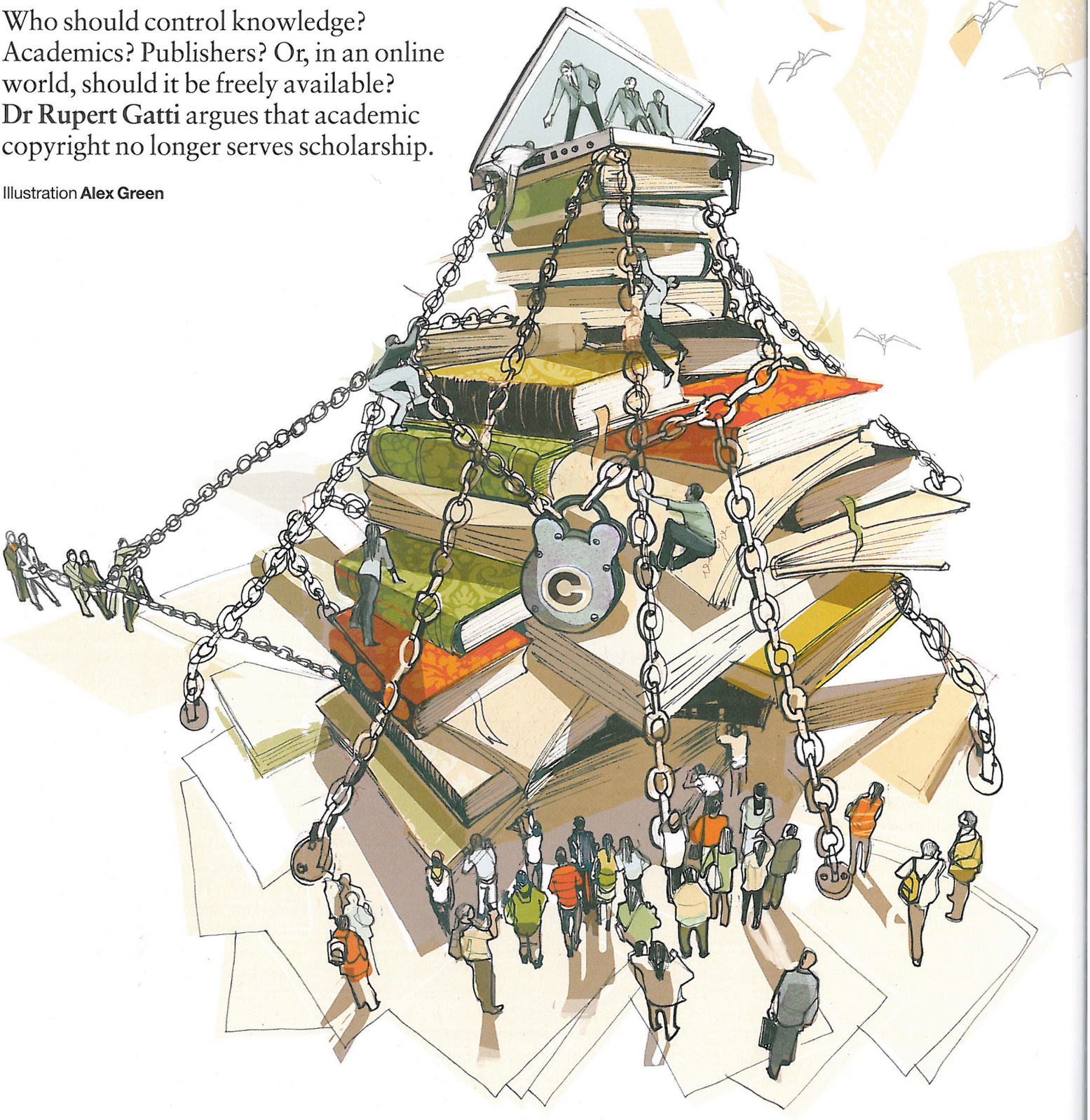
Debate
Access all areas

Who should control knowledge? Academics? Publishers? Or, in an online world, should it be freely available? **Dr Rupert Gatti** argues that academic copyright no longer serves scholarship.

Illustration **Alex Green**



For the past 500 years, copyright law in one form or another has applied to academic and non-academic writing. In the digital age, publishers are becoming even more exercised by issues concerning the protection of knowledge, arguing that copyright enables the creation of new works by ensuring creators are paid, and sustains the quality of that work through copy-editing and peer review.

However, while academic and non-academic works operate under the same law, the arguments surrounding copyright are very different. For a start, the vast majority of academics receive negligible financial return on sales of their works – either zero, in the case of research articles, or less than a few hundred pounds for the vast majority of academic monographs.

As we are regularly reminded, academics today work in a 'publish or perish' environment and their desire for employment or promotion within academia provides powerful incentives for research and publication, far outweighing the meagre returns from publication itself. The existence or removal of copyright does not significantly alter either the income or the incentives for academics to undertake research and publish their results.

The direct beneficiaries of copyright protection on academic works are the publishers, not the authors. Does this matter? Well, yes. Copyright enables academic publishers to charge high prices for, *and so restrict access to*, new knowledge. And the social costs of restricting the dissemination of new knowledge are high, a fact recognised by governments around the world who are pressurising academia to maximise the scope and speed of dissemination.

The high price charged for both journal and monograph publications reduces the amount of research that can be undertaken, first by requiring libraries to compete for limited university resources and second by restricting the availability of new results to those researchers with access to the best endowed universities, concentrating research activities and knowledge to an elite few. It also reduces both the scope and the speed of dissemination to those working outside academia – restricting the take-up rates by industry or other non-academic users of academic research.

If the cost to society of copyright on academic works is so high, what are we getting in return? Publishers presently undertake three critical tasks for academia: the dissemination, the selection and the preparation of manuscripts for publication.

Most importantly, publishers ensure that academic work is distributed. To do this they have print runs to manage, stockpiles to warehouse, remainders to dispose of, distribution channels and websites to maintain – and all these things must be paid for. But digital technology has transformed all this. As the plethora of blogs show, it is now possible for anybody to disseminate their thoughts independently. Print-on-demand, digital downloads and online publications allow individual copies of works in either digital or paper formats to be accessed at minimal, and continually decreasing, cost without the need for large print runs to warehouse or remainder.

'Embracing new publishing models would allow us to harness technology to avoid the costs and restrictions of copyright. Typical academic idealism? Not entirely.'

What about selection and quality control? Surely that is a benefit worth paying for? The difficulty for academia is that while 'peer review' is undertaken (usually gratis) by academics themselves, decisions about *what* should be published are controlled by publishers. For academia the objective of this screening process is to identify good-quality research; for publishers it is about identifying commercially lucrative publications. If quality control is delegated to publishers, the incentives provided to academics to undertake research (appointment and promotion decisions, allocation of research grants, etc.) and even which topics to research, are being determined by publishers' objectives rather than academic ones.

Lastly, publishers highlight the importance of their role in copy-editing, proofreading and preparing manuscripts for publication. In practice many academic publishers now require authors to prepare 'camera ready' manuscripts and, when provided, most publishers outsource these services to independent contractors operating in secondary markets.

Clearly, traditional publishers are no longer necessary in delivering any of their three primary functions. Eliminating copyright on academic works would wrest control away and enable more efficient and innovative mechanisms to develop for the delivery of all three tasks – allowing greater speed of access to new research while providing fewer distortions to research incentives.

It is, alas, unrealistic to think copyright law can just be scrapped on academic works – the attempt to distinguish academic from non-academic works would become a legal minefield and powerful vested interests would be sure to prevent such action in any case.

Rather than requiring the outright removal of copyright, however, academics and academic institutions can act within the existing law to circumvent the harmful restrictions of copyright, through the use of 'Creative Commons' (CC) licences for the publication of academic works, most usually associated with 'Open Access' (OA) publications.

CC licences recognise the author as the copyright holder but specifically allow for the free redistribution of the work by others – particularly for non-commercial use. OA publications allow for a digital version of the work to be freely accessed by readers. By embracing these new types of publishing models, academia can rapidly harness the benefits of new digital technologies and avoid the unnecessary costs and restrictions imposed by copyright protectionism.

Typical academic idealism? Not entirely. The Obama administration, all three of the UK's main political parties and most European governments have voiced support for OA publication of research. Many major universities and research funding agencies – including Harvard and the Wellcome Trust – have placed OA requirements on research funded by them, albeit with a six- or twelve-month 'period of grace' between initial publication and the release of an OA version.

Indeed, several thousand OA journals (primarily in science disciplines) and a small number of OA academic publishers have now been established. Within Cambridge, a group of academics, including myself, has founded a not-for-profit OA publisher – Open Book Publishers – publishing new peer-reviewed monographs in the humanities and social sciences and ensuring they are freely accessible by anybody with access to the internet. Every day our books are being read online by people from every corner of the world – India, China, sub-Saharan Africa, Iraq – literally everywhere.

This, surely, is the future of academic publishing. But there is still a very long way to go – the 'period of grace' is clearly a compromise between reformers and vested interests rather than having inherent economic merit. Business models for OA publishing are being experimented with and refined, but there are still far fewer initiatives supporting OA publication of monographs or of research in arts and humanities disciplines than of journals in the sciences. By moving decisively and adopting OA and CC requirements on all research, universities and research funding bodies can force the publishing industry to respond and deliver the service actually required by academia and society – rather than continuing to allow the publishing tail to wag the whole body of academia.

Dr. Rupert Gatti is a Fellow and Director of Studies in Economics at Trinity College and co-founder of the open access academic publisher Open Book Publishers. This article is a personal view.