

Executive Summary

‘... by more strategically managing copyright we can gain greater access ...’

This Report analyses the copyright law framework needed to ensure open access to outputs of the Australian academic and research sector such as datasets, articles and theses. It is written in the context of an increasing recognition, in Australia and internationally, that access to knowledge is a key driver of social, cultural and economic development and that publicly funded research should be openly accessible. With the objective of enabling access to knowledge, this Report proposes the development of clear protocols for copyright management (designed as practical and effective tools) for implementation in the Australian academic and research sector

The Report explains that with the rise of networked digital technologies our knowledge landscape and innovation system is more and more reliant on best practice copyright management strategies. Furthermore in the 21st century these strategies need to accommodate both the demands for open sharing of knowledge and traditional commercialisation models. To this end, this Report examines the way in which practices for managing copyright, interact with the new web based frameworks that have developed for knowledge creation and dissemination. It focuses on specific areas that are central to the promotion of innovation and creativity in Australia, with emphasis on various types of repositories.

More specifically, this Report provides an overview of the principles of copyright law, the concept of open access to knowledge, the recently developed open content models of copyright licensing and proposes a framework for enhancing the management of copyright interests in research and academic output (including electronic theses and dissertations (ETD)). The Report describes a forward work program which, upon implementation, will provide the platform for the development of systems and practices designed to effectively promote open access to knowledge within the Australian academic and research sector.

The Report calls upon Australian research and funding institutions to consider their commitment to open access and articulate this in clear policies and copyright management frameworks. It proposes a survey of researchers about their understanding of, attitudes towards and experience with publishing agreements and the provision of model agreements that can facilitate open access and commercialisation objectives. The Report details a methodology for cataloguing and better understanding publishers’ attitudes towards open access. This list aims to be interoperable with the existing SHERPA list based in the UK and accessible through a web interface known as the OAK List. Finally the Report looks at copyright management of open access to ETD and makes proposals for better managing this process. In all of these endeavours the OAK Law Project aims to undertake work that will be of relevance to and can be utilised by key stakeholders.

The forward work plan will see the OAK Law Project:

- **Develop template guidelines for open access policies that can be considered for adoption within university and research institutions**
- **Develop a detailed list (OAK List) of the attitudes of publishers relating to open access as evidenced in the terms of publishers' agreements. The OAK List aims to be interoperable with the UK based SHERPA List**
- **Survey researchers about their understanding of, attitudes towards and experience with publishing agreements**
- **Develop or recommend model publishing agreements and addenda that facilitate open access**
- **Develop or recommend model agreements that can assist the copyright management of open access repositories**
- **Survey the existing policies of funding institutions towards open access and develop model policies based on international developments**
- **Provide more support to ETD Repositories through developing guides for students about self managing copyright issues and assisting the repositories in terms of copyright management protocols and licences**