Rights Retention Strategy

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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
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)

“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
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?

- 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…”
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

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
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
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.
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
Part 4
The direction of travel
EUAltion S

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 EUA, CESAER, and SE.”

“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.”
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
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
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.
“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 regaining 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.”
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
  - “the 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.

Part 5

Academe takes back control
Rights Retention Strategy (RRS)
Academe starts to take back control

[Image]

Harvard Faculty of Arts and Sciences
Open Access Policy

ADOPTED FEBRUARY 12, 2006

The Faculty of Arts and Sciences of Harvard University is committed to disseminating the fruits of its research and scholarship as widely as possible. In keeping with that commitment, the Faculty adopts the following policy: Each Faculty member grants to the President and Fellows of Harvard College permission to make available his or her scholarly articles and to exercise the copyright in these articles. In legal terms, the permission granted by each Faculty member is a non-exclusive, irrevocable, perpetual, worldwide license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, and to authorize others to do the same, provided that the articles are not sold for a profit. The policy will apply to all scholarly articles written while the person is a member of the Faculty except for any articles completed before the adoption of this policy and any articles for which the Faculty member entered into an incompatible licensing or assignment agreement before the adoption of this policy. The Dean or the Dean’s designee will waive application of the policy for a particular article upon written request by a Faculty member explaining the need.

To assist the University in distributing the articles, each Faculty member will provide an electronic copy of the final version of the article at no charge to the appropriate representative of the Provost’s Office in an appropriate format such as PDF specified by the Provost’s Office. The Provost’s Office may make the article available to the public in an open-access repository. The Office of the Dean will be responsible for interpreting this policy, resolving disputes concerning its interpretation and application, and recommending changes to the Faculty from time to time. The policy will be reviewed after three years and a report presented to the Faculty.
Rights Retention Strategy (RRS)

Academe starts to take back control

UIT’s Rights Retention Strategy

UIT is introducing a Rights Retention Strategy to facilitate that all academic literature fromUIT, 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 atUIT 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.
Rights Retention Strategy (RRS)
Academe starts to take back control

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:
Rights Retention Pilot

These webpages contain information on the rights retention pilot currently in place at the University of Cambridge.

The University needs to be able to disseminate research and scholarship as widely as possible and comply with its funder requirements, while enabling its researchers to publish in a journal of their choice.

In order to achieve this, the University has established pilot rights retention scheme on an opt-in basis. This pilot will be closely monitored and reviewed with a view to informing the next revision of the University's Open Access policy.

To sign up for the pilot, please use this webform.

During this time, if you sign up for the pilot, you should include the following wording in a prominent place in the manuscript (e.g. the acknowledgements and/or funding statement) and cover letter from the initial point of submission:

‘For the purpose of open access, the author has applied a Creative Commons Attribution (CC BY) licence to any Author Accepted Manuscript version arising from this submission’

Upon editorial acceptance, please upload a copy of the accepted manuscript to Symplectic Elements. The Open Access team will deposit the manuscript into Apollo and will release it publicly at the appropriate time.

This pilot is based on the approach that the University of Edinburgh is taking with their new Research Publications and Copyright Policy and considers the advice of Harvard University, where rights retention statements have been in use since 2008. We thank both universities for sharing their materials and welcome the reuse of the contents of our document by other institutions.
Principle 1: What universities can do

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
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/
Rights retention - the Quiz
How well do you know your rights?

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

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https://creativecommons.org/licenses/by/4.0/