• Authors and producers of original creative material should understand that their interests in copyright are not necessarily identical with those of publishers and should not rely on publishers to protect them

• Copyright must therefore provide reasonably broad and practically effective exemptions for research and private study and for criticism or review. The lively development of new cultural material is a principal objective of copyright protection.

• The law should be clarified – statutorily if necessary – to make clear that the use of copyright material in the normal course of scholarly research in universities and other public research institutions is covered by exemptions from the Copyright Act.

• Publishers should not be able to use legal or technological protection through digital rights management systems to circumvent copyright exemptions.

• The growth of digital databases should be monitored to ensure that ready access continues to be available for the purposes of scholarship.

To help address the current uncertainties and confusions about the scope of copyright exemptions, the Working Group produced a new set of guidelines based on the general principles outlined in the report. The guidelines cannot represent a statement of the law, but they aim to clarify the current situation and it is hoped will have considerable moral force in the event of dispute. The guidelines are available on the Academy's web site at www.britac.ac.uk/reports/copyright

In December 2005, the government set up the Gowers Review to address concerns that the UK's intellectual property regime was not keeping pace with changes resulting from globalisation and technological developments. The Academy's Working Group responded to its call for evidence, and seems to have been influential as many of the Academy's recommendations were reiterated by the government's Gowers Report (published December 2006). While Gowers undoubtedly moved the debate on and marked a welcome stop to the gradual extension of copyright that we have seen in recent years, it did not fully address the Academy's primary concern about the need for clarification of the UK’s ‘fair use’ exceptions. The Working Group is therefore looking at ways in which it might exert influence on national and international debate and policy-making in this area.

As part of this work, the Academy held a follow-up conference on 30 March 2007 in association with the AHRC Centre for the Study of Intellectual Property and Technology Law at the University of Edinburgh. The discussion was lively, exploring the issues from two contrasting perspectives – copyright owners (those who generate, own, and administer copyrights) and copyright users (those who wish to use copyright material as the foundation for the development of new knowledge). The conference assessed the Academy's report in the wider context of the reform agenda provided by the Gowers Report, and gave the Academy's Working Group a useful steer on the ways in which its recommendations should best be taken forward in order to have maximum impact. The Working Group is excited by the prospect of following up many of these leads in the months to come.

The report and guidelines are available from the Academy's web site at www.britac.ac.uk/reports/copyright

The members of the Academy Working Group are: Professor John Kay (Chairman); Professor Bob Bennett (Chairman, Research Committee); Professor David Cannadine; Professor Nick Cook; Professor Bill Cornish; Professor Hector MacQueen; Professor Mike Murphy; and Professor John Stallworthy.

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Peer Review: The Challenges for the Humanities and Social Sciences. A British Academy Review

Professor Albert Weale, FBA, Chairman of the British Academy’s Peer Review Working Group, reports on the main findings and recommendations of the Review.

Peer review is the practice by which the worth of research is evaluated by those with demonstrated competence to make a judgement. It is the traditional means by which research quality is guaranteed in academic studies. The British Academy was concerned that the role peer review plays in underpinning the success of the UK research enterprise in the humanities and social sciences needed to be better understood by policy-makers.

The Academy therefore set up a Review Working Group under my chairmanship to examine how the practice of peer review functioned in a context in which its scope was expanding beyond its traditional primary focus on individual publications and grants to encompass broader evaluations of, say, the research performance of departments. The Review Working Group was asked to recommend ways in which peer review systems, including those, like metrics, that rely on peer review, could better accommodate the distinctive features of humanities and social science research.

Peer review has its critics, who allege that it is costly, time-consuming and biased against innovation. None of these criticisms is entirely without force, but the Working Group concluded that there were no better alternatives and that often the criticisms were directed at deficiencies of practice rather than the principle of peer review. Peer review is both a mechanism of selection – only those grants and publications are favoured that are positively judged by peers – and a force making for enhancement. Work is better as a result of peer review. Importantly, it retains widespread and deep
support among members of the academic community.

Peer review in practice takes a wide variety of forms, reflecting the diversity of subject matter and approaches in the humanities and social sciences research. This variety of practice is important in relation to journal publication, and it is a considerable merit of the way in which the peer review operates in this context that there is not one single model of good practice that all should follow, but instead decentralised diversity. Nevertheless, there are principles that good peer review should follow. These include timeliness, transparency and verifiability. These principles cannot guarantee the identification of the best quality work on a fair basis, but without them quality and fairness will suffer.

In the case of grants peer review remains essential if good work is to be identified. In a situation in which applicants have few alternatives to funding, it is important that funding bodies uphold the integrity of their peer review processes. It is also important that they find ways of responding to the innovative and the risky.

The process has been showing signs of strain in recent years. It is hard for experts to keep pace with changes in academia due to the expansion of print and electronic journals and a growth in research specialisation. The practice and role of peer review is poorly understood in some fields, exacerbated by the diversity that humanities and social sciences cover, ranging from archaeology to music to psychology. But there is virtually no training available.

These findings led the Working Group overseeing the Review to develop fourteen recommendations which are detailed in the main report.

- **Training.** Postgraduates and junior postdoctoral researchers should receive formal training in how to become a competent reviewer and the expectations of that role in academic life.
- **Peer review incentives.** The importance of peer review, although time-consuming and costly, should be encouraged by institutions, supported by them in resource allocation and recognised as an integral part of the academic profession.
- **Metrics.** Care should be taken to ensure that metrics, that is, measures of academic performance, reflect the distinctive nature of humanities and social sciences research and do not have an adverse affect on the quality of the work that they are seeking to measure.
- **Costs.** Research funders and policy makers should develop a more sophisticated understanding of the costs of peer review: any method that simply looks at the time-costs of peer review relative to size of awards is bound to cause problems in the humanities and social sciences, where awards are typically smaller than in medicine and the natural sciences.
- **Innovation.** Research funders should avoid a mechanistic approach in their decision-making processes for the award of research grants, in order to ensure that intellectually innovative proposals, where there is likely to be a marked contrast in the views expressed by peer reviewers, can be assessed on their merits. Quality should also not be sacrificed in favour of relevance and impact. Similarly, novelty cannot be regarded as a substitute for quality.

The British Academy is currently looking at ways in which it might follow up many of the recommendations in the report. For example, it will actively engage in the debate on the new framework for assessing the research performance of departments (or units of assessment) at UK higher education institutions after the research assessment exercise (RAE) in 2008. In the natural sciences, assessment after the 2008 RAE will be based on a basket of statistical indicators (metrics), including bibliometrics, research grant income, and postgraduate student data. A light-touch peer review process informed by metrics will assess research quality in the arts, humanities, social sciences, and mathematics.

The issues to be raised in the consultation are significant for the well-being of research, especially in the humanities and social sciences where metrics pose particular challenges, because of the special features of research in these disciplines, and also because the metrics available are less developed than those for the natural sciences. The Academy has therefore set up an expert group (which I again will chair) to examine ways in which the current shortcomings with metrics might be addressed. More information is available from www.britac.ac.uk/reports/.

The report of the Review was launched on 5 September 2007. The other members of the Group were: Professor Robert Bennett, FBA; Professor Ken Binmore, FBA; Professor Marianne Elliott, FBA; Professor Howard Glennerster, FBA; Professor Marian Hobson, FBA; Professor Nicholas Jardine, FBA. The report is available from the Academy’s web site at www.britac.ac.uk/reports/peer-review/