

Science Must Push Copyright Aside

by Richard Stallman

Many points that lead to a conclusion that software freedom must be universal often apply to other forms of expressive works, albeit in different ways. This essay concerns the application of principles related to software freedom to the area of literature. Generally, such issues are orthogonal to software freedom, but we include essays like this here since many people interested in Free Software want to know more about how the principles can be applied to areas other than software.

It should be a truism that the scientific literature exists to disseminate scientific knowledge, and that scientific journals exist to facilitate the process. It therefore follows that rules for use of the scientific literature should be designed to help achieve that goal.

The rules we have now, known as copyright, were established in the age of the printing press, an inherently centralized method of mass-production copying. In a print environment, copyright on journal articles restricted only journal publishers—requiring them to obtain permission to publish an article—and would-be plagiarists. It helped journals to operate and disseminate knowledge, without interfering with the useful work of scientists or students, either as writers or readers of articles. These rules fit that system well.

The modern technology for scientific publishing, however, is the World Wide Web. What rules would best ensure the maximum dissemination of scientific articles, and knowledge, on the web? Articles should be distributed in nonproprietary formats, with open access for all. And everyone should have the right to “mirror” articles—that is, to republish them verbatim with proper attribution.

These rules should apply to past as well as future articles, when they are distributed in electronic form. But there is no crucial need to change the present copyright system as it applies to paper publication of journals because the problem is not in that domain.

Unfortunately, it seems that not everyone agrees with the truisms that began this article. Many journal publishers appear to believe that the purpose of scientific literature is to enable them to publish journals so as to collect subscriptions from scientists and students. Such thinking is known as “confusion of the means with the ends.”

Their approach has been to restrict access even to read the scientific literature to those who can and will pay for it. They use copyright law, which is still in force despite its inappropriateness for computer networks, as an excuse to stop scientists from choosing new rules.

For the sake of scientific cooperation and humanity's future, we must reject that approach at its root—not merely the obstructive systems that have been instituted, but the mistaken priorities that inspired them.

Journal publishers sometimes claim that online access requires expensive high-powered server machines, and that they must charge access fees to pay for these servers. This “problem” is a consequence of its own “solution.” Give everyone the freedom to mirror, and libraries around the world will set up mirror sites to meet the demand. This decentralized solution will reduce network bandwidth needs and provide faster access, all the while protecting the scholarly record against accidental loss.

Publishers also argue that paying the editors requires charging for access. Let us accept the assumption that editors must be paid; this tail need not wag the dog. The cost of editing for a typical paper is between 1 percent and 3 percent of the cost of funding the research to produce it. Such a small percentage of the cost can hardly justify obstructing the use of the results.

Instead, the cost of editing could be recovered, for example, through page charges to the authors, who can pass these on to the research sponsors. The sponsors should not mind, given that they currently pay for publication in a more cumbersome way, through overhead fees for the university library's subscription to the journal. By

changing the economic model to charge editing costs to the research sponsors, we can eliminate the apparent need to restrict access. The occasional author who is not affiliated with an institution or company, and who has no research sponsor, could be exempted from page charges, with costs levied on institution-based authors.

Another justification for access fees to online publications is to fund conversion of the print archives of a journal into online form. That work needs to be done, but we should seek alternative ways of funding it that do not involve obstructing access to the result. The work itself will not be any more difficult, or cost any more. It is self-defeating to digitize the archives and waste the results by restricting access.

The US Constitution says that copyright exists “to promote the Progress of Science.” When copyright impedes the progress of science, science must push copyright out of the way.

Later developments

Some universities have adopted policies to thwart the journal publishers' power. For instance, look at the MIT Faculty Open Access Policy. Stronger policies are needed, however, as this one permits individual authors to “opt out” (i.e., cave in).

The US government has imposed a requirement known as “public access” on some funded research. This requires publication within a certain period in a site that allows anyone to view the article. This requirement is a positive step, but inadequate because it does not include freedom to redistribute the article.

Curiously, the concept of “open access” in the 2002 Budapest Open Access Initiative did include freedom to redistribute. I signed that declaration, despite my distaste for the word “open,” because the substance of the position was right.

However, the word “open” had the last laugh: influential campaigners for “open access” subsequently dropped freedom to redistribute from their goals. I stand by the position of the BOAI, but now that “open access” means something else, I refer to it as “redistributable publication” or “free-to-mirror publication.”

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