



Bundesministerium  
für Bildung  
und Forschung

## **Speech**

**by State Secretary Dr. Georg Schütte**

**on the occasion of the  
Berlin Open Access Conference 2013**

**in Berlin, BBAW  
on 19 November 2013**

**Duration: 20 min**

**For release: Beginning of the speech!**

**Check against delivery!**

## **I. Introduction**

Ladies and Gentlemen,

Thank you very much for inviting me here and for hosting the Berlin Open Access Conference here in Berlin again on its 10th anniversary! I am very glad to be here and talk to you because the topic of open access – something that likely only insiders in the digital world knew about ten years ago – has since moved full centre of the science and innovation policy stage. Today, open access – and the Federal Ministry of Education and Research

shares this view – is a crucial condition for education, science and research.

In the ten years since the Berlin Declaration, the digital landscape has continued its development and has changed. The Internet and digitalization have further revolutionized access to knowledge and drastically reduced the associated costs. Information and knowledge – and unfortunately some other, rather banal or annoying things – can now spread throughout the world faster and more affordably than ever before. This is creating new challenges and calls for new, modern solutions. I would now like to tell you

about some of the solutions which we have come up with in the past years.

## **II. High-Tech Strategy as a holistic approach to innovation in Germany**

The pre-condition for a policy of open access in science is an unequivocal commitment to research and innovation. Research develops solutions for individual and global problems. Through innovation it leads to more productivity, new business lines and new sunrise industries and, ultimately, to more employment and prosperity. Germany has come a long way since the Berlin

Declaration. The Federal Government has given high priority to research, innovation and new technologies. Last year alone, we invested a total of 13.7 billion euros in research and development. Compare that to the figure of only 9 billion euros in 2005. Overall, the share of research and development in Germany's gross domestic product (GDP) has risen considerably – from 2.5 per cent in 2005 to 2.9 per cent in 2011. This brings Germany very close to the European three per cent target. These numbers boldly illustrate the priority which the Federal Government has given to the areas of science and research. (*Aktualisierungsvorbehalt*). As you are certainly aware, negotiations to form a new Federal Government are currently being held here in Berlin. I am

convinced that we will be able to maintain this priority in the new legislative term.

The outcome of our efforts to date is impressive. Germany's innovative strength is stronger than ever:

- Germany is among the most innovative countries in the world. So say dozens of rankings. The latest Innovation Union Scoreboard reports that Germany has improved yet again and is now in second place among all 28 EU countries.
- The number of people working in research and development has risen steadily after a dip between 2000 and 2005: from 475,000 in 2005 to 567,000 in 2011 – that is an increase of 19%.

- Our universities enjoy an excellent reputation. Recognition of foreign degrees or qualifications is now much less complicated than it used to be.
- Germany's share of world trade in R&D-intensive goods is at a high of some 12%. What is more, we are a world leader in patents relevant to the global market.

These numbers clearly show that a knowledge economy is the foundation of our success, which is why it is difficult to overstate the importance of protection of but also access to scientific information. And only when research results are accessible – and this concerns not only text material but (research) data in particular – can they be used to generate further research activity. It is the only way to generate positive effects on the entire economy.

Ladies and Gentlemen,

In 2006 the Federal Government adopted its High-Tech Strategy for Germany, which pursues a holistic approach to innovation. The High-Tech Strategy pools the research and innovation activities of the Federal Government into the five high demand areas of climate/energy, health/nutrition, communication, mobility and security. Germany's High-Tech Strategy means granting priority to missions. It is about pooling all our innovative capacities and gearing them towards a common goal.



- For example, we have made the fight against major common diseases a priority issue by establishing the German centres for health research.
- The broad-based, forward-looking "City of the Future" project aims to create liveable conditions for the people in our cities.
- The "Industry 4.0" core project is how we are supporting Germany's industry to take a lead position in shaping the 4th industrial revolution.

What the High-Tech Strategy also means for us is granting priority to the transfer from research to industry. We have established new means of supporting innovation through the High-Tech Strategy so

that ideas can become innovations more quickly. The uninterrupted flow of knowledge is a pre-condition for innovation and research, and also for its transfer to products, goods and services. Germany is the global leader of knowledge-intensive exports. Holding on to this leadership requires an outstanding innovation system, in which access to knowledge – to data and scientific literature – is possible on the one hand, and intellectual property is reliably protected on the other. It is a difficult balance but one which must be kept.

Our hard work has also borne fruit in this area – we have intensified the establishment of clusters and networks and

accelerated knowledge and technology transfer. Taking research findings from the science lab to the marketplace is something we would like to further improve in the new legislative term and raise to a new level. The truth is that the benefit of innovations depends a great deal on how successfully they are transferred to industrial application.

### **III. Open Access as key element of an innovative research environment – Successes in Germany**

In terms of research policy, the Federal Ministry of Education and Research is very interested in making digital access to scientific

information more easy. An unhindered flow of knowledge does more than just make researchers' work much easier: it is the very most basic requirement to enable excellent scientific research and the transfer of findings from science to industry and society. Open access makes it easier to get hold of scientific knowledge and to raise the visibility of research results – for other researchers and for all of society as well. The legal provisions to protect intellectual property, which are the basis of creativity, investor confidence and inventive thinking, play a significant role in this context. They are key to the innovation process – but they must be formulated in such a way as to not prevent innovations. In other words, we must take advantage of the opportunities of digitalization and develop copyright law in a way that is modern and science-friendly.

In the last legislative term, the Federal Ministry of Education and Research focused a great deal of attention on the issue of science-friendly copyright law in the digital knowledge society. This included a strategic dialogue with players in science practice, science organizations, libraries and museums, the education and innovation sector, publishers, administration and copyright experts. This dialogue revealed that digitalization offers a wide range of opportunities to strengthen innovation – and that it is possible to maintain a fair balance of interests. We will continue to take this into consideration in all of our future measures.

In the past electoral term, we worked on a regulatory framework to make copyright law in Germany even more innovation-friendly and ensure access to protected information in follow-up research. As a result, an inalienable right to secondary publication was included in copyright law – quite a big success, I think.

The legislative process [with regard to the use of orphan works and out-of-print publications] has meanwhile been completed. The law will become effective on January 1<sup>st</sup>, 2014 so that a statutory right to secondary publication will apply from that date. And in early 2015, when the twelve-month embargo period after primary

publication has ended, we will be seeing the first secondary publications made on this legal basis!

The inalienable right to secondary publication provides legal security for scientific authors who make their research findings accessible to the general public at the end of a twelve-month period. At least half of the research which generated the findings must have been government-funded. The right applies to secondary publication of findings generated by research that was carried out under publicly funded projects or by non-university research institutions. Publishers' legitimate interests are met by the twelve-month embargo period.

The statutory right to secondary publication opens the door to the "green road" to open access, that is, online publication of research findings in addition to publication in print. This new right is thus an important first step towards promotion of open access in Germany.

I say 'a first step' because the new provision only refers to publication of findings generated by publicly funded research. This means that the right does not apply to research at universities [which receive basic institutional funding not specifically earmarked for research].



I am aware that the Alliance of Science Organizations in Germany advocated a broader right of publication. The Alliance spoke out against the bill and presented reasonable arguments [Hinweis: Argumente waren u.a. Abgrenzungsprobleme, ungerechtfertigte Diskriminierung der Hochschulen, bei denen 80% der wissenschaftlichen Publikationen anfallen]. The statutory provision which now applies is a compromise. It resulted from a highly controversial debate that also involved legal and research policy makers. My Ministry, the BMBF, had indeed hoped for more.

Nevertheless, I am very pleased that our efforts to introduce an inalienable right to secondary publication have been successful.

This is a major initial step towards more science-friendly copyright provisions and better access to scientific information for researchers.

I very much hope that the statutory right to secondary publication will prove a good and useable instrument for science that is easy to handle in everyday practice. And I also hope that all stakeholders will contribute to the success of this effort and that quick and practical solutions can be found for any problems that may arise. I am therefore confident that the new right will facilitate access to scientific information not only for researchers but also for society as a whole.

However, the introduction of the right to secondary publication does not mark the end of related efforts. Together with the bill, the parliamentary groups of the coalition partners of the last electoral term adopted a motion for a resolution requesting the Federal Government to take additional steps to promote open access in Germany and ensure a broad and attractive range of generally available scientific publications.

The motion proposes a number of measures to maintain a balance between protection and adequate payment for creative work and between the interests of different industrial segments, consumers,

the educational sector and the scientific community while ensuring that innovation processes can take place at the same time.

The measures proposed include

- Additional funding for open access publication,
- A publication fund for Golden Open Access,
- Digital archiving and access to findings generated by mainly publicly funded research,
- Open access provisions in the terms and conditions applied by public funders.
- Another proposal is to consider whether further adaptation is needed to make copyright law more science-friendly.

I think such proposals for further development are a wise move. – They can be seen as a kind of open access work programme for the new legislative term. These proposals will be considered carefully. – I hope we will be able to realize many of them in the coming four years.

Open access is also a topic of the ongoing coalition negotiations to form a new German government. I am not giving away any secrets by saying that the discussions are also dealing with the question of whether a general education and science barrier in copyright law might not be preferable to our rather confusing current collection of individual provisions. I know that this involves consideration of a

number of questions – including European law. Nevertheless, this may be an important step towards copyright provisions that are clearer and more education and science-friendly. Especially in this field, I would be pleased to see the European Commission focus more on educational and scientific concerns and promote improvements.

Even though the new government in Germany has yet to be formed I can assure you that open access will remain an important topic for the Federal Government – and for the Federal Ministry of Education and Research. **(Aktualisierungsvorbehalt)** The coalition agreement to be drawn up over the next few weeks will

also chart the course for open access policy. It would certainly be wise – and I think everyone present here will agree – if we set ourselves the goal of developing an open access strategy for Germany in the coming years. Other countries such as Great Britain have already come up with an open access policy. What such a strategy should look like – and which open access options would be preferred in Germany – is a subject for further discussion though.

The digital world knows no national borders. Open access always implies global access. That is what digitalization is about. Online publication can only develop its full potential with global access.

But this also presents special challenges. It means, for example, that we cannot move towards open access in isolation. We need to engage in international coordination and cooperation to ensure that the global treasures on the web can be discovered and used to the benefit of us all.

I therefore keenly look forward to the presentations by the Vice-President of the European Commission Neelie Kroes and by further guests from Great Britain (Minister David Willets) and France (Director General Roger Genet).

It was a great honour for me to be involved in the drafting of the G8 Science Ministers Statement during the British Presidency in



London last June [June 12, 2013]. The Science Ministers spoke out in favour of enhancing transparency through the greatest possible degree of open access to publicly funded scientific research data, and of ensuring adoption by scientific communities through an appropriate policy environment, including recognition of researchers fulfilling these principles, and appropriate digital infrastructure. The aim is to enable full use of valuable research findings in order to solve global challenges.

This Statement is an apt example of international commitment to promoting open access to scientific data. We should continue on this path in a joint international effort to improve open access.

I would like to mention here in particular the commitment of the European Commission, which increasingly addressed the topic of open access in recent years. Open access has been included among the priorities of the European Research Area, and it has been made an integral part of Horizon 2020.

The Commission also formulated clear and ambitious objectives for the open access policies of Member States in numerous communications. One such objective is to introduce open access policies in all Member States by 2014; another is to increase the proportion of openly accessible articles from publicly funded research from 20% to 60%.

Commissioner Kroes, I would like to suggest that you continue your efforts so that we will be able to promote open access to scientific findings also at European level.

#### **IV. Looking ahead**

Ladies and Gentlemen,

Modern science and innovative societies thrive on dialogue and exchange and on the open access to the results of scientific research. The debate on open access helps us make progress and remove obstacles to natural creativity in free and open societies. I hope we will continue to work together to develop this

creativity for the benefit of all stakeholders in the process of scientific publication.

I look forward to the discussions and results of this conference, which, I hope, will again be held in Berlin in the near future. Thank you once again for inviting me, and thank you for your attention.