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**Justification and Draft Principles for an Open Law
Journals Group**

Open Law Journals Group

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1. Introduction and Background

While the number and variety of academic journals are increasing, the number of influential stakeholders in the field of academic publishing is decreasing. We believe that in this environment, simultaneously crowded and restricting, the role and value of open access online publishing is being marginalised. Given this concern, a number of journals that use the open access model of publishing met at the University of Edinburgh in August 2009. Attendees included representatives of the following online journals:

- Journal of Information, Law and Technology (<http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/>)
- Law, Social Justice and Global Development Journal (<http://www2.warwick.ac.uk/fac/soc/law/elj/lgd>)
- *SCRIPTed*: A Journal of law, Technology & Society (<http://www.law.ed.ac.uk/ahrc/script-ed/>)
- Sports & Entertainment Law Journal (<http://www2.warwick.ac.uk/fac/soc/law/elj/eslj/issues>)
- Web Journal of Current Legal Issues (<http://webjcli.ncl.ac.uk/>)

The objective of the meeting was to establish a group that would represent European open access journals and act as a means of communication and support between them. This document offers a rationale for such a group, and provides a list of basic governing principles that we hope to use as the foundation for increasing its membership and activity.

2. Justification for an Open Law Group (OLG)

Publishing is becoming a more centralised activity, relying on fewer, but larger and more powerful, operators. We believe that authors' rights are being undermined as publishers seek or demand the transfer of copyright and exclusive rights over authors' works, despite the fact that the underlying academic work is usually funded from public sources. The Open Access model of publishing allows the academic author to remain at the centre of the publishing enterprise, and makes the work accessible to the largest possible public without barriers such as DRM and high access payments.

While European open access journals on the law are growing in number, they have not developed a sense of community but have remained isolated from one another, and - unlike competing commercial publishers - usually operate on a shoestring. As it is unlikely that their budgets will ever be competitive with those of commercial publishers, other means of support for open access journals must be sought. We believe that formalisation of a supportive group with a clear remit will strengthen and protect the interests of the pioneers already active in the field, and help to expand the field in a rational way.

3. Remit of the OLG

The OLG is intended to be a formal and expanding community which represents the interests of open access journals and the free utilisation of high quality

scholarship. The advantages of membership in such a group are myriad, as evidenced by the suggested remit of the OLG, which is to facilitate:

- a means of communication and cooperation amongst open access journals;
- enhancement of open access to sound technical advice and support;
- joint projects such as workshops and conferences directed both at the open access movement and, more generally, at scholarship supported by it; and
- better support and standard-setting in the open access environment.

The formal structure and constitution of the OLG will be decided at a future European Meeting to which all relevant journals will be invited.

4. Draft Principles of the OLG

We propose the following governing principles, in draft form, the intention being that interested journals currently publishing under the open access model will meet to accept and/or amend them. The principles are as follows:

1. **Open Access:** The contents of any journal should be available on a “free to access” basis. The contents should be available by the public for non-commercial use without the need to obtain permission from authors.

[Rationale: This is a basic statement of the open access model. The inclusion of a “non-commercial use” reference means that the journal and authors may also exert commercial rights, if required.]

2. **Authors Rights:** The author retains ownership and related rights, subject to the individual journal’s licence and terms of use.

[Rationale: Open access does not require a transfer of ownership of copyright.]

3. **User Rights:** All journals must ensure that all authors and copyright holders grant to users a free, irrevocable, world-wide and perpetual right of access to the work, and a licence to copy, use, distribute, transmit and display the work publicly for non-commercial and/or educational purposes, subject to proper attribution of authorship and details of journal publication.

[Rationale: This outlines what in fact is meant by “open access” in terms of non-commercial usage.]

4. **Derivative Works:** All journals will ensure that all authors and copyright holders grant to all users the right to make derivative works. Such grant may, however, be subject to restrictions that protect the moral rights of authors and the interests of the journal.

[Rationale: Some members at the meeting felt strongly that it should be the default position that works can be re-used as the basis of new works. By applying restrictions, however, this default position can be avoided by any journal, should it wish.]

5. **Archiving of Contents:** All journals should ensure that in the event that it should cease publication, the contents of the journal will continue to remain publicly available on a free to access basis through one or more archiving systems, such as SSRN.

[Rationale: Journals sometimes cease publication and therefore there is a formal requirement to ensure that the contents of the journal will continue to be publicly available following its termination.]

6. Membership: Members of the group should be European publishers of law journals.

[Rationale: As European law becomes more harmonised, comparative analysis of issues on which there is divergence is increasingly important. “European publishers” offers a manageable group with common interests.]

7. Support: Members should support each other, in technical issues related to the publication of open access materials, through meetings, workshops and conferences. Such issues may include common standards and platforms.

[Rationale: Individual efforts to produce high quality on-line journals can be magnified through access to advice and technical help. We see this as a primary aim of the group.]

8. Promotion of Open Access Law Journals: Members should actively encourage the development of the open access model of law publishing. This will include asserting quality control, seeking funding for joint projects, encouraging cross readership, and promoting the advantages of open access to the academic community.

[Rationale: Rather than acting as competitors to each other, we feel that open access model journals can benefit each other by acting in the interests of the open access methodology.]