

Response to “Is CC BY the Best Open Access License?”

Andras Holl

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Letter to the Editor

Response to “Is CC BY the Best Open Access License?”

In the Open Access (OA) movement and in the publishing world there is a debate over the necessity or usefulness of the Creative Commons (CC) licenses—most importantly CC BY. Misconceptions and misunderstandings are frequent in this debate. I would like to reflect on this question, and in particular on the “Point and Counterpoint” article in the first issue of JLSC (Graf, K, Thatcher, S. (2012). Point & Counterpoint: Is CC BY the Best Open Access License? *Journal of Librarianship and Scholarly Communication*, 1(1), eP1043. <http://dx.doi.org/10.7710/2162-3309.1043>)

It is best to admit upfront that I am an OA advocate and I run an OA journal (I am the technical editor of one). However, I do not think CC is appropriate for scientific journal articles. Because the OA movement is largely about scientific journal articles, I offer the following thoughts on the use of CC within science:

1. The most important—possibly the only—aim of scientific communication is the widest possible distribution of knowledge and results. Ideas cannot be copyrighted, no question about that. But a scientific journal article is not pure ideas and results; it is an intellectual product woven *from* ideas and results. While the ideas and result themselves cannot be copyrighted, an article can. It is knowledge, ideas and results which could—and should!—be re-used, not the article.
2. Similarly, articles using or arguing with the results of a paper are derivatives of the thoughts and ideas, not the article. The original article itself should not be altered in any way, as it had gone through a peer review process. Allowing modification of the articles themselves is a very unscientific idea.
3. CC is an artistic type of license, most suitable for

artwork. For other types of intellectual products, other kinds of licenses are needed, tailored for the specific needs of the genre (e.g. software has the Gnu GPL, BSD, and other copyleft licenses.)

4. Redistribution rights should remain at those parties who have some legal claim on the article (who have contributed to the creation): the authors, their employers or organizations, their funding agencies, and of course, the publisher. These parties have—or should have and should keep—legal rights to the article, and they will curate the article with care (e.g. ensure that errata are attached, connect the article with post-publication material, ensure the bit-wise validity, or handle format-transfers properly when necessary.) Journals and repositories are the proper places to keep scientific articles. Free-floating articles are unreliable.
5. Data mining should be allowed, though negotiated or guided. One would not data-mine an article, but a journal. Brute-force downloads could overload servers and are unnecessary. Articles, figures might be present on the journal website in multiple formats. Rules guiding the harvesters could be placed in machine-readable files—the extension of robots.txt or .htaccess could be necessary to achieve this.
6. Finally, what is not appropriate for journal articles, might be appropriate for certain article ‘building blocks’: figures. Putting all or some figures under CC BY-SA or CC BY (possibly with NC) could be a good idea.

Andras Holl

Library, Hungarian Academy of Sciences
Konkoly Observatory, Hungarian Academy of Sciences

holl.andras@konyvtar.mta.hu



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