

# Access to scientific knowledge: developing appropriate policies

The use of information technology has grown at an unprecedented rate throughout the world over the last decade. This has been coupled to the development of a strong intellectual property right (IPR) environment, particularly in Europe. IPRs can promote innovation by protecting creative work and investment and by encouraging the exploitation of scientific discoveries. At the same time they can also seriously hinder the exchange and use of data and information, on which scientific research thrives<sup>1</sup>; for example, free and open access to scientific data was fundamental to the sequencing of the human genome.

Achieving an appropriate balance between commercial return and access to data and information is an ongoing challenge for policy makers. It is a major topic for discussion within the framework of the World Summit on the Information Society (WSIS; Geneva 2003 and Tunis 2005).

ICSU<sup>2</sup>, the International Council for Science and CODATA<sup>3</sup>, the Committee on Data for Science and Technology, have been monitoring, with increasing concern, the development of IPR-related policies in Europe. The recent Directive 96/9/EC on the legal protection of Databases did not achieve an appropriate balance and, if strictly applied, is potentially very damaging to the research enterprise in Europe. It gives protection to data themselves, unlike traditional copyright under the Berne Convention where facts can be extracted and re-used. Moreover, the “fair-use” exceptions, for use of data for research and education purposes, are weaker than those in traditional copyright and are not mandatory on member states. This Directive is currently under review and we urge that it be amended to include enhanced exceptions for scientific research and education. Likewise, the restrictions on “fair use” in the 2001 European Copyright Directive should also be reconsidered.

For the future, it is important that academic scientists are included at an early stage in discussions related to the development of IPRs. Any restrictions on access to and use of scientific data and information run the risk of undermining the concerted efforts to ensure that the European Union remains at the forefront of scientific progress. Such restrictions also have a disproportionately deleterious effect on the poorer countries of the world who are trying to develop and compete in the new knowledge economy.

## (Footnotes)

<sup>1</sup> Keeping science open: the effects of intellectual property policy on the conduct of science  
Policy document 02/03, The Royal Society UK. See <http://www.royalsoc.ac.uk>

<sup>2</sup> Founded in 1931, ICSU is a non-governmental organisation representing a global membership that includes national scientific academies and international scientific unions. See <http://www.icsu.org>

<sup>3</sup> CODATA, a non-governmental organization, established over 35 years ago, promotes and encourages on a world-wide basis the compilation, evaluation and dissemination of reliable numerical data of importance to science and technology. See <http://www.codata.org>