Workshop 7. Translating Recommendations into Actions [the KR21 project]

LIBER Copyright & Legal Matter Working Group

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LIBER Winter Event; 26 November 2024

Agenda proposal

14.10 – 14.50	Presentation results expert meeting
14.50 – 15.30	Proposal to form working groups to discuss one topic each:
	Access
	Usage
	Data
15.30 – 15.50	Five-minute presentations by each working group
15.50 – 16.10	Final discussion and wrap up

Purpose of the project

- **Starting point is EC report 2024**:
  - The European Commission (EC) is working on an EU Copyright and data legislative and regulatory framework fit for research.
  - To support this effort, a study was conducted, resulting in the report 'Improving access to and reuse of research results…

- **Purpose is to translate the report to practical guidance for librarians**:
  - Expert meeting 20 – 22 November with the co-chairs and authors of the report; chosen angle: use-cases relevant for librarians→ 1st draft

- **Input from this workshop for the 2^d draft**:
  - Discuss the results of the expert meeting
  - 2^d draft of action plan for an open consultation

Workshop
LIBER Winter Event

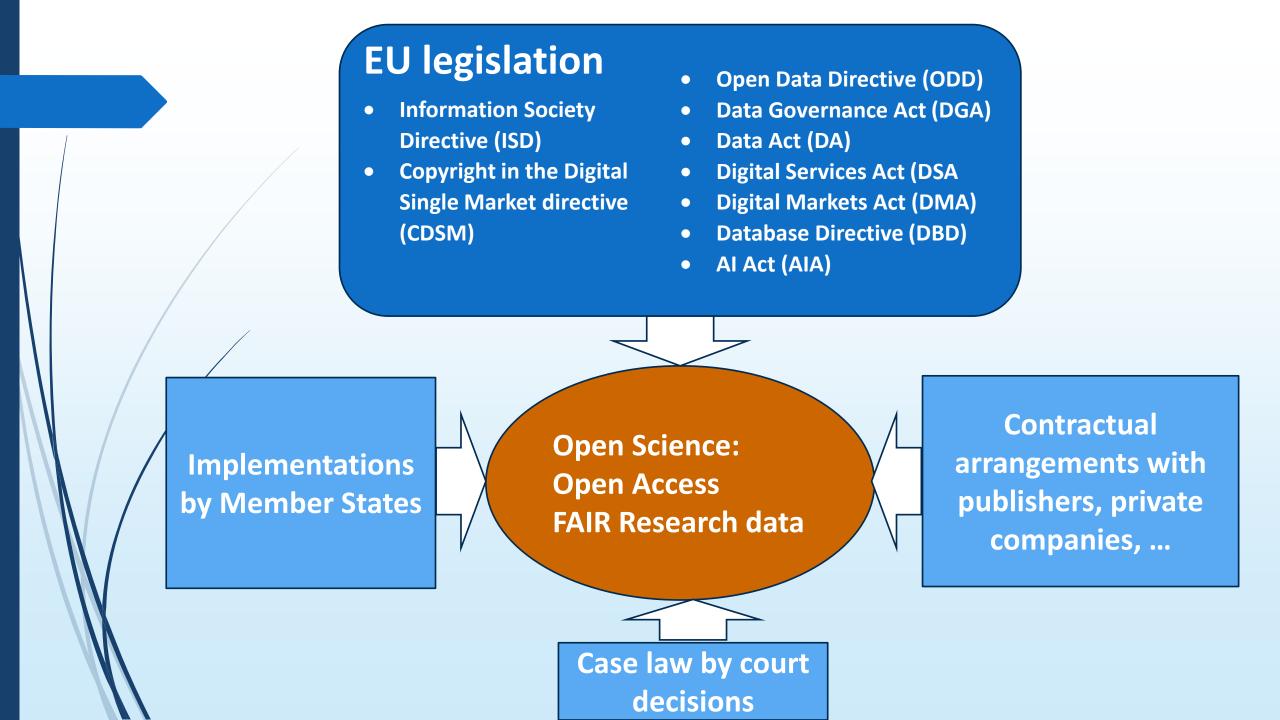Second draft action plan

Open Consultation

Final action plan

Network mobilisation

EC-report 'Improving access to and reuse of research results,…'

▶ Comprehensive overview of the EU's research and innovation legal landscape

▶ Survey results among researchers, research organizations and publishers

▶ Proposals to aiming to enhance the current EU framework for copyright and data fit for research and aligning it with Open Science.

Results expert meeting

Pressing issues and trends

- Legal uncertainty due to complexity leads to underutilisation of rights

- Access remains problematic

- Value shift towards large corpora of literature

- Data-driven research is on the rise but constrained by limited availability of FAIR data

- Legal complexities of data laws overburden researchers and research organizations

- An imbalance in negotiating power

- Restrictions to non-commercial purposes do not match the reality of scientific ecosystem

Towards an Action Plan

- Access

- Usage

- Data

Role of research libraries

The primary role of research libraries is to support and facilitate scientific research

1. Support and provide guidance to researchers
2. Influence institutional policies regarding Open Access and FAIR data:
3. Shape national policies regarding Open Access and FAIR data
4. Advocate for improved legislative EU policies

Set-up of the Action Plan

- Changes in policies and practices are often most effectively achieved through an interplay between library services, institutional and national policies, and EU-level policies.
- Therefore, the Action Plan outlines actions for each of these three levels:
  - Research library
  - Institutional and National level
  - EU level
- Actions have been defined for three areas:
  - Access (with two action lines)
  - Usage (with three action lines)
  - Data (with three action lines)

Access

- Accelerate OA

- Challenge restrictive commercial practices (i.e.bundling)

Accelerate OA

Research libraries	Institutional/National level	EU-level
- OA supporting services for a diversity of routes to OA - Encourage using CC-BY licenses for OA publications; discourage using the CC-BY-NC license - Create a service to help researchers to use their rights (e.g. SPR or Right Retention) - Monitor the progress of Open Access - Align the activities of various library departments with OA objectives	- Open Science policy (institutional or national level) - Right Retention institutional policy (with an opt-out option) - Collective action to support the exercising of SPR rights	Lobby for an EU-wide, harmonized SPR

Challenge restrictive commercial practices		
Research libraries	**Institutional/National level**	**EU-level**
• By the licensing department	• By the (national) consortium	• Lobby for a legal option for controlled digital lending and e-lending

Usage

- Enable research activities by helping to overcome legal issues

- Enable Text- and data mining (TDM) by researchers

- Challenge restrictive commercial practices (i.e. DRM)

Enable research activities by helping to overcome legal issues		
Research libraries	**Institutional/National level**	**EU-level**
• Invest in copyright expertise • Incorporate copyright and legal data issues in training and education of researchers	• Form a national copyright and legal data issues competence center • Create a platform to discuss research-related legal copyright and data issues	• Lobby for an EU-wide, open-ended, mandatory copyright exception for research with no contractual override • Lobby for an EU-wide SPR right with minimal restrictions

Enable Text- and Data mining (TDM) by researchers	
Research libraries	**Institutional/National level**
• Challenge license clauses that restrict types of usage by researchers, using TDM- or AI-tools.	• Idem through consortia • Non-legislative guidance: develop a common definition of TDM and illustrative use-cases that would be permitted under the law with all research stakeholders

Challenge restrictive commercial practices	
Research libraries	**Institutional/National level**
• Challenge license clauses that restrict types of usage by researchers, such as scholarly sharing, using TDM- or AI-tools.	• Idem by national consortia

Data

- Enable data-driven research

- Provide library collections as data

- Make the library AI-ready

Enable data-driven research		
Research libraries	**Institutional/National**	**EU-level**

• Invest in expertise in legal data issues
• Incorporate legal data issues in training and education of researchers
• Further develop RDM services with the eye on the increasing options and tools for data-driven research
• Implement and manage a data repository (or a shared data repository at the national level)
• Connecting to EOSC:
  ○ By helping researchers use the EOSC portal for searching resources and other EOSC services
  ○ Making repository and services visible via EOSC
	• Form a national copyright and legal data issues competence center
	• Implement and manage a shared data repository
	• Connecting to EOSC (idem for relevant national data repositories and services)
		• Harmonization of the definitions and terminology in the various copyright and data legislation regarding research organisation and data
		• A dedicated law for research and researchers (e.g. Digital Universities Act) with a set of data access and reuse provisions
		• Contribute to further development of EOSC

Collection as data

Research libraries

- Provide special library collections as FAIR datasets
- Follow the CARE principals[6] for those special library collections where CARE is relevant

AI-readiness

Research libraries

- Develop AI literacy education
- Develop services to support AI research
- Establish criteria procuring AI-tools for responsible research