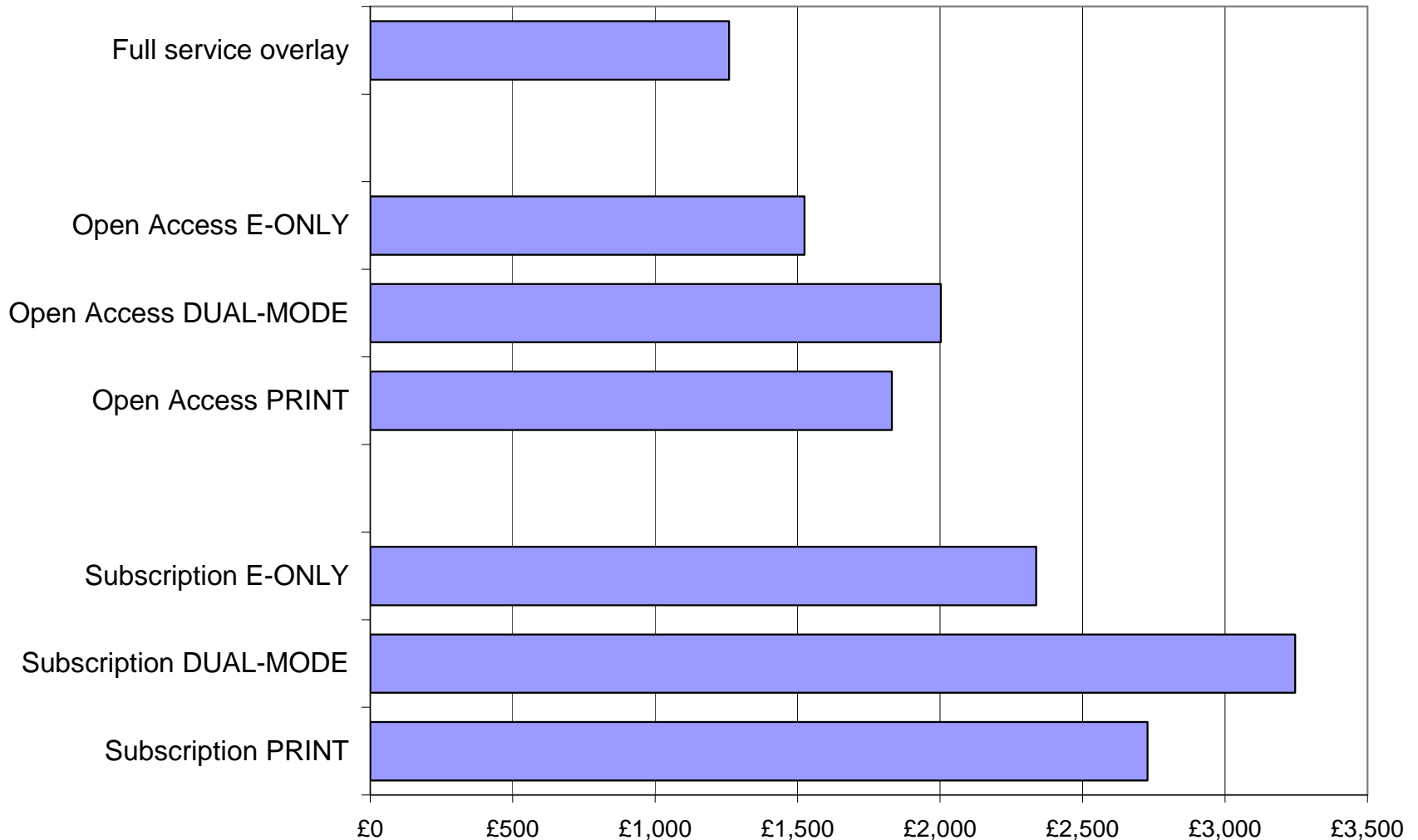
Phase II: Quantifying costs and benefits (JISC EI-ASPM Project)



- We adopted a staged approach to Phase II that tackles it from the bottom-up (as case studies and scenarios) and the top-down (in a simple economic model):
 - We explore the costs of the process elements and system costs, to see cost differences and direct savings.
 - We present cases and scenarios exploring the cost savings resulting from the alternative publishing models throughout the system, to see the indirect cost differences and savings.
 - Then we model the impact of changes in accessibility and efficiency on returns to R&D.

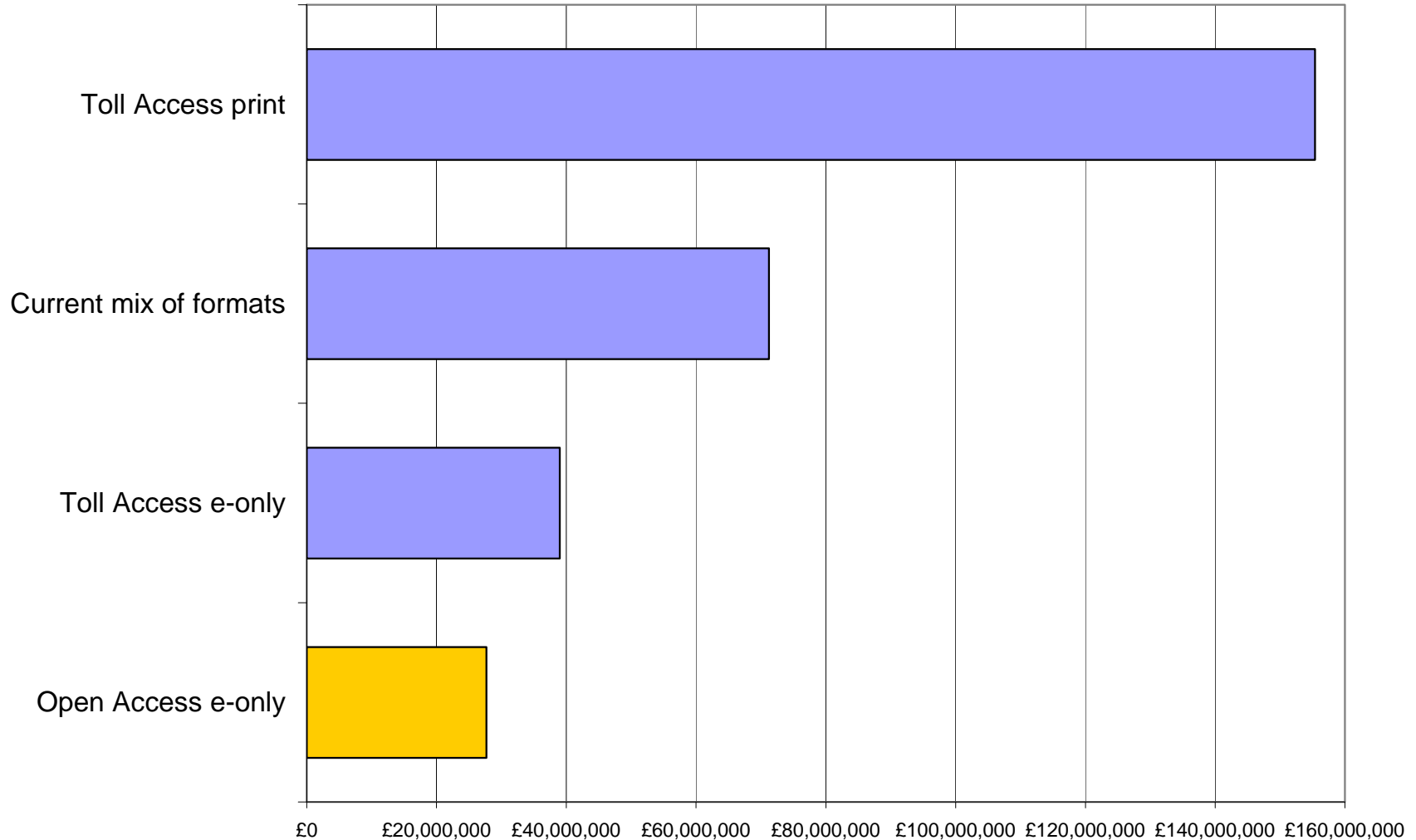
Publisher costs by mode and model

(Per article cost, GBP)

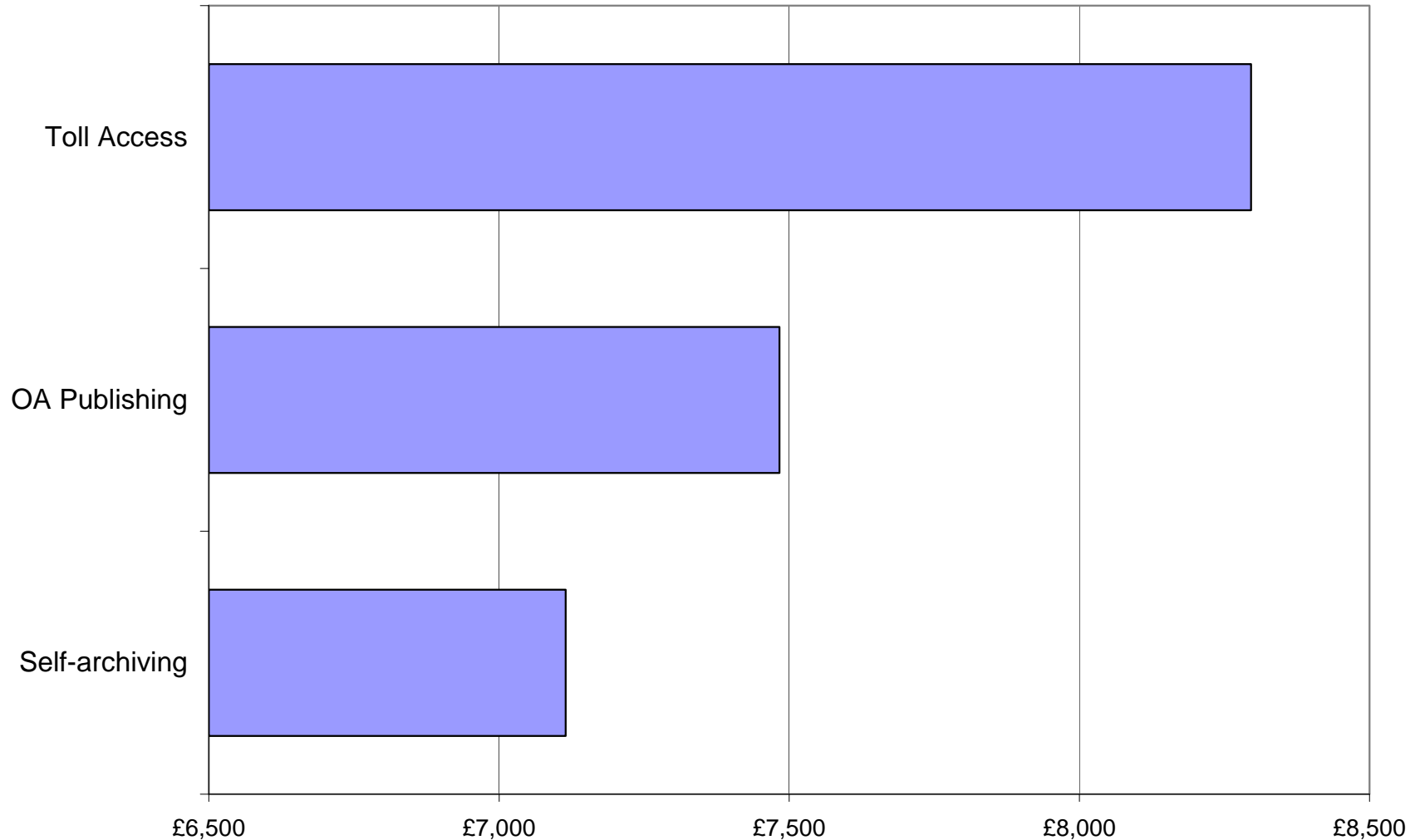


Library costs by mode and model

(SCONUL Libraries journal handling costs, GBP)

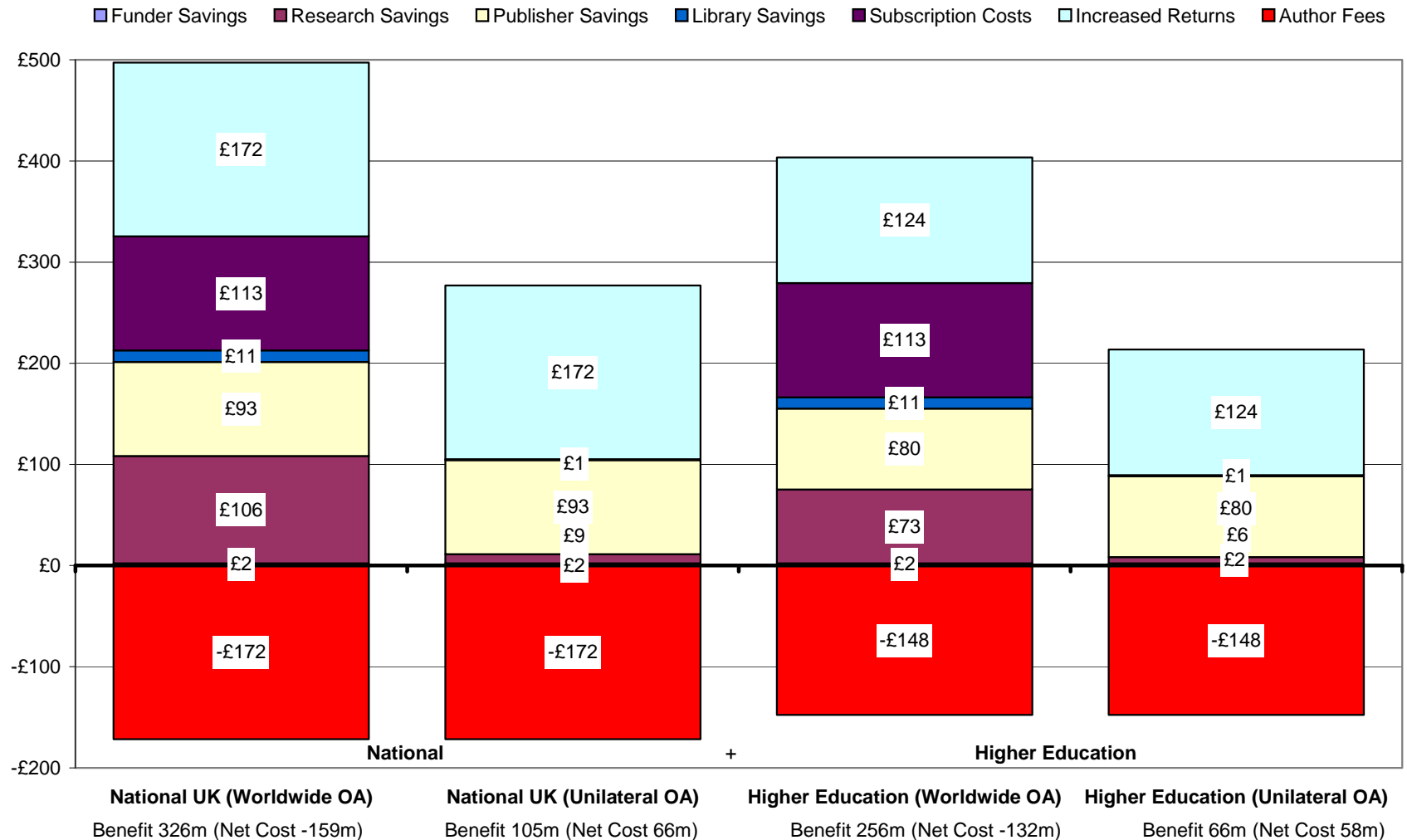


Estimated system costs per article (E-only format, GBP)



OA publishing savings and costs

("Author-pays" in GBP millions, 2007)



Note: National library savings and subscriptions is SCONUL only.

An approach to overall impacts

(A modified Solow-Swan model)

- There is a vast literature on returns to R&D, which while varied shows that social returns to publicly funded R&D are high – typically 20% to 60% a year.
- The standard approach assumes that all R&D generates useful knowledge (efficiency) and all knowledge is equally accessible (accessibility), which is unrealistic.
- We introduce 'accessibility' and 'efficiency' into the standard model as negative or friction variables, and look at the impact of reducing the friction by increasing access and efficiency.

Estimating potential impacts

(Publicly funded research in the UK)

- With public sector R&D spending at £8.4 billion a year in 2006 and a 20% return to R&D, a 5% increase in accessibility and efficiency would be worth £172 million pa.
- With higher education R&D spending at £6.1 billion, a 5% increase in accessibility and efficiency would be worth £124 million pa.
- With RCUK competitive grants funding at £1.6 billion, a 5% increase in accessibility and efficiency would be worth £33 million pa.
- These are recurring annual gains from one year's R&D expenditure.

Comparing cost and benefits

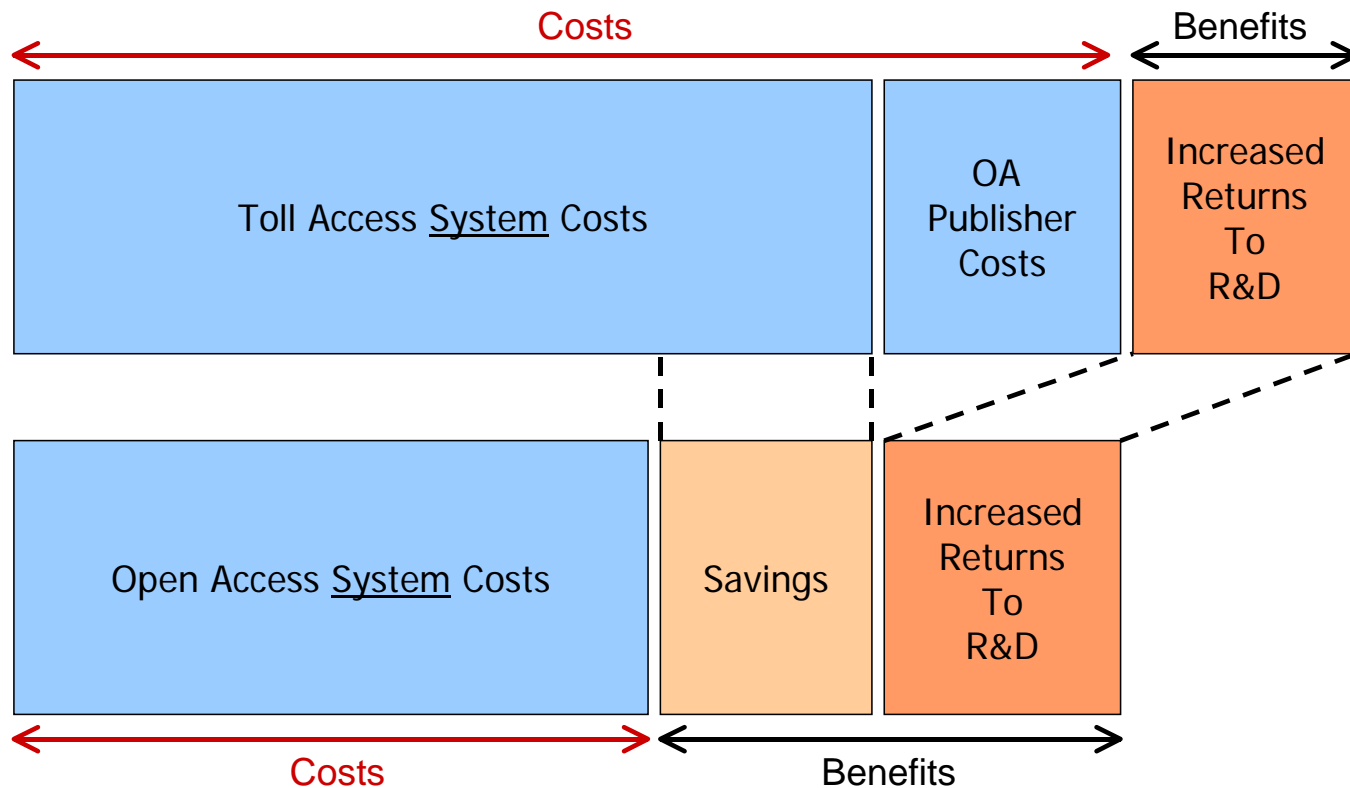
(JISC EI-ASPM Project)



- It is not possible to compare directly toll and OA publishing at the national level: toll access publishing seeks to provide UK subscribers with access to worldwide research, whereas OA publishing seeks to provide worldwide access to UK research.
- We approach it from both sides and try to explore the lower and upper bounds by looking at:
 - *Ceteris paribus scenarios* – the implications of simply adding OA publishing and self-archiving to current activities, all other things remaining the same; and
 - *Net cost scenarios* – the implications of OA publishing and self-archiving as alternatives to current activities, by adding the estimated savings to estimated returns.

Conceptual map of benefit/cost scenarios

Ceteris Paribus Scenarios: Adding OA costs to existing system



Net Cost Scenarios: Adding savings to increased returns

Conclusions



- System cost savings may be sufficient to cover the costs of OA publishing or self-archiving, so it should be possible to meet the costs of alternative OA publishing models from within current budgetary allocations.
- The increase in returns to R&D resulting from more Open Access may also be sufficient to cover costs, so when the cost savings and additional returns are added together the benefits of alternative OA publishing models are likely to substantially exceed the costs.

<http://www.cfses.com/EI-ASPM/>



Project website containing:

- The full JISC report and summary documents.
- The scholarly communication process model.
- An on-line cost-benefit model with simplified versions of the models for journal and book publishing, OA publishing and self-archiving, research and library handling costs.

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Legal Perspectives on Open Access Publishing

Hector MacQueen

University of Edinburgh

Legal Perspectives on Open Access Publishing

- Contract – employment, licences
- Copyright
- First ownership
- Transfer of ownership
- Licences again
- ‘User rights’
- Data protection
- FoI; PSI Re-use

Legal Perspectives on Open Access Publishing

- **Relationships context**
- Depositor author
- Repository
- University or other host
- Users of the repository material
- Publishers
- Search engines – the power of Google

Legal Perspectives on Open Access Publishing

- The Google Book Settlement
<http://www.googlebooksettlement.com>
- US courts, 11 June 2009
- Right-holders have to “opt out”
- Otherwise books digitised and made available online. Journals excluded.
- Royalties for registered right-holders
- A universal open access repository?

Legal Perspectives on Open Access Publishing

- Project Gutenberg, European Digital Library
- Microsoft and British Library
- Amazon – the “look inside” service, print on demand, Kindle book reader
- iTunes and print?
- New business models for existing publishers – exploiting back catalogues

Legal Perspectives on Open Access Publishing

- **Contracts**
- Employment
- Staff
- Contract researchers, consultants, etc
- Students
- Research funders

Legal Perspectives on Open Access Publishing

- **Copyright (note also database right)**
- Author's right
- But employer's if author in the course of employment
- Special position of university staff?
- Waivers?
- Universities' claims now made explicit?
- Not applicable to non-employees

Legal Perspectives on Open Access Publishing

- **Effects of ownership (1)**
- Exclusive right to use (lifetime + 70 pma)
- For author generally (unless some other right prevails, e.g. employer's)
- Copy, publish/communicate publicly
- Author's freedom to deposit

Legal Perspectives on Open Access Publishing

- **Effects of ownership (2)**
- Right to dispose
- Outright transfer
(assignation/assignment)
- Solution for non-employees? (and perhaps belt-and-braces solution for employees in so far as there is doubt?)

Legal Perspectives on Open Access Publishing

- **Licensing**
- Permitting another to use an exclusive right while remaining owner. Express or implied.
- Freedom of contract and property
- Divisible bundle of rights
- Exclusive and non-exclusive licences
- Licence for a period less than copyright
- Gratuitous and non-gratuitous licences (revocability – an English problem?)

Legal Perspectives on Open Access Publishing

- Creative Commons licences
- Open source licences
- Copyleft
- Attribution
- Share-alike for sub-licensees
- No derivatives (integrity)
- Non-commercial

Legal Perspectives on Open Access Publishing

- **Copyright exceptions and limitations**
- **Fair dealing**: Private study; non-commercial research; criticism/review of published work
- “User rights”?
- Contracts, technological protection measures and copyright exceptions

Legal Perspectives on Open Access Publishing

- Data protection – data controllers' obligation to process personal data fairly and reasonably
- Freedom of information – research exemption [FoISA 2002 s. 27(2)]
- Public sector information re-use (including commercialisation) – not applicable to research establishments

Legal Perspectives on Open Access Publishing

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