

How long should publishers own scholarship?

Making the past accessible to all



Emotional issue

- For scholars (and librarians):
 - “Why should we buy back our own work?”
- For publishers:
 - “Why should we give away what we paid for and own?”
- But ... don't blame scholars *or* publishers
- Blame the lawyers!



History (17th c and before)



- Intellectual property (philosophy behind copyright)
- Stationers (England)
- No author rights (Milton's *Paradise Lost*)
- Monopoly: perpetual ownership
- Licensing Act - *political* construct (not intellectual)
- Similar elsewhere

More History (18th c)

- King's power eroded...
- Statute of Anne (1709)
- Copyright for 28 years (14+14) – to anyone!
- Stationers persisted; wanted perpetual rights
- Came up with “natural rights of authors” (similar to property rights in common law)

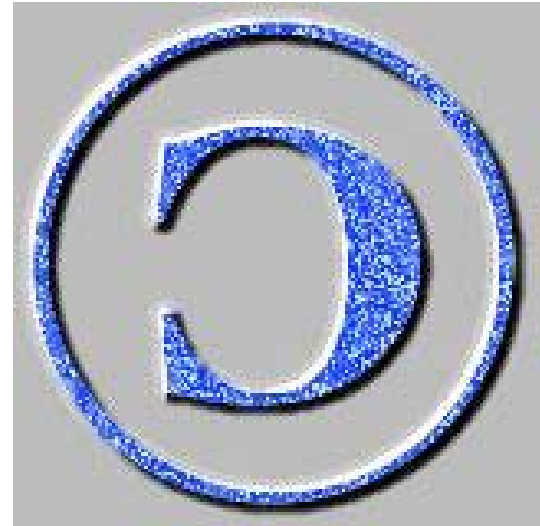


Two Cultures of Copyright (during 19th c)

- *Economic incentive*
(social construct)
- Just enough to provide incentives for creation
- Intellectual property is a public good
- Adam Smith ...Lawrence Lessig
- *Pessimists*
- *Natural right of authors*
(moral force)
- Fully protect author's rights
- Intellectual property is like real property
- Even more, no one can fully take that property
(=>perpetual ownership)
- *Optimists*

Growth of Copyright (20th c)

- Each culture compromises...
- But... natural rights has gained
- Copyright time grew
- Scope grew (as technology changed)
- Maximum principle
- Producer's advantage

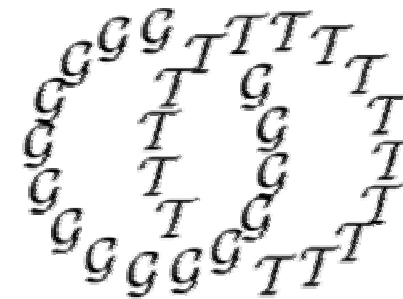
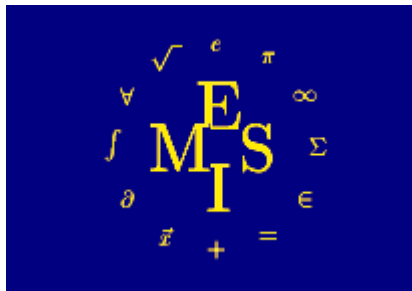


Approaching perpetual ownership...

How does scholarly literature fit in?

- History of viewing as public good
- **“The Public Library of Science is a non-profit organization of scientists committed to making the world's scientific and medical literature freely accessible to scientists and to the public around the world, for the benefit of scientific progress, education and the public good. “**
- Journals often owned by community -- learned societies
- Preprints freely circulated
- (Books less so because of costs)

Ideas embodied in many projects



Geometry & Topology

Front for the Mathematics ArXiv

All have unstated assumptions

- Scholarship is a public good
- Community is best served if available to all

- Two key ideas:
 - **Economic incentives for publishing should be limited -- should be *reasonable***
 - **No one (authors *or* publishers) has a “natural right” to perpetual ownership**

Open Access

- *Ideal* goal is open access
- One way to achieve it is alternative models
 - (Still have to worry about underlying economics)
- What about journals?



Economic Incentives



- Traditional subscription model
 - Journals are a shared expense (like taxes)
- Incentive means “costs *plus* profit”
- What is “*reasonable*” differs by discipline!

Proposals for Mathematics Journals...

- Economic incentive view of copyright: institutions should continue to pay taxes
 - For all articles, provide “connecting” information to navigate the literature (abstract, bibliographic data, references?)
 - For old articles (>5 yrs) make full text accessible without subscription (reasonable?)
 - Balance incentives / ideal of open access

What about perpetual ownership and natural rights?

- Fundamental impediment to open access
- Natural rights are not necessarily natural
- That an author's work is his property is "intuitive, unanalyzed feeling"
Justice Stephen Breyer
- Remember history: natural rights were a device to promote perpetual ownership



An important application: Digital Mathematics Library

- Still a vague dream, but ...
- Make all the “past” mathematics literature available online
- About 50 million pages (~\$100 million)
- Rationale: Twenty Centuries of Mathematics (www.ams.org/ewing/)
- Already many projects underway!!!

Many Obstacles ...

- Funding seems to be the easiest to solve
- Which material?
- What format for presentation?
- How do we archive?
- How do we deal with COPYRIGHT -- natural rights?

Moving forward on DML...

- Workshop in Washington (Cornell University) July 29-30
- Another workshop in 2003
- Initial steps ...
- But copyright remains a problem, both now and in the future.
- Key step in making DML work for future:
 - **Change the copyright laws!**

How long should publishers own scholarship?

- Long enough to give them reasonable incentives to keep supporting that scholarship...
- ...and no longer.

