

# Right of Open Access

proposal for action to support the transformation of societies

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### Abstract

It is proposed that the legal foundations of open access establish that scholarly publications development in Higher Education Institutions (HEI) must be visible and available without restrictions of technical and/or legal access. In addition SDG 16.10 and 16.10.2 of SDG are analyzed.

It is formulated the following question: Why and how HEI can legally protect and manage their scholarly publications in OA? To verify this assumption, a documentary research is carried out with variables and content analysis of the legal foundations of the OA of some countries in Latin America that are registered in the Melibea and Roamap directories. Based on the interpretation of results obtained, the proposal for a right of open access was developed to justify that by legal and human rights the HEI are responsible for the protection, decision making, management and usufruct of the scholarly publications; integrate this responsibility into the legal foundations of open access; and show how the functions and actions of libraries of HEIs will support open access for the benefit development and transformation of societies.

### CONTENT

1. Context
2. Object of study: Open Access (OA), Sustainable Development Goals (SDG)
3. Methodology: Legal Foundations (LF) of OA in Latin America: content analysis, results and interpretation.
4. Results: "Right of Open Access": norms & strategies
5. Conclusions

### Methodology

#### Legal Foundations of OA in Latin America: content analysis

### #3

Objectives & Variables

- 1: Identify and analyze the LF of OA registered in:
- 2: Find and locate the LF of governments and HEI
- 3: Determine types of LF. (management, optional, mandatory)
- 4: Justify that the LF needs to be complemented and reinforced

#### IMPORTANT DATA!

10 variables were defined to perform the content analysis of the LF

#### What are the legal foundations (LF)?

They are declarations, rules, guidelines and formal policies that provide guides and good practices for the operation of OA



Entity	Entity Type	Country	Year
Consejo Nacional de Ciencia e Innovación	Gobierno	México	2007
Decreto sobre procesos de digitalización de documentos	Decreto	Brasil	2007
Decreto sobre el acceso a la información pública	Decreto	Brasil	2007
Decreto sobre el acceso a la información pública	Decreto	Brasil	2007
Decreto sobre el acceso a la información pública	Decreto	Brasil	2007

### Proposal

#### Right of Open Access (ROA)

### #4

ROA is a conceptual and pragmatic proposal



#### 3 STEPS TO ROA

1. Conceptual
2. Pragmatic
3. Norms & strategies

1. Conceptual. Legal aspects for availability and OA

2. Pragmatic. OA management for libraries of HEI

3. Norms and Strategies for guardianship, regulation and management

#### 3. Proposal of Norms & Strategies

### #1 CONTEXT

#### Academic communication in Higher Education Institutions (HEI) promotes that

ADS & ODS

Sustainable Development Agenda (SDA) & Sustainable Development Goals (SDG): 16.10 y 16.10.2

that should be explicit in the Legal Foundation (LF) of the OA

Object of study

### #2

#### Open Access (OA) & Sustainable Development Goals (SDG)

is a key for Sustainable Development Goals; Human Rights; eliminating barriers or limitations to use scholarly publications.

Budapest, 2002, Bethesda & Berlin 2003

IMPORTANT POINT! OA is a key factor for the SDG

Access to Scientific Knowledge (AZSK), UNESCO: "Gaps in existing foundations and lack proposal"

Why Scholarly Publications of Higher Institution Education must be available in OA as a human and legal right?

OA-3 "BB" + OSD 16.10 & 16.10.2!

AZSK!

Relationship with libraries: Little or no collaboration

¿How?

Relationship with libraries: Little or no collaboration

### Results of analysis LF in Latin America

### 7 Countries with LF

México 3, Colombia 5, Argentina 5, Perú 7, Venezuela 6, Bolivia 1, Brazil 20

Countries with LF of governments and HEI

Only HEI

Colombia 5, Argentina 5, Perú 7, Venezuela 6, Bolivia 1, Brazil 20

Colombia 5, Argentina 5, Perú 7, Venezuela 6, Bolivia 1, Brazil 20

Colombia 5, Argentina 5, Perú 7, Venezuela 6, Bolivia 1, Brazil 20

Colombia 5, Argentina 5, Perú 7, Venezuela 6, Bolivia 1, Brazil 20

Colombia 5, Argentina 5, Perú 7, Venezuela 6, Bolivia 1, Brazil 20

Colombia 5, Argentina 5, Perú 7, Venezuela 6, Bolivia 1, Brazil 20

Colombia 5, Argentina 5, Perú 7, Venezuela 6, Bolivia 1, Brazil 20

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### #4

#### Norms & Strategies for Guardianship, regulation and management

1. Institutionalization

2. Conceptualization

3. Legal elements for HEI

4. Rights Licences

5. Libraries of HEI

6. Implementation Plan and Libraries functions

7. Legality of deposit and/or self-file

8. OA concept - Typology of publications

9. OA routes

10. Goals

11. Complement planning, concepts, type of LF

12. Justify with elements and rights the OA

13. Propose the library functions of HEI for the OA

14. Librarians have skills, strategies and knowledge to intervene and contribute in the analysis and development of proposal and actions on OA at the theoretical, pragmatic, politic level...

### #3 Interpretation of results of analysis LF in latin America

#### HEI - Informative heritage management

- Support for transparency and accountability

Government: - Support for public policies - Justify visibility

Type of policy: - Unclear policies

Relationship with libraries: - Little or no collaboration

Based on the results, it is determined that the LF of OA needs to be reinforced and complemented

Due to gaps of LF the ROA is a librarianship contribution

### #5

#### THE END

Management of ROA in Libraries

Strategy for support, management and decision making

OA happen to be an action of good intention

To be an action according to law

Libraries must be recognized as Actors of OA

Benefits of the ROA: Exercise of human, author right, fair use, licensing, democratic access, transparency

to support recognition in legal framework of libraries and HEI

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