Plan S

Making full & immediate
Open Access a reality

# Rights Retention Strategy

EIFL | 1 June 2022

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## Part 1

# cOAlition S and Plan S

# cOAlition S

## 27 organizations worldwide

**National funders**

- Austria: FWF
- Finland: AKA
- France: ANR
- Ireland: SFI
- Italy: INFN
- Luxembourg: FNR
- Netherlands: NWO
- Norway: RCN
- Poland: NCN
- Portugal: FCT
- Quebec: QRF
- Slovenia: ARRS
- Sweden: FORMAS, FORTE, VINNOVA
- Switzerland: SNSF
- UK: UKRI

**European Commission** (Horizon Europe)

**Charitable foundations**

- The Wellcome Trust
- The Bill & Melinda Gates Foundation
- Howard Hughes Medical Institute (HHMI)
- Aligning Science Across Parkinson's (ASAP)
- Templeton World Charity Foundation (TWCF)

**Global dimension**

- World Health Organisation + TDR
- Jordan: HCST
- Zambia : NSTC
- South Africa : SAMRC

€35bn/year in research funds, 150k articles/ year

# Plan S

- Plan S itself is not a policy
- Plan S is a set of 10 principles + guidance on implementation
- cOAlition S Funders have agreed to implement the 10 principles of Plan S in a coordinated way and align their policies with the principles

- https://www.coalition-s.org/addendum-to-the-coalition-s-guidance-on-the-implementation-of-plan-s/principles-and-implementation/

# Plan S: strong principle

- Plan S: ““With effect from 2021*, all scholarly publications on the results from research funded by public or private grants provided by national, regional and international research councils and funding bodies, must be published in Open Access Journals, on Open Access Platforms, or made immediately available through Open Access Repositories without embargo.”

- All peer-reviewed papers must be immediate Open Access with a CC-BY license

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## Part 2

# Copyright and licensing

# Plan S: three routes to compliance

## Route 1

**Full Open Access venues**

- Authors publish in Open Access journal or platform indexed by *Directory of Open Access Journals* (DOAJ)
- cOAlition S funders financially support publication fees for author

## Route 2

**Subscription journals**

- Authors publishing in a subscription journal **must** make the Version of Record or Author Accepted Manuscript instantly available in a repository
- *NOT* financially supported by cOAlition S funders

## Route 3

**Journals under a transformative arrangement**

- Authors publish in a journal with a Transformative Arrangement.
- cOAlition S funders *CAN* financially support Transformative Arrangements

# Plan S Principle 1

Authors or their institutions **retain copyright**
Publish under an **open license**, preferably the Creative Commons Attribution license (CC BY)

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*"The best way to guarantee we can achieve open access to our research, in all circumstances, is to stop giving away our control over it."*

*Simon Bains, University Librarian, University of Aberdeen*

https://openaccess.mpg.de/Berlin-Declaration

# Copyright ownership

Qu 1. Who owns the original copyright in the content of the researcher's research article?

**The author does**

- "Copyright protects your work and stops others from using it without your permission.
- Authors get copyright protection **automatically**: They don't have to apply or pay a fee."

Qu 2. If the author signs a licence to publish their research article, can the author control the use of the content of their article?

**It's up to the author. UK IPO states:**

- "As a copyright owner, **it is for you to decide** whether and how to license use of your work.
- You can license the use of your work if you own the copyright. **You can also decide how your work is used**."

https://www.gov.uk/topic/intellectual-property/copyright

# What happens in practice?

Contributor = author(s)
Owner = Wiley

- The publisher presents the author with a Copyright Transfer Agreement (CTA) or Exclusive Licence to Publish (LTP) for signature
- Includes permission for the publisher to publish the work - legally required for publication
- BUT….Also includes restrictions on how the author is ‘allowed’ to use the work
- The author signs the agreement (many do not read)
- Result: the publisher has taken control of the rights to the work

**CTA**

“The Contributor assigns to the Owner, during the full term of copyright and any extensions or renewals, all copyright in and to the Contribution, and all rights therein…”

**LTP**

“The Contributor grants to the Owner an exclusive license of all rights of copyright in the Contribution during the full term of copyright and any extensions or renewals…”

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## Part 3

# Plan S Rights Retention Strategy

# Rights Retention Strategy (RRS)

## The principle

- **The RRS is based on a simple principle:**
  The peer-reviewed Author Accepted manuscript (AAM) is the intellectual creation of the authors and belongs to them.
- To assert ownership, the author – as the original copyright holder – applies a CC BY licence to the AAM arising from their submission.
- Delivering publication services does not entitle publishers to ownership of the AAM, which remains the intellectual property of the author. Publication services should be paid for, but not with ownership of the AAM.
- Funders and universities should ensure that their researchers are not deprived of essential intellectual property rights, a valuable asset.

# Rights Retention Strategy (RRS)

## Objectives

- **Main objective:**
  All research funded by cOAlition S organisations is OA with zero embargo + CC BY licence
- **Author ownership and control:**
  **Empower researchers** working with a cOAlition S funder to retain sufficient intellectual property rights to their Author Accepted Manuscript (AAM).
- **Global access:**
  Authors who own the rights to their AAM share it in a repository.
- **Simplicity:**
  Cut through the complexity of journal 'permissions': **no embargoes.** The CC BY licence on the AAM allows authors to share the AAM in a repository, and to freely reuse their own material as they see fit.

# Payment for services ≠ claim ownership

I pay decorators to decorate my house:

- Strip wallpaper
- Sand woodwork
- Undercoat and paint window frames

https://pixabay.com/photos/painter-painting-lackierer-3009887/

I pay for services:

- I do not expect the decorators to own the house after they have painted it
- I do not hand over the keys
- I do not expect the decorator to grant me permission to live only in the spare room

https://pixabay.com/photos/house-keys-key-security-door-key-4521073//

https://pixabay.com/photos/money-coins-euro-coins-currency-515058/

# **The bottom line:** the authors' hands are tied

**Publishers:**

- have no input into the intellectual content of your work
- demand copyright transfer or exclusive licences
- are free to make many uses of the work without asking your permission

**The author:**

- Is the creator and original copyright holder of your work
- Is severely limited in what they can do with their own work
  - Including use for the university e.g. repository
- Often has to beg the publisher for permission to reuse parts of their own work

1

2

3

# Rights Retention Strategy (RRS)

## What authors need to do

1. To inform the publisher that they are using the RRS, cOAlition S funded researchers should include the following templated language in their submissions:

> *"This research was funded, in whole or in part, by [Organisation Name, Grant #]. A CC BY licence is applied to the AAM arising from this submission, in accordance with the grant's open access conditions."*

2. On publication: make AAM open access in a repository

3. Contact their funder (or library) in case of disagreement with or obfuscation by the publisher

# Publishers' smoke & mirrors

## What authors may be told

- *You cannot use the RRS statement when submitting to this journal.*

  You can and you should. The only option for the journal is to refuse your paper upon submission.

- *Before proceeding with your submission, you must agree to pay an APC for publication (even if your funder does not)*

  Beware! This publisher is suggesting that you enter into a contractual agreement. Check if there is an option to discuss the APC before submission.

- *The publisher asks you to sign a **separate contract** to respect their embargo (despite their knowledge of your preexisting grant agreement with the funder to publish without an embargo)*

  Beware! If you sign a contract agreeing to an embargo period, then you will be in breach of your grant conditions.

# Publishers' smoke & mirrors

- Some publishers
  - are knowingly putting authors wishing to use the RRS in a difficult situation
  - Contracts can contradict the Grant Agreement the University signed with the Funder
  - delete the RRS language from the article (censorship or copyediting?)
  - sometimes wait until acceptance to present contract terms

- Publishers have the right to desk-reject articles with the RRS language, but not to confuse, mislead or trick authors into violating their grant agreement.
  - cOAlition S has recently written a letter to 150 publishers asking them to be clear about conditions at submission

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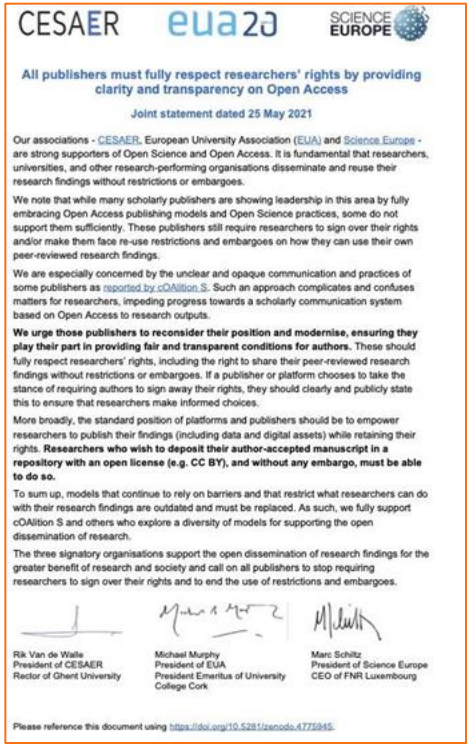
## Part 4

# The direction of travel

# EUA, CESAER, and SE letter to publishers

*“We are especially concerned by the unclear and opaque communication and practices of some publishers as reported by cOAlition S.”*

*"Researchers who wish to deposit their author-accepted manuscript in a repository with an open license (e.g. CC BY), and without any embargo, must be able to do so.”*



CESAER eua2ɔ SCIENCE EUROPE

**All publishers must fully respect researchers' rights by providing clarity and transparency on Open Access**

**Joint statement dated 25 May 2021**

Our associations - CESAER, European University Association (EUA) and Science Europe - are strong supporters of Open Science and Open Access. It is fundamental that researchers, universities, and other research-performing organisations disseminate and reuse their research findings without restrictions or embargoes.

We note that while many scholarly publishers are showing leadership in this area by fully embracing Open Access publishing models and Open Science practices, some do not support them sufficiently. These publishers still require researchers to sign over their rights and/or make them face re-use restrictions and embargoes on how they can use their own peer-reviewed research findings.

We are especially concerned by the unclear and opaque communication and practices of some publishers as reported by cOAlition S. Such an approach complicates and confuses matters for researchers, impeding progress towards a scholarly communication system based on Open Access to research outputs.

**We urge those publishers to reconsider their position and modernise, ensuring they play their part in providing fair and transparent conditions for authors.** These should fully respect researchers' rights, including the right to share their peer-reviewed research findings without restrictions or embargoes. If a publisher or platform chooses to take the stance of requiring authors to sign away their rights, they should clearly and publicly state this to ensure that researchers make informed choices.

More broadly, the standard position of platforms and publishers should be to empower researchers to publish their findings (including data and digital assets) while retaining their rights. **Researchers who wish to deposit their author-accepted manuscript in a repository with an open license (e.g. CC BY), and without any embargo, must be able to do so.**

To sum up, models that continue to rely on barriers and that restrict what researchers can do with their research findings are outdated and must be replaced. As such, we fully support cOAlition S and others who explore a diversity of models for supporting the open dissemination of research.

The three signatory organisations support the open dissemination of research findings for the greater benefit of research and society and call on all publishers to stop requiring researchers to sign over their rights and to end the use of restrictions and embargoes.

Rik Van de Walle
President of CESAER
Rector of Ghent University

Michael Murphy
President of EUA
President Emeritus of University College Cork

Marc Schiltz
President of Science Europe
CEO of FNR Luxembourg

Please reference this document using https://doi.org/10.5281/zenodo.4775845.

UNESCO Recommendation on Open Science

## Section II: Definition of Open Science

"Any transfer or licensing of copyrights to third parties should not restrict the public's right to immediate open access to a scientific publication."

[Para 7a, Page 9]

Plan S Rights Retention Strategy predates, but fulfils this clause precisely

Adopted Nov 2021

https://en.unesco.org/science-sustainable-future/open-science/recommendation

# G6 statement on Open Science

Reaching 100% of Open Access is a main goal for all of our institutions but researchers cannot freely share and build on the results they publish if publishers hold copyrights of their articles and monographs. Therefore, we are committed to support our researchers to retain sufficient rights to publish their scholarly articles and monographs openly and we encourage them to publish their results (i.e. final version and/or manuscript) under an open license, preferably the Creative Commons Attribution License CC BY.

Brussels, December 2021

https://os.helmholtz.de/en/open-science-in-the-helmholtz-association/national-international-network/g6-and-open-science/

EUROPEAN UNIVERSITY ASSOCIATION

eua EUROPEAN UNIVERSITY ASSOCIATION

ABOUT ISSUES SERVICES

RRS ENDORSED

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# cOAlition S presents a new "Rights Retention Strategy" to safeguard researchers' intellectual ownership rights

16 July 2020

cOAlition S has released a Rights Retention Strategy that details under which conditions authors supported by Plan S funders are expected to share articles via self archiving in repositories, one of the three routes of Plan S.

The strategy specifies the exact conditions for this route. As announced, cOAlition S Organisations will facilitate this by changing their grant conditions to require that a Creative Commons Attribution licence (CC BY) is applied to all Author Accepted Manuscripts (AAMs) or Versions of Record (VoR) reporting original research, supported in whole or in part by their funding.

EUA welcomes the release of the Rights Retention Strategy by cOAlition S. Copyright retention of authors as well as self-archiving in repositories are important mechanisms to achieve full open access supported by EUA.

EUROPEAN UNIVERSITY ASSOCIATION

# The EUA Open Science Agenda 2025

**"*Reclaiming academic ownership of the scholarly publishing system***

Universities, research performing organisations, researchers, research funders and national libraries all have a **crucial role** to play in **re-gaining academic sovereignty** over the publishing process. Institutions and researchers have relinquished their rights to commercial publishers, and these publishers have made copyright their mainstay.

Authors and institutions need to retain their intellectual property rights (e.g. Plan S Rights Retention Strategy) and critically consider which stakeholders should own and run publishing infrastructure in order to create systemic change."

https://eua.eu/downloads/publications/eua%20os%20agenda.pdf

# Council of Europe

"Draft Council text in line with Plan S open-access initiative on intellectual property"

- French presidency of the Council of the EU
- Draft ministerial position for research ministers to adopt as EU member state governments' position
- Authors of research papers should retain intellectual property over their work
- 29 April version of the draft Council conclusions states
    - **"t*he authors of publications or their institutions should retain sufficient intellectual property rights to ensure open access [to those publications], leading to broader dissemination, valorisation and reuse of [research] results*".**
- In line with cOAlition S funders Rights Retention Strategy.

https://data.consilium.europa.eu/doc/document/ST-8512-2022-INIT/en/pdf/

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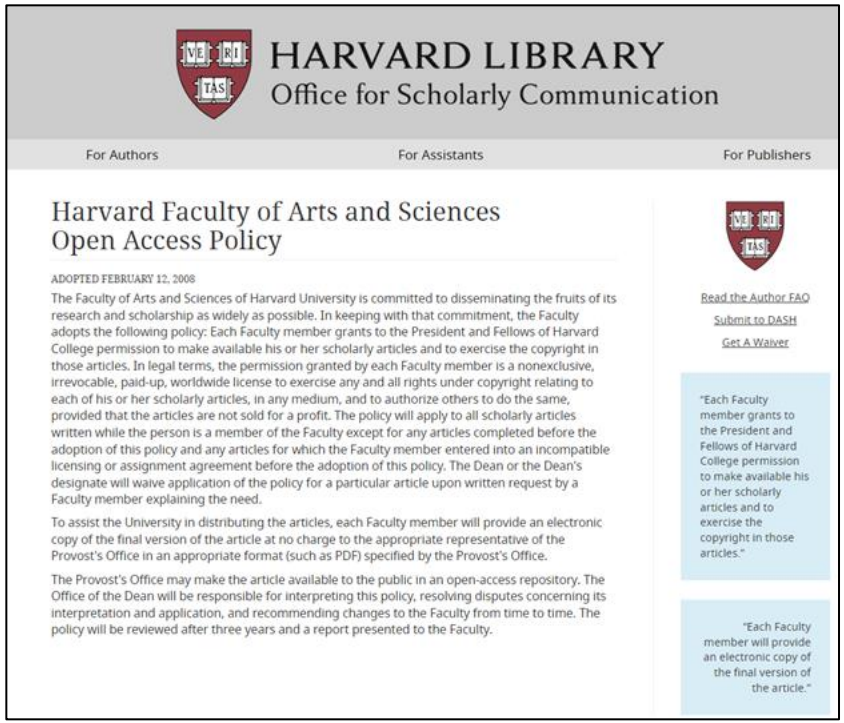
## Part 5

## Academe takes back control

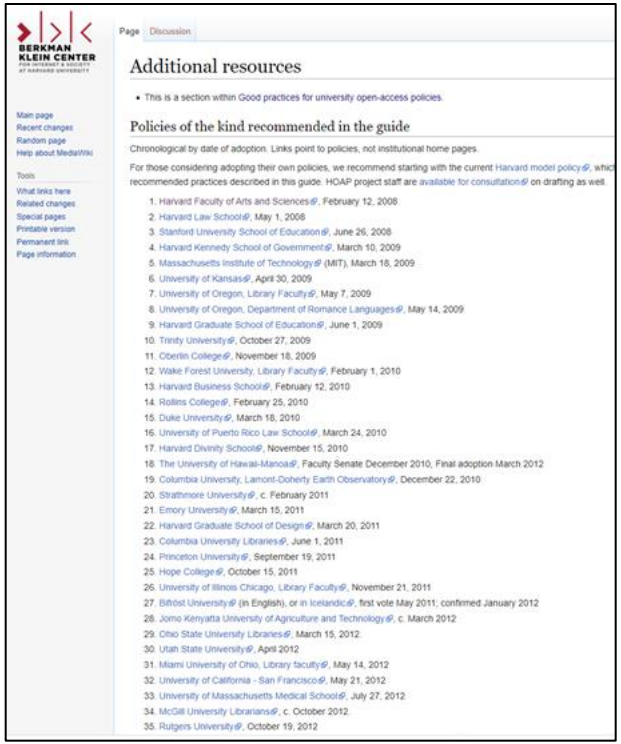
HARVARD LIBRARY
Office for Scholarly Communication

# Rights Retention Strategy (RRS)

## Academe starts to take back control




https://osc.hul.harvard.edu/policies/

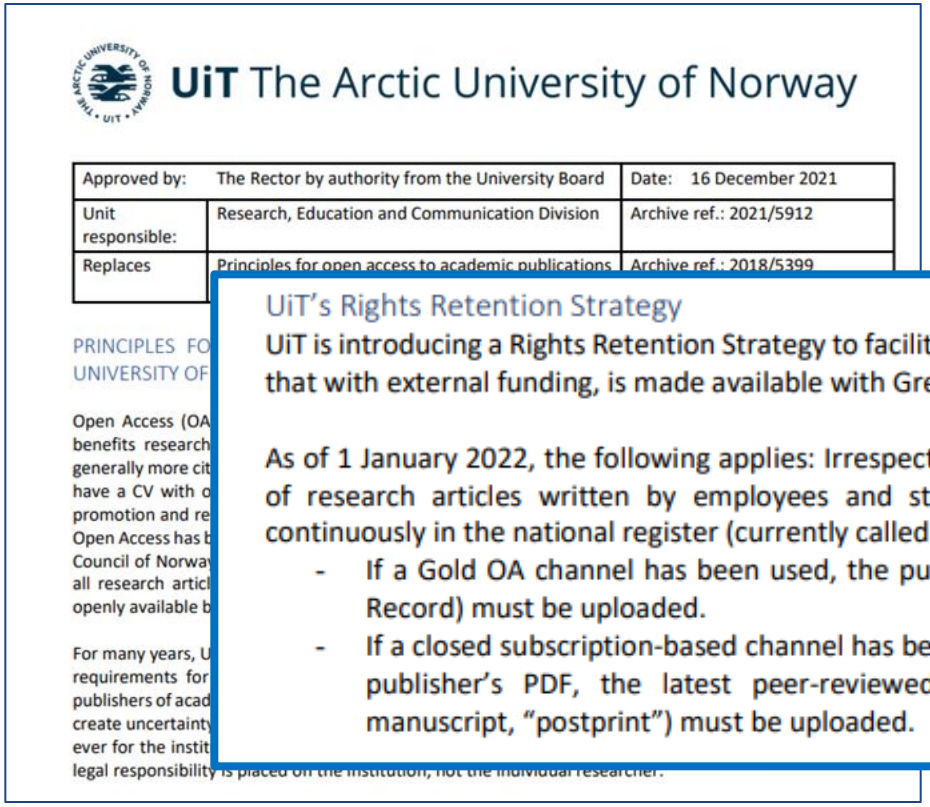



https://cyber.harvard.edu/hoap/Additional_resources#Policies_of_the_kind_recommended_in_the_guide

UiT The Arctic University of Norway

# Rights Retention Strategy (RRS)

## Academe starts to take back control



UiT The Arctic University of Norway

| Approved by: | The Rector by authority from the University Board | Date: 16 December 2021 |
|---|---|---|
| Unit responsible: | Research, Education and Communication Division | Archive ref.: 2021/5912 |
| Replaces | Principles for open access to academic publications | Archive ref.: 2018/5399 |

PRINCIPLES FO
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Open Access (OA
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### UiT's Rights Retention Strategy

UiT is introducing a Rights Retention Strategy to facilitate that all academic literature from UiT, not just that with external funding, is made available with Green OA.

As of 1 January 2022, the following applies: Irrespective of the publication channel, full-text versions of research articles written by employees and students at UiT must be uploaded (deposited) continuously in the national register (currently called Cristin).

- If a Gold OA channel has been used, the publisher's PDF (the published version, Version of Record) must be uploaded.
- If a closed subscription-based channel has been used that does not allow self-archiving of the publisher's PDF, the latest peer-reviewed manuscript version (the author's accepted manuscript, "postprint") must be uploaded.

https://en.uit.no/publishing#innhold_681363

# Rights Retention Strategy (RRS)

## Academe starts to take back control

THE UNIVERSITY of EDINBURGH

INFORMATION SERVICES

Information Services home

About ISG

Policies and Regulations

- Computing Regulations
- Library Regulations
- Security Policies
- Operational Policies
- Research Publications Policy
- Research Data Management Policy
- Advisory Policies

Home > Information Services > About ISG > Policies and Regulations > Research Publications Policy

Contact us

### Research Publications & Copyright Policy (2021)

This policy supersedes and updates the first University of Edinburgh Research Publications Policy passed by University Court in 2010.

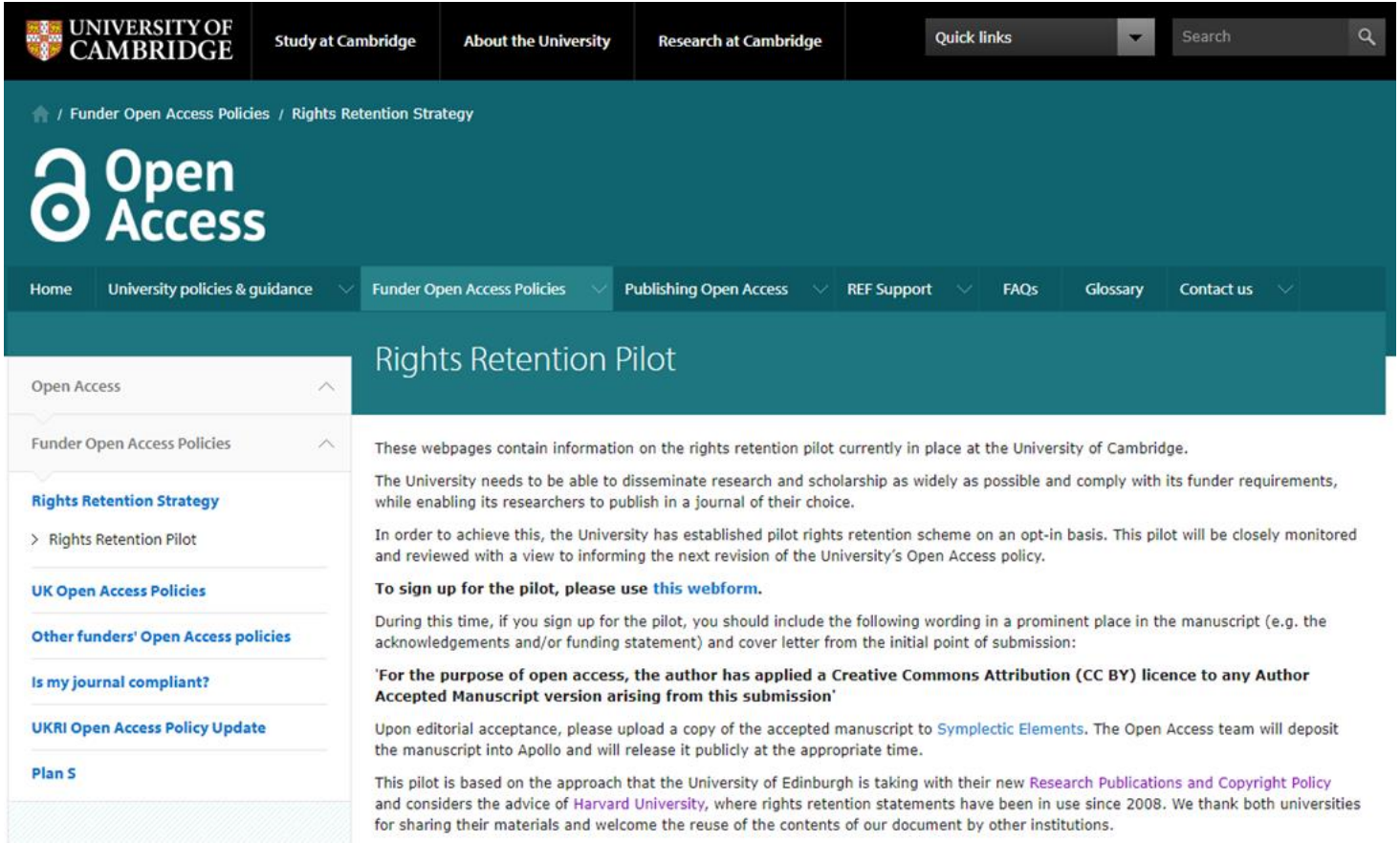
Academic staff at the University of Edinburgh have traditionally, when publishing research outputs, exercised an independent right to assign or give away their scholarly works (in addition to the University's right). This has enabled the current process of the corresponding author assigning copyright to publishers, which results in many journal articles and scholarly works now being under partial or complete ownership by the academic publishers.

In order for the University and its researchers to comply with funder requirements, and to enable the University to disseminate its research and scholarship as widely as possible, whilst enabling its staff to publish their work in a journal of their choice the University of Edinburgh will adopt the following mandatory policy which applies to all staff on research contracts :

Research Publications & Copyright Policy (190.03 KB PDF)

https://www.ed.ac.uk/information-services/about/policies-and-regulations/research-publications

UNIVERSITY OF CAMBRIDGE




https://www.openaccess.cam.ac.uk/funder-open-access-policies/rights-retention/rights-retention-pilot

# Principle 1: What universities can do

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1. Work closely with libraries
2. Do not tolerate pushback from external 3rd parties causing compliance difficulties for researchers - involve Legal Services if necessary
3. Work with Legal Services for advice on author's rights retention (to benefit authors, not publishers)
4. Raise awareness of copyright & licensing with authors
5. Adopt an institutional copyright & rights retention policy ensuring rights remain with authors

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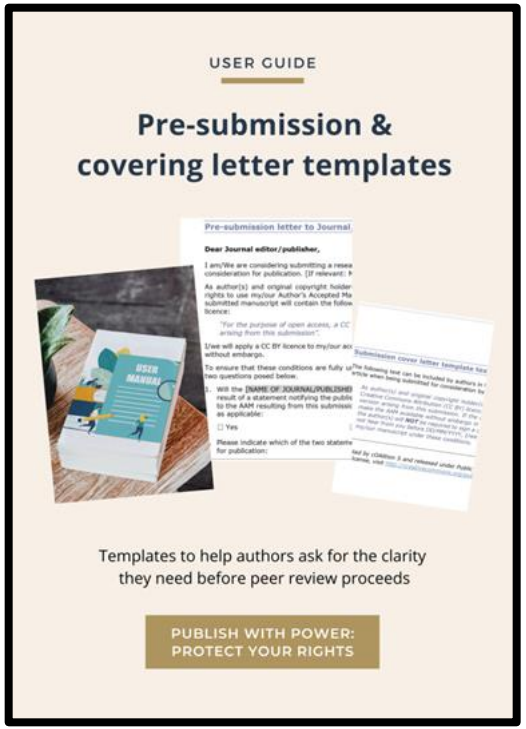
## Part 6

# Resources & Take home messages

# cOAlition S rights retention resources kit

## Available for all to use & adapt



Available at: https://www.coalition-s.org/resources/rights-retention-strategy/

Publish with Power.
Protect your Rights.

# Rights retention - the Quiz

## How well do you know your rights?

Available at: https://www.coalition-s.org/resources/rights-retention-strategy/

Publish with Power.
Protect your Rights.

# Resources for Librarians

1. Some available to download
2. Adapt and use – CC BY
3. Further suggestions welcome

Available at: https://www.coalition-s.org/resources/rights-retention-strategy/

Publish with Power.
Protect your Rights.

# Resources for Research Administrators

## Facilitating Plan S policy in your institution

1. Plan S 10 Principles
2. Key themes for universities
3. What universities can do

Available at: https://www.coalition-s.org/resources/rights-retention-strategy/

Publish with Power.
Protect your Rights.

# Take home messages

**1. Article content belongs to the author** for them to use as they choose for the benefit of authors, institutions, society in general

**2. RRS helps authors retain their rights**, whilst providing a tool to aid compliance with their funder agreement. An institutional RRS policy is even more powerful.

**3.** Whilst some publishers continue to deny authors their rights and grab them for themselves, **key stakeholders can correct this state of affairs**: funders: authors, institutions.

# Further information

- cOAlition S website - Rights Retention Strategy
  https://www.coalition-s.org/rights-retention-strategy/
- Implementation roadmap for cOAlition S organisations
  https://www.coalition-s.org/plan-s-funders-implementation/
- Journal Checker Tool: https://journalcheckertool.org/
- Creative Commons licences: https://creativecommons.org/
- email: info@coalition-s.org

This work is licensed under a Creative Commons Attribution 4.0 International License.
https://creativecommons.org/licenses/by/4.0/

# Questions & Discussion

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@cOAlitions_OA