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淺談**開放期刊**及其近用政策

開放文化基金會，法制顧問 / Open Culture Foundation, Legal Adviser

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財團法人**國家實驗研究院**科技政策研究與資訊中心

全國學術電子資訊資源共享聯盟 (CONsortium on Core Electronic Resources in Taiwan, **CONCERT**)

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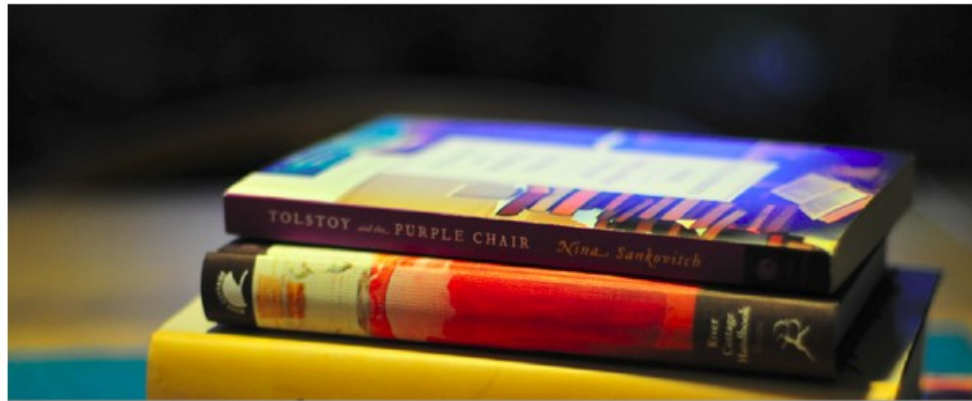
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2016-12-30

鄭婷宇 / 編譯



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在研究過程中，學者需要閱讀大量的參考資料，並時常需要更新，這就要求新發布的立獻以跟上如



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國立臺灣大學2017年起停訂Elsevier ScienceDirect期刊

各位師長同學您好：

長久以來，圖書館致力於支援全校師生之教學、研究和學習所需，在有限的經費下，透過積極參加聯盟的方式降低書刊採購成本，讓全校師生得以持續使用圖書與期刊等學術資源。

目前全校訂購近4,700種期刊，其中Elsevier ScienceDirect的784種期刊占訂購種數17%，所需費用卻逾期刊採購總金額33%。又本校訂購Elsevier ScienceDirect期刊雖已由2008年的833種，減少為2016年的784種，但是訂購費用卻增加為143%。該公司在期刊出版的壟斷現狀，以及不合理的訂價政策導致過於昂貴的訂費，早為全球各大學所詬病。今年與Elsevier進行2017-2019年期刊的訂購協商，該公司仍堅持2018年與2019年固定漲幅4%且不得刪訂期刊之方案，若本校持續接受該公司固定漲幅政策，實無法負擔過高且不合理之期刊訂購費用，亦將擠壓其他學術資源的採購。

臺灣許多大學校院圖書館在獲知Elsevier的方案後，紛紛決定不接受該公司提出之方案。我們也認為這個方案是無法接受的，因此為了創造後續談判對我方之有利條件，若未能達成合理且我方可接受之方案，將於2017年起停訂Elsevier ScienceDirect期刊。這項決定在105年11月1日本校行政會議上亦已獲校長、副校長和各學院院長的支持。



首頁

JADE免費文獻複印傳遞服務，將於6月12日恢復為計費申請。 [詳見相關說明](#)

國立臺灣大學2017年起停訂Elsevier ScienceDirect期刊之配套措施

2017年1月1日起本校停訂Elsevier ScienceDirect電子期刊資料庫，僅會影響部分期刊的使用需求，若您發現所需要的期刊論文無法連線取得，請參考以下方式獲取您需用之期刊論文：

- 一、可[查找網路資源](#)，例如 [Google Scholar](#)。
- 二、可試查作者所屬單位的機構典藏（institutional repository）平台。
- 三、可向作者索取。
- 四、可以館際合作方式申請期刊文章，目前優惠措施如下：

1. 請於國立臺灣大學圖書館 [期刊文獻快遞服務 \(Journal Article Delivery Express, JADE\) 系統](#) 提出文獻複印傳遞申請，每人每年件數享額度內免費優惠。超過免費額度之申請件，則依現行收費方式，每頁5元。

身分	申請件數	金額
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打破學術界的高牆—開放近用期刊的發展史

2016-12-04

鄭婷宇 / 編譯



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國家用納稅人的錢資助學術研究，但這些研究成果卻被禁錮在期刊出版商的付費高牆之後，除了繳稅，民眾還得再付費才能取得這些知識；研究者耗費心血的研究成果，無償送交出版商，但圖書館卻得付出大筆費用買回期刊供研究者使用。出版商所樹立的高牆，橫亙在知識的生產與散播過程之間。

網際網路的出現，為打破學術高牆的開放近用運動提供了新利器。從預印本的線上交流系統到摸索



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MIT has long been a leader in sharing its research, teaching, and scholarship openly with the world.

Photo: Jake Belcher

MIT, guided by open access principles, ends Elsevier negotiations

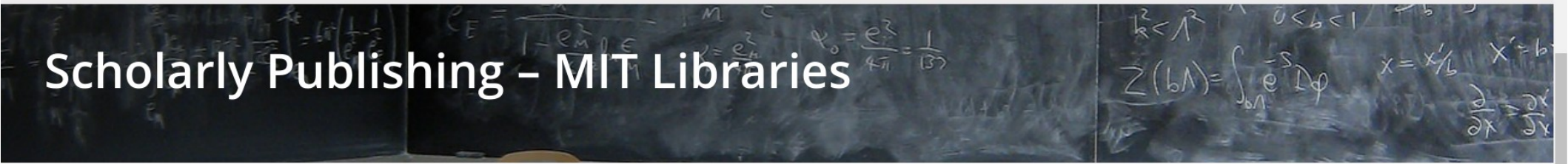
Institute ends negotiations for a new journals contract in the absence of a proposal aligning with the MIT Framework for Publisher Contracts.

MIT Libraries
June 11, 2020

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MIT AND ELSEVIER

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Why MIT ended its contract with Elsevier

MIT has long been a leader in sharing its research and scholarship openly with the world. In the face of unprecedented global challenges, equitable and open access to knowledge is more critical than ever.

For several months, the MIT Libraries had been in discussions with Elsevier, one of the largest publishers of scholarly journals in the world, about a new journals contract. Guided by the principles of the [MIT Framework for Publisher Contracts](#), MIT Libraries

How do I access Elsevier articles?

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[J Beall](#) - Nature, 2012 - nature.com

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[G Eysenbach](#) - PLoS Biol, 2006 - journals.plos.org

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Open access journal

From Wikipedia, the free encyclopedia

Open access (OA) journals are [scholarly journals](#) that are available online to the reader "without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself."^[1] They remove price barriers (e.g. subscription, licensing fees, pay-per-view fees) and most permission barriers (e.g. copyright and licensing restrictions).^[1] While [open access](#) journals are freely available to the reader, there are still costs associated with the publication and production of such journals. Some are subsidized, and some require payment on behalf of the author.^[1]

Some open access journals are subsidized and are financed by an [academic institution](#), [learned society](#) or a government information center. Others are financed by payment of [article processing charges](#) by submitting authors, money typically made available to researchers by their institution or funding agency.^[2] Sometimes these two are referred to respectively as "gold" and "platinum" models to emphasize their distinction,^{[3][4]} although other times "gold" OA is used to refer to both paid and unpaid OA.^[5]

In 2009, there were approximately 4,800 active open access journals, publishing around 190,000 articles.^[6] As of October 2015, this had increased to over 10,000 open access journals listed in the [Directory of Open Access Journals](#),^[7] though this number has fallen to 9,500 in January 2017. A study of random journals from the [citations indexes](#) AHSCI, SCI and SSCI in 2013 came to the result that 88% of the journals were closed access and 12% were open access.^[8]

https://en.wikipedia.org/wiki/Open_access_journal

PSI Directive / Open Data

Directive

公部門資訊再利用指令

directive on the re-use of Public Sector

Information

Open Data Directive 2019:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1561563110433&uri=CELEX:32019L1024>

POLICY

European legislation on open data and the re-use of public sector information

The Directive on open data and the re-use of public sector information provides a common legal framework for a European market for government-held data (public sector information). It is built around two key pillars of the internal market: transparency and fair competition.

The Directive on open data and the re-use of public sector information, also known as the **Open Data Directive** ([Directive \(EU\) 2019/1024](#)) entered into force on 16 July 2019. It replaces the Public Sector Information Directive, also known as the **PSI Directive** ([Directive 2003/98/EC](#)) which dated from 2003 and was subsequently amended by the [Directive 2013/37/EU](#) ([more about the process](#) of this revision).

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European Parliament Approves Updated Directive on Open Data and Public Sector Information



but transposition will be key

April 5, 2019 – [Timothy Vollmer](#)

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On Thursday the European Parliament voted 550-34 (with 25 abstentions) to approve the [Directive on Open Data and Public Sector Information](#). The directive updates the rules controlling the re-use of public sector information held by public sector bodies of the Member States and also governs the re-use of documents held by public undertakings, such as water, energy, transport, and postal services. The recast directive is expanded to cover publicly funded research data. It states that charges related to the provision of PSI should in principle be limited to marginal costs related to the initial provision of the

access to and reuse of culture and knowledge. We seek to limit the scope of exclusive copyright to sensible proportions that do not place unnecessary restrictions on access and use.

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Copyright reform for education has the objective to amplify the voice of education in the ongoing Copyright Reform debate in the European Union. We want to build awareness of the issue among stakeholders in the educational sectors. We will conduct research on educational licensing schemes in the European Union and will provide stakeholders reliable evidence that can be used in discussions concerning the European Commission's plans to make legislative proposals on the EU exception for "illustration for teaching". [Read More...](#)

The internet as we know

Repealed Directive with the amendment thereto

(referred to in Article 19)


Directive 2003/98/EC of the European Parliament and of the Council (OJ L 345, 31.12.2003, p. 90).	
Directive 2013/37/EU of the European Parliament and of the Council (OJ L 175, 27.6.2013, p. 1).	

Part B

Time-limits for transposition into national law and dates of application

(referred to in Article 19)

Directive	Time-limit for transposition	Date of application
2003/98/EC	1 July 2005	1 July 2005
2013/37/EU	18 July 2015	18 July 2015

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1、開放**歷史文物**館藏 2013

美術館、圖書館、典藏機構、博物館（鼓勵態度）

2、**邊際成本**

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（ 2003 建議 marginal cost、 2013 預設 marginal cost ）

3、**機器可讀**及 APIs

開放格式、開放標準

4、標準授權 standard licence

文件提供再利用不應設立使用條件，若要設條件，該條件必須客觀、符合比例原則、不歧視，並且在公共利益上可被證立；這些條件也不能在沒必要的狀況下限制資料的再利用，並且限制公平競爭；承載這些條件的授權申請，應為數位格式並能電子化處理。

5、開放近用 open access 2019

公資研究資料的開放近用 (as open as possible, as closed as necessary) ，必須做到「可搜、可及、可互通、可再用」！

6、締約輔導 no exclusive licence

承載公部門資訊資料之文件，原則上不得與特定廠商建立專屬授權，即使特定原因必須採專屬授權，此專屬授權期間不得逾 10 年。(GLAM 有較寬鬆處理)

Union institutions, in formats that are accessible, readily indable and re-usable by electronic means.

Article 10

Research data

1. Member States shall support the availability of research data by adopting national policies and relevant actions aiming at **making publicly funded research data openly available ('open access policies')**, following the principle of 'open by default' and compatible with the FAIR principles. In that context, concerns relating to intellectual property rights, personal data protection and confidentiality, security and legitimate commercial interests, shall be taken into account in accordance with the principle of 'as open as possible, as closed as necessary'. Those open access policies shall be addressed to research performing organisations and research funding organisations.

2. Without prejudice to point (c) of Article 1(2), research data shall be re-usable for commercial or non-commercial purposes in accordance with Chapters III and IV, insofar as they are publicly funded and researchers, research performing organisations or research funding organisations have already made them publicly available through an institutional or subject-based repository. In that context, legitimate commercial interests, knowledge transfer activities and pre-existing intellectual property rights shall be taken into account.

CHAPTER IV

NON-DISCRIMINATION AND FAIR TRADING

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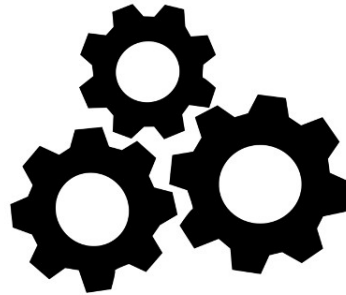
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I
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https://commons.wikimedia.org/wiki/File:FAIR_data_principles.jpg

those activities as apply to other users.

Article 12

Exclusive arrangements

1. The re-use of documents shall be open to all potential actors in the market, even if one or more market actors already exploit added-value products based on those documents. **Contracts or other arrangements between the public sector bodies or public undertakings holding the documents and third parties shall not grant exclusive rights.**

2. However, where an exclusive right is necessary for the provision of a service in the public interest, the validity of the reason for granting such an exclusive right shall be subject to regular review, and shall, in any event, be reviewed every three years. The exclusive arrangements established on or after 16 July 2019 shall be made publicly available online at least two months before they come into effect. The final terms of such arrangements shall be transparent and shall made publicly available online.

This paragraph shall not apply to digitisation of cultural resources.

3. Notwithstanding paragraph 1, where an exclusive right relates to the digitisation of cultural resources, the period of exclusivity shall in general not exceed 10 years. Where that period exceeds 10 years, its duration shall be subject to review during the 11th year and, if applicable, every seven years thereafter.

The arrangements granting exclusive rights referred to in the first subparagraph shall be transparent and made public.

In the case of an exclusive right re... public sector body concerned shall be

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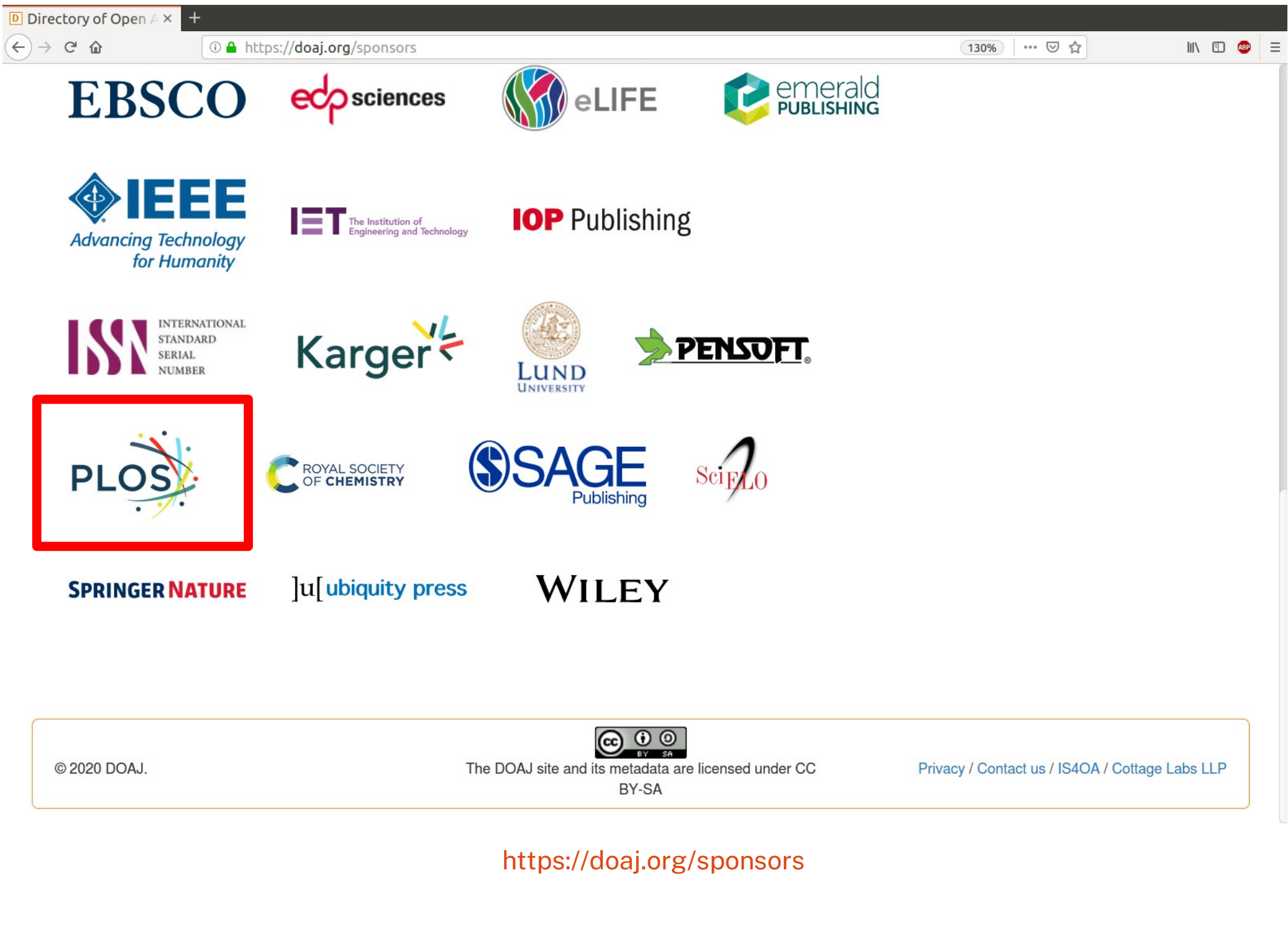
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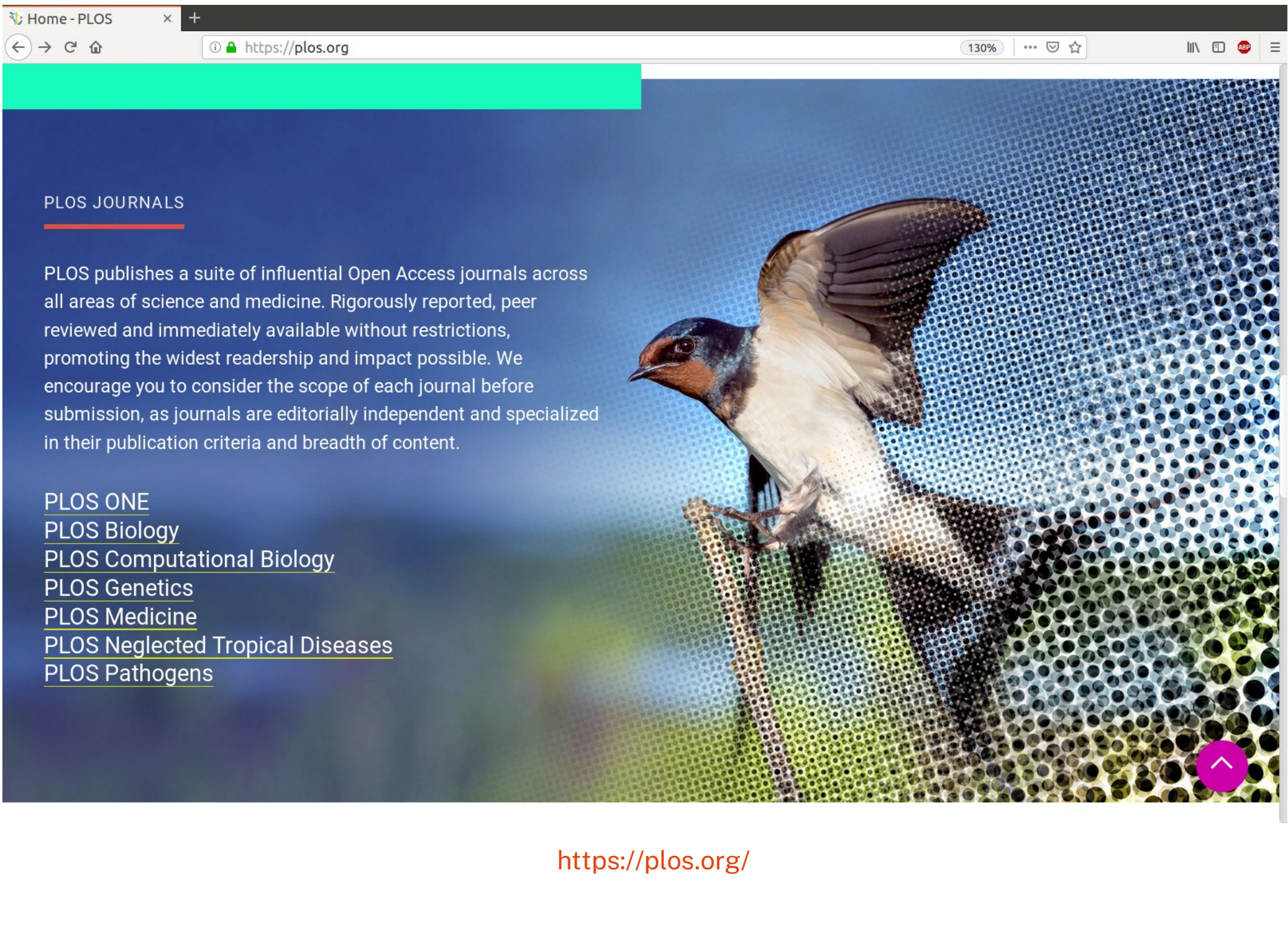
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Elsevier journal negotiations

UC strikes landmark open access deal with Elsevier

TO: The UC Berkeley academic community
FROM: Paul Alivisatos, Executive Vice Chancellor and Provost
Jeff MacKie-Mason, University Librarian and Professor
Jennifer Johnson-Hanks, Chair, Academic Senate, Berkeley Division
Thomas Dandeleet, Chair, Academic Senate Library Committee

Tuesday, March 16, 2021

The University of California has struck a deal with Elsevier, the largest academic publisher in the world — a landmark victory for the university and for open access publishing.

The [transformative agreement](#) comes after a much-publicized split between UC and the publishing giant, and more than two years of negotiations. The deal is the culmination of UC faculty members, librarians, and leaders coming together and standing strong in our efforts to make UC research freely available to everyone, and to transform scholarly publishing for the better.

The four-year agreement — going into effect on April 1, 2021 — restores UC's direct online access to Elsevier journals and doubles the number of articles covered by UC's open access agreements.

The outcome aligns with the university's [goals](#) of making UC research freely available for

Office of Scholarly Communication

University of California

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Elsevier Transformative Open Access Agreement

After more than two years of negotiations, in March 2021 the University of California [announced](#) a transformative open access agreement with Elsevier, the world's largest academic publisher. This successful outcome is the result of UC's faculty, librarians and university leadership coming together to stand firm on the goals of making UC research freely available to all and transforming scholarly communication for the better.

The four-year agreement goes into effect on April 1, 2021, restoring UC's direct online access to Elsevier journals while accomplishing the university's [two goals](#) for all publisher agreements:

- (1) Enabling universal open access to all UC research; and



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 - > [Negotiating with Publishers Toolkit](#)
 - > [Guidelines for Evaluating Transformative Agreements](#)
 - > [Open Access Tipping Point \(OATIP\) Public Affirmation](#)
 - > ["Pathways to Open Access"](#)

Agreement Basics

^ What are the basic terms of the agreement?

The four-year agreement runs from April 1, 2021 through March 2025, and incorporates open access publishing in support of UC's [mission](#). In addition, it restores UC's reading access to Elsevier's journal titles, and upholds the university's goal to manage its costs for academic journal subscriptions responsibly.




This agreement provides:

- **Reading access for Elsevier journals:** Effective April 1, UC will regain access to articles published in Elsevier journals that the libraries subscribed to before, plus additional journals to which UC previously did not subscribe.
- **Open access publishing in Elsevier journals:** UC researchers can publish OA in more than 2,500 Elsevier journals with significant library support:
 - A reduced article processing charge for all articles (15% for most journals; 10% for journals from Cell Press and The Lancet).
 - Full coverage of the article processing charge by the library for authors who do not have access to grant funding.
 - Partial coverage of the article processing charge by the library for authors who are able to contribute from their grant funding.

Open access will now be the default option for UC corresponding authors, although authors may opt out if they wish.

Every author contribution is important and significant, because even with

[between the University of California and The Company of Biologists](#)



<https://osc.universityofcalifornia.edu/uc-publisher-relationships/elsevier-oa-agreement/>

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access with Elsevier?

- What types of publications are covered by this agreement?
- Which journals are included in the agreement?
- ^ If I publish open access under this agreement, will I retain rights/copyright to my own work?

Yes. One of the benefits of publishing open access under this agreement is that you, as the author, retain copyright to your work. The Creative Commons Attribution (CC BY) license will be the default selection; you may also choose the Creative Commons Attribution Non-Commercial No Derivatives (CC BY NC ND) license. You can learn more about these Creative Commons license options [here](#) or see the [Resources section](#) for links to contacts at your library for more information.

- What if I don't want to publish open access? Can I still publish with Elsevier?
- What if I publish open access under this agreement, do I still need to deposit the article in eScholarship as well?
- Can I deposit in eScholarship instead of publishing open access under this agreement?
- How does this agreement support my rights as an author and my ability to share my work?

<https://osc.universityofcalifornia.edu/uc-publisher-relationships/elsevier-oa-agreement/>

^ If I publish open access under this agreement, will I retain rights/copyright to my own work?

^ What if I don't want to publish open access? Can I still publish with Elsevier?

Yes. Where and how you publish is your decision. The agreement with Elsevier does not mandate open access publishing nor does it dictate your journal selection. Rather, it makes open access publishing a more affordable option for most Elsevier journals, and you can opt out.

^ If I publish open access under this agreement, do I still need to deposit the article in eScholarship as well?

^ Can I deposit in eScholarship instead of publishing open access under this agreement?

^ How does this agreement support my rights as an author and my ability to share my work?

Payment Workflow

^ If I choose to publish open access, how do payments work?

Resources

^ Where can I go for more information?



1、在開放取用 (Open Access, OA) 的發展下，以圖書館發展機構典藏的角度來說，典藏機構研究者出版品時，機構典藏庫應該要知道的授權要點。

著作權

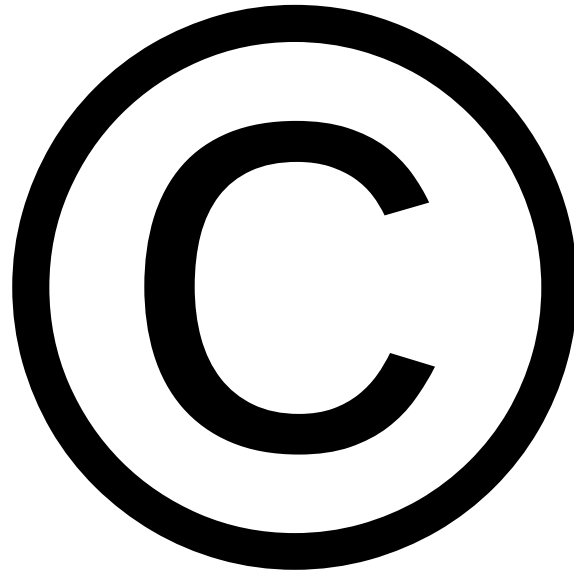
Copyright

創作保護主義

**作品於創作完成時自動取得著作權
利相關保護、毋須登記、毋須申請**

著作權法第 10 條 著作人於著作完成時享有著作權。但本法另有規定者，從其規定。

<http://law.moj.gov.tw/LawClass/LawSingle.aspx?Pcode=J0070017&FLNO=10>



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<https://www.copyright.gov/title17/92chap4.html>

著作權利的認定及歸屬

原則：創意由誰而生、著作人即為何人

雇：受雇人為著作人、雇用人享有著作財產權

聘：受聘人為著作人且享有著作財產權，然出資人「得」利用；

契約另行約定從其約定！

著作權法第 11 條：<https://law.moj.gov.tw/LawClass/LawSingle.aspx?pcode=J0070017&flno=11>

著作權法第 12 條：<https://law.moj.gov.tw/LawClass/LawSingle.aspx?pcode=J0070017&flno=12>

著作權利轉讓（賣斷）

Copyright Assignment

專屬授權（定期賣斷）

Exclusive License

非專屬授權（同時、平行的關係）

Non-exclusive License

2、以研究者投稿來說，OA 要求的 CC 授權與出版社要求的專屬授權 (exclusive license) 之間的差異，對於作者來說權利義務上的差別。

書面或足資證明 的授權文件

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著作財產權讓與之範圍依當事人之約定；其約定不明之部分，推定為未讓與。

著作權法第 37 條：<http://law.moj.gov.tw/LawClass/LawSingle.aspx?Pcode=J0070017&FLNO=37>

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用，但是你必須按照我預先設

定的遊戲規則。



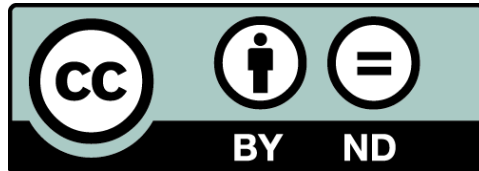
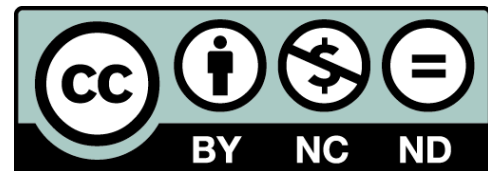
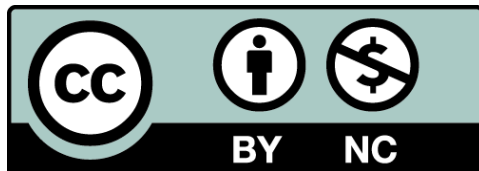
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CC 六套組合





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姓名標示

→ 原作者指定的標示資訊

或

→ CC 授權條款明定三要素

姓名標示原則三要素

1、**人**是誰？

2、**物**叫什麼？

3、**授權標章**是哪一個組合？

姓名標示原則三要素

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- 2、原作品名稱與出處指示
- 3、原作者選用的 CC 授權條款名稱與索引
(URI)



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作品在被利用過程中的原創作內涵不能被改變

等號 = 禁止改作

1、 $1=1$

2、 $2=2$

3、不能變動原作品創作內涵

禁止改作 = 禁止產生衍生作品

- 1、產生**新的表達**才是改作
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- 3、**單純播放秒數縮短**、不是改作

著作權法第 6 條：<http://law.moj.gov.tw/LawClass/LawSingle.aspx?Pcode=J0070017&FLNO=6>

就原著作改作之創作為衍生著作，以獨立之著作保護之。

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CC 授權建立信任

因為授權模式全球相通



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The Creative Commons licenses



Since the **adoption of the OA Policy**, UNESCO has released hundreds of its books with an open license, which are already available in this portal. More will be added over the coming months, including new publications and re-editions of existing works.

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1



2

臺中學

臺中市政府文化局 廣告

文化部推動國家文化記憶庫計畫
藉由 CC 授權，
解放我們的知識、記憶、文化！



指導單位：文化部

臺中市政府文化局

財團法人台灣地理資訊中心

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您的「臺灣印象」是什麼？而「臺灣故事」又該由誰來說？
文化部「國家文化記憶庫計畫」正努力推動臺灣文化深耕打底
工作，藉由在地知識、原文化、常民記憶的保存、轉譯與活化
應用，以建構具臺灣文化識別性的「國家文化記憶庫」共享平台
這塊土地上的人們有更多體認與歸屬。其授權範圍依據不同條
款選擇，希望能在公眾領域流傳與非商業性等基本出發點上，
作為文化素材的推廣為出發點。

談談文化部的國家文化記憶庫？

您的「臺灣印象」是什麼？





1



2

都是公眾領域



公眾領域貢獻宣告(CC0)

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六種授權條款

3、在 OA 及 Open data 的發展之下，圖書館員提供研究者投稿服務時需要注意的要點。

It pays

either in **Copyrights**

or in **Fees**

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^ Can I deposit in eScholarship instead of publishing open access under this agreement?

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Payment Workflow

^ If I choose to publish open access, how do payments work?

Resources

^ Where can I go for more information?



助武漢肺炎研究，英特爾、Mozilla、學界發起 開放智慧財產活動

科學家、法律學家和產業界聯合發起COVID開放宣言（Open COVID Pledge），呼籲各界免費開放其智慧財產，協助推動武漢肺炎的科學研究

文/ 林妍濤 | 2020-04-09 發表

讚 6.1 萬

按讚加入iThome粉絲團

讚 35

分享

The Open COVID Pledge



April 7, 2020

Immediate action is required to halt the COVID-19 Pandemic and treat those it has affected. It is a practical and moral imperative that every

<https://www.ithome.com.tw/news/136868>

Open COVID License – Patent and Copyright (OCL-PC) V1.1

Open COVID License – Patent and Copyright (OCL-PC) 1.1

PUBLICATION DATE: APRIL 17, 2020

(NOTE THAT VERSION 1.0 WAS PUBLISHED ON MARCH 31, 2020, AND IS MAINTAINED IN THE TAB BELOW)

Open COVID License – Patent and Copyright (OCL-PC) 1.1

Having made the Open COVID Pledge, we (the “Pledgor”), in order to speed the development and dissemination of the technologies needed to end the COVID-19 Pandemic and mitigate the effects of the disease, grant the license described below.

Our intent in doing so is to advance the shared cause of ending the COVID-19 Pandemic, and we do so without any expectation of consideration or compensation, and with knowledge of the rights we are licensing.

1. GRANT AND SCOPE

The Pledgor grants to every person and entity that wishes to accept it, a non-exclusive, royalty-free, worldwide, fully paid-up license (without the right to sublicense) under Pledgor’s patents and copyrights that we have the right to license (the “Licensed IP”) to make, have made, use, sell, and import any patented invention, and reproduce, adapt, translate, distribute, perform, display, modify, create derivative works of and otherwise exploit any copyrights, solely for the purpose of diagnosing, preventing, containing, and treating COVID-19.

2. TIME LIMITATION

This license is effective as of December 1, 2019 and lasts until one year after the World Health Organization declares the COVID-19 Pandemic to have ended, but in any event not beyond January 1, 2023, unless otherwise extended by the Pledgor.

3. REGULATORY EXCLUSIVITY

<https://opencovidpledge.org/licenses>

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網上世代

Online Generation



莊庭瑞
中央研究院資訊科學研究所副研究員，
合聘於資訊科技創新研究中心以及
人文社會科學研究中心。

公衛危機下的知識取用

期刊論文鎖在付費牆內，成為快速因應新興傳染病的絆腳石。

撰文 / 莊庭瑞

嚴重特殊傳染性肺炎 (COVID-19，簡稱新冠肺炎) 去年底在中國武漢竄起，一個月後中國以外的 19 個國家也出現確診案例。世界衛生組織 (WHO) 在今年 1 月 30 日宣告新冠肺炎為「國際關注的公共衛生緊急事件」(PHEIC)，隔天，英國威爾康信託 (Wellcome Trust) 聯合了全球眾多的科研機構、學術協會、慈善基金會以及學術期刊出版商，公開呼籲與新冠肺炎相關的研究與資料必須「快速且公開分享」，以即時回應全球公衛危機。

這項呼籲建議：與這次新興傳染病相關且已通過同儕審查的期刊論文，至少在疫情期間，應以「開放取用」(open access) 的方式立即釋出，尚未刊出或還在

因應新冠肺炎，許多大學已關閉或完全改為遠距教學。3 月上旬「圖書館組織國際聯盟」(International Coalition of Library Consortia) 也出聲呼籲出版商，立即開放新冠肺炎相關內容與資料集。且因為學校轉為線上授課，原本向出版商訂閱數位資源的線上使用人數限制也必須移除。歐盟、美國、巴西、印度、紐澳、日韓等多國政府的高階科學顧問也聲明，新冠肺炎相關研究論文與資料需以機器可處理的方式公開發佈，方便公眾進行文本與資料探勘，或以人工智慧方式處理。

這些呼籲顯示，現行的期刊出版模式已不能回應公眾、研究人員、大學圖書館、科研計畫出資機構等方面的需求。不但在疫情時期如此，平時也一樣。美國加州



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自由的百科全書

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- 維基共享資源

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首頁 討論 臺灣正體 ▾

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搜尋維基百科

維基台北寫作聚於每月第二個禮拜六舉行，歡迎報名參與

[關閉]

維基百科

海納百川，有容乃大
人人可編輯的自由百科全書

已有1,114,213篇條目

- 分類
- 主題
- 求助
- 入門
- 沙盒
- 捐款

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典範條目



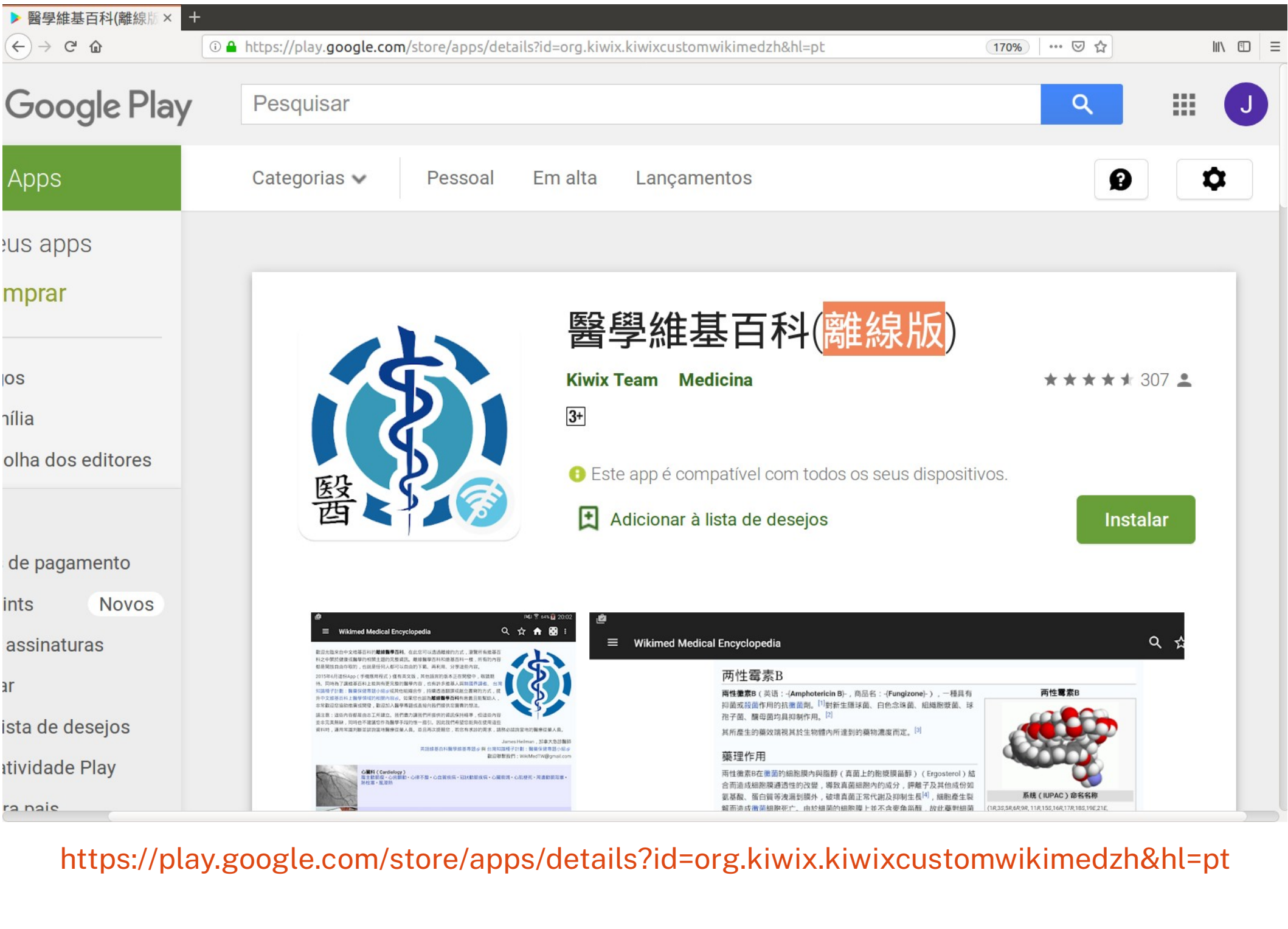
寧波圖書館是一座位於中國浙江省寧波市的公共圖書館，隸屬於寧波市人民政府，歸屬寧波市文化廣電旅遊局管理，是寧波市政府設立的公益性事業單位法人。作為寧波市公共圖書館服務體系的中心館，寧波圖書館除藏有紙質和電子圖書

期刊報紙外，亦有手札、書法、畫冊、照片、音樂和影視資料等多種類型的館藏。其中，收藏了甬籍著名人士的著述以及寧波地方報刊、地方志的寧波地方文獻庫，為圖書館的特色館藏。以上述館藏為基礎，圖書館開展了針對寧波及周邊地區文獻資源的研究。截止

新聞動態

- 前利比亞全國過渡委員會執行委員會主席**阿卜杜勒·凱卜**因心臟病逝世，終年70歲。
- 以色列總理**班傑明·納坦雅胡**（圖）和議會議長**本尼·甘茨**達成共同組成聯合政府的**協議**。
- 在**石油價格戰**宣告結束後，美





醫學維基百科(離線版)

Kiwix Team Medicina

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 **Wiki Loves Earth photo contest: Upload photos of natural heritage sites in Taiwan to help Wikipedia and win fantastic prizes!**







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Wiki Loves Earth photo contest: Upload photos of natural heritage sites in Taiwan to help Wikipedia and win fantastic prizes!

[Learn more](#)

Wikimedia Taiwan/Wiki Seed Of Taiwan Knowledge/WikiMed

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台灣維基醫學專案，又稱WikiMed Taiwan，是台灣目前以生醫健康相關主題為編譯目標的維基專題社群。

維基醫學專案原名為醫藥保健專題小組，最初是由陽明大學醫學院學生與台灣維基人共同發起，在中華民國維基媒體協會指導下，以台灣知識種子計畫架構成立的專題小組。之後隨著專案的成長，來自台灣各大醫學院的在學或畢業生、專業翻譯、學術界教師以及熱情的維基人相繼投入。

目前專案在原有以英翻中為主的編譯目標下，陸續擴展為多語言為目標，以各種生物、醫學、健康、公衛等相關主題為發展的多元專案。讓來自各領域、各地自發參與的編譯者，都能在編譯的過程中，學習並體驗維基開放知識的精神。

Contents [\[hide\]](#)

osc Elsevier Transformative × +

osc.universityofcalifornia.edu/uc-publisher-relationships/elsevier-oa-agreement/

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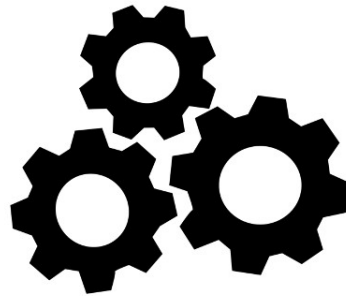
<https://osc.universityofcalifornia.edu/uc-publisher-relationships/elsevier-oa-agreement/>

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A
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R
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Global access to knowledge about life on Earth



Convergent Lady Beetle



Cliff Chipmunk



Ostrich fern



Greater Blue-ringed Octopus



Nostoc linckia



Eucyclops speratus
(Lilljeborg 1901)



Christmas tree



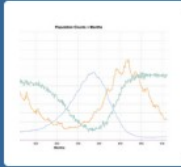
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除了 ND 以外、其他都允許！

<https://eol.org/docs/what-is-eol/terms-of-use/copyright-and-linking-policy>

4、若國家要發展 OA 及 Open Data ，在權責
主管不同之下（教育部、科技部，與國發
會），這之間的權責與任務間應該怎麼配合比
較適當呢？

**Open Data → 資料得不限目的、
時間、地域、範圍及對象供利用 → 國發會 →
Open Access / Open Science →
研究資料得於科學領域公平分享
→ 科技部 + 國發會 → 數位發展部？**

目前國內尚未完成立法，然各機關願以開放模式釋出資料或研究報告者，已於行政管理層次放寬，讓願採開放模式的機關構，得採開放模式發布相關成果。

科學技術基本法

推薦字詞:

行政院勞工委員會科學技術研究發展成果歸屬及運用辦法 行政院衛生署及所屬機關科學技術研究發展成果歸屬及運用辦法
行政院國家科學委員會科學技術研究發展成果歸屬及運用辦法 勞基法加班費支給標準及規定事項 兒童及少年

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序號 法規名稱

修正日期新→舊

變更排序

- 中央研究院科學技術研究發展成果歸屬及運用辦法 (民國 109 年 09 月 17 日)
- 行政院農業委員會科學技術研究發展成果歸屬及運用辦法 (民國 109 年 06 月 16 日)
- 勞動部科學技術研究發展成果歸屬及運用辦法 (民國 109 年 04 月 21 日)
- 國防部科學技術研究發展成果歸屬及運用辦法 (民國 108 年 09 月 12 日)
- 衛生福利部科學技術研究發展成果歸屬及運用辦法 (民國 108 年 01 月 22 日)
- 行政院原子能委員會科學技術研究發展成果歸屬及運用辦法 (民國 107 年 08 月 03 日)
- 教育部科學技術研究發展成果歸屬及運用辦法 (民國 107 年 06 月 08 日)
- 科技部科學技術研究發展成果歸屬及運用辦法 (民國 107 年 05 月 17 日)
- 政府科學技術研究發展成果歸屬及運用辦法 (民國 107 年 01 月 05 日) EN
- 交通部科學技術研究發展成果歸屬及運用辦法 (民國 106 年 08 月 08 日)
- 經濟部科學技術研究發展成果歸屬及運用辦法 (民國 106 年 02 月 17 日)

公平及效益原則

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條文內容

法規名稱：科技部科學技術研究發展成果歸屬及運用辦法
法規類別：行政 > 科技部 > 科學技術目

第 11 條 執行研究發展之單位依第四條第一項規定負研發成果管理及運用之責者，
於辦理研發成果讓與或授權時，應符合下列各款規定。但以其他方式為之 ³
，更能符合本法之宗旨或目的者，不在此限：
¹、以公平、公開及有償方式為之。
二、²以公立學校、公立研究機關（構）、公營事業、法人或團體為對象。

相關法條

第 15 條 執行單位對於研發成果之運用，除本辦法另有規定或經本部核准者外，應
¹以公開及有償方式為之。
²

科技部科學技術研究發展成果歸屬及運用辦法第 11 條
<https://law.moj.gov.tw/LawClass/LawSingle.aspx?pcode=H0160053&flno=11>
經濟部科學技術研究發展成果歸屬及運用辦法第 15 條
<https://law.moj.gov.tw/LawClass/LawSingle.aspx?pcode=H0160036&flno=15>

限定時間、限定範圍、限定對象

SayIt

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2020-11-09 行政院資料開放諮詢小組109年度第1次會議

(簡報參考: [國發會簡報](#)、[經濟部工業局簡報](#)、[科技部簡報](#))

[Link in context](#) [Link](#)



唐鳳

不好意思，大概遲了2、3分鐘開始。主席致詞的部分就跳過，先介紹第五屆的委員。這個部分我想請委員自我介紹會不會比較容易一點？謝謝。

[Link in context](#) [Link](#)



林杏子

我是來自於高雄大學的林杏子老師，我主要從事的是開放資料相關的投入，在2017年開始亦陸續承接經濟部資料生態系下的計劃，除此之外，因為自己學研的背景是資訊倫理，亦在教育部與科研計劃探討人工智

行政院資料開放諮詢小組 109 年度第 1 次會議

<https://sayit.pdis.nat.gov.tw/2020-11-09-行政院資料開放諮詢小組109年度第1次會議>

我理解。我想社群之前為何希望剛剛講這邊要預言的《政府資料開放及再利用作業要點》，安徒辦法層級提到法律位階，主要的原因之一，就是用法律位階，不管是「優先開放」或者是「高價值」，有點來蓋過所有其他部會的辦法。

[Link in context](#) [Link](#)

唐鳳

但是現在既然還是用要點層級來做，那我具體的提議是，是不是有可能請科技部研究看看，當然在現在用其他來做是一個辦法沒有錯，但是或許也可以研議把這個「其他」的部分，如果現在比較明確的，像剛剛講到的那幾種開放授權，用這樣的授權情況之下可以無償的話，是不是有可能把「其他」另外訂定，變成這個辦法明確的一條，這個文字當然就會跟國發會的文字看起來一模一樣，因為國發會有現成的文字了，因為現在具體的建議是這樣子，不然這邊走「其他」，到底是國發會哪一版、哪一年的定義，這個又會出現適用上的問題，具體建議是這樣子。

[Link in context](#) [Link](#)

唐鳳

看到第11頁的畫面，剛剛誠夏所說的，也就是是否公開那邊，也就是是否公開跟不公開，但是「可公開」按照誠夏的想法，其實只要去國家記憶庫看一下就知道那邊應該要寫成怎麼樣，到底是只能公開閱覽或是可以開放使用？如果開放使用的話，也就是開放的條件為何等等，這都是文化記憶庫裡面就有的介面，或許可以參考的。

[Link in context](#) [Link](#)

行政院資料開放諮詢小組 109 年度第 1 次會議

<https://sayit.pdis.nat.gov.tw/2020-11-09-行政院資料開放諮詢小組109年度第1次會議>

事前同意、事後申請

現在位置：法規內容 > 法規沿革

法規沿革

投影片 48

法規名稱：	核釋政府資料開放，若以開放資料提供，符合「科技部科學技術研究發展成果歸屬及運用辦法」第12條第1款得無償使用情形
公發布日：	民國 109 年 12 月 29 日
發文字號：	科部產字第1090076196A號 令
法規體系：	科技部產學及園區業務司
圖表附件：	行政院公報電子檔.pdf

法規內容

條文檢索

法規沿革

1. 中華民國109年12月29日科技部科部產字第1090076196A號令訂定

<https://law.most.gov.tw/LawContentSource.aspx?id=GL000446>



1

投影片 48

科技部令

中華民國 109 年 12 月 29 日

科部產字第 1090076196A 號

核釋政府資料開放，若以開放資料提供，符合「科技部科學技術研究發展成果歸屬及運用辦法」（下稱本辦法）第 12 條第 1 款得無償使用情形，說明如下：

- 一、依本辦法第 12 條第 1 款之規定，執行研究發展之單位辦理研發成果授權，於學術研究、教育或公益用途要件下，得無償使用。
- 二、政府資料開放，旨在於促進資料高度流通及廣泛利用之公益用途。爰公立學校、公立研究機關（構）、公營事業、法人或團體，於執行科技部補助、委託、出資科學技術研究發展計畫研發產出之資料，若以開放資料提供，亦即以開放格式提供，採無償且不限使用目的、地區及期間，並不可撤回之方式授權利用，即符合本辦法之公益用途，得逕依本辦法第 12 條第 1 款之規定，無償授權他人使用。
- 三、本解釋令自即日生效。

部 長 吳政忠

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