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ABSTRACTS

Open Access and the Confrontation of Copyright Law: focusing on the Discussion in Germany

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In the West, it has been quite a long time since academic journals were commercialized at a high level. In Korea, however, the majority of academic journals are published by non-profit research associations and commercialization does not seem to be taking place yet. Currently, quite a few Korean scholars have had their papers published in foreign academic journals with reputation and the universities or other research institutions encourage such publishing. On the other hand, since university libraries, in reality, have limited budget when it comes to subscribing to these foreign journals, the need to establish the Principle of Open Access is far from being minimal in Korea as in other cases. Even though the objective pursued by open access may be achieved by voluntary accord between the author and the publisher or by tacit consent of the latter, it is not advisable that the right to determine how to share knowledge should depend on the intent of the publisher or the author. Moreover, if the research work is the result from a public fund or the university's financial aid, it is necessary that the public should be allowed by the law to freely make use of such results within certain limits. That is, it is not the voluntary opening but the opening by the law which is needed. Within the German discussion of possibilities of amending its copyright law, it is not certain whether the author would be conferred a 'secondary publication right' or whether the author would be charged with an 'obligation to provide an academic paper' to universities or other supporting bodies. However, the discussion itself has lots of suggestive points to ponder on. I sincerely hope that the debate on this issue would be activated in the academic circle of copyright in the future.

keywords : Open Access, Secondary Publication Right, Obligation to Provide Paper, Institutional Repository, Self-archiving, German Copyright Law