

Open Research Institute
PO Box 8552
Berkeley, California 94707-8552 USA
bruce@perens.com

To: ARRL Directors
ARRL General Counsel
AMSAT Board
IARU Region 2 Directors

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THE FCC SMALL-SATELLITE PROCEEDING AND THE PECUNIARY INTEREST

Dear Fellow Radio Amateurs,

First, we would like to convey our appreciation of the indispensable roles your organizations play, and the countless – and too often thankless - hours your officers and staff personally devote to the cause of Amateur Radio. ORI members are largely licensed radio amateurs and members in ARRL and AMSAT, some of us participate in the ARRL Diamond club and Maxim society, or are life members of ARRL and AMSAT.

We believe that the filings of ARRL and AMSAT in FCC's small-satellite proceeding were produced using assumptions about the non-pecuniary nature of university research that are no longer valid.

Through the 1960's, university research mainly produced knowledge as a public good available to everyone, and thus was legitimately non-pecuniary in nature. Since the late 1970's there has been a very strong trend toward the production of intellectual property by universities. Most universities now have a technology transfer policy stressing the importance of patent filings, which are licensed to for-profit companies as a means of supplementing the university's income. Often there is a bonus for patent filing, or profit-sharing in which 49% of the income from a university's patents may go to the researchers who filed them – and thus to private individuals. Patents grant a monopoly right. There is an obvious pecuniary interest in producing them and licensing or selling them to industry.

The Bayh-Dole act (public law 96-517, December 12, 1980) encouraged universities to patent the results of publicly-funded research, and encouraged the licensing or sale of those patents to for-profit companies. Thus, the pecuniary nature of modern university research is clearly stated in U.S. law.

Because of these facts, we feel it is erroneous for ARRL and AMSAT to assume that university research is non-pecuniary in nature simply because the university is incorporated as a non-profit.

There is also the problem of expensive scientific journals. The Elsevier Company lists many journals costing in excess of \$2000, some in excess of \$10000, for an annual subscription at https://www.elsevier.com/data/assets/excel_doc/0013/480001/Pricelist2018-v2-USD.xlsx Ironically, the editorial staff of these journals are usually unpaid, and work only for the prestige. The subscription cost well exceeds any reasonable cost for small-run printing. We must conclude that there is a strong pecuniary interest in the publication of scientific papers in for-profit journals.

The aggregate cost to a university library of a collection of scientific journal subscriptions would exceed hundreds of thousands of dollars. Financially-disadvantaged universities must do without. This

has led to an Open Publication movement, which makes research papers available to everyone without charge. But of course publication of university research in the old, expensive journals continues.

Educational training carried out by a non-profit can still be viewed as non-pecuniary in nature.

A few pioneers are creating intellectual property policies which encourage the creation of Open Source rather than monopoly rights, and open publication rather than expensive scientific journals, and this may also qualify as non-pecuniary in nature. Open Research Institute aspires to be the exemplar of this new paradigm of giving away research results to the entire public worldwide.

Open Research Institute urges ARRL, AMSAT, and IARU to consider this more-nuanced view of the pecuniary interest in modern university research. Please incorporate this into your future policy activities, including your comments in FCC and ITU proceedings.

Many Thanks

Bruce Perens K6BP, President
Open Research Institute, Inc.