

# INTELLECTUAL PROPERTY AND OPEN ACCESS TO INFORMATION

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**Abstract:** There is brought forward a study upon the new approach on worldwide level to the informational society members' access to information. The role of the universities and of its members is to engender knowledge. The teaching process paves the way for knowledge and the activity of scientific research gives rise to knowledge. University communities are in communication, endeavor through international projects to solve the research themes called for by the specific nature of contemporary society. There is submitted the project Sherpa/RoMEO, project which adds the final touches to a database encompassing all editors and editing conditions in the policy of direct access to information. There are submitted the results from the marketing quantitative research carried out within Transilvania University during the period February March 2009 upon: Attitudes, opinions and behaviors of the university teaching staff as regards constituting an institutional digital deposit comprising the scientific output of „Transilvania” University.

**Key words:** intellectual properties, institutional repositories, open access, marketing research.

## 1. Self-archiving and copyright policy of the RoMEO program publishers

Moral duty towards society and towards the community, financially backing research, requires for the results of these projects to be easy of access for anyone from anywhere.[2] Hence, there came to being Open access journals and the necessity for the institutions to digitally store the entirety of the university scientific production within institutional deposits. Whereas the international community has made good progress, Romania advances little by little towards this direction.

RoMEO is a service sustained by the SHERPA project. It is considered that this service is one of the most important for the development of the access to the scientific

research in accordance with the observance of the copyright and of the publishers' policies. [4]

RoMEO-Rights Metadata for Open archiving was founded by Joint Information Systems Committee between August 1<sup>st</sup> 2002 – July 31<sup>st</sup> 2003 for the investigation of the rights concerning the research self-archiving in the academic environment in England under the OAI auspices.

A series of marketing quantitative researches extended to world level were conducted referring to the opinions of the academic communities on the open access to information. The policies of the publishers referring to the editing contracts and to the copyright were equally analyzed.

As a conclusion of these researches, the following extremely useful services for the humanity, scientific research, visibility and progress were created.

Practically, the instrument by which the author agrees with the publisher observing the legislation was created. The publishers

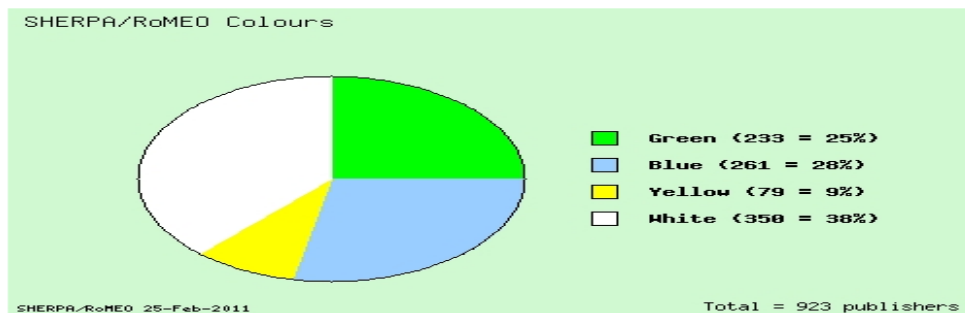
collaborate for the scientific research and impose their rights. Thus, a classification of the publishers was made up taking into consideration the conditions in which they

accept self-archiving:

In the RoMEO list there are currently (25 February 2011), 9232 publishers (Fig.1)

RoMEO colour	Archiving policy	Publishers	%
green	can archive pre-print and post-print	233	25
blue	can archive post-print (ie final draft post-refereeing)	261	28
yellow	can archive pre-print (ie pre-refereeing)	79	9
white	archiving not formally supported	350	38

Summary: 62% of publishers on this list formally allow some form of self-archiving.



**Figure 1**– The publishers’ distribution in the color classification made by RoMEO, source (RoMEO, SHERPA/RoMEO: Publisher copyright policies & self-archiving, 2011).

Actually, 62 % of the publishers who are in this service allow self-archiving.

This service is permanently open and there are daily enrolments of publishers depending on the self-archiving conditions of acceptance.

## 2. Owing copyright of self-archived documents in digital repositories

Within the RoMEO project [4] different researches and studies regarding the attitude, desires and knowledge of the academic community were done with reference to copyright, self-archiving and open access to information [1]

The researchers referred to the two situations: of the member of the academic community as researcher and author. The researched population was formed of 542 authors from the academic environment and 80

publishers of academic journals. The research took place in 2003. As research base the triangle A-P-U was taken into consideration, where: **A** – Authors of the scientific articles created in the academic environment, **P** - Publishers, **U** - Universities.

In 2000 ‘the crisis of the journals’ was vast in scope. The price of journals increased considerably generating a crisis in the field of scientific research. As a reaction to this crisis, ‘the open access movement’ appeared. Then, the issues of owing copyright were seriously taken into consideration. The debated issue was: WHO IS THE OWNER OF COPYRIGHT? A, P or U? The research took into consideration these elements and researched the attitude of the three parts involved in owing copyright. Three methodologies were developed:

1. Documentary research concerning the relationships A-U-P
2. The academic personnel’s point of view concerning the relationships U-A and A-P.
3. The analysis of the A-P relationships by the study of a great number of contracts which deal with the transfer of copyright to the

publishers of journals (CTAs)-Copyright Transfer Agreements.  
Aspects of the specific relationships of the three

methodologies were introduced in the analyzed research.

### 3. Conclusions of researchers concerning the attitude of the authors

The purposes of research for the analysis of the authors' attitudes were:

1. Comprehension of current practices which refer to the creation of scientific articles and their copyright;
2. Comprehension of current practices which refer to practice and opinions of authors about self-archiving;
3. Comprehension of the desires of the members of the academic community for the protection of the scientific articles available free of charge and for being informed about the rights that they have;
4. Comprehension of the opinion of the members of the academic community which refer to the free use of other articles available free of charge on the Internet;

An on-line electronic questionnaire was

conceived in order to identify solutions for the four proposed goals. The questionnaire was divided into three sections:

- A- Identification data
- B- Information on personal scientific articles
- C- How others' articles will be used.

Section A collects the demographic data. Section B collects information about the desires of the academic communities on the protection of copyright in case of open access articles; Section C collects information about the way other authors' open articles are used. The questionnaire was launched in 2002 and disseminated on discussion lists such as: Emerald's Literati Club (2003) - 16,000 authors in the whole world, September 98-Forum, Open Archives Forum, OAI Implementers, University Science and Technology Librarians Group. Equally, there was a connection to ArXiv web pages (the electronic archive of the electronic articles from the field of physics).

**Table 1** – Nationality of respondents.

Country	Nº respondents	Country	Nº respondents	Country	Nº respondents
England	176	Poland	5	Nigeria	2
USA	92	Brazil	4	Norway	2
Australia	24	Bulgaria	4	Portugal	2
Canada	20	Denmark	4	Scotland	2
Germany	20	Japan	4	South Africa	2
Italy	18	Malaysia	4	Algeria	1
Spain	17	Mexico	4	Columbia	1
France	13	Russia	4	Egypt	1
India	13	Taiwan	4	Romania	1
The Netherlands	10	Turkey	4	Saudi Arabia	1
China	9	Belgium	3	Serbia	1
Greece	8	Check Republic	3	Slovakia	1
New Zealand	8	Israel	3	Sudan	1
Swede	8	Singapore	3	Tanzania	1
Ireland	7	Hong Kong	2	Thailand	1
Austria	5	Indonesia	2	Ukraine	1
Finland	5	Malta	2	Uzbekistan	1

Source: Gadd, Oppenheim, Proberts, The impact of copyright ownership on academic author self-archiving, 2003

The rate of answers and the demographic data indicated 542 answers. Because the questionnaire was on-line and launched by electronic mail, it was impossible to calculate the answering rate. The respondents represent 57 countries.[2] Most of them were from the United Kingdom - 176 respondents, as it is indicated in Table 1. From the total of respondents, 17% were from the United States, 4% from Australia,

**Table 2** – Distribution of respondents per specializations.

Specializations	Number of respondents
Physics	59
Bibliometrics and Information Science	59
Business/ Management	54
Mathematics	30
Computer science	29
Marketing	23
Electric and electronic engineering	16
Engineering	15
Economics	14
Biology	13
Mechanic engineering	13

Source: Gadd, Oppenheim, Proberts, The impact of copyright ownership on academic author self-archiving, 2003

The respondents were asked to indicate how many scientific articles they have published throughout their career. There were 513 answers and the total number of published articles was 21653, the average number per respondent being 42 articles. The greatest part of respondents published only a few articles.

The answer from the RoMEO research shows that 61% believe that the author owns the copyright, 7 % that the institution owns the copyright, and 32% do not know. Referring to the articles with more authors, 50% from the authors indicate the fact that 71-100% from their papers have more authors, 25% from respondents (134) fall in the category 91-100%, from which 75% (100) showed that all their papers have more authors. Only 17 (20%) are those who share no paper with more authors.

As far as yielding the copyright is concerned, the 1999 research by ASPSP called ‘What do the authors want?’ shows that 61% of

3% from Canada, 3% from Germany and one respondent from Romania. The structure of the respondents per scientific fields shows that 50% from respondents are from the exact sciences field, 38% from social sciences and humanities – SSH, and the rest of 12% from engineering sciences.

The specializations the respondents activate in are presented in the following table.

respondents believe that copyright stays with the author. The RoMEO research shows that 39% of respondents yield their copyright to publishers free of charge. A proportion of 7% of the ones interviewed in the RoMEO project say that the publishers did not ask for it, and 3% that they insisted for the copyright to stay with them; 54% did not sign any contract with the publishers, 24 % gave publication authorization.

As a conclusion, the academic community is concerned with the intellectuality aspect from the intellectual property. The authors are more interested in their moral rights on their papers than in the patrimony rights. The majority interpret their papers as an intellectual extension, not an extension of the portfolio in an economic sense. This is comprehensible because it is very rare for the authors to be paid for an article.[1]

## 5. Marketing research at Transilvania University of Brasov, Romania

Marketing research ‘Attitudes, opinions and behaviors of teachers about the constitution of an institutional digital repository with the scientific production of the Transilvania University’ was developed in the early 2009. [3]

### 5.1 Research hypotheses formulation

The development of a piece of research in order to find out the opinion of the academic community with reference to open access to information, the necessity of making available the scientific research for the humanity, the adjustment to the international institutional development by the constitution, implementation and development of a digital repository with the scientific production of the university.

### 5.2 General hypotheses:

1. Information that teachers have about the scientific production of the university are insufficiently promoted.
2. Quality of scientific research elaborated by the university’s researchers is good
3. The relationship between scientific research, published papers and academic reward by the number of citing is very powerful.
4. The measure in which teachers are helped to publish their researches is reduced.
5. The attitude of teachers about the informational society, informational demands and knowledge determination is favorable.

### 5.3 Statistic hypotheses:

The research develops at the Transilvania University. The statistic hypotheses refer only to the teachers from the Transilvania University, academic environment well known by the author.

H<sub>0</sub>: 60% of teachers know open access journals.  
H<sub>1</sub>: Less than 60% of teachers know open access journals.

H<sub>0</sub>: The average satisfaction degree of teachers about the study necessity offered by the library’s documents is of 3 points on a scale from 1 to 4.

H<sub>1</sub>: The average satisfaction degree of teachers about the study necessity offered by the library’s documents is less than 3 points on a scale from 1 to 4.

H<sub>0</sub>: There are no differences between men and women about the measure in which the results of research are influenced by access to information.

H<sub>1</sub>: There are differences between men and women about the measure in which the results of research are influenced by access to information.

H<sub>0</sub>: There are no differences between men and women about the desire of self-archiving their research or of appealing to specialized personnel.

H<sub>1</sub>: There are differences between men and women about the desire of self-archiving their research or of appealing to specialized personnel.

H<sub>0</sub>: There are no differences between men and women about the use of links from the research promotion web page of the university.

H<sub>1</sub>: There are differences between men and women about the use of links from the research promotion web page of the university.

H<sub>0</sub>: There are significant differences between the opinions of women and men about the volume of information which they have on open access publication.

H<sub>1</sub>: There are no significant differences between the opinions of women and men about the volume of information which they have on open access publication.

## 6. Conclusions

These hypotheses will be checked by tests and signification criteria. *The conclusions and the interpretation of the results of the marketing research*

The quantitative marketing research intended to identify the attitudes and expectations of the academic community from the Transilvania University about the development of an institutional digital repository with the scientific production of the university.

The research was done with an on-line questionnaire, accessed from the research platform of the faculty of Economic Sciences. The research took place in February-March 2009, the researched population was compared to the data of the total population, 880 members, teachers of the university, data taken from the didactic vice-rector ate. The consulting teachers and the frequency PhD students were not taken into consideration.

On the statement that the institutional digital repository represents the essential condition for international scientific research, the answer with the highest frequency is 'Yes, I consider that offering an institutional digital repository service type represents an essential condition for the international scientific research', for which opted 96,3% of the subjects.

About the necessity of constituting a repository the answer with the highest frequency is 'Yes, I consider that it is necessary to constitute an institutional digital repository', for which opted 91,5% of the subjects.

59,3% of the respondents consider open access as the most important element in the constitution of a digital repository and 40,7 % do not consider that open access is important.

31,1% of the answers indicate the fact that open access to information greatly influence the scientific research, and 24,8 %, neither much, nor little. The median and the mode have the value - 1. The mean is 0.

30% of the lecturers consider that offering a service such as a digital repository is an essential condition for aligning the university to the international scientific research. They are followed by junior lecturers in a percent of 22,2% and by professors in a percent of 21,1%. The readers agree to the idea in a percent of 18,1% and the preparatory in a percent of 8,1%.

The distribution of those who consider that offering a digital repository is an essential condition for aligning the university to the

international scientific research is presented in the table. Out of the 270 respondents 260 said YES.

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