

Delivering openness? A new intertwined path...

November 2022

Abbe Brown

525 years
of pushing boundaries

Overview

- An Ocean Journey
- Delivering openness
- Some clashes
- So what is openness
- Daily realities and options?

An Ocean Journey

Sharing the benefits of the ocean

What should the new UN agreement say about the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction?

Marine Biodiversity Beyond National Jurisdiction

- New treaty being negotiated
- “Drugs from plankton”, adding to knowledge
- Sharing, sustainability, Law and Science
- Assumed this will work if agree it
 - Benefit sharing, open databases
- Reluctance (lessening) engage IP and information
 - HOW TO MAKE IT OPEN?

IGGC3

22 August
2019

ACCESS AND BENEFIT SHARING
TECHNOLOGY TRANSFER
CROSS CUTTING

Side Event
Conference Room C
1.15-2.30

Developing Marine Genetic Resources
Notifying, sharing, rewarding
and sustaining



2019?
pay?
support
- new
book

The Song

[A Virtual Performance of Song of the Ocean - DOSI \(dosi-project.org\)](https://dosi-project.org)

News

page.

Workshop at Royal Society of Edinburgh - January 2020

Professor Brown and Professor Jaspars continued to work to inform and assist country delegates and wider stakeholders - from private individuals to activists to industry- to stimulate debate and progress this important issue.

In January 2020, supported by the Royal Society of Edinburgh, the University of Aberdeen, EU-Atlas and iAtlantic projects led by the University of Edinburgh and funded by the EU, and the Deep Ocean Stewardship Initiative, this invitation-only workshop was attended by diplomats, policy makers, academics, activists, intergovernmental organisations, non-governmental organisations and industry.





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University of Aberdeen

Finalist

Sharing the benefits of the Ocean

The seas beyond national jurisdiction contain a wealth of biodiversity – some of which could be key to unlocking new medicines and advances in technology. The international community are negotiating a new legal agreement under the United Nations Convention on Laws of the Sea to regulate marine biodiversity beyond national jurisdiction (BBNJ).



1 4 9 5
UNIVERSITY OF

Needed

- Relying a lot of goodwill (singers, orchestra, building a network eg IUCN)
- Relying a lot on fact there is no profit (copyright owner)
- Coms help and ..er..commmunication
- Thanks to grants – Wellcome, RSE, UoA, MARBLES and BlueRemedionics
- Human Energy, Law Impact Case Study, “doing the right thing”

Delivering openness: blogs and policy briefs

- [Global Challenges, interdisciplinary solutions: Law, Chemistry and Biodiversity beyond National Jurisdiction | Blog | School of Law | The University of Aberdeen \(abdn.ac.uk\)](#) (April 19)
- [Marine Genetic Resources Beyond National Jurisdiction: Developing "Mare Geneticum" | Blog | School of Law | The University of Aberdeen \(abdn.ac.uk\)](#) (Aug 19)
- [Public Engagement - Tales from the Deep Sea | Blog | School of Law | The University of Aberdeen \(abdn.ac.uk\)](#) (Nov 20)
(never did have that lunch....)
- [Some COP26 reflections | Blog | School of Law | The University of Aberdeen \(abdn.ac.uk\)](#) (Dec 21)





Intellectual Property Rights: Implications for Deep-Ocean Stewardship

Intellectual Property (IP) rights have advantages and disadvantages and the various approaches taken by States and innovators can have a significant impact on the future of research, benefit-sharing, capacity building and technology transfer for the deep ocean and its stewardship. A balanced approach is needed to reward innovation and investment and ensure access on appropriate terms.

IP has emerged as a topic for discussion in the negotiations for the development of a new international legally binding instrument for the conservation and sustainable use of marine biological diversity beyond national jurisdiction under the United Nations Convention on the Law of the Sea. This brief explains IP rights, their intersections with science, and the advantages and disadvantages of different approaches.

Some clashes

- At the same time, could not teach from my textbook
- Holding the line
- Keep publishing, keep fighting?

OXFORD



Contemporary Intellectual Property

Law and Policy

5th Edition

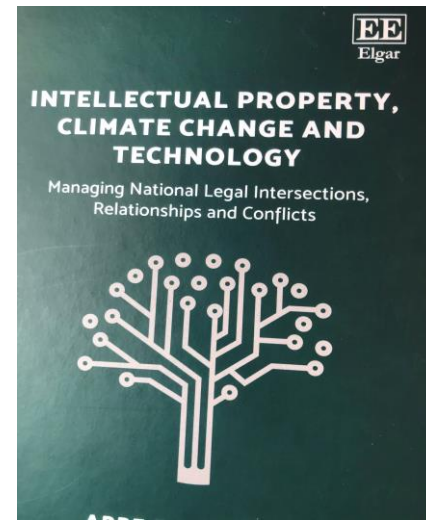
abdn.ac.

ABBE BROWN | SMITA KHERIA | JANE CORNWELL | MARTA ILIADICA

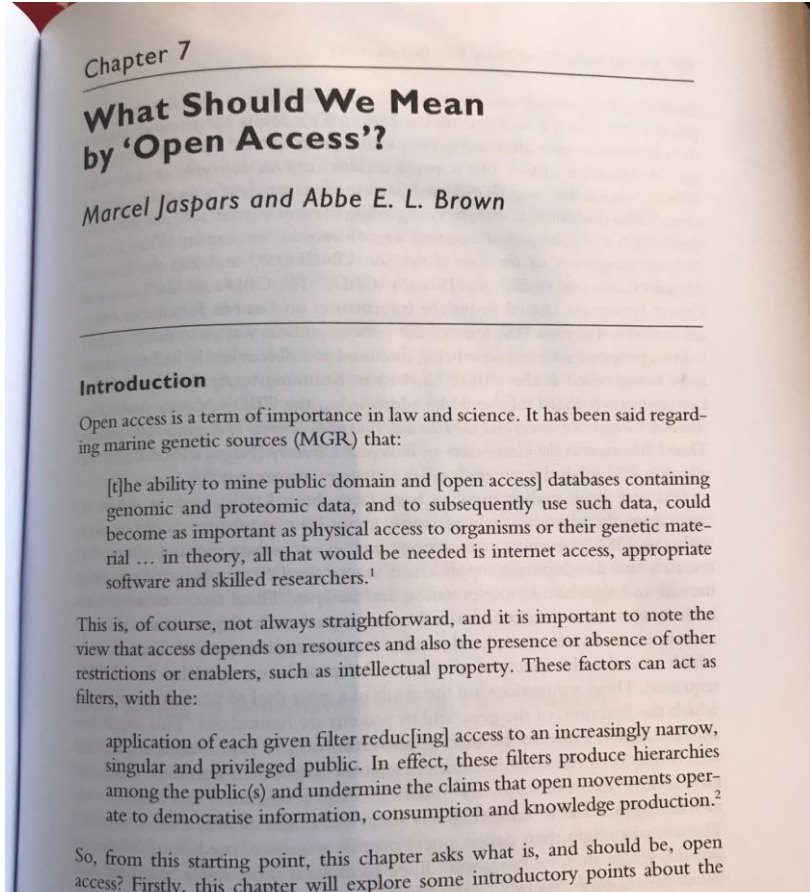
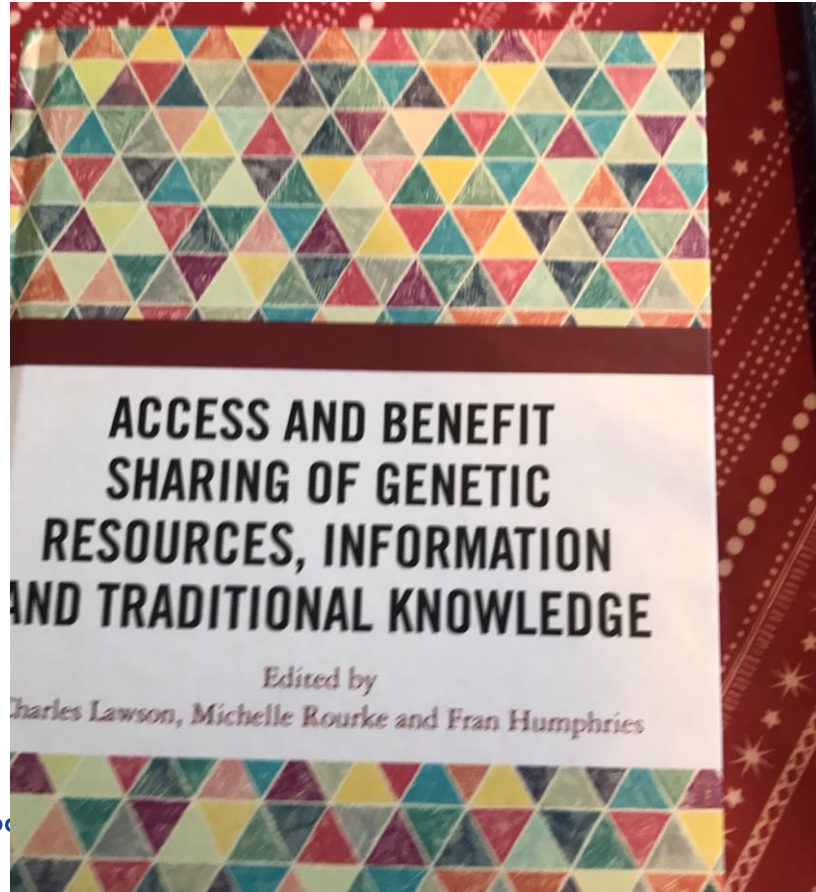
Realities of next planned book

“As part of our commitment to the dissemination of knowledge Edward Elgar Publishing is offering to subsidise the Open Access Book Publishing Charge (BPC) so the fee reduces to £6,500/ \$9,500 (plus applicable taxes) on a limited number of monographs meeting the following criteria:

- single authored scholarly books that fit our list and are likely to have a significant global impact on their field, reaching a wide audience
- less than 80,000 words including figures and tables, and all footnotes/endnotes and references
- authors must have a strong international publishing record”



What goal: free beer, functional, rewarding?



What can it mean

- [SCRIPTed – A Journal of Law, Technology & Society \(script-ed.org\)](http://script-ed.org)
- [European Journal of Law and Technology \(ejlt.org\)](http://ejlt.org)
- [British Society for the Philosophy of Science Launches Open Access Book Publishing | Daily Nous](#)

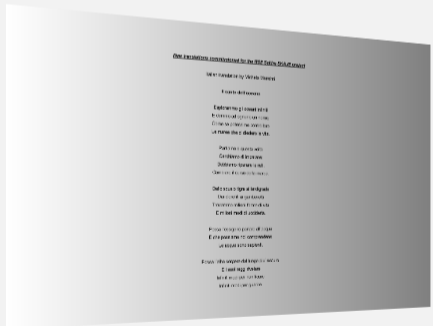
“The monographs it publishes will be “beautiful, freely downloadable” files with print-on-demand versions available for purchase.... so-called “platinum” open access service, in that it charges fees to neither readers nor authors. It will publish works “on the basis of merit alone, and not on an author’s ability to pay a fee.””

- [Publishing options | Nature Nanotechnology](#) ££££££££

Song of the Ocean

Building on earlier projects by Abbe Brown and Marcel Jaspars on the Song of the Sea for World Ocean Day 2021 (see <https://www.dosi-project.org/song-of-the-ocean/> and <https://www.abdn.ac.uk/stories/song-of-the-oceans/index.html>), in this RSE Saltire project we invited more translations of the original Song from European coastal communities.

Here they are!



Keep fighting!

- Whole new change of business model
- OR still relies on goodwill
- Unwise to assume
- If resist, face resistance
- Can be done, needs more mainstream