

Abstract  
**“Intellectual Property Rights and the Open Access Movement”**  
Georgia Harper

The fundamental dispute about intellectual property between publishers and OA advocates is not about who owns what rights or who can do what with them. It is more basic than this. It is about the appropriateness, even the need for, reliance on the one economic mechanism that copyright law enables, that is artificial scarcity and monopoly pricing, in an era when people all over the world could quickly know about current research results through the Web, but for the fact that the publishing industry's business model passes on the costs to create and deliver the research results to the reader.

For more than 200 years copyright law has enabled, and publishers have depended on, the mechanism of state-granted monopoly, "creating artificial scarcity" to give publishers a period of time during which they can charge higher prices than the market would otherwise dictate and recover their costs of publishing plus a profit in most cases. But in this era of instant access to digital creative works, and easy, world-wide distribution for almost no cost for the reader beyond the cost of personal infrastructure to receive them (computers, internet access and electricity) the monopolistic mechanism of "artificial scarcity" turns what is one of the most important, most critical advantages of the digital world into something to be fought tooth and nail. This is a huge problem for publishers but the solution is not legal. The solution lies in finding satisfactory business models that can fund the creation of works, still a costly undertaking, without sacrificing the digital benefit of relatively free distribution to anyone and everyone who might desire to access it.

Everyone in this room knows this. But what we may not realize is that if in fact it is not just possible but profitable to create and disseminate digital research results (or any creative digital work for that matter) without reliance on the mechanism copyright enables, that is, monopoly pricing through artificial scarcity (restrictions on copying), why do creators and publishers need that digital monopoly? Do its costs outweigh its benefits in the coming world of ubiquitous open access?