

7th Communia Workshop (1.-2. Feb. 2010, Luxemburg)

Session Alternative Remuneration Systems

Tuesday, 2nd February 10:00-13:00

Rainer Kuhlen, University of Konstanz, Germany; Chair person of the German Alliance for Copyright for Science and Education; ENCES (European Network Copyright for Education and Science)

A paradigm shift for remuneration in science



<http://creativecommons.org/licenses/by/3.0/deed.en>

My contribution to the challenge of finding alternative remuneration systems in an electronic environment is from the perspective of science and education, in particular in publicly funded organizations.

With a few exceptions, authors in science do not receive any direct monetary reward for works published in a commercial journal (indirectly, of course, they profit from their work, because publications that are well received by the scientific community further their personal career, with often financial consequences).

Actually, in this situation there is no need for individual financial remuneration, because scientists are as a rule already remunerated by their salaries. In science, the dominating incentive for doing research and for publishing is recognition by the scientific community, not monetary benefits. The official copyright assumption that new knowledge will only be produced and published if creators are guaranteed financial compensation for their work is unfounded in science.

This is a generally accepted and common sense view in science. What is not common sense so far is that knowledge produced in science and in public environments, which is financed by the public, needs to be considered a *commons*. A commons cannot be private property – it is owned by society as a whole, knowledge objects in science are *res communes*. The traditional concept of property as *res privatae* should be replaced by the concept of a common property. This is true for many natural commons such as the air, water or natural resources but it is also true for immaterial commons such as knowledge.

Neither authors nor exploiters (publishing companies or content providers on the Internet) should be granted exclusive property or exploitation rights. Let there be no misunderstanding, authors must be guaranteed legal protection for their moral rights (Persönlichkeitsrechte/personal rights – as they are called in German). Their remuneration is the recognition of their scholarship and attribution of authorship.

Again, there be no misunderstanding, scientific knowledge, even when considered a commons should not be excluded from private commercial exploitation. But commercial exploitation needs to be organized in new ways. Today, exploiters are allowed to treat scientific knowledge as *res nullius*. It can be privately absorbed and made into a private good without any compensation to the public, who is the genuine owner of publicly funded research.

Compensation as an alternative form of remuneration can be accomplished in many ways. Firstly, any exploitation of scientific work can only be accepted when the commercially published version provides evidence of significant value-added effects compared to the plain original text, the author's version. This value-added effect is a special kind of remuneration.

Secondly, knowledge, that has been transformed into information products should be made publicly available according to the open access paradigm, concomitant with the commercial publication (or after a short embargo time – six months, for instance). This is considered the green road to open access.

Thirdly, if exploiters insist on their private commercial rights for published products (and if authors accept these contractual agreements), there should be compensation for the public, preferably, but not necessarily, in financial terms. The current system should be completely reversed. It is not the public who should pay, via libraries or directly on retail markets, for the use of published scientific material (by buying the products or by paying royalties), but it is the publishing industry who should pay financial compensation to the public for being allowed to exploit publicly funded research.