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lawtech

The Law and Technology Research Group

Open Science and Research Data Management

Academic copyright: from the Republic of Science
to the Empire of Intellectual Monopolies (Part II)

Università di Pisa

2024

Roberto Caso

Part I

1. The Republic of Science and the Academic Copyright
2. The Empire of Intellectual Monopolies
3. A New Hope: Open Science as Public and Democratic Science

Part II

1. The Empire Strikes Back
2. Return of the Jedi?
3. Conclusions

A Law & Political Economy approach

- «Building on the energy of the emerging law and political economy movement, the LPE Project aims to reconnect conversations about the economy to questions of dignity, belonging, and power. The Project aims to transform legal scholarship and pedagogy by centering issues of **economic power, racial and gender subordination**, and meaningful **democratic inclusion**. It aims to move beyond postwar models of the liberal welfare state in order to develop **new policy solutions, intellectual approaches, and political strategies** adequate to the **crises of our time**»
- A. KAPCZYNSKI ET AL., New Law and Political Economy Project Launched, 29.04.2019, <https://law.yale.edu/yls-today/news/new-law-and-political-economy-project-launched>

Today. Outline

1. The Empire Strikes Back

2. Return of the Jedi?

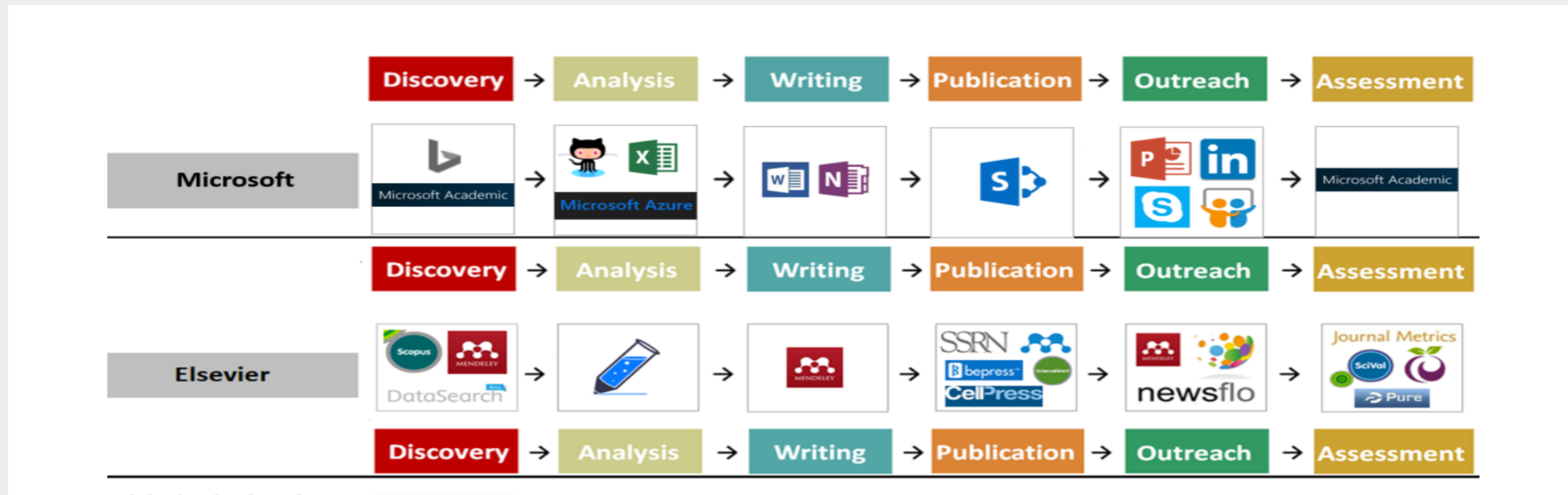
3. Conclusions

The empire strikes back




1. Brembs et al. Plan I (2021)

«While public institutions hesitantly deliberate, commercial providers act»



1. Scientific databases

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Find articles with these terms

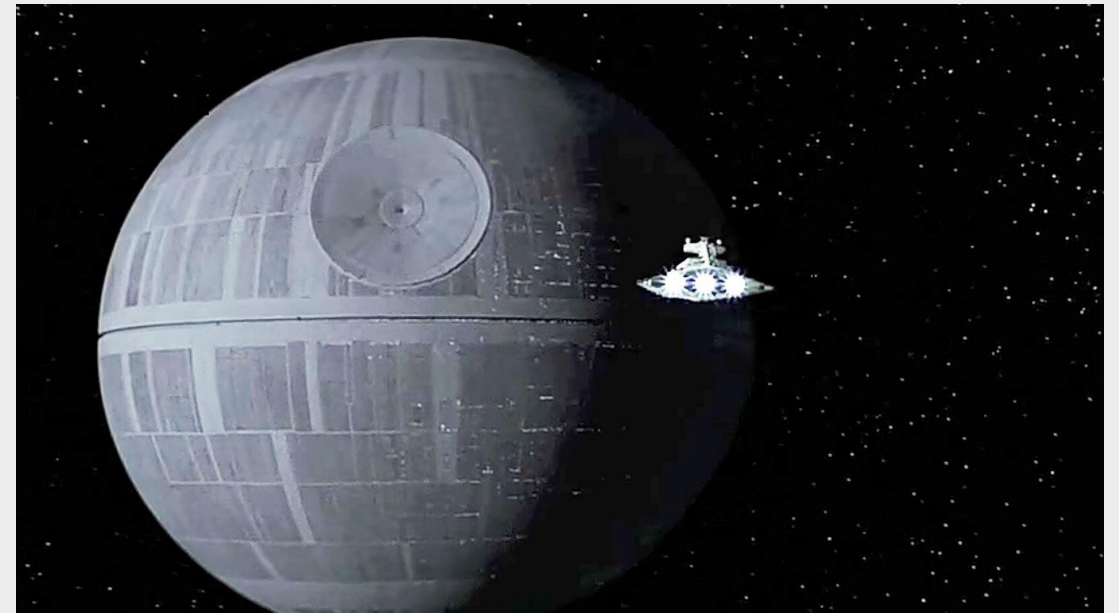
In this journal or book title Year(s)

Author(s) Author affiliation

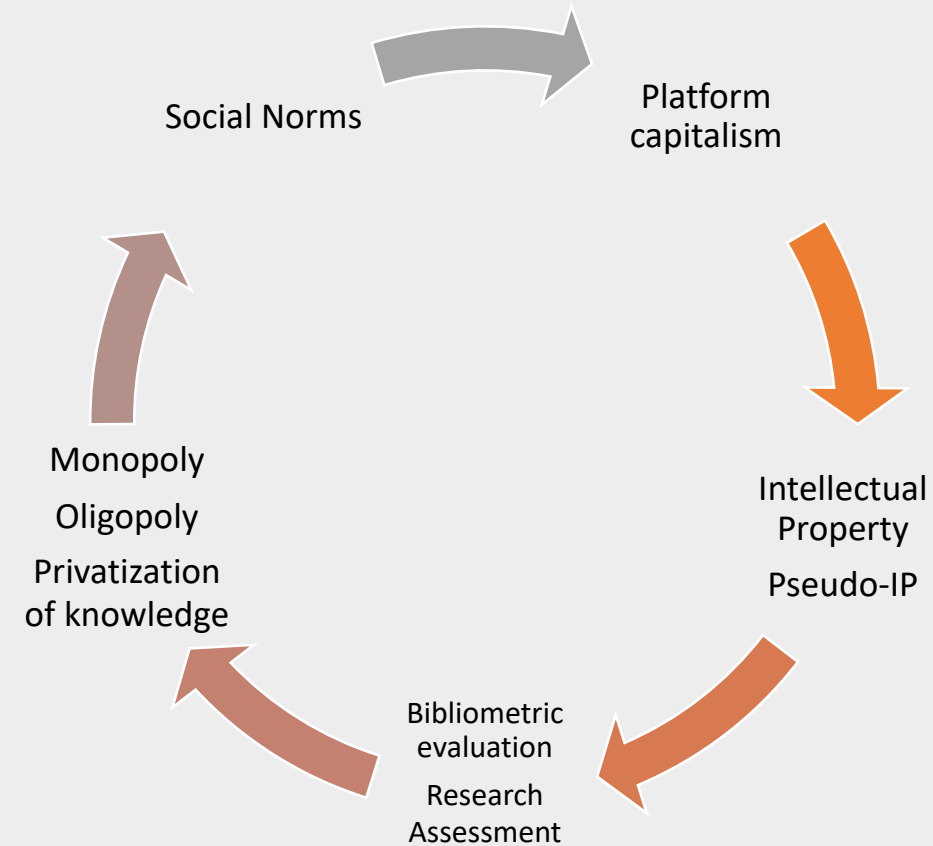
Volume(s) Issue(s) Page(s)

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1. A vicious circle



1. Pseudo-Intellectual Property

- Contract
- Database sui generis right (e.g. EU dir. 96/9)
- Technological Protection Measures
- De facto power

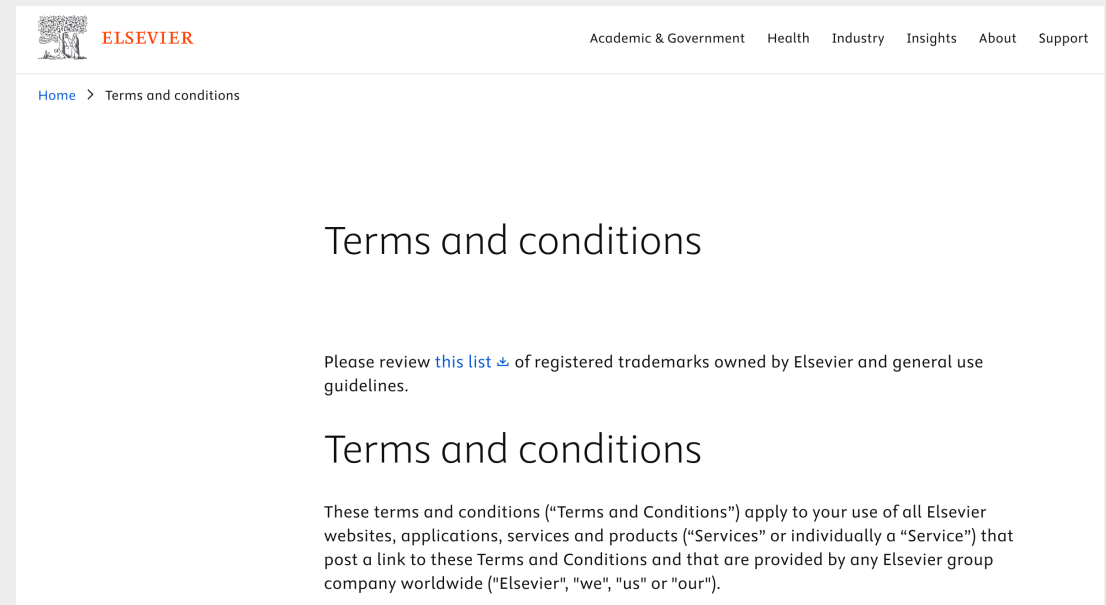


1. Exercise (max 10 min): read and highlight

- <https://www.elsevier.com/legal/elsevier-website-terms-and-conditions>
- Read terms and conditions
- Highlight the most «worrying» words for the user

1. Contract: terms & conditions

- «**By accessing or using any of the Services, you agree to be bound by these Terms and Conditions.** These Terms and Conditions expressly incorporate by reference and include the Service's Privacy Policy [...]



The screenshot shows the Elsevier website's Terms and Conditions page. At the top, the Elsevier logo is on the left, and navigation links for 'Academic & Government', 'Health', 'Industry', 'Insights', 'About', and 'Support' are on the right. Below the navigation bar, a breadcrumb trail reads 'Home > Terms and conditions'. The main heading is 'Terms and conditions'. A paragraph of text states: 'Please review [this list](#) of registered trademarks owned by Elsevier and general use guidelines.' Below this, another heading 'Terms and conditions' is followed by a paragraph: 'These terms and conditions ("Terms and Conditions") apply to your use of all Elsevier websites, applications, services and products ("Services" or individually a "Service") that post a link to these Terms and Conditions and that are provided by any Elsevier group company worldwide ("Elsevier", "we", "us" or "our").'

1. Contract + Intellectual Property

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1. Contract + Intellectual Property

- «**You may not** copy, display, distribute, modify, publish, reproduce, store, transmit, post, translate or create other derivative works (including resulting from the use of artificial intelligence tools) from, or sell, rent or license all or any part of the Content, or products or services obtained from the Services, in any medium to anyone, except as otherwise expressly permitted under these Terms and Conditions, or any relevant license or subscription agreement or authorization by us».

1. Contract + Technological Protection Measures

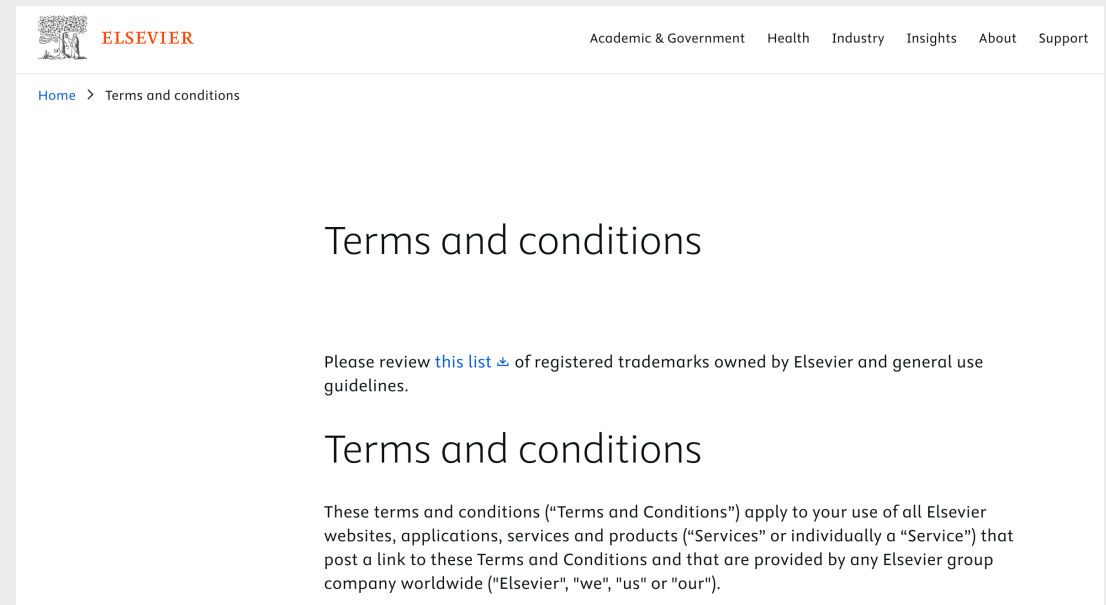
- «**You may not** reverse engineer, disassemble, decompile or translate any software in the Content, or otherwise attempt to derive the source code of such software, except to the extent expressly permitted under applicable law, without our prior written permission. **You may not engage in the systematic retrieval of Content from the Services to create or compile,** directly or indirectly, a collection, compilation, database or directory without our prior written permission».

1. Contract + Technological Protection Measures

- «**You may not** probe, scan or test the vulnerability of the Services or any network connected to the Services or breach or attempt to **breach the security or authentication measures** on the Services or any network connected to the Services».

1. Contract: terms & conditions

- «By accessing or using any of the Services, you agree to be bound by these Terms and Conditions. These Terms and Conditions expressly incorporate by reference and include the **Service's Privacy Policy** [...]»



The screenshot shows the Elsevier website's Terms and Conditions page. At the top, the Elsevier logo is on the left, and navigation links for 'Academic & Government', 'Health', 'Industry', 'Insights', 'About', and 'Support' are on the right. Below the navigation, a breadcrumb trail reads 'Home > Terms and conditions'. The main heading is 'Terms and conditions'. A paragraph states: 'Please review [this list](#) of registered trademarks owned by Elsevier and general use guidelines.' Below this, another heading reads 'Terms and conditions', followed by a paragraph: 'These terms and conditions ("Terms and Conditions") apply to your use of all Elsevier websites, applications, services and products ("Services" or individually a "Service") that post a link to these Terms and Conditions and that are provided by any Elsevier group company worldwide ("Elsevier", "we", "us" or "our").'

1. When your journal reads you!

The screenshot shows the JEP website interface. At the top, there's a search bar and navigation links like 'News', 'Current', 'Archive', 'About', 'Editors', 'Contact', and 'Start Submission'. The main content area displays an article abstract. The abstract text discusses 'surveillance publishing' and mentions Elsevier, Shoshana Zuboff, and other researchers. It details how data from researcher behavior is used for prediction products. The author listed is Jeff Pooley from Muhlenberg College. There are options to download the article in XML or PDF format. The issue information is 'Volume 25 - Issue 1 - 2022'. The DOI is provided as <https://doi.org/10.3998/jep.1874>. The 'How to Cite' section provides the full citation: Pooley, J., (2022) "Surveillance Publishing", *The Journal of Electronic Publishing* 25(1). doi: <https://doi.org/10.3998/jep.1874>.

SPARC*
LANDSCAPE ANALYSIS
The Changing Academic Publishing Industry – Implications for Academic Institutions

Bold ideas and critical thoughts on science.

ELEPHANT
IN THE LAB

INFRASTRUCTURE OPEN SCIENCE GLOBAL SCIENCE ETHICS IMPACT AUTHORSHIP

SIEMS, R.
When your journal reads you
14 April 2021 | doi:10.5281/zenodo.4683778 | No Comments

Stop Tracking Science

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!

SPARC*

NAVIGATING RISK IN VENDOR DATA PRIVACY PRACTICES

An Analysis of Elsevier's ScienceDirect

1. Predators



Roberto Caso - Academic copyright 2 - Università di Pisa-
2024

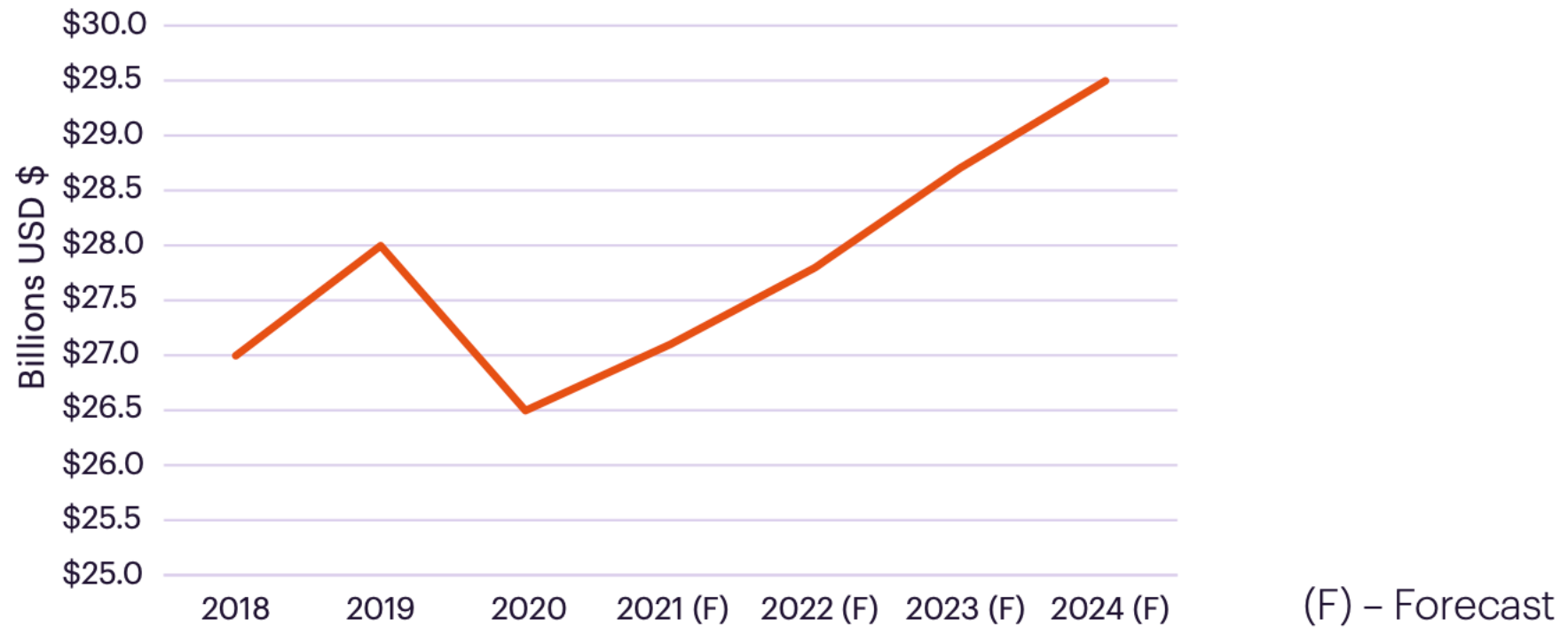
1. Brembs on predators (2019)

- «**Predatory journals and publishers are entities that prioritize self-interest at the expense of scholarship** and are characterized by false or misleading information, deviation from best editorial and publication practices, a lack of transparency, and/or the use of aggressive and indiscriminate solicitation practices»
- <https://bjoern.brembs.net/2019/12/elsevier-now-officially-a-predatory-publisher/>

1. The global scholarly publishing market

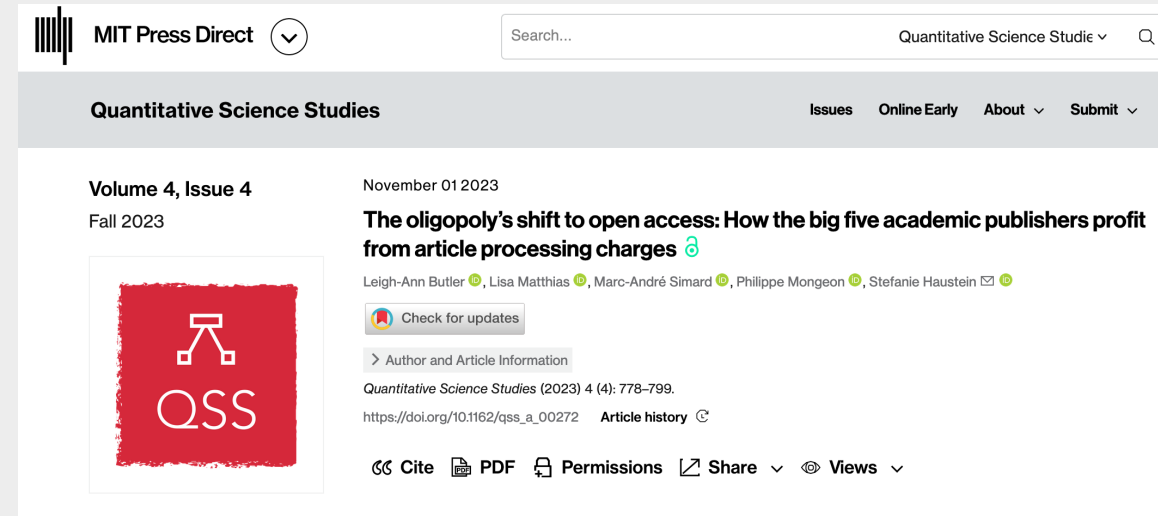
Fig.1

Total STM Market Value (Source: Outsell, Inc. 2021)



1. The oligopoly's shift to open access

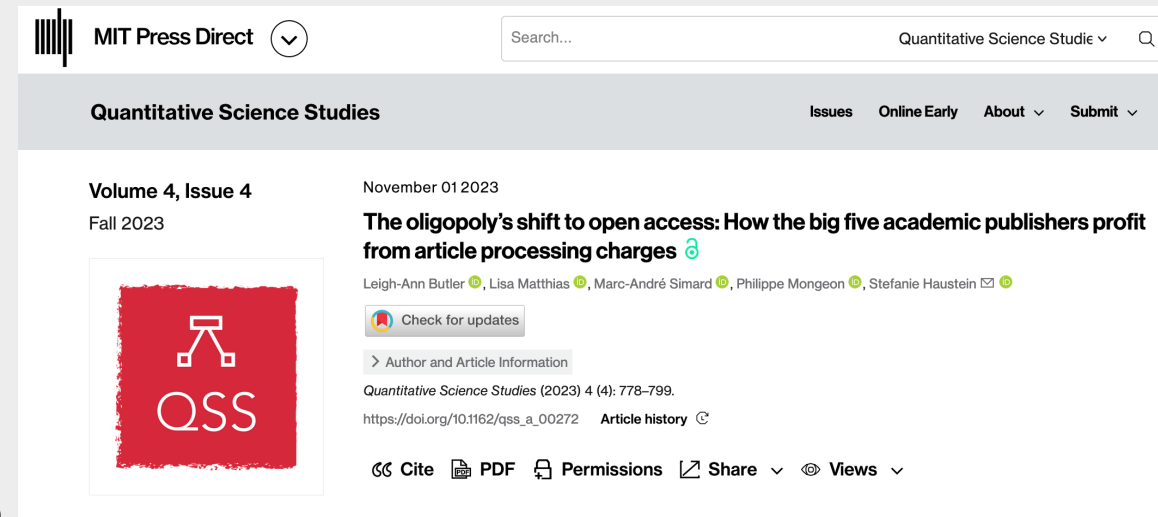
- «We aim to estimate the total amount of article processing charges (APCs) paid to publish open access (OA) in journals controlled by the five large commercial publishers (Elsevier, Sage, Springer Nature, Taylor & Francis, and Wiley) between 2015 and 2018».



The screenshot displays the MIT Press Direct website interface. At the top, the MIT Press Direct logo is on the left, and a search bar is on the right. Below the logo, the journal title 'Quantitative Science Studies' is shown, along with navigation links for 'Issues', 'Online Early', 'About', and 'Submit'. The main content area features the article title 'The oligopoly's shift to open access: How the big five academic publishers profit from article processing charges' by Leigh-Ann Butler, Lisa Matthias, Marc-André Simard, Philippe Mongeon, and Stefanie Hausteiner. The article is dated November 01, 2023, and is part of Volume 4, Issue 4, Fall 2023. A red square icon with a white tree-like symbol and the letters 'QSS' is visible. Below the article title, there is a 'Check for updates' button and a link to 'Author and Article Information'. The article's DOI is https://doi.org/10.1162/qss_a_00272, and it is cited in Quantitative Science Studies (2023) 4 (4): 778-799. At the bottom, there are icons for 'Cite', 'PDF', 'Permissions', 'Share', and 'Views'.

1. The oligopoly's shift to open access

- «Among the five publishers, **Springer Nature made the most revenue from OA (\$589.7 million)**, followed by Elsevier (\$221.4 million), Wiley (\$114.3 million), Taylor & Francis (\$76.8 million), and Sage (\$31.6 million). With Elsevier and Wiley making most of their APC revenue from hybrid fees and others focusing on gold, different OA strategies could be observed between publishers.».



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Volume 4, Issue 4
Fall 2023

November 01 2023

The oligopoly's shift to open access: How the big five academic publishers profit from article processing charges

Leigh-Ann Butler, Lisa Matthias, Marc-André Simard, Philippe Mongeon, Stefanie Haustein

Check for updates

Author and Article Information

Quantitative Science Studies (2023) 4 (4): 778–799.
https://doi.org/10.1162/qss_a_00272 Article history

Cite PDF Permissions Share Views

1. The oligopoly of open access publishing

- «Open access (OA) publishing is often viewed as a promising solution for the future of scholarly publishing, as it has the potential to reduce global inequalities in access to scientific literature by removing paywalls. **However, the adoption of OA publishing may not necessarily lead to a decrease in the overall cost of knowledge dissemination,** as Article Processing Charges (APCs) can create an additional financial burden for scholars, particularly those from developing countries».

Scientometrics (2024) 129:519–536
<https://doi.org/10.1007/s11192-023-04876-2>



The oligopoly of open access publishing

Fei Shu^{1,2} · Vincent Larivière^{2,3}

Received: 14 June 2023 / Accepted: 9 November 2023 / Published online: 13 December 2023
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Abstract

Open access (OA) publishing is often viewed as a promising solution for the future of scholarly publishing, as it has the potential to reduce global inequalities in access to scientific literature by removing paywalls. However, the adoption of OA publishing may not necessarily lead to a decrease in the overall cost of knowledge dissemination, as Article Processing Charges (APCs) can create an additional financial burden for scholars, particularly those from developing countries. Despite being intended as a way to disrupt the scholarly publishing oligopoly, OA publishing has faced challenges in achieving this goal. These challenges were revealed through a comprehensive analysis of OA publishing from 2008 to 2020, as detailed in this study.

Keywords Open access · Article processing charge · Web of Science · Dimensions · Oligopoly

1. The oligopoly of open access publishing

- «Despite being intended as a way to disrupt the scholarly publishing oligopoly, OA publishing has faced challenges in achieving this goal. These challenges were revealed through a comprehensive analysis of OA publishing from 2008 to 2020, as detailed in this study».

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Keywords Open access · Article processing charge · Web of Science · Dimensions · Oligopoly

1. Top Publishers by Open Access Articles 2023

Top Publishers by Open Access Articles 2023

Rank	Publishers	Articles
1	MDPI AG	285,138
2	Elsevier BV	241,297
3	Springer Science and Business Media LLC	190,147
4	Frontiers Media SA	91,031
5	Wiley	90,711

Scilit Rankings

Home > Scilit Rankings

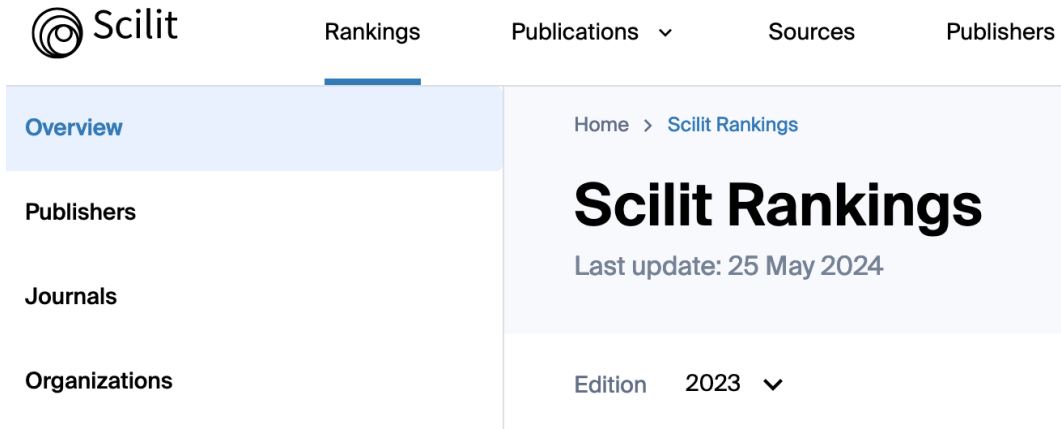
Last update: 25 May 2024

Edition 2023

1. Top Publishers by Open Access Journals 2023

Top Publishers by Open Access Journals 2023

Rank	Publishers	Journals
1	Elsevier BV	708
2	Springer Science and Business Media LLC	674
3	MDPI AG	424
4	Walter de Gruyter GmbH	363
5	Informa UK Limited	291



Scilit Rankings

Rankings Publications Sources Publishers

Overview Publishers Journals Organizations

Home > Scilit Rankings

Scilit Rankings

Last update: 25 May 2024

Edition 2023

1. Top Publishers by Preprints 2023

Top Publishers by Preprints 2023

Rank	Publishers	Preprints
1	ArXiv	177,950
2	Elsevier BV	143,451
3	Research Square Platform LLC	80,560
4	Cold Spring Harbor Laboratory	48,970
5	Center for Open Science	25,870
6	Copernicus GmbH	23,670
7	MDPI AG	20,698
8	HAL	18,728
9	Authorea, Inc.	12,482
10	RePEc	12,398

Scilit Rankings

Home > Scilit Rankings

Last update: 25 May 2024

Edition 2023

1. Transformers



1. Transformative agreements

- «Transformative agreements (TAs) are negotiated between institutions or consortia and publishers. Importantly, “transformative agreements” are **an umbrella term that encompass a range of different kinds of contracts that may include traditional subscription licenses and APC discounts or waivers that may cover a certain number of articles that may be published in hybrid or fully open journals**»



1. Transformative agreements

- «The consortium **cOAlition S** that is sponsored by the European Commission and the European Research Council **has announced the end of its support for transformative agreements beyond 2024.** This decision has been taken out of concern that sustained support **would risk making these agreements a permanent fixture** in the economic landscape of scholarly publishing»



REPORT TO THE U.S. CONGRESS ON FINANCING MECHANISMS FOR OPEN ACCESS PUBLISHING OF FEDERALLY FUNDED RESEARCH

A Report by the
WHITE HOUSE OFFICE OF SCIENCE AND TECHNOLOGY POLICY

NOVEMBER 2023

1. Artificial Intelligence kills authors and reviewers

nature

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NEWS | 18 January 2023

ChatGPT listed as author on research papers: many scientists disapprove

At least four articles credit the AI tool as a co-author, as publishers scramble to regulate its use.

[Chris Stokel-Walker](#)



CSH Cold Spring Harbor Laboratory **bioRxiv** THE PREPRINT SERVER FOR BIOLOGY

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COVID-19 SARS-CoV-2 preprints from medRxiv and bioRxiv

Subject Area
Scientific Communication and Education

bioRxiv posts many COVID19-related papers. A reminder: they have not been formally peer-reviewed and should not guide health-related behavior or be reported in the press as conclusive.

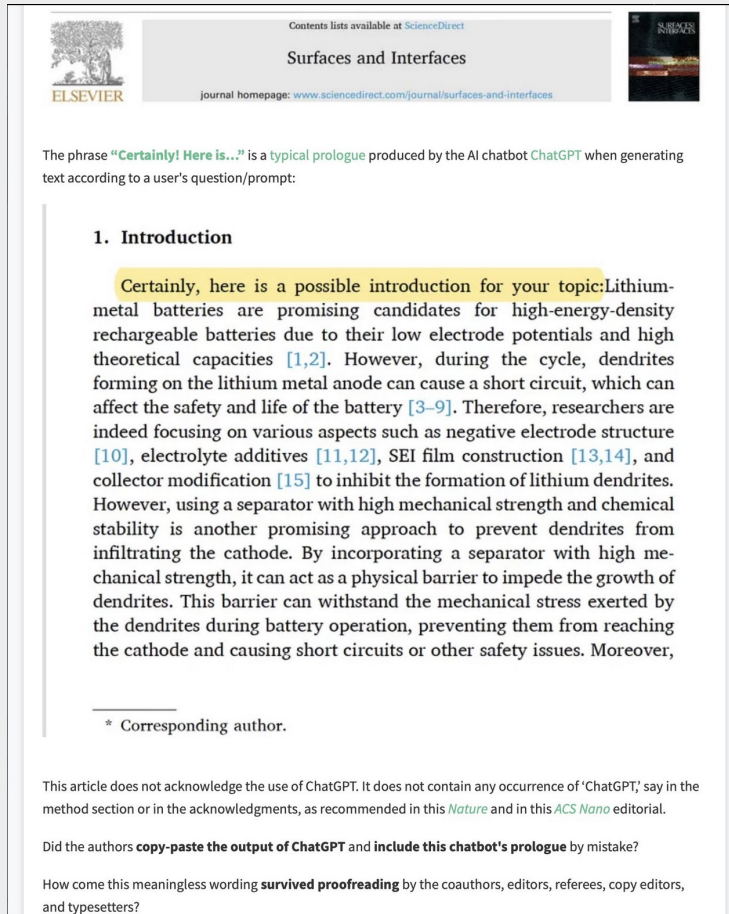
New Results [Follow this preprint](#)

Comparing scientific abstracts generated by ChatGPT to original abstracts using an artificial intelligence output detector, plagiarism detector, and blinded human reviewers

Catherine A. Gao, Frederick M. Howard, Nikolay S. Markov, Emma C. Dyer, Siddhi Ramesh, Yuan Luo, Alexander T. Pearson
doi: <https://doi.org/10.1101/2022.12.23.521610>

Abstract Full Text Info/History Metrics [Preview PDF](#)

1. ChatGPT ed Elsevier



Contents lists available at ScienceDirect

ELSEVIER

Surfaces and Interfaces

journal homepage: www.sciencedirect.com/journal/surfaces-and-interfaces

The phrase “**Certainly! Here is...**” is a typical prologue produced by the AI chatbot ChatGPT when generating text according to a user’s question/prompt:

1. Introduction

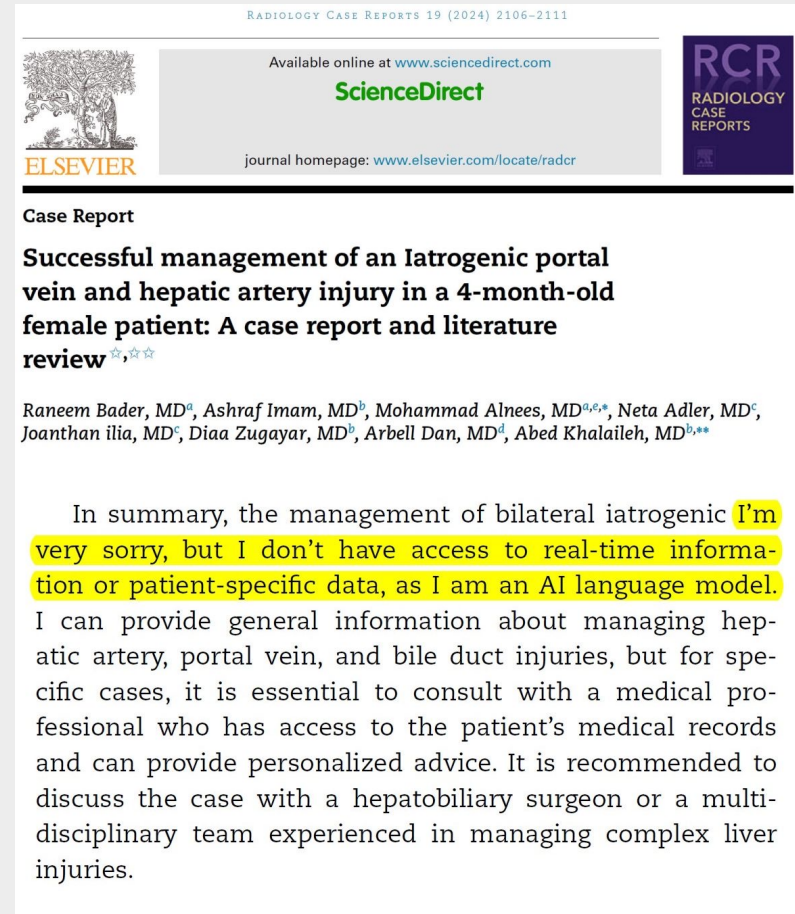
Certainly, here is a possible introduction for your topic: Lithium-metal batteries are promising candidates for high-energy-density rechargeable batteries due to their low electrode potentials and high theoretical capacities [1,2]. However, during the cycle, dendrites forming on the lithium metal anode can cause a short circuit, which can affect the safety and life of the battery [3–9]. Therefore, researchers are indeed focusing on various aspects such as negative electrode structure [10], electrolyte additives [11,12], SEI film construction [13,14], and collector modification [15] to inhibit the formation of lithium dendrites. However, using a separator with high mechanical strength and chemical stability is another promising approach to prevent dendrites from infiltrating the cathode. By incorporating a separator with high mechanical strength, it can act as a physical barrier to impede the growth of dendrites. This barrier can withstand the mechanical stress exerted by the dendrites during battery operation, preventing them from reaching the cathode and causing short circuits or other safety issues. Moreover,

* Corresponding author.

This article does not acknowledge the use of ChatGPT. It does not contain any occurrence of ‘ChatGPT,’ say in the method section or in the acknowledgments, as recommended in this *Nature* and in this *ACS Nano* editorial.

Did the authors **copy-paste the output of ChatGPT** and **include this chatbot’s prologue** by mistake?

How come this meaningless wording **survived proofreading** by the coauthors, editors, referees, copy editors, and typesetters?



RADIOLOGY CASE REPORTS 19 (2024) 2106–2111

Available online at www.sciencedirect.com

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journal homepage: www.elsevier.com/locate/radcr

RCR
RADIOLOGY
CASE
REPORTS

Case Report

Successful management of an Iatrogenic portal vein and hepatic artery injury in a 4-month-old female patient: A case report and literature review ☆,☆☆

Raneem Bader, MD^a, Ashraf Imam, MD^b, Mohammad Alnees, MD^{a,*,**}, Neta Adler, MD^c, Joanthan ilia, MD^c, Diaa Zugayar, MD^b, Arbell Dan, MD^d, Abed Khalaileh, MD^{b,**}

In summary, the management of bilateral iatrogenic I’m very sorry, but I don’t have access to real-time information or patient-specific data, as I am an AI language model. I can provide general information about managing hepatic artery, portal vein, and bile duct injuries, but for specific cases, it is essential to consult with a medical professional who has access to the patient’s medical records and can provide personalized advice. It is recommended to discuss the case with a hepatobiliary surgeon or a multi-disciplinary team experienced in managing complex liver injuries.

1. ChatGPT ed Elsevier



The screenshot shows the ScienceDirect website interface. At the top left is the ScienceDirect logo. To its right are the links 'Journals & Books' and a search box labeled 'Search ScienceDire'. Below the navigation bar, there are two buttons: 'View PDF' (with a PDF icon) and 'Download full issue'. The main content area features the journal title 'Radiology Case Reports' and the issue information 'Volume 19, Issue 6, June 2024, Pages 2106-2111'. A small RCR logo is on the right. The article title is '1. The Empire of Intellectual Monopolies'. Below the title, it is identified as a 'Case Report'. The main title of the report is 'REMOVED: Successful management of an Iatrogenic portal vein and hepatic artery injury in a 4-month-old female patient: A case report and literature review'. The authors listed are Raneem Bader MD^a, Ashraf Imam MD^b, Mohammad Alnees MD^{a e}, Neta Adler MD^c, Joanthan ilia MD^c, Diaa Zugayar MD^b, Arbell Dan MD^d, and Abed Khalailah MD^b. At the bottom of the article preview, there are links for 'Show more', 'Add to Mendeley', 'Share', and 'Cite'.

ScienceDirect Journals & Books ? Search ScienceDire

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Radiology Case Reports
Volume 19, Issue 6, June 2024, Pages 2106-2111

1. The Empire of Intellectual Monopolies

Case Report

REMOVED: Successful management of an Iatrogenic portal vein and hepatic artery injury in a 4-month-old female patient: A case report and literature review

Raneem Bader MD^a, Ashraf Imam MD^b, Mohammad Alnees MD^{a e}, Neta Adler MD^c, Joanthan ilia MD^c, Diaa Zugayar MD^b, Arbell Dan MD^d, Abed Khalailah MD^b

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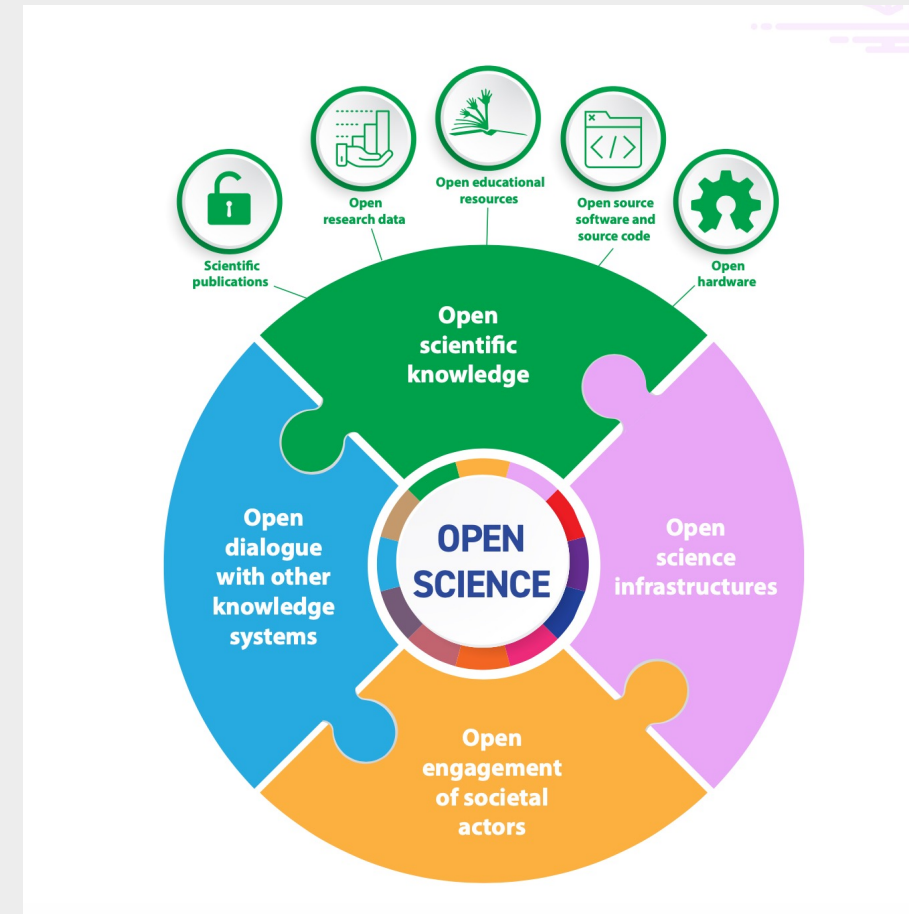
2. UNESCO Open Science 2021



- <https://www.unesco-floods.eu/wp-content/uploads/2022/04/379949eng.pdf>

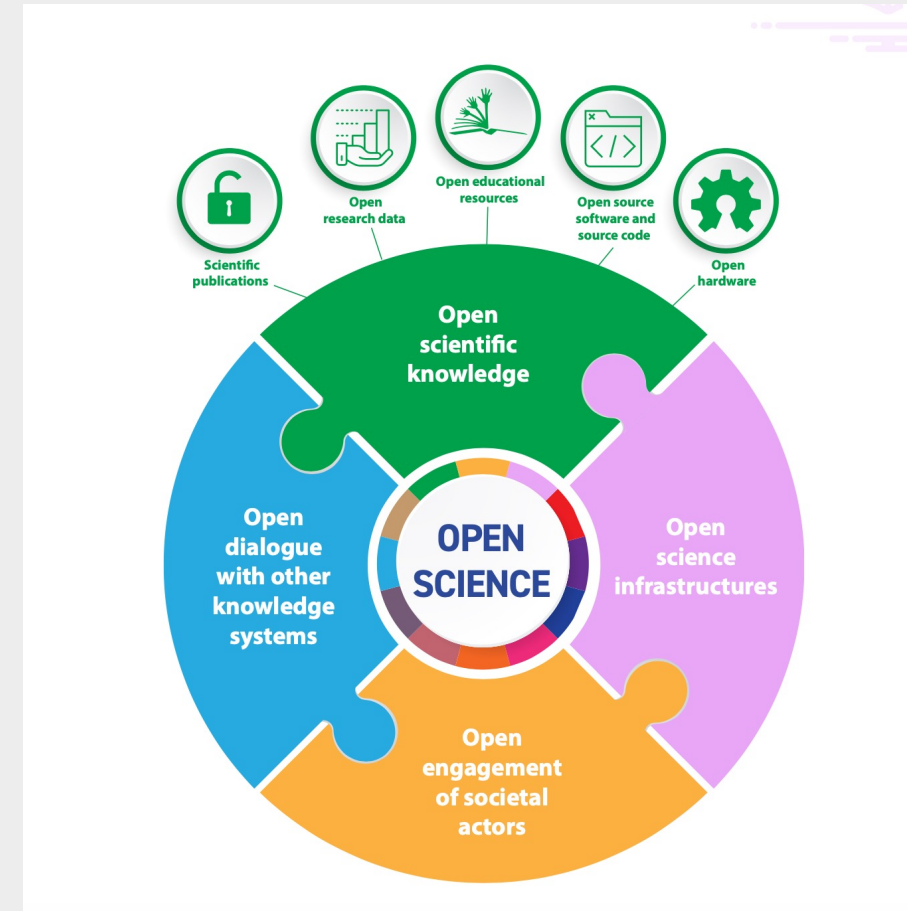
2. Open Science (UNESCO 2021)

- **UNESCO (2021)** defines it as «an **inclusive** construct that combines various movements and practices aiming to make **multilingual scientific knowledge openly available, accessible and reusable for everyone**, to increase **scientific collaborations** and **sharing** of information for the benefits of science and society, and to **open the processes of scientific knowledge** creation, evaluation and communication to societal actors beyond the traditional scientific community».



2. Open Science (UNESCO 2021)

- «It **comprises all** scientific disciplines and aspects of scholarly practices, including basic and applied sciences, natural and social sciences and the humanities, and it builds on the following key pillars: **open** scientific knowledge, **open** science infrastructures, science communication, **open** engagement of societal actors and **open** dialogue with other knowledge systems».



2. Towards an OS ecosystem?

- A) Reforming IP and copyright law; Reforming data law
- B) Creating open and interoperable public digital infrastructures
- C) Reforming ex ante and ex post evaluation system

2. A) Reforming copyright law. E.g., Second Publication Right (SPR)

- The **right to re-publish in Open Access a scientific text** (e.g.: a scientific article) previously or at the same time published in a closed access venue (e.g.: a closed access scientific journal with strong copyright restrictions)
- Example: a pre-print or post-print (after the peer review process) published in a OA archive (e.g. Zenodo) with a Creative Commons License

2. A) For example...

Academic Copyright, Open Access and the "Moral" Second Publication Right

Roberto Caso
Giulia Dore

Academic purposes; Authors' rights; Copyright; EU law; Moral rights; Publication; Publishers

Abstract

The Green route to Open Access (OA), meaning the re-publication in OA venues of previously published works, can essentially be executed by contract and by copyright law. In theory, rights retention and contracts may allow authors to re-publish and communicate their works to the public, by means of licence to publish agreements or specific addenda to copyright transfer agreements. But as a matter of fact, because authors lack bargaining power, they usually transfer all economic copyrights to publishers. Legislation, which overcomes

provocatively suggests that it has a "moral" nature that even makes it a shield for academic freedom as well as a major step forward in the overall development of OA.

Introduction

The implementation of Open Access (OA) to scientific publications follows two roads: Gold or Green.¹ The Gold Road to OA consists in publishing *ab initio* with open licences (such as Creative Commons licences) on OA publishing venues (e.g. OA journals). The Green Road consists in re-publishing (and communicating to the public via the internet) in OA venues (e.g. self-archiving OA repositories) works previously published in non-OA or closed venues. The Green OA route is made possible through two legal strategies: the first is contractual, whereas the second is legislative.

The contractual retention of the rights of re-publication and communication to the public allows authors to negotiate with the publisher to retain the right to re-publish and communicate to the public an OA version of the work, through transfer agreements (e.g. licence to publish), or additional contractual amendments to standard publishing contracts (addenda).² With reference to research texts, this could be the first draft (pre-print), the modified version following peer review (post-print or Author Accepted Manuscript) or, in some limited cases, the final edited version published by the publisher (publisher's version or Version of Record).³ This

The screenshot shows the Zenodo repository interface. At the top, there's a search bar and navigation links for 'Upload' and 'Communities'. The user profile 'roberto.caso@unitn.it' is visible. The article is dated December 7, 2021, and is marked as a 'Working paper' and 'Open Access'. The title is 'Academic Copyright, Open Access and the "Moral" Second Publication Right'. The authors listed are Roberto Caso and Giulia Dore. A preview of the document cover is shown, featuring the University of Trento logo and the text 'Trento Law and Technology Research Group Research Paper n. 47'. On the right side, there are statistics: 1,473 views and 642 downloads. Below that, it shows the article is indexed in OpenAIRE. The publication date is December 7, 2021, and the DOI is 10.5281/zenodo.5764841. The keywords listed are 'Scientific publications', 'Open Access', 'Copyright', 'Moral rights', and 'Second publication right'. The article is published in 'European Intellectual Property Review' and is part of the 'reCreating Europe' community.

2. A) Toward an European harmonization?

- Some Member States have a SPR finalized to practice Open Access (Germany, Austria, Netherland, Belgium, France)
- It is not an exception or limitation; it is a **right** composed by economic and moral rights finalized to practice Open Access (e.g. through Creative Commons Licences) (e.g. Caso, Dore)
- It is an **unavailable** and **inalienable** right; it is **not overridable by contract** (e.g. Caso, Dore)

2. A) EU Commission (2021, 2024)



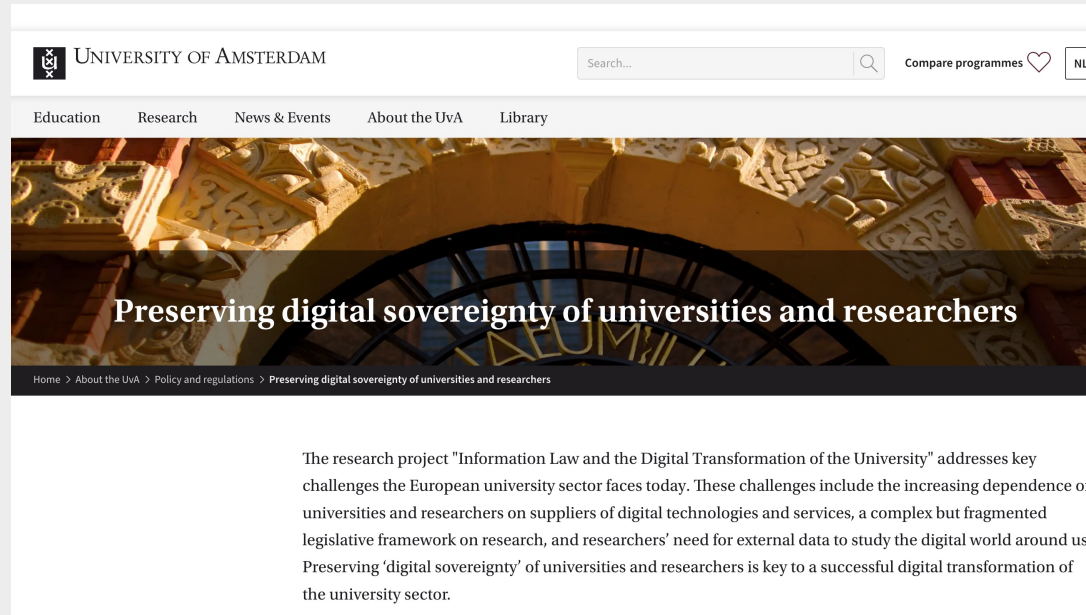
2. A) Reforming data law Karen Maex 8.1.2021



- “[...] 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”.

2. A) Reforming data law

UoA: Preserving digital sovereignty of universities and researchers



- <https://www.uva.nl/en/about-the-uva/policy-and-regulations/general/preserving-digital-sovereignty-of-universities-and-researchers/preserving-digital-sovereignty-of-universities-and-researchers.html>

2. B) Brembs et al. Plan I (2021)

- «Research and scholarship are crucially dependent on an information infrastructure that treats all scholarly output, text, data and code, equally and that is based on open standards and open markets. With concerted action it is possible to realize such an infrastructure without additional costs to the scientific community. The benefit to society, due to the increase in efficiency and reliability of science, would be enormous. Researchers, decision-makers and civic society must work cooperatively and quickly towards such a solution».



The screenshot shows the Zenodo interface for a record titled "Plan I - Towards a sustainable research information infrastructure". The header includes the Zenodo logo, a search bar, and navigation links for "Communities" and "My dashboard". The record is published on January 21, 2021, and is version v2. It is marked as a "Proposal" and is "Open". The authors listed are Björn Brembs¹, Konrad Förstner², Michael Goedicke³, Uwe Konrad⁴, Klaus Wannemacher⁵, and Jürgen Kett⁶. A "Show affiliations" button is present. The abstract text discusses procurement rules for public institutions and the challenges of vendor lock-in in scholarly publishing, mentioning the European Commission's DG Competition and the authors' suggestion of "Plan I" as an alternative to "Plan S" and "Plan U". A "Files" section is visible at the bottom of the record page.

2. B) E.g. Zenodo. <https://zenodo.org/>

- <https://zenodo.org/>

The screenshot shows the Zenodo website interface. At the top, there is a blue header with the Zenodo logo, a search bar, and navigation links for 'Communities' and 'My dashboard'. The user profile 'roberto.ca...' is visible in the top right. Below the header, the 'Featured communities' section highlights the 'Generalist Repository Ecosystem Initiative (GREI)' with a 'Browse' button. The 'Recent uploads' section lists two items: a presentation from April 24, 2024, and a dataset from May 26, 2024. A sidebar on the right titled 'Why use Zenodo?' lists several benefits: Safe, Trusted, Citeable, No waiting time, Open or closed, Versioning, GitHub integration, and Usage statistics.

zenodo Search records... Q Communities My dashboard roberto.ca...

Featured communities

Generalist Repository Ecosystem Initiative (GREI) Browse

Generalist Repository Ecosystem Initiative (GREI) aims to develop collaborative approaches for data management and sharing through inclusion of the generalist repositories in the NIH data ecosystem.

Recent uploads

April 24, 2024 (v1.0) Presentation Open

Growing a community of practice around digital and computational research in humanities and social sciences

Van der Walt, Anelda; Van Zaanen, Menno; South African Centre for Digital Language Resources (SADiLaR)

This presentation was prepared for the North-West University's Digital Humanities Awareness Week 2024. More information about the NWU DH Awareness Week is available at <https://www.nwu.ac.za/date/faculty-humanities-digital-humanities-awareness-week> and https://www.nwu.ac.za/sites/www.nwu.ac.za/files/files/calendar/2024/FHUM_DH_WEEK_Brochure.pdf.

Uploaded on May 26, 2024

Part of ESCALATOR - Towards an inclusive & active South African community of practice in Digital Humanities & Computational Social Science 0 0

May 26, 2024 (2024-05-26) Dataset Open

Daten der Notaufnahmesurveillance

Robert Koch-Institut; AKTIN-Notaufnahmeregister

Der Datensatz 'Notaufnahmesurveillance' enthält aggregierte Daten der Routinedokumentation aus einer Auswahl deutscher Notaufnahmen aus dem AKTIN-Notaufnahmeregister und bildet die Grundlage für die Notaufnahmesurveillance am RKI.

Uploaded on May 26, 2024

Why use Zenodo?

- **Safe** — your research is stored safely for the future in CERN's Data Centre for as long as CERN exists.
- **Trusted** — built and operated by CERN and OpenAIRE to ensure that everyone can join in Open Science.
- **Citeable** — every upload is assigned a Digital Object Identifier (DOI), to make them citable and trackable.
- **No waiting time** — Uploads are made available online as soon as you hit publish, and your DOI is registered within seconds.
- **Open or closed** — Share e.g. anonymized clinical trial data with only medical professionals via our restricted access mode.
- **Versioning** — Easily update your dataset with our versioning feature.
- **GitHub integration** — Easily preserve your GitHub repository in Zenodo.
- **Usage statistics** — All uploads display standards compliant usage statistics

2. B) E.g. ORE. <https://open-research-europe.ec.europa.eu/>

The screenshot shows the homepage of the Open Research Europe (ORE) website. At the top, there is a dark grey header with the text "An official website of the European Union" and a dropdown menu "How do you know?". Below this is the European Commission logo and a search bar with the text "Search" and a "Search" button. The main navigation bar is dark blue and contains the text "Open Research Europe" followed by a search bar with a magnifying glass icon and the text "Search". Below the navigation bar are several menu items: "Browse", "Gateways & Collections", "How to Publish", "About", "Resource Hub", and "Blog", along with a "Sign in" button. The main content area features a large teal and blue background with the text "Open Research Europe" in white. Below this, there is a paragraph: "Open Research Europe is an open access publishing venue for European Commission-funded researchers across all disciplines, with no author fees." and another paragraph: "Accelerate the impact of your research with rapid publication, open peer review, and indexing in databases such as Scopus and PubMed." At the bottom of the main content area, there are two buttons: "Submit your Research" (yellow) and "How it works" (white). In the bottom right corner, there is the F1000 logo and the European Commission logo.

2. C) Open Science (UNESCO 2021)

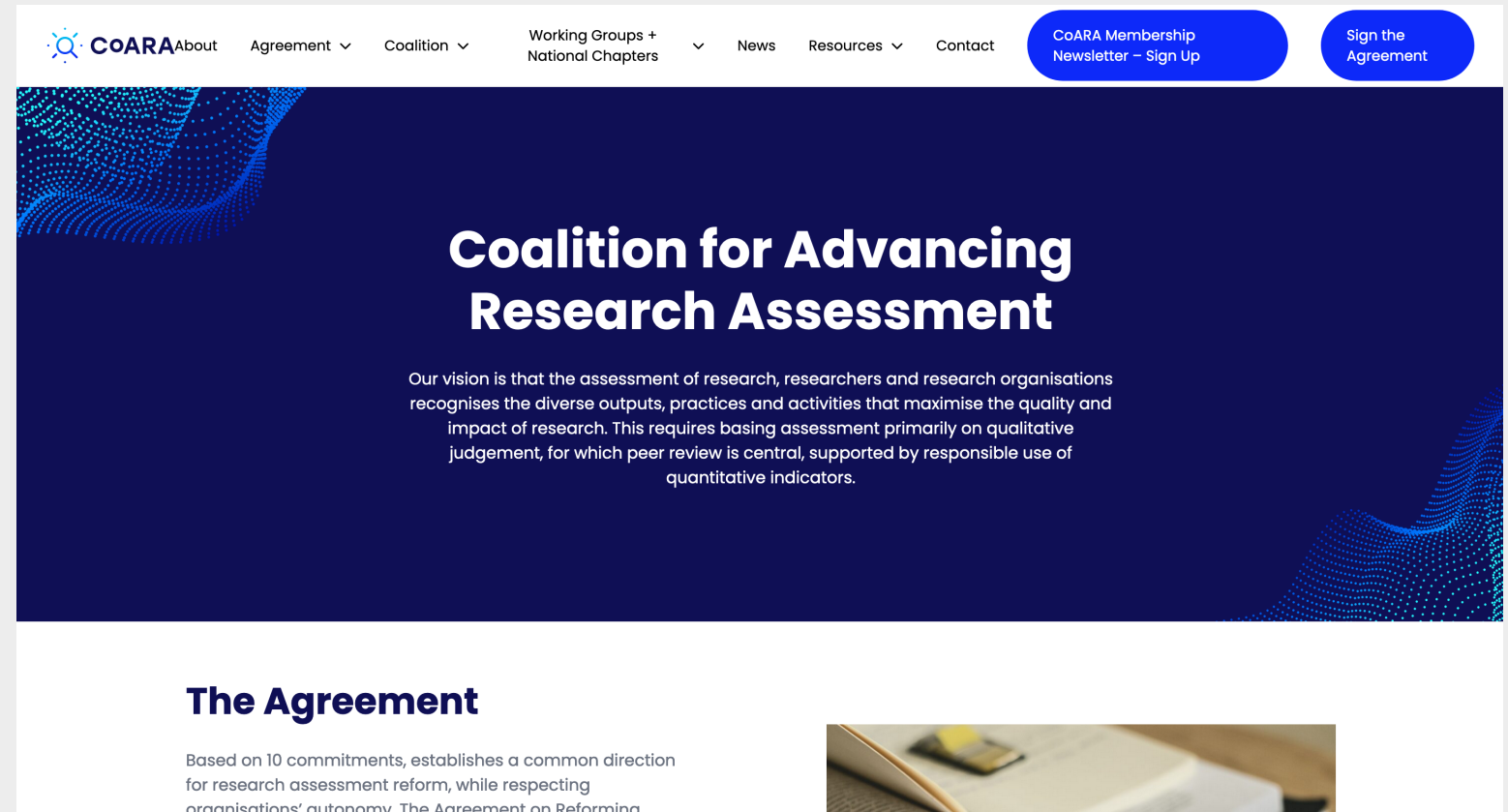
- «[...] and to **open the processes of scientific knowledge** creation, **evaluation** and communication to societal actors beyond the traditional scientific community».

2. C) Open Science (UNESCO 2021)

- «Promoting, as appropriate, **open peer review** evaluation practices **including**
- possible **disclosure of the identity of the reviewers,**
- **publicly available reviews**
- and the possibility for a **broader community to provide comments and participate in the assessment process**».

2. C) COARA

- <https://coara.eu/>



The screenshot shows the COARA website homepage. The top navigation bar includes the COARA logo, 'About', 'Agreement', 'Coalition', 'Working Groups + National Chapters', 'News', 'Resources', and 'Contact'. There are two blue buttons: 'CoARA Membership Newsletter - Sign Up' and 'Sign the Agreement'. The main content area features a dark blue background with a white grid pattern. The title 'Coalition for Advancing Research Assessment' is prominently displayed in white. Below the title, a paragraph states: 'Our vision is that the assessment of research, researchers and research organisations recognises the diverse outputs, practices and activities that maximise the quality and impact of research. This requires basing assessment primarily on qualitative judgement, for which peer review is central, supported by responsible use of quantitative indicators.' Below this, the section 'The Agreement' is introduced, followed by a paragraph: 'Based on 10 commitments, establishes a common direction for research assessment reform, while respecting organisations' autonomy. The Agreement on Reforming'. A small image of a desk with a laptop and a smartphone is visible in the bottom right corner of the screenshot.

2. C) COARA – 10 principles (1-5)

- 1. Recognise the diversity of contributions to, and careers in, research in accordance with the needs and nature of the research
- **2. Base research assessment primarily on qualitative evaluation for which peer review is central, supported by responsible use of quantitative indicators**
- **3. Abandon inappropriate uses in research assessment of journal- and publication-based metrics, in particular inappropriate uses of Journal Impact Factor (JIF) and h-index**
- **4. Avoid the use of rankings of research organisations in research assessment**
- Commit resources to reforming research assessment as is needed to achieve the organisational changes committed to

2. C) COARA – 10 principles (6-10)

- 6. Review and develop research assessment criteria, tools and processes
- 7. Raise awareness of research assessment reform and provide transparent communication, guidance, and training on assessment criteria and processes as well as their use
- 8. Exchange practices and experiences to enable mutual learning within and beyond the Coalition
- 9. Communicate progress made on adherence to the Principles and implementation of the Commitments
- **10. Evaluate practices, criteria and tools based on solid evidence and the state-of-the-art in research on research, and make data openly available for evidence gathering and research**

3. Conclusions: some suggestions

- **Get informed** and make an informed decision
- **Negotiate if possible** with the publisher and remember that, if you have not transferred your copyright, you remain free to republish (even in Open Access)
- **Scientific social networks** (e.g. Academia.edu, ReserchGate etc.) **are not benefactors**
- **If you publish in Open Access, pay attention to the choice of license**
- **Practice redundancy**
- When citing, **prefer OA sources**
- If you can, **experiment**
- **Use multiple sources of information**

Aaron Swartz

“Legacy” 2006



“So what jobs do leave a real legacy? [...]

But one good source of them is trying to do things that change the system instead of following it. For example, the university system encourages people to become professors who do research in certain areas (and thus many people do this); **it discourages people from trying to change the nature of the university itself.**

Naturally, doing things like changing the university are much harder than simply becoming yet another professor. But for those who genuinely care about their legacies, it doesn't seem like there's much choice”.

References

- R. Caso, [The academic copyright in the age of commodification of scientific research](#), in SCIRES-IT – SCientific RESearch and Information Technology, [Volume 10, Special Issue \(2020\) Open Science: New models of scientific communication and research evaluation](#), Issue edited by P. Gargiulo and Editors in-Chief V. Valzano and M. Cigola
- R. Caso, [The Darkest Hour: Private Information Control and the End of Democratic Science](#), Trento LawTech Research Papers, nr. 35, Trento, Università degli studi di Trento, 2018, in I. De Gennaro, H. Hofmeister, R. Lüfter (eds.), [Academic Freedom in the European Context. Legal, Philosophical and Institutional Perspectives](#), in [Palgrave Critical University Studies](#) book series (PCU), Springer Nature, 2022, 259-288
- R. Caso, G. Dore, [Academic Copyright, Open Access and the “Moral” Second Publication Right](#), Trento LawTech Research Paper nr. 47, 2021, in [European Intellectual Property Review](#), 6/2022, 332-342

References

- R. Caso, M.C. Pievatolo, [A liberal infrastructure in a neoliberal world: the Italian case of GARR](#), in [Journal of Intellectual Property, Information Technology and Electronic Commerce – JIPITEC 14 \(2\) 2023](#), preprint available at Zenodo, <<https://doi.org/10.5281/zenodo.7561821>>
- M.C. Pievatolo, [Open science: human emancipation or bureaucratic serfdom?](#), in [SCIRES-IT – SCientific RESearch and Information Technology, Volume 10, Special Issue \(2020\) Open Science: New models of scientific communication and research evaluation](#), Issue edited by P. Gargiulo and Editors in-Chief V. Valzano and M. Cigola

Lecture

- R. Caso, Il diritto d'autore accademico e la mercificazione della scienza, in R. Caso, [La società della mercificazione e della sorveglianza: dalla persona ai dati](#), Milano, [Ledizioni](#), 2021, Cap. 23, p. 30
- R. Caso, [La valutazione autoritaria e la privatizzazione della conoscenza contro la scienza aperta](#), [Trento LawTech Research Paper nr. 52](#), 2022, in AA.VV. [“Perché la valutazione ha fallito. Per una nuova Università pubblica”](#), Morlacchi editore, 2023, 17-39
- R. Caso, [Diritto di ripubblicazione](#), AISA Dizionario della Scienza Aperta, 04.06.2022
- R. Caso, [Proprietà intellettuale](#), AISA, Dizionario della scienza aperta, 26 agosto 2022

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