

COPYRIGHT REFORM SHOULD NOT BE MADE A PRECONDITION FOR MANDATING OPEN ACCESS

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ABSTRACT: Free online access ("Open Access," OA) to all the articles published annually in the world's 25,000 peer-reviewed journals, in all disciplines and all languages, is optimal and inevitable. It has, however, been delayed by misunderstandings about copyright. It has been wrongly thought that universities and research funding councils cannot mandate the immediate deposit of all their research article output in their OA repositories unless they can somehow change authors' copyright transfer contracts first. Unless institutional consensus can be quickly and successfully reached on adopting an OA deposit mandate that requires the author to contractually reserve the right to make the article OA immediately, the adoption of OA mandates should not be weakened by copyright reservation clauses from which authors can opt out (as in the Harvard University mandate) or by allowing deposit itself to be delayed for an embargo period (as in the EU mandate). Deposit should in all cases be mandated to take place immediately upon acceptance for publication. Over 60% of journals already endorse making the deposit immediately Open Access. For the rest, the deposit can be Closed Access for the time being, disclosing only its bibliographic metadata. The repository's semi-automatic "email eprint request" button can then allow users worldwide to request, and authors to provide, an email eprint with just a few extra keystrokes for the Closed Access articles. This 60% OA and 40% "almost-OA" will fulfill worldwide research needs for now, facilitate universal OA mandates, and usher in 100% OA soon thereafter, on the strength of OA itself and its manifest benefits alone. Copyright and publishing reform can then follow. Trying to make those reforms precede instead, as a contractual precondition, is both unnecessary and a great strategic mistake, delaying consensus on mandates or allowing delays or opt-outs, at a great continuing loss in research access, usage and impact.