



“From Open Access to Open  
Science”

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Stockholm IP Law Review event  
1<sup>st</sup> of June 2022

# The Stockholm IP Law Review

The Stockholm University Intellectual Property Law Review (SIPLR) is a student-led journal of legal scholarship with a focus on European Intellectual Property Law. The primary purpose of SIPLR is to create an academic legal forum where the most influential and significant topics of IP law are discussed by students, scholars and lawyers.





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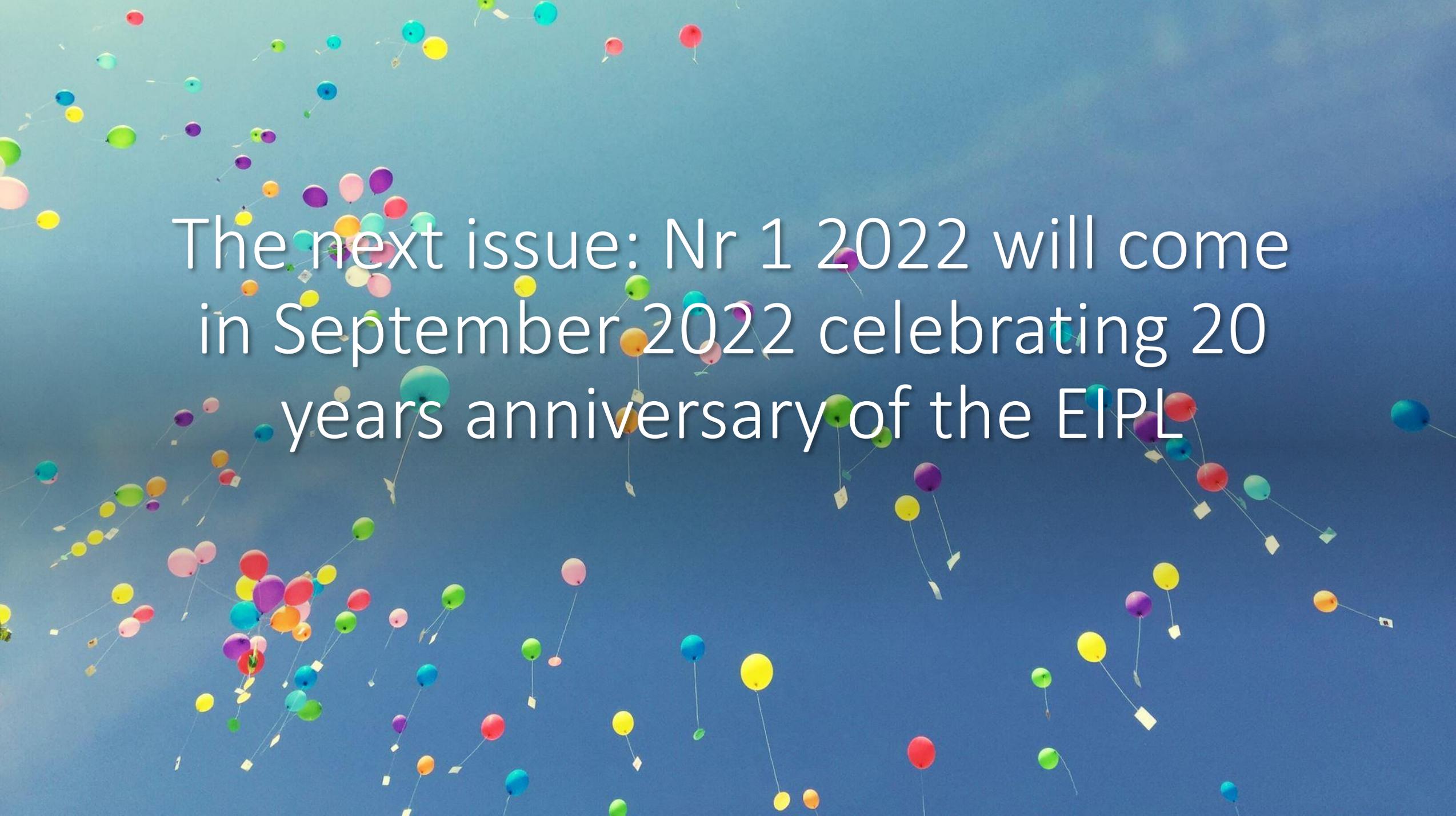
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The next issue: Nr 1 2022 will come  
in September 2022 celebrating 20  
years anniversary of the EIPL



“From Open Access to  
Open Science”

# Open Access

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- Definition
  - Use
  - Legislation
  - Libraries
  - Publishers
  - Research funds



# Open Access in the crossroad of...

Intellectual property law

Labor law

Contract law

Other?



# Open Science and Intellectual Property Rights

How can they better interact?  
State of the art and reflections

Executive Summary



Javier de la Cueva and Eva Méndez

Research and  
Innovation

# Findings

## Open Science and Intellectual Property Rights (2022)

- Under the current copyright regime, works are **closed by default**. Therefore, to foster openness in science, consent must be given by the author or an exception/limitation must apply. Consent of the author must be proactive.
- There is an epistemic **blindness** regarding the **existence of free IP works**. This leads to the absence of analysis and data about the wealth they represent and produce. **The status of the internet as a free IP work composed of the set of more than 9 000 requests for comments is simply ignored by the literature.**
- Under international treaties and legislation, it is **not possible to create an autonomous scientific author whose works would merit different IP conditions** from the 'all rights reserved' default rule. **Exceptions related to scientific IPR should be legally maximised, avoiding as far as possible the risk of legal proceedings.**

# Recommendations for policymakers

## Open Science and Intellectual Property Rights (2022)

- It is urgent to address **new copyright and IPR regimes** to guarantee better IP protection responsive to the needs of open, transparent and collaborative science
- Current IPR standards and regimes should keep up with rapid technological developments, with legal provisions that offer online protection. **A new IPR framework for OS** should be created **at global level**, adapted to the new digital technologies, the new requirements of science, and modern scientific communication needs and facilities, in order to find the right balance between OS and IPR.

# Recommendations for policymakers

## Open Science and Intellectual Property Rights (2022)

- The **right of an author to provide** for the openness of his or her work **must receive from the EU and the Member States the same support** as the right of an author to keep his or her intellectual work closed. **Authors of free works should be treated at least equally to authors of closed works**
- An **Office for Free Intellectual Property Rights and Open Science should be created**. This office can be inspired by the functioning of the Office for Harmonization in the Internal Market and the European Observatory on Infringements of Intellectual Property Rights (EU 386/2012) and should be aligned with the EU IP action plan. It could be piloted through the Horizon Europe Framework Programme.

# Recommendations for policymakers

## Open Science and Intellectual Property Rights (2022)

Awareness of the value of basic science and free intellectual works needs to be raised, taking the request for comments model as an example. The **more basic science and the more requests** for comments, the **more opportunities for small and medium-sized enterprises** to build on free components and appropriate the results. Special attention must be paid to **avoiding appropriation of the basic science and the IP under free licences**.

# Open access and Open Science in Stockholm University

- Recommendations- objectives
- Doctorate thesis publications?
- The work of the library and the Open Access publications