NATURE | NEWS

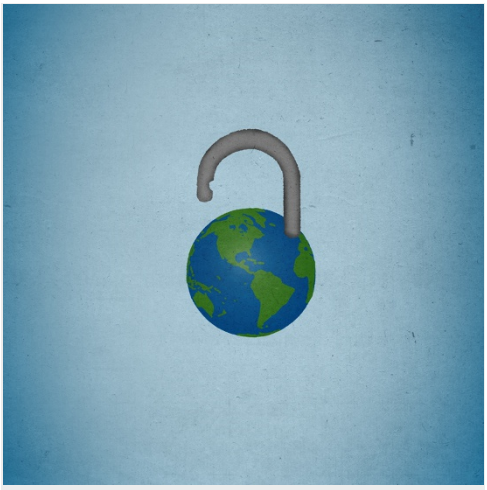
Researchers opt to limit uses of open-access publications

Advocates of open publishing fret that misunderstandings lead scientists to choose restrictive licenses.

Richard Van Noorden

06 February 2013

Academics are — slowly — adopting the view that publicly funded research should be made freely available. But data released yesterday suggest that, given the choice, even researchers who publish in open-access journals want to place restrictions on how their papers can be re-used — for example, sold by others for commercial profit.



Unlocking access to research papers may free them for widespread re-use — or it may not, depending on the publishing license.

That stance is directly opposed to the views of major funding agencies, such as the seven UK research councils and the Wellcome Trust in London, one of the world's wealthiest biomedical charities. Advocates of open access say this shows that researchers don't understand how publishing licences affect 'open' research papers, and that more work needs to be done to explain why licences matter. But some publishers argue that restrictions are needed.

Open, but not open?

A paper that is free to read on the Internet is not necessarily legally open to other uses — such as 'mining' the text with computer software to draw conclusions and mix it with other work, distributing translations of the text or commercially selling republished versions in derivative publications.

In many parts of the world, anyone wishing to re-use papers must get permission from the copyright owner (usually either the publisher or the author). Often, the owner will forbid re-use or demand payment. Supporters of open access argue that free papers should come with licences attached, making it clear what kinds of re-use are allowed.

From 1 April, the Wellcome Trust and the UK research councils will mandate that when they pay the fees for research that they fund to be published under open-access conditions, the work should be available under the most liberal of licences, allowing anyone, even commercial organizations, to re-use it. In the parlance of Creative Commons, a non-profit organization based in Mountain View, California, this is the CC-BY licence (where BY indicates that credit must be given to the author of the original work).

"There has been very little opposition to our plans" from researchers, says Chris Bird, a lawyer at the Wellcome Trust. But he says that is partly because most researchers don't understand the issue.

Tough choice

One piece of evidence on researchers' opinions comes from the open-access journal *Scientific Reports*, which since July 2012 has been offering researchers a choice of three types of licence. One is CC-BY. A more restrictive version, CC-BY-NC-SA, lets others remix, tweak and build on work if they give credit to the original author, but only for non-commercial (NC) purposes, and only if they license what they produce under the same terms (SA, or 'share-alike'). A third licence, CC-BY-NC-ND, is the most restrictive, allowing others to download and share work, but not to change it in any way (ND, 'no derivative works'), or use it commercially.

The journal's publisher, Nature Publishing Group (which also publishes *Nature*) yesterday revealed that of 685 papers accepted between July 2012 and mid-January 2013, authors chose either of the more restrictive licences 95% of the time — and the most restrictive, CC-BY-NC-ND, 68% of the time. In November 2012, the publishers wondered whether the ND licence might be most popular because it was the middle option listed on the copyright form. They changed the order, putting the ND licence first — only to find that even more researchers began to choose this option.

"All it indicates to me is that researchers who publish in *Scientific Reports* tend to choose conservatively, and perhaps don't fully understand their choice," says Ross Mounce, a palaeontologist at the University of Bath, UK, who also works for the Open Knowledge

Foundation in Cambridge, UK. Mounce, who has published a list of journals classified by the open-access licences that they offer, thinks that providing a choice is a bad idea. “It allows authors to make the mistake of choosing a less open licence,” he says. “Are there really any common circumstances in which they might want a less open, free-to-read licence?”

But such circumstances do exist: some researchers, particularly in the social sciences and humanities, don’t want commercial organizations to be able to re-use their work. In December 2012, for example, the editors of 21 UK history journals released a statement arguing that allowing commercial re-use would be a “serious infringement of intellectual property rights”.

A different path

Many publishers are also arguing against CC-BY, concerned in part about the loss of income if others can resell open-access works. Indeed, the International Association of Scientific, Technical and Medical Publishers, a global trade organization based in Oxford, UK, is working on an alternative open-access licence that does not allow commercial or derivative use in reprints, abstracts or adaptations, but explicitly allows text-mining and translations.

The problem is that adding restrictions to the re-use of work — even with good intentions — can create complex legal issues, explains Martin Hall, vice-chancellor of the University of Salford in Manchester, UK, and a co-author of the ‘Finch report', an influential study on open access commissioned by the UK government.

For example, a social scientist who used an NC licence to prevent their work being used in textbooks without the payment of royalties might also be keeping it from appearing on any website that carries advertising content. The field is plagued with misunderstandings, Hall adds — one myth being that putting out a paper with a liberal licence puts featured third-party content such as photos or music scores at risk of unauthorised use.

Ultimately, says Hall, “I don’t think we’ve done enough work spelling out the implications of open-access licences to enable the researchers to have a view.” After all, he adds, until the past few years, researchers have been accustomed to signing their rights over to publishers without thinking about what this means.

Nature | doi:10.1038/nature.2013.12384