

Open Science and Intellectual Property Rights. How can they better interact? State of the art and reflections

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Workshop "Open science, a landscape under construction with a horizon of possibilities"

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5. HOW CAN OPEN SCIENCE AND INTELLECTUAL PROPERTY BETTER INTERACT? (PAGE 62)

Default rule: the activities of reproduction, public communication, distribution and creating derivative works are forbidden by default except:

- Rightholders' consent
- Use of an exception (also called limitation)
- The work is under public domain

This is good for commerce, bad for science

5.1. OPEN SCIENCE COMPONENTS AND INTELLECTUAL PROPERTY RIGHTS (PAGE 62)

- 5.1.1. Open access to scientific publications
- 5.1.2. Data, the data cycle, and findable, accessible, interoperable and reusable (open) data
- 5.1.3. Free software

5.2. SPECIFIC INTELLECTUAL ISSUES (PAGE 76)

- 5.2.1. Application programming interfaces, taxonomies and ontologies
- 5.2.2. Hyperlinks and persistent identifiers

- 5.2.3. Text and data mining
- 5.2.4. Levies on remuneration rights

5.3. BASIC SCIENCE AND INTELLECTUAL PROPERTY RIGHTS (PAGE 84)

7. CONCLUDING REMARKS AND LESSONS TO LEARN (PAGE 92)

FINDINGS

- There is a need to achieve a balance between the need to protect and to disseminate knowledge.
- There is no evidence that a stronger IPR system produces more innovation and creativity.
- Epistemic blindness regarding the existence of free IP works.

Difference between dynamic and static works:

- Process (Science, software). Free licences, IP serves to protect openness.
- Static (Entertainment). All rights reserved, IP serves to protect closeness

Learn from Free software communities

RECOMMENDATIONS FOR POLICYMAKERS

- New IPR regimes to guarantee better IP responsive to the needs of open, transparent and collaborative science.
- Equality: Authors of free works should be treated at least equally to authors of closed works.
- Office for free Intellectual Property Rights and Open Science.

Ammend EU IP legislation to:

- Define hyperlinks as a mere linguistic reference.
- Expand text and data mining copyright exception.
- Clear and stronger exceptions for OS not affected by levies to remunerate rightholders of closed copyright works.