

An adventure in open research data remix,
licensing and provenance: case study of the
Open Access Article Processing Charges (OA
APC) longitudinal study

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RDA-CODATA Interest Group on the Legal
Interoperability of Research Data

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OA APC longitudinal study

- Funding: SSHRC
sustainingknowledgecommons.org (2014 – 2021)
- What / if publishers charge (full gold)
- Why? Trends:
 - To charge or not to charge?
 - Competition or ongoing inelastic market?
- Dataverse: <https://dataverse.scholarsportal.info/dataverse/oaapc>

Data sources & licensing

Solomon & Björk 2010

- Unpublished
- Researcher-to-researcher
- Permission to publish as open data assumed
- Commitment to take over the work

Publisher data



Elsevier OA Price List

Date: 16-Sep-2017

ISSN	Journal Title	OA Model	Currency	Price
1876-2859	Academic Pediatrics	Hybrid	USD	3000.0
1076-6332	Academic Radiology	Hybrid	USD	2750.0
0001-4575	Accident Analysis and Prevention	Hybrid	USD	3300.0
0155-9982	Accounting Forum	Hybrid	USD	1100.0
0361-3682	Accounting, Organizations and Society	Hybrid	USD	1800.0
0094-5765	Acta Astronautica	Hybrid	USD	2750.0
1742-7061	Acta Biomaterialia	Hybrid	USD	3000.0
1872-2032	Acta Ecologica Sinica	Hybrid	USD	3000.0
0001-5814	Acta Haematologica Polonica	Hybrid	USD	3000.0
0065-1281	Acta Histochemica	Hybrid	USD	1800.0
1359-6454	Acta Materialia	Hybrid	USD	3000.0
0252-9602	Acta Mathematica Scientia	Hybrid	USD	3000.0

Elsevier price list – licensing??

- Price list PDF: no indication of license
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PLOS ONE

\$1,495 USD



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PLOS prices & licensing

- Price lists are not articles; hence PLOS owns content / copyright.

Mysterious disappearance of data

- BMC & Springer screen-scrapable tables of APCs mysteriously disappear shortly after blogpost comparing BMC 2010 – 2016 price increases with inflation
- Q: what about research where data owners don't want anyone to do the research?

Can publishers forbid research on pricing?

- Precedent (Barschall): Stanford University & Yale University (1997). *Gordon & Breach v. American Institute of Physics and American Physical Society*. Retrieved December 23, 2011 from <http://barschall.stanford.edu/>
- My argument: academic research requires fair dealing and academic freedom – to collect, share, analyze and report on data research even when data owner is antagonistic

DOAJ metadata: <https://doaj.org/faq#metadata>

- “Do you have any restrictions on the reuse of your metadata?”
- The data in DOAJ is licensed to you under the [Creative Commons Attribution-ShareAlike License](#) (CC BY-SA)”.
- My take: DOAJ is aware of my research and not interested in stopping this kind of research. DOAJ data is included.

Conundrum 1

- Can you legally remix data licensed CC-BY-SA with data published assuming permission, & data for which there is good reason to assume no permission, & release the resulting remix as CC-BY-SA?

My take: no license is best

- Waiving copyright implies claiming copyright; I cannot claim copyright on someone else's work (Elsevier or PLOS price lists)

OA APC license statement – from:

<http://www.mdpi.com/2306-5729/2/2/13/htm>

“4. Using These Data (Licensing)

This dataset is derived from several sources, including the DOAJ metadata (which has its own license terms posted on the DOAJ website), other data screen-scraped from DOAJ, factual data gathered from publisher’s websites, 2015 data provided by Walt Crawford, 2010 data provided by Solomon and Björk, and our team’s analysis. If you are making use of our dataset as a whole, please cite: Morrison, H.; Brutus, W.; Dumais-DesRosiers, M.; Kakou, T.L.; Laprade, K.; Merhi, S.; Salhab, J.; Volkanova, V. & Wheatley, S. Open access article processing charges longitudinal study 2016 dataset [<http://dx.doi.org/10.5683/SP/KC2NBV>]. If you are drawing from the other sources, please cite the other sources. There is no license for the dataset as a whole, as individual elements are derived from different sources, which may have their own terms”.

Conundrum 2: provenance

- Understanding licensing in a remix dataset may require understanding the provenance of the data (where it comes from)

PLUS:

- Conducting research using a remix dataset without in-depth understanding of the provenance of the data could result in errors (worse, replicable errors)

Conundra 3a and 3b: downstream remix

- Case 1: potential downstream re-user bound by open licensing requirement = cannot use this dataset
- Case 2: attribution, downstream derivative & contributions
 - Commitment to take over the work?
 - Add a few data points?

Conclusions

- Open data (unlike open access to scholarly articles) involves opening up access to a type of work not previously published.
- Different kinds of data likely need different types of licensing treatment
- Sometimes we need some closure to accomplish openness

Questions??

Thank you!!!

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