

## Questions & Answers Session III

### **Jean-Claude Guedon**

Regarding the changing legal environment, during a recent legal challenge to copyright extension laws, at least two Supreme Court judges thought extension had something to do with the changing legal environment. In my view, the changing circumstances are influencing the ways we handle the matter. It is true that copyright laws effect all parties.

### **Thomas Dreier**

The case in question concerned the prolongation of copyright protection in the US from 50 years to 70 years after the author's death. Concerning the overall economic balance, the Supreme Court ruled by a majority decision that more content providers are making more money than the users are losing. However, two judges were not convinced. In their argument, they advanced issues purely concerning the US scene. Legally, as copyright can only be granted if it promotes science, the Court ruled that an extension would restrict information and decided it was unconstitutional. This decision was strongly influenced by economic thinking. Of course, the legislators should think of what they are doing if copyright is extended. According to the clear language in the majority opinion, the Court should not replace the economic investigator role of the legislator. At present, it is unclear if this will produce a clear-cut result.

### **Francis Muguet, ENSTA**

I am involved in OA journals. Since they are free, we usually waive the subscription fee. My first remark concerns the free lunch comparison. Unlike digital copying, if I have a free lunch, I cannot return the goods. Therefore, the legal framework is fundamentally different. Secondly, the moral issue of sharing research information should depend on the conscience of the scientist. Scientists as well as funding agencies want the results to be published and do not care about reproduction. However, for publishers to sell donated content is a different issue. It is a moral issue that the scientists should handle themselves.

### **Jan Velterop**

Your argument seems to make sense. Other than for recognition purposes, it is not the place of scientists to enforce copyright. In practice, scientific articles are rarely unique pieces of work. In fact, they are more similar to organised plagiarism. Since scientific research is incremental in nature, copyright has a small role to play. Indeed, instead of restricting distribution, copyright should be used to ensure maximum distribution.

### **Francis Muguet**

You are dismissing the role of scientists in this situation.

### **Jan Velterop**

Copyright is the wrong mechanism to ensure the dissemination of scientific information to the world.

**Sarah Cooney, SCI Publications Department**

My question relates to publishing in OA archives. In the UK, research assessment exercises require that researchers working in university departments publish in journals with impact points greater than two. What are your strategies to overcome this problem?

**Jan Velterop**

If one really studies what the Higher Education Council says about research assessment exercises, material is judged on its own merit. Although the impact journals may offer a fast lane access to points, there are no official requirements to submit only impact journals. Equally, there is no reason why OA journals should not offer an impact factor.

**Jack Franklin**

The formal answer demands the creation of an impact factor system for the new system. However, if the official data is correct, free access information is cited more. In practice, this could start a whole new ball game.

**Elmar Mittler**

As an alternative to the present system, one could look for real usage. There is a real difference between citation and usage. Since the culture of citation is totally different areas, a journal impact factor is a little nonsensical and does not show the real worth. In some cases, universities will consider published work in an OA archive as a positive factor in the hiring process. In my view, this approach should be extended.

**Stevan Harnad**

Jan is correct in stating that the research assessment exercise is falsely interpreted as being based entirely on published impact journals. Online and OA journals are just as eligible. However, some quality studies on research exercises outcomes have demonstrated that rating success is extremely correlated with impact levels of journals. Nonetheless, a new universe is opening where usage measures are recognised and correlated with impact measures. Therefore, although one should aim for the impact journals, for the sake of the new measures, one should also make sure they are OA journals. Concerning copyright, Prof. Dreier's talk was very interesting, but as soon as I hear that scientific information is bundled in the same room with video, I know that I have entered the wrong room. This is not relevant.

**Stefan Gradmann**

Returning to the impact factor, we are discussing one of the obscure driving forces of the entire system. Last year, a report claimed that 9% of French university spending on research resources goes to Elsevier and 10% goes to ISI. Therefore, I would like to hear the panel comment on the dependency between impact measuring and publishing. How can one crack this dependency?

**Jan Velterop**

In the words of Einstein, not everything that counts can be counted and not everything that can be counted counts. The impact factor is a concept that was not designed for its current use. Indeed, relying solely on the impact factor can create a distortion of this world. For example, in the Life Science and Medical fields, eight of the top 10 universities with the highest average impact factor for their articles are located in the US. Moreover, they are all in the NorthEast and the West Coast. The only exceptions are Heidelberg and Cambridge Universities. Does this mean that the best material comes from US? In addition, in the medical field, Europeans cite as many European researchers as American researchers. In

the US, medical researchers cite 90% American researchers. Therefore, the impact factors reveal more about cultural factors than quality.

**Wendy Warr, Information consultant**

A considerable body of research exists on webometrics replacing the impact factor. People are beginning to realise that the impact factor system belonged to the print age. Secondly, recent research has revealed a direct correlation between web impact factor and the quality of UK universities.