Editorial

Why SOL?

When the AHRB Research Centre for Studies in Intellectual Property and Technology Law decided to host a new online journal dealing with the interaction between the law and new technologies, one of the initial concerns was to make use of novel licensing schemes that ensure the widest possible dissemination of the materials included in the journal, in the spirit of the [Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities](#).

The journal's editorial board was asked to consider different strategies to achieve this goal. The solution that we came up with was to draft the [SCRIPT-ed Open Licence](#) (SOL). This licence follows in the brave and innovative footsteps of an increasing number of licences providing intellectual commons in the digital domain, particularly in software development with the increasing use of non-proprietary software development licences such as those that can be seen in the [Open Source](#) and [Free Software](#) communities.

In the early days of the Internet, many commentators thought that the new environment would provide an excellent environment to foster the wide dissemination of intellectual works, and almost all content was offered free of charge. This was soon challenged by the expanding commercialisation of Internet content, which generated a two-tier network. On the one hand there was a content-rich Internet available to those with money to pay subscription fees, and on the other hand there was a public-access Internet with poor quality of content.

Fortunately, there is growing recognition that it is in the best public interest to maintain the early spirit of sharing that was characteristic of the early Internet. This sharing spirit can be seen in a large number of projects that understand the dissemination of information as something that works in the public interest – and there is increasing awareness that this is a trend that must be encouraged. It is this

emerging sharing ethic that has prompted the creation of non-proprietary licensing schemes such as the GNU Free Documentation License, the OpenContent Licence, MIT's Open Courseware and the Creative Commons project. SOL follows on the footsteps of such valuable projects.

A valid question that may be asked is to wonder why SCRIPT-ed has decided to draft a new licence when there are so many licences already available. The answer is a practical one. Many of the existing licences are drafted in the United States, and they may contain some clauses that could be considered invalid in other jurisdictions. This is one of the reasons that have prompted Creative Commons to partner with academic institutions around the world to re-draft their existing licences to make sure that they are valid in each participating country. The Creative Commons project in the UK is ongoing at this moment, and we are proud to announce that Professor Hector MacQueen is a member of the drafting committee.

Because SCRIPT-ed was launched before the final version of the Creative Commons UK licence has been made available to the public, we decided to try our hand at drafting a licence specifically directed to online academic publications. Many of the existing non-proprietary licences have been drafted with specific intellectual works in mind, particularly software. Because of the idiosyncratic nature of academic publications, it was felt that some of the existing licences did not really cover the needs of academic authors. A typical example of this is the fact that many non-proprietary licences insist on allowing modified derivative versions of the original work. This may be a reasonable expectation in software development, but it does not make much sense for an academic journal. This is why SOL places much more emphasis on attribution of authorship and in maintaining the integrity of the work as a whole instead of allowing modification through derivative works. The value of an academic journal article lies in the ideas expressed by the author, so providing users with the power to modify the work is not that important.

In a medium where information has become a commodity, having access to information is the ultimate goal. SCRIPT-ed is founded on the principles of the dissemination of high-quality, peer-reviewed articles. It is then vital for the journal to empower authors by allowing them to maintain ownership of their works.

We also welcome and encourage other providers of online content to use SOL in any other online publishing project that attempts to ensure the non-commercial dissemination of online content. We also encourage other institutions to modify SOL to fit their own needs because we recognise that different intellectual works may require different licensing solutions.

We hope that you enjoy the contents provided by this new journal, and we welcome any suggestions to improve SOL. (Many thanks to Andrew A. Adams for his valuable suggestions).

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