

DATE: October 3, 2015

PRESENT: Jarmo Saarti, Clare MacKeigan, Silvana Mangiaracina, Xiao Xia Yao, Ibrahim Farah, Pentti Vattulainen, Peter Bae, Brigitte Clement, Faten Barayyan, Peter Collins (notes)

TOPIC: Copyright Legislation Issue in France

Brigitte Clement brought to the awareness of the committee the fact that there is an online consultation on a draft bill about digital information currently running on line in France for three weeks. She pointed out some possible restrictions for open access to scientific literature and text and data mining in published scientific material in the current draft wording (esp. article 9). In partial connection with Docdel as part of the broader access to information discussed during the conference, she consulted DDRS on their view about the issues raised by the scientific aspects in this consultation and wondered about the opportunity of sharing information about the French consultation within IFLA as part of the Association's advocacy policy.

Brigitte shared the following motion as a response in the French Center for Scientific Research (CNRS) to the above mentioned article 9 of the draft bill:

Motion unanimously adopted by the CNRS Scientific Board on September the 25th, 2015 (Translation by [INIST/CNRS](#). The original version in French can be found [there](#).)

The Scientific Board of the French National Center for Scientific Research has remained informed of the recent debates around the draft digital Bill which is to be submitted to the French parliament in autumn 2015. It also contributed to the Center's White Paper on capital issues for scientific research activities.

The Board reiterates two crucial principles: i) science is a common good of humankind which shall not suffer private interests abusively taking control of it; ii) free access to scientific research output (publications, research data, metadata, added-value services) shall not be hindered as this challenges the very development of science. This principle of free access is of benefit for scientific authors and communities as well as for funding agencies and higher education on a broader scale.

Based on these principles, the Board expresses its concern regarding potential setbacks involving embargo durations and open access to scholarly publications which could be included in this Bill. The Board points out that other countries like Germany, Canada, United Kingdom, United states opposed stronger resistance to commercial publishing houses by adopting the principle of open access as part of their legislation.

As is already the case in these countries, the Board reaffirms its demands that the Bill strengthen current practices in accessing scientific data:

- when research has been supported partly by public funds, no exclusive rights should be transferred to a publisher on the data and literature resulting from that research;

- scientists should be enabled to make such data and output freely available in a digital format, and automatically without any embargo period imposed by publishers;
- data mining and allied services play a crucial role in promoting and disseminating open access scientific data and literature. These services should not be hampered by commercial platforms distributing this data and literature.

REACTION AND DISCUSSION

After some discussion to better understand the issue at hand, the Chair suggested possible options:

- CLM is the copyright group in IFLA. They may be better suited to respond to the specifics of the law.
- IFLA more broadly may be able to help
- The committee will need a more concise explanation of how this law applies to Resource Sharing before the committee can attempt any action. Brigitte will try to get this information.
- Individuals are encouraged to investigate the issue and sign the petition as they see fit.