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Date of visit: Jan-Apr 2011

Research Statement *(please write a brief statement about the research you have carried out at The University of Edinburgh during your visit)*

Open Access, Creative Commons, and Alternative Copyright Approach

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Advocating the idea of “free availability” of copyright works on the Internet, the Open Access (OA) movement began in the late 1990s. The Budapest Open Access Initiative 2001 marked that the international recognition and measure of OA “permits any users to read, download, copy, distribute, print, search, or link to the full texts of these articles, crawl them for indexing, pass them as data to software, or use them for any other lawful purpose”. Founded in the US in 2001 by Cyberlaw and IP experts James Boyle, Michael Carroll, Lawrence Lessig, and Eric Saltzman, MIT computer science professor Hal Abelson, and public domain Web publisher Eric Eldred, Creative Commons (CC) promotes “some rights reserved” or even “no rights reserved” in copyright works, and believes that people may “get fulfilment from contributing to and participating in an intellectual commons”. OA and CC are termed, in China, as 开放存取 and 知识共享, of which the literal translations are “open save and withdraw” and “knowledge sharing”. OA and CC were formally introduced to China in 2004 and 2006 respectively.

The free sharing aspect of both OA and CC harmonizes the traditional Chinese culture and the socialist principle. However, it seems that OA and CC are not appreciated and flourished in China as they could have been. The reasons behind must be compound but may be precised as twofold, lacking the recognition of the public and the recommendation of the government. Most of the general public is not aware of the concepts of OA and CC. Among those who may

know the phrases, many misinterpret OA and CC as “free of copyright”; for scholars who have a proper understanding, OA and CC may likely be still out of their consideration since only contributions to SSCI journals would bring them merit, for academic and other promotions. Movements of OA and CC have been taking a bottom-up approach, which in this traditionally power centralised nation would never work as effectively as a top-down approach. Seeing the OA and CC’s effort in making free availability to the public, why has not the socialist Chinese government promptly endorsed them as such? The interpretation may be simple; the spread of OA and CC would very possibly deteriorate the power of the government, which is against the tradition of power centralisation and certainly unfavourable for now. In addition, the conclusion brought out by Professor Xuechao Song, a CAS law scholar, may somewhat reflect the concern of the government.

Currently, the most urgent (issue) is not how to “share” but how to “protect”, how to follow the trend of the development of international protection of IP, how to meet the requirement of digitization of information products for the legal system of copyright, and how to perfect the Chinese IP. If anyone wanted to share his/her work with the public, he/she may certainly do as a renowned professor did, attaching the following to the article, “an author’s statement: welcome all media’s republication, free of charge”, but no need to use this so-called “CC” license that may cause negative effect.

The view expressed above is interesting yet unconvincing. Apparently it also shows vital misunderstandings of both copyright law and licensing of OA and CC, whilst the former provides protection for copyright owners alongside a concept of sharing with the public which secured by the law for the balance of interests and rights, the latter offers an alternative and flexible approach to licensing schemes,

which stands within current copyright framework and greatly contributes to the worldwide dissemination of scholarly content and to the universal progress of knowledge.