

# Responsibility for an open access repository

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# WHAT IS THE MOTIVATION

Achieving  
the mission

Berlin  
declaration?

Funding  
policy?

Other  
duties?

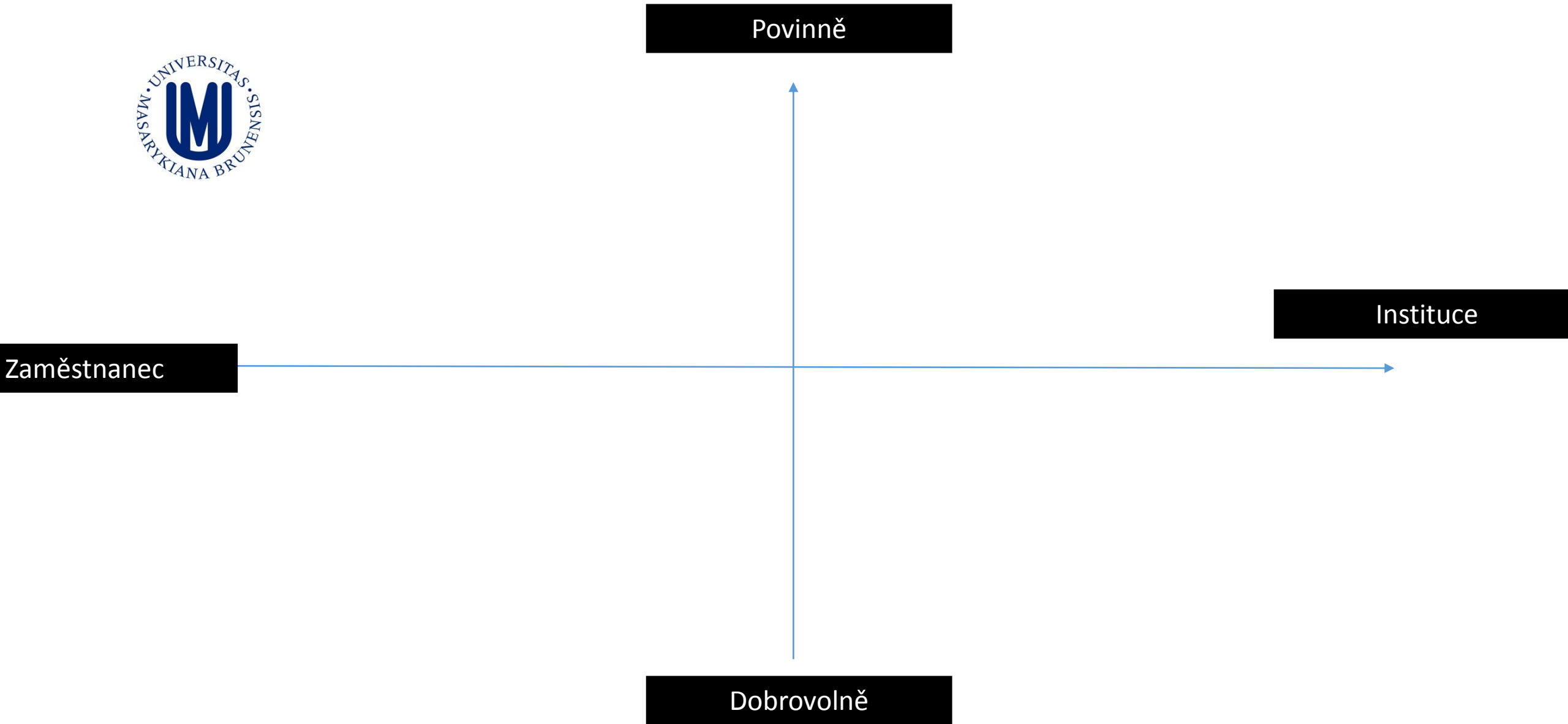


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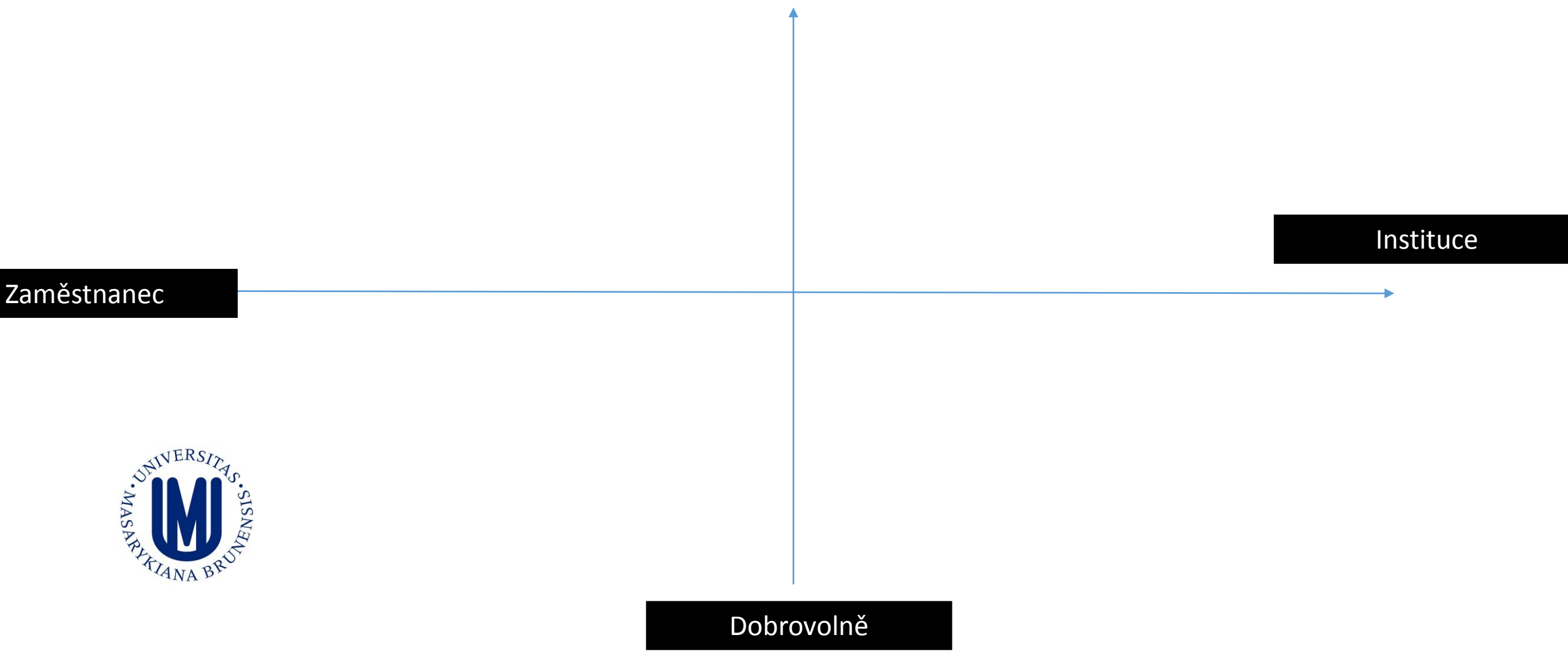
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# Can You force an employee to fill repository

YES !!!

- Obligation to publish in OA platforms
- Force him to upload results to the repository

Limits

- Not all authors are employees of an employer
- Institution has waived its rights
- Employer has given consent to exclusive license contract

# Who shall decide what is published under OA?

## Employee?

- More flexible
- Easier to „digest“
- Has better contacts in the field
- Follows his own interest
- Lower legal awareness

## Institution?

- Follows public interest
- Legal support
- Has its own budget
- Does not have detailed knowledge of the result
- Buerocratic structure

Most common mistakes

# 1. CO-Authorship

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### The Pluto system: Initial results from its exploration by New Horizons

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# 1. CO-Authorship

1. Not all authors are employees of the institution
2. Institution relies, that „home authors“ somehow manage to receive consent from other co-authors
- 3. BUT !!!!**
4. Home author receives the consent from the „wrong person“ – since he does not understand law

2. Authorship by copyright act is not the same as dedication of an article

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# Copyright act

- Author is person, who has created the *work*
- Copyright protects literary or scientific work which is created by author *and is expressed in an objectively perceivable form*

# THE PROBLEM

All „authors“ have  
their share in a  
scientific achievement

Not all of them are  
true authors within  
the meaning of the  
Copyright act

# Issue of Ph.D. students

---

They are not employees

---

School needs to conclude license agreement. The student is obliged to enter the agreement, but ....

---

Nobody says it should be for free

---

Nobody says it should be under CC

# Typesetting and graphical layout

They are copyrighted as well

Only true „manuscripts“ or raw data can be shared without getting further consent

- Be careful with exclusive licenses!

# Two main risks in repository

Employee

Institution

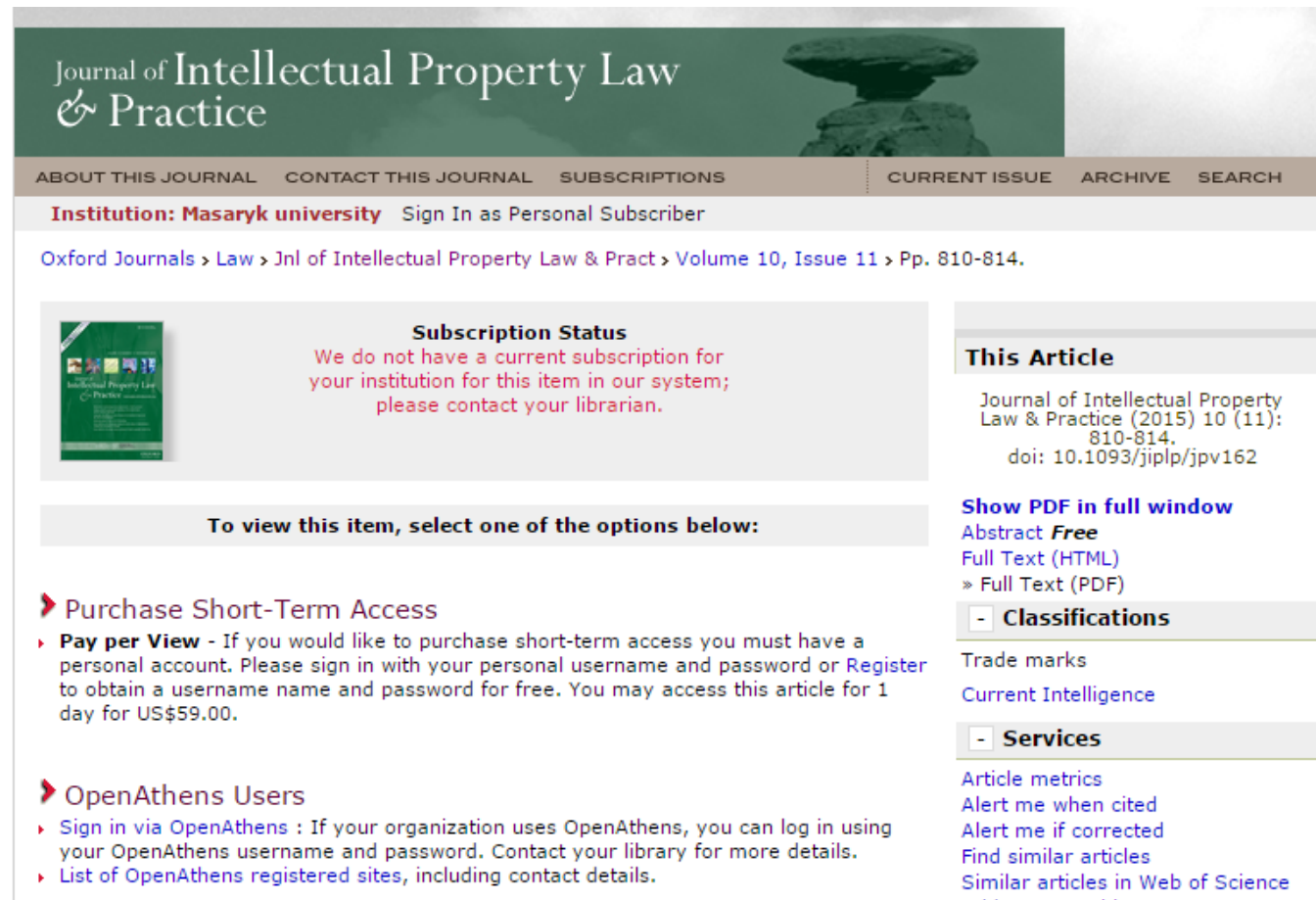
# Alternative solution

Why do we need a repository?

# What is the meaning of a repository



# What do we really need to achieve OA goals?




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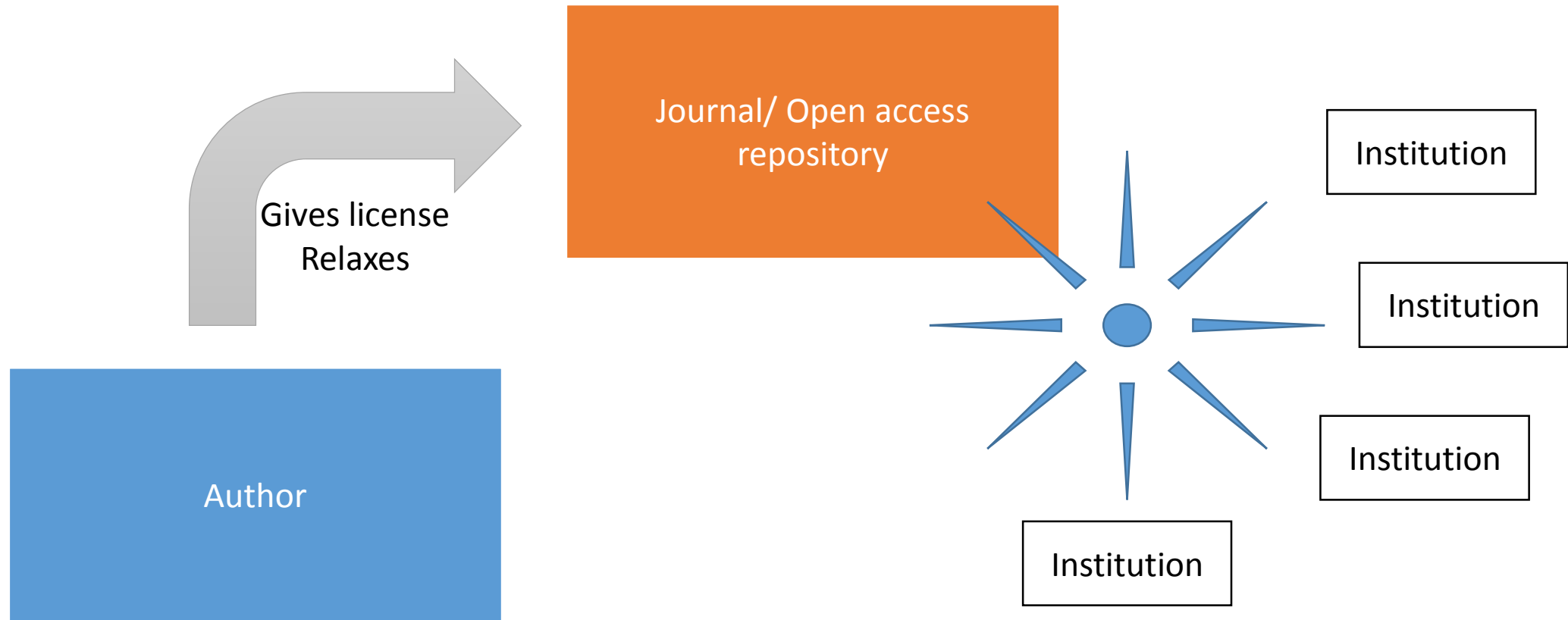
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