



A Letter from HKU PGSA to HKUL inquiring about the online sale of HKU graduates theses without the consent of authorship

pgsa, pgsa <pgsa@connect.hku.hk>
Draft

Wed, May 10, 2017 at 7:07 PM

From: pgsa, pgsa <pgsa@connect.hku.hk>

Date: Thu, Apr 20, 2017 at 12:04 PM

Subject: Re: A Letter from HKU PGSA to HKUL inquiring about the online sale of HKU graduates theses without the consent of authorship

To: Peter E Sidorko <peters@hku.hk>

Cc: ycyan, melissas, gchin

Dear Mr. Peter Sidorko,

Thank you very much for your reply. We must say that it is greatly appreciated that the University and your Libraries have been working on the issue, and trying best to protect the intellectual property of graduates' theses against the infringement of authorship. We believe every HKUer highly appreciate your hard working, continuing voice for HKU all graduates involved, and unremitting fighting for graduates' copyright.

However, we still have some further concern based on your respond, listed as the following:

1. **25 theses of Amazon.** While we understand the take-down process will take some time to finish, and so many theses are involved, we can still find some HKU theses is on sale with the statement of downloading from HKUL under 3.0 HK, for example, 25 results show in-stock and available sale when searching "open dissertations hong kong" on the Amazon USA site (searching link <https://goo.gl/f2oyu6>). But compared with 63 titles as shown in your 7 April email, it still offers hope that ALL theses involved could be removed soon.
2. **Action after take-down.** Except 25 theses mentioned above, we feel comforted considerably because a majority of theses on the Amazon US is unavailable now. And we believe that we will move to next step after all theses remove, settling the dispute resorting to negotiations or legal proceeding. We expect this step will be the most difficult point, but necessary and also most important. Because we found there is sales record on some theses' page of Amazon US website (one customer review with photos appears at <https://goo.gl/Lhx3At>), we think all or part of sales revenues with additional compensation should be reasonably paid for the losses of the University and respective author.

Additionally, we are glad that you agree to make all students informed in the future updates. And now we will also summarize the recent progress to inform all postgraduate students via our bulk email. Hopefully all theses could be removed ASAP, so that we can move to next step soon. We, PGSA, are willing to provide any assistant to the best of our ability, and keep in touch with you. Thanks.

Best Regards,

Postgraduate Student Association (PGSA)

The University of Hong Kong

20/4/2017



On Tue, Apr 18, 2017 at 9:11 AM, Peter E Sidorko <peters@hku.hk> wrote:

Dear PGSA,

Thank you for your email. Please let me assure you that we in the Libraries as well as the University community at large are deeply concerned with this event and are working to ensure this can be remedied as soon as possible. To address your issues:

1. In the future updates, we will include all students, alumni and staff members.
2. HKU is discussing with the publisher as to how to speed up and follow up on the take-downs. There is progress and consensus that copyrights of the authors should not be infringed.
3. Due to the industry communication process, it may take some time to complete the take-down process due to various publishing and distribution practices. But we understand that in a majority of cases, sales are not available.
- 4 HKU is reviewing the Scholars Hub system and improvement measures will be implemented to impose more downloading restrictions and further protect the copyright of the authors.

I include here the email I sent to alumni on April 7, 2017 and ask you to note the underlined sentence which relates to your first question.

Yours sincerely

Peter Sidorko

Message from Mr Peter Sidorko, University Librarian

Dear Alumni,

Further to my emails of 15, 17 and 21 March 2017, I write to provide you with a further update on the issue of online sales of HKU theses.

Theses takedowns

In his 22 March 2017 email addressed to me, Mr Jason Youmans, CEO, Creative Media Partners, LLC (parent company of Open Dissertations Press) vowed “to remove from distribution and manufacturing **ALL** HKU dissertations”. Most theses now appear as “unavailable” or “out of stock”, yet the majority remain visible on websites. Currently, as of 7 April 2017, the situation for the Amazon U.S site shows that 63 titles are “In stock” while 22,654 are “Out of stock”.

We are continuing to work with Creative Media Partners to expedite the full take

down of these theses. We will continue to monitor this progress and take any alternative actions deemed necessary to ensure this will be done as swiftly as possible. This remains our key priority for now.

Access to theses on the Scholars Hub

To secure access to HKU theses, direct full text downloading was disabled on 3 March 2017. An online form was introduced on 10 March to meet requests for full text theses. On 3 April 2017, an auto-response form was launched that generates a link to a requested thesis enabling a requester to have immediate access. Included in this process is a mechanism that prevents automated access by computer programs. We hope this arrangement enables the University's pursuit of knowledge exchange to continue while exercising due diligence in the secure access to HKU theses.

As I mentioned in a previous email, there are various and complicated legal, technical, and data access issues which we have been reviewing and investigating and which still persist. As the initial primary purpose of developing a website dedicated to this issue has changed (i.e. we now have the publisher's commitment to remove the theses), the website has not yet been created but you may continue to send your enquiries to libis@hku.hk.

Your patience and support during this process is gratefully appreciated.

Yours sincerely,

Peter Sidorko
University Librarian

From: pgsa, pgsa [mailto:pgsa@connect.hku.hk]

Sent: Wednesday, April 12, 2017 6:00 PM

To: Peter E Sidorko; ycyan; melissas; gchin

Subject: A Letter from HKU PGSA to HKUL inquiring about the online sale of HKU graduates theses without the consent of authorship

[Please kindly find the signed PDF file - [PGSA Letter to HKUL](#) - in the attachment of this email]

Dear HKU Libraries, and Mr Sidorko, Dr Wan, Ms So, Mr Chin

As the official registered and largest postgraduate association in HKU, we, Postgraduate Student Association (HKU PGSA), have noted with anger the online sale of the University graduates' theses, without the consent of authorship. Although the local presses have reported that the University is acting against the online sale (refer to 1), we notice there are still some confused and controversial points regarding to this issue. Therefore, we herein write this email to express our concern and doubts.

The central theme of the debate between the University and publisher involved is whether the graduates' theses of the University of Hong Kong are illegally being online sold by the publisher, and in detail, under which license the theses were allowed to download freely when the publisher got them, "Creative Commons: Attribution 3.0 Hong Kong License (**CC BY 3.0 HK**)" or "Creative Commons: Attribution-NonCommercial 3.0 Hong Kong License (**CC BY-NC 3.0 HK**)" (refer to 2). Accordingly, we here inquire the following questions for you and HKUL:

- 1). **CC BY 3.0 HK** or **CC BY-NC 3.0 HK**? What license was, is and will be applied when the HKUL makes the theses available to all to download freely? Which **CC** license logo was, is and will be displayed on the HKUL website? And is the license logo always consistent with the relevant **CC** agreement signed by the HKU or HKUL?
- 2). **How is it going?** Could you let us know how it is going that the University take action against the publisher involved? Although it was reported that the publisher's principal said "immediately removing from sale all the HKU dissertations" (refer to 3), we found that many hardcopies of the theses downloaded from HKUL is still being sold on the Amazon.com at present if searching "Open Dissertation Press".
- 3). **Keep all informed?** The issue sparked local concerns because of the massive violation of intellectual property owned by HKU students. And some graduates suffering in the same way built an open group on the Facebook (refer to 4). But as current students, we are not well informed about the progress of this issue, and any official statement from the University.

Finally, as an organization representing thousands of postgraduate students, we urgently request you, and HKUL:

1. to reply to our questions listed above as soon if possible;
2. to forward all statement emails to not only the alumni, staffs, but also to all current students, and keep all - alumni, staffs, and students - informed if any updates on this issue.

We are willing to keep in contact with HKUL and the University to defend copyright of HKU family. Forever, we, HKU PGSA, are standing with all current and graduate students together, regardless of any difficulties and hardships.

Reference source:

1. "University of Hong Kong to take action against unauthorised sale of student work" by South China Morning Post, <http://www.scmp.com/news/hong-kong/law-crime/article/2079185/university-hong-kong-take-action-against-unauthorised-sale>;
2. "Publisher insists it had licence to sell University of Hong Kong theses online" by South China Morning Post, <http://www.scmp.com/news/hong-kong/law-crime/article/2080182/publisher-insists-it-had-licence-sell-university-hong-kong>;
3. "Publisher blames Hong Kong University for copyright licensing 'debacle' amid recall" by South China Morning Post, <http://www.scmp.com/news/hong-kong/education-community/article/2080781/publisher-blames-hong-kong-university-copyright>
4. Alliance against Copyright infringement of Our Theses facebook group, <https://www.facebook.com/groups/1803389856650272/>.

Best Regards,

Postgraduate Student Association (PGSA)

The University of Hong Kong

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