

## Implications of copyright evolution for the future of scholarly communication and grey literature

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### **Introduction**

Traditional practices regarding copyright are undergoing transformation. Although it is still common for scholars to give up their rights to their articles so that they will be published, this happens less frequently than it once did. Our analysis of the RoMEO database [1] shows that 75% of publishers allow authors to post their work in an online repository, whether that repository is hosted by their institution or on a personal web page. Whatever becomes of the open access movement to make all peer-reviewed journal articles immediately available online, copyright liberalization represents an enduring legacy of the open access movement.

Online repositories are a more natural home for grey literature than open access journals. Repositories can store working papers and technical reports (among other content types) just as easily as peer-reviewed articles. Crucially, repositories can also store raw data, the *grey content* that lies at the root of much scholarly discovery. Copyright liberalization has encouraged the proliferation of such repositories; one prominent example is arXiv, which primarily serves physicists and computer scientists [2]. As scholarly discourse evolves, the preservation and promotion of grey content should command more energy than providing access to discrete grey literature.

### **I: Open Access, Self-Archiving and Institutional Repositories, and Open Data**

#### *Open Access*

An open access publication is freely available to anyone with an Internet connection, and digitally archived to ensure permanent access [3]. The debate about whether to provide open access, and how, continued to evolve in 2006.

Professional societies generally support the goal of open access, which is to maximize the dissemination of scholarly knowledge. By now, the increased exposure that results from open access is empirically indisputable [4]. Despite this clear benefit, many society publishers continue to view open access publishing with ambivalence. Most societies depend on traditional subscription revenues to fund other activities, such as annual meetings. Without a comprehensive plan to replace the subscription revenues that are lost under an open access model, societies have been reluctant to embrace it. Several open access advocates have advanced proposals for how societies can surmount this challenge [5, 6].

At one time commercial publishers ridiculed proponents of open access publishing as starry-eyed idealists who did not know much about the economics of scholarly publishing [7]. Those days are gone. In 2006 several leading commercial publishers (along with society and university publisher counterparts) began to offer a "hybrid" open access publishing option [8].

It is now possible to find open-access articles alongside traditional articles in the same electronic issue of a journal. The open access articles are available to everyone, while the traditional articles require a subscription for immediate access. The authors of each article make this decision themselves. Any fees associated with open access are absorbed by funding agencies, are waived, and are sometimes (not always) paid by the authors [9]. The hybrid model allows savvy publishers to generate several funding streams, while the traditional subscription-based model of paying for journal publication slowly contracts.

Depending upon policy developments around the globe, hybrid open access may yield to complete open access in many cases. In the United States Senate, the "Federal Public Research Act of 2006" seeks to ensure that all articles that result from research funded by the federal government, "in whole or in part," are available for free online no later than six months after publication [10]. The bill has not passed, as of the time of this writing. It has a great deal of momentum, however, and passage in some form seems likely [11]. This is a strikingly different from the political realities in 2003, when a bill with similar aims—the "Public Access to Science Act"—was quietly buried. In the intervening years, the open access movement has matured.

The European Commission is also taking steps to endorse open access. In a wide-ranging report published in January 2006, the Commission recommends that European funding agencies "guarantee public access