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Publish and Perish

The meaning of publication in an online world

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Publish and Perish – Harnad-style



Summary



- What we used to mean
- How it has changed
- What are the issues?
- What shall we do?



Disclaimer



- Stephen Harnad's poem and slide show

Words: Stevan Harnad

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What we used to mean

- There are two basic definitions of “published”
- A general definition:
 - to make publicly or generally known; to declare openly or publicly.
- A definition specific to a particular industry:
 - To issue or cause to be issued for sale to the public ... To make generally accessible or available.

... accessed, read and used ...



Can something be “accessed read and used” and not be published?

The neo-Harnadian says yes.

But how?

An unpublished thesis? A preprint? A child’s drawing on the classroom wall?



What does the law say?



“The taxonomy is context-dependent” (OAK Law Report)

Or, each piece of legislation has its own definition of what it means by “published.”

- Copyright
- Defamation
- Legal deposit
- Online content regulation

Copyright



For example:

- (a) a literary, dramatic, musical or artistic work, or an edition of such a work, shall be deemed to have been published if, but only if, reproductions of the work or edition have been supplied (whether by sale or otherwise) to the public;
- Who are the public? The definition only tells us that it applies to the public within or outside Australia.
 - Dictionary: “all ordinary people”.

Defamation



“To be defamatory, the material has to be ‘published’ (communicated by any means – written, orally, pictorially) to at least one person other than the plaintiff...”

Legal deposit



- New regulations in Canada define a publisher as any person “who makes a publication available in Canada that the person is authorized to reproduce or over which the person controls the content.”
- But it excludes specifically blog postings, email correspondence or other press releases.
- Focus on material “that is considered to be in ‘publication’ form”. This means they usually have “a distinct title, a specific author or authoring body, a specific date and are intended for public consumption.”

Michael Geist, Centuries-old Library Program Enters the 21st Century”, Ottawa Citizen, Jan 16, 2007

Online content regulation



"publication" means any written or pictorial matter, but does not include:

(a) a film; or

(b) a computer game; or

(c) an advertisement for a publication, a film or a computer game.

"publish" includes sell, offer for sale, let on hire, exhibit, display, distribute and demonstrate

(**"demonstrate"** includes exhibit, display, screen, play or make available for playing.)

Book Publishing



- Publishing a book is none of these and all of these
- The book industry has its own definitions
 - Editing and quality control.
 - Ensuring that the work complies with copyright law.
 - Review by either peers or others (publishers) experienced in preparing work for publication.
 - Respectability and acceptance as a “publication” in a scholarly sense.
 - Distribution through commercial channels.

Web publishing



- Material that is considered to be in “publication” form – Canadian law makes a new distinction.
- Now we can all be publishers
- New meaning, new preposition (...to the Web)
- **But can I be online and unpublished?**



Harnad and Oppenheim



- Gambit: publishing means making available to the public . . .
Putting an item on open access is therefore publishing.
- Response: does that mean that whenever I make a copy of my work available, I am publishing it?
- Two definitions of “publish” are in use here, both valid.
- John Smith: To insist that it is not really published until it has been through a refereeing stage and appeared in an acknowledged journal is rearranging the deckchairs after the Titanic has sunk ...”
- Harnad: Vanity publishing.

The Case of online theses



- A thesis is not a publication because
 - It has not been edited like a commercial publication.
 - It may have no commercial market and be unsuited to wider distribution in its current form – unreadable, even, for all but a small audience.
 - There may be significant content where the copyright is not owned by the author, and for which publication rights have not been cleared (third party copyright material); use of an insubstantial part of copyright material does not lead to infringement, and each institution has criteria for determining whether what is used is insubstantial.
 - In a scholarly sense, the work has been reviewed or examined as a thesis, but not for publication – a different kind of scholarly imprimatur.^[i]
 - There is no distribution channel characteristic of a traditional publication.

Online theses – what is the problem?



- Why is there a problem?
 - there has been no change except in the technology of transmission
- Copyright is the only real problem
 - not the author's, but that of others
 - incidental material, not the thesis itself
- The cure is often worse than the disease
- Prevention is the most logical approach

The net becomes wider and wider



- Archives – there used to be a distinction between unpublished archives, and publications
- Scholarly communication will soon all be “published” – from email to blog posts to preprints to marked up text.
- Mashup, recombinant, repurposing, “mix match mutate” and all the ways of combining software or content.
- Is youtube.com one of the world’s largest publishers?
Or not a publisher at all.
- Is nothing out of print any more?

Questions to Conclude



- There is a constant semantic and conceptual confusion between
 - Broad and specialised meanings
 - The paper days and our digital environments.
- Is everything now published? But the online world is more than a “publishing” medium. Think conversation, dialogue, correspondence, showing off ...
- For example . . .

More questions



- 1) If everything is now published, it is important to maintain distinctions. Do we need a word for online but unpublished?
- 2) As we share more and more, how will we know what is mine and what is yours? Or perhaps it won't matter for everything.
- 3) Our world is not a digitised version of a previous analog world – it is different. Email is not correspondence, a blog is not an online diary.

Too many questions



- 4) The full force of copyright law applies to the whole online world because it is the default. Creative Commons aims at creating an alternative default for most web content. But Web 2.0 is here, Copyright 2.0 is a long way away.
- 5) Watch out for metaphors – they can be dangerous.
- 6) There is a trend to monetise spheres of life where we previously engaged freely. The web helps to capture and fix activities so that they can become commercial.

What to do?



- Paper days laws threaten the real world we live in.
- There are three kinds of actions to think about
 - Law reform. For example, the Oak Law Report has some nice suggestions as to how the copyright law might be changed to enable us to deal with theses as if they were theses.
 - Using words. think about language and make distinctions that are important for meaning and behaviour. We need a new word for something online which is unpublished.
 - Our own actions. We need to behave in ways that advance a more open world: never use the term “all rights reserved” unless that is what you really mean. Treat the rights to what you say and write in the same cavalier way you would in conversation or informal communication.



Harnad – the last word

“The World Wide Web at last can make science free”

