

A Study on the Improvement of Legal System for Collecting and Registering National R&D Reports

Dec. 2, 2013
Kiseok Choi

Korea Institute of Science & Technology

CONTENTS

I. Introduction

II. Content and scope of the study

III. Result of the Study

IV. Application Schemes

Introduction

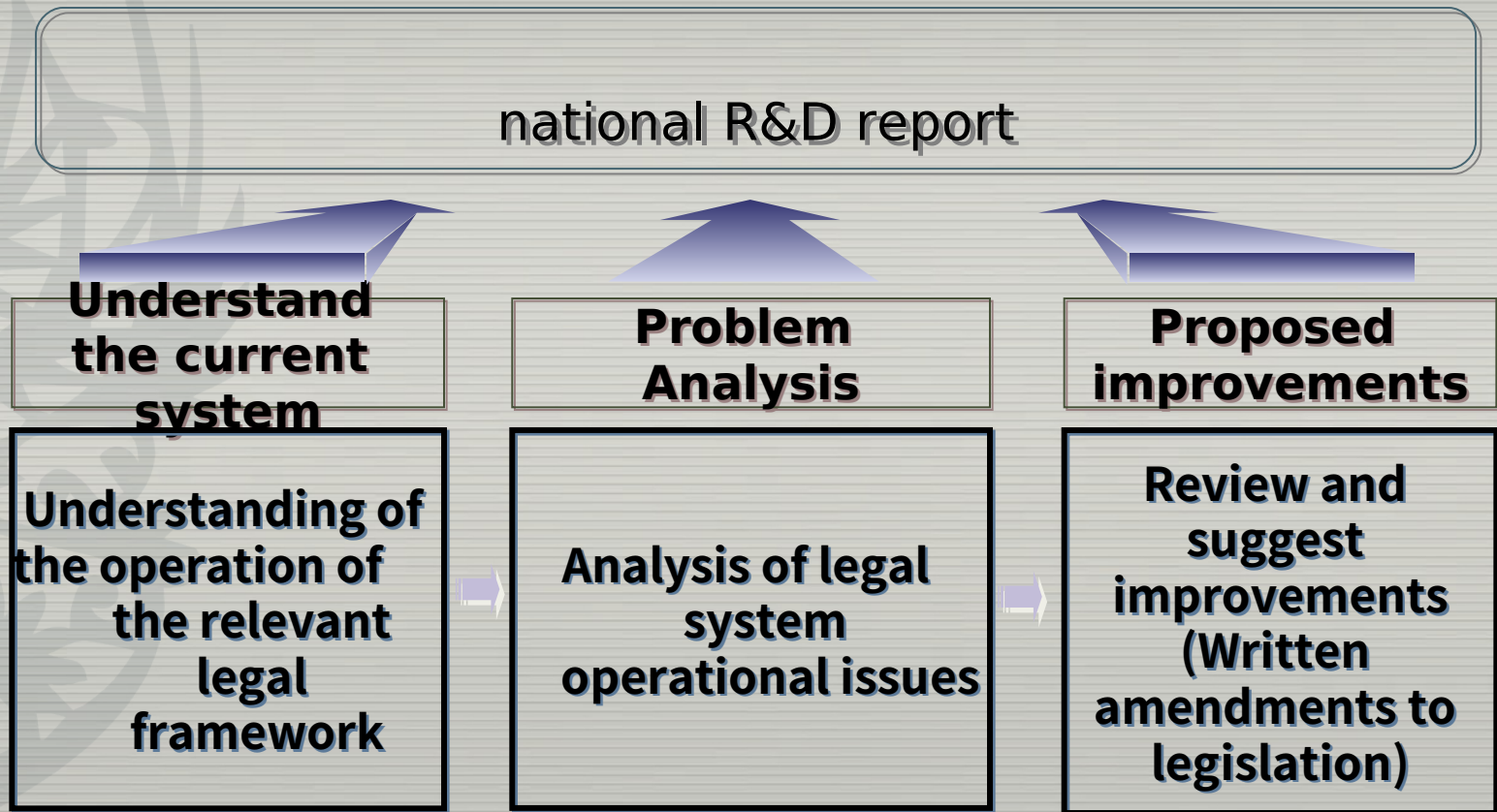
1. Need

R&D reports submitted to KISTI : 10,000/year(2010~2012)
- About 45% of total amount-

Requires a comprehensive study on the problem and improvement scheme with the current operating system

Lack of regulations for the management of copyright for national research report into DB and collection of private research reports

2. Objectives



3. Content and scope

Analysis of national R&D report collection, management, distribution-related major legal systems

- 1) national research report related to the collection and registration legal system
- 2) private national research report related to the disclosure of information and distribution of legal system
- 3) any copyright issues related to the construction and operation of R&D report DB

Improvement of the current legal framework and amend relevant laws and regulations (draft)

- 2) writes revised version of related laws (draft) : co-management regulations, etc.

- If you do not need legislation amendments, propose business improvement

Content and scope of the study

1. Register and collection regulation of national R&D reports

- lack of effectiveness of the collection and registration system of national R&D report
- Currently, a formal regulation of the national R&D report submission to KISTI is maintained, but lack of the means to ensure the effectiveness
- As the lack of enforceable legal obligations
- lack of measures to identify enrollment R&D report

KISTI R&D Report Collection Status(2013. 09)

YEAR	2009	2010	2011	Total	Remarks
Generation	18,600	17,848	19,261	55,709	
DB const.	7,100	8,415	8,297	23,812	42.7%

2. legal system related to private national R&D report information

- **plethora specifying the object of private R&D reports**
 - lack of classification criteria and procedures to private R&D reports
 - high proportion of private R&D reports in some departments (can raise questions of validity)
 - unnecessary expansion of specifying private R&D reports can be done by request
- **registering issues of private national R&D report**
 - Low Enrollment in private R&D report
 - lack of private R&D report information management system
- **problem of classification procedure and method**
 - When submitting a research proposal by a research director, self-classification of security level - Project evaluation team confirm

3. copyright issues related to national R&D report information distribution

- rules exist about National R&D report on information management and distribution, but the troubleshooting regulation for the copyright is not - The possibility of copyright problem
- Right of Reproduction Problems
 - it is unclear whether the right to reproduce is granted to KISTI's DB service
- Public transmission rights problem
 - it is considered as transfer that the R&D report DB is open to public in the internet
 - it is uncertain that service providers(KISTI) can transfer to public
- creation and equality maintenance of derivatives problem
 - Add a summary, translation by service provider can cause violation of copyright
 - data processing, providing for DB construction can be unable to maintain equality

Result of the Study

1. improvement plan for the rules of R&D report register and collection

- **regulations of National R&D Report Distribution**
 - to ensure KISTI systematically collect the national R&D reports, apart from the existing registration rule, it is desirable maintain previous report distribution system
 - Although the abolition of 11/08/2010 amendment Act, it is desirable to maintain considering the United States NTIS cases
- **improvement of R&D report registration rule**
 - change R&D report registration rule from optional to mandatory
 - establish rules of procedure of periodic reports to government the current enrollment status of R&D reports
- **Standardization of registration form, information distribution of research reports**

2. Improvement plan of open to public of private R&D reports

- **complement regulation of private procedures and duration**
 - - specify a fixed time period of private of R&D reports with regard to the reasons stated by
- **prepare regulations of public open of R&D reports after the closed period**
 - - promote information circulation of R&D reports by specifying the procedure and method of public open after the closed period
 - - establish monitoring procedures of the management status of secured & private R&D reports

3. copyright issue improvement plan related to R&D report info. circulation

- **Introduction of statutory license**
 - - provide regulation of permission to use "Right of Reproduction, distribution rights, and transmission rights," and so on when R&D report DB is open to public
 - - limit the effect to the national R&D related works(e.g. R&D report)
- **Improve the way national research and development agreement**
 - - at the time of, National Research and Development Agreement, acquire the consent of information collection and utilization of R&D report: Improving the effectiveness of existing regulations
- **Prepare the regulations of comprehensive fair use**
 - - the general solution to the Public purpose copyright issues

Conclusion: Application Schemes

1. expected effect

- **Reflected in the government amended the relevant legislation**
 - **used as basic data for systematic improvement of collection and management of national R&D reports**
 - **the results obtained, on the basis of information presented here, reflect the government's revision of related laws**
 - **available to other researchers, such as relevant research data**