

The Scientist

Publishers' Legal Action Advances Against Sci-Hub

The pirate site plans to ignore the lawsuits from Elsevier and the American Chemical Society.

By Diana Kwon, September 19, 2017

Sci-Hub, a widely-used website that provides access to pirated academic articles, is facing legal challenges from two major publishers—Elsevier and the American Chemical Society (ACS). The site, which was established by former neuroscientist [Alexandra Elbakyan](#) in 2011 and is operated out of Russia, hosts millions of scientific documents and has users all around the globe.

On Friday (September 22), a hearing for ACS's case against Sci-Hub will take place at a federal trial court in Virginia. The society filed a [default judgement request](#) on September 1, asking the court to order the site to cease illegal distribution of its material and pay \$4.8 million in damages.

ACS brought the case against Sci-Hub for unlawfully disseminating its content in June, a few days after the publishing giant Elsevier won a [default legal judgment](#) against Sci-Hub and the Library of Genesis Project (LibGen), another pirate site. A New York district court, which ruled that these sites violated US copyright laws, ordered they pay the publisher \$15 million in damages.

“I don't blame [ACS and Elsevier] for trying,” says [Peter Suber](#), the director of the Harvard Office for Scholarly Communication, which facilitates the university's adoption of open access policies. “Sci-Hub is violating their copyrights . . . and it's not just a small player any more.”

The complaints

A [2016 investigation](#) by *Science* revealed that between September 2015 and February 2016, Sci-Hub received 28 million download requests from all around the world. Elsevier and ACS were among the most downloaded publishers, along with Springer Nature, Wiley Blackwell, and the Institute of Electrical and Electronics Engineers. According to Elbakyan, Sci-Hub's founder and operator, the site currently hosts approximately 65 million research-related documents that have a digital object identifier (DOI), which includes journal articles, book chapters, and conference proceedings.

Even though it is possible to introduce difficulties for Sci-Hub to access content, [it is] not possible to prevent this completely.

—Alexandra Elbakyan
Sci-Hub founder

“Sci-Hub is stealing ACS copyrighted content and illegally reproducing and disseminating it on their website and via spoofed websites that mirror ACS’ own website, and Sci-Hub is counterfeiting and infringing on the Society’s trademarks,” [Glenn Ruskin](#), the director of ACS External Affairs and Communications, writes in an email to *The Scientist*.

In addition to receiving damages from Sci-Hub and stopping the site from illegally distributing ACS material, the society states in its suit that it wants “any Internet search engines, web hosting and Internet service providers (ISPs), domain name registrars, and domain name registries, to cease facilitating access to any or all domain names and websites through which [Sci-hub] engages in unlawful access to, use, reproduction, and distribution of [ACS content].”

“In other words, they want information about Sci-Hub to be ‘censored,’” Elbakyan writes in an email to *The Scientist*. “Most visitors are coming to the website directly, not through the search engines. So I do not think that will have much effect on the website operation per se.”

[Daniel Himmelstein](#), a biodata scientist and postdoc at the University of Pennsylvania, says that it is unlikely that a court in the U.S. will order ISPs to block access to Sci-Hub. He notes that a similar request made by Elsevier was [opposed](#) in 2015 by the Computer & Communications Industry Association and the Internet Commerce Coalition—two groups representing major global technology companies.

A publicity backfire

“The lawsuits are interesting because the effect of them is unclear,” Himmelstein says. Sci-Hub has neither paid the \$15 million in damages to Elsevier nor ceased its services. Elbakyan, who lives outside U.S. jurisdiction, says the site plans to ignore the lawsuits. And although Elsevier was able to successfully shut down sci-hub.org, the domain name under which the site was launched, Sci-Hub quickly returned under multiple web addresses, through which it continues to thrive today.

In fact, these legal challenges may be leading more potential users to the site. Earlier this year, Himmelstein and his colleagues published a [PeerJ](#) preprint that found, based on data from Google Trends, that the suits against Sci-Hub led to brief spikes in visits to the site.

“[The] Elsevier lawsuit resulted in [the] project gaining publicity and some kind of recognition,” Elbakyan writes. “So I sometimes wonder if they wanted actually to promote Sci-Hub this way.”

When contacted for comment, Elsevier deferred the request to the Association of American Publishers (AAP). Regarding potential further action if Sci-Hub fails to comply with the court’s orders, [John Tagler](#), AAP’s vice president and executive director of professional and scholarly publishing, writes in an email to *The Scientist* that he “can’t speak to Elsevier’s

plans.” However, he says, AAP task force “may move forward with action in other jurisdictions, including in partnership with other trade groups located where Sci-Hub and its partners are operating.”

In the past, publishers have also tried combating piracy with technological solutions. A few years ago, for example, ACS and the publisher John Wiley & Sons implemented trap URLs, which are designed to detect unauthorized automated downloading. However, this tactic was [criticized](#) for being clumsy and ended up [unintentionally locking out subscribers](#).

Based on data from Google Trends, researchers found that the suits against Sci-Hub led to brief spikes in visits to the site.

Ruskin tells *The Scientist* that as illegal activity from sites like SciHub increase, ACS has “increased its security technology accordingly.” In addition, he adds, the society recently hired a Chief Information Security Officer to oversee security efforts for the entire organization.

According to Elbakyan, these countermeasures have not had any noticeable effects. “Even though it is possible to introduce difficulties for Sci-Hub to access content, [it is] not possible to prevent this completely,” she writes.

Whether the ACS lawsuit or its added security measures will hinder the pirating of paywalled content remains to be seen. “The legal means have not worked, the technical means have not worked, and I don't see any other obvious way to do it,” Suber says. “So my reading is [that] Sci-Hub is here to stay.”

Tags

[science publishing](#), [publishing](#), [pirate](#), [paywalls](#), [open access publishing](#), [open access](#), [lawsuit](#) and [illegal](#)