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Copyright's Broken Promise

How to Restore the Law's Ability to Promote the Progress of Science

By: John Willinsky

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Copyright's Broken Promise: How to Restore the Law's Ability to Promote the Progress of Science

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Copyright's Broken Promise

That Congress shall have Power . . . to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.
—U.S. Const. art. I, § 8, cl. 8

The case that this book makes for reforming US copyright law so that it supports universal open access to research publications has five parts:

1. Scholarly publishing's principal stakeholders (including the big publishers) are now in agreement that "open access" to research publications will do more to promote scientific progress than the subscription journal system of the print era.
2. This open access consensus is not well served by a Copyright Act that encourages restricting, rather than opening, access to research, which means that the law falls short of its original intent "to promote the Progress of Science."
3. Rather than reform the act, stakeholders have pursued legal and extra-legal work-arounds—with embargoes, final drafts, illegal copies, Creative Commons (CC) licenses—that are failing to deliver universal open access with all due speed and at a fair price.
4. So why not legislate statutory licensing (long used with music copyright) for research publications in which research's institutional users and funders are required to fairly compensate scholarly publishers for immediate open access?
5. Such a legislative fix is not too much to request of a Congress that has enacted nearly sixty digital-era reforms of the Copyright Act for everything but science, with some reforms working internationally, which is the goal of this initiative.

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John Willinsky

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This one's for Sebastian, Dylan, Reya, Finn, and Jack, as well as their world

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