

## **Access To Taxonomic Descriptions: Protologs Are Not Protected By Copyright.**

(Donat Agosti and Willi Egloff, Plazi, Switzerland; ICZN Paris meeting August 23- 25, 2008)

### **Background**

Verbatim descriptions of new taxa (protologs) are an integral part of the formal descriptions of new taxa and requested by the Code. Descriptions are in a very specific standardized language, in a specific standardized form, with the objective of specifying the recognition of a taxon and separating it from others. Descriptions are part of a well established tradition of what characters have to be described and are based on a listing of facts, whose conformity is often reinforced by peer-review. Furthermore, protologs are part of a much larger body of re-descriptions, a body of literature that might be at least 10 times larger and often includes much more detailed, and by nature more recent re-descriptions. Descriptions are not unique and not special in the sense of individuality needed to qualify as work in the legal sense, and thus can not be protected by copyright law, in the sense of the Berne Convention.

Copyright legislation is national but is based on the Berne Convention for the Protection of Literary and Artistic Works (1) which defines a minimal standard. This international copyright standard does not require the recognition of descriptions as works; it is therefore not an obstacle to an open access to descriptions of new taxa.

### **Proposal**

Open access to descriptions should (and thus can) become a requirement to make a name or nomenclatural act available, and it should be part of the proposed registration. An inclusion of the description into Zoobank might be considered.

### **Discussion**

The above interpretation of copyright law, the only way to go ahead with legacy publications, should be complemented by social changes in our community, whereby we negotiate with our publishers to opt for open access in general, and establish a best practice that at least all the content of the entire taxonomic publications are being made open access, either through the publishers directly, or the increasingly use of self-repositories advocated by global initiatives such as the Berlin Declaration or the National Institutes of Health in the US. The authorship of descriptions is not lost by open access but is recognized by the scientific principle of citation of sources.

### **Application**

This position has been adopted by Plazi, a Swiss not for profit association which provides access to taxonomic descriptions (<http://plazi.org>). Currently more than 7,000 descriptions are accessible, rapidly increasing in numbers by collaborating with, among others, Zootaxa to make some of their descriptions online accessible.

### **Outlook**

The real important reason for open access is that content of documents can be linked, that is semantically enhanced, for example to provide access to all the underlying data such as specimen records, images, DNA sequences and nomenclature. In the very near future this will be the only way that our huge, hundred million of pages of published taxonomic record will be properly integrated into the rapidly expanding knowledge sphere. We can not afford to continue reading and extracting data from each page manually and with that prevent others from using our extremely valuable insights into nature. Zoobank will be, on our side the perfect entry point to this wealth of information.

(1) [http://www.wipo.int/treaties/en/ip/berne/trtdocs\\_wo001.html](http://www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html)