



Plan S

Making full & immediate
Open Access a reality

**The benefits of Author's Rights
Retention for Researchers,
Universities and beyond**

Japanese Open Science Summit (JOSS)
20th June 2024

Sally Rumsey | cOAlition S Ambassador



Hello and thank you for inviting me to join this meeting



Plan S

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Part 1

cOAlition S and Plan S



I'm going to start by taking a look at cOAlition S and Plan S



cOAlition S

28 Research funding organizations

National funders

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

European Commission (Horizon Europe)

Charitable foundations

- Wellcome Trust
- 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

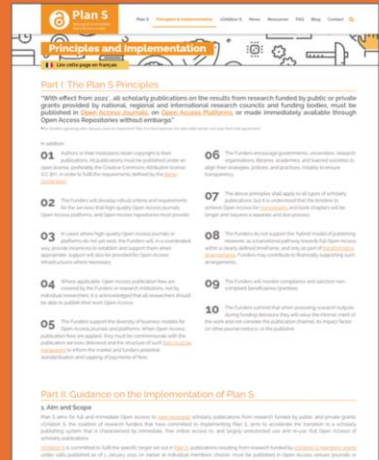
€35bn/year in research funds, 150k articles/year

cOAlition S is a group of 28 research funders, charitable foundations, and others, from across Europe, the US, and beyond. As a group it's estimated to provide in the region of 35 billion Euros per annum in research funds, resulting in around 150,000 published articles each year




Plan S <https://www.coalition-s.org/>

- Plan S 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 is not a policy. It is a set of 10 principles, upon which cOAlition S funders have agreed to align their policies.



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

Plan S is built on a strong principle that all scholarly publications resulting from funding by cOAlition S organisations, must be made immediately available, without embargo, under a CC BY licence.



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 (VoR) or Author Accepted Manuscript (AAM) 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

There are three equally valid routes to compliance: Publication in a fully Open Access venue; Open Access publication in a subscription journal with an OA option (known as hybrid Open Access) under a transformative agreement; or publication in a subscription journal and the Version of Record or Author Accepted Manuscript made immediately available in a repository.



Hybrid OA (OA option in subscription journal)

- cOAlition S strong position on hybrid OA
 - See "*Why hybrid journals do not lead to full and immediate Open Access*"
 - <https://www.coalition-s.org/why-hybrid-journals-do-not-lead-to-full-and-immediate-open-access/>
- APCs (Article Processing Charges) for publication in hybrid journals are not financially supported by cOAlition S funders unless the journal is part of a transformative arrangement

BUT.....

- cOAlition S confirms the end of its financial support for Open Access publishing under transformative arrangements after 2024

<https://www.coalition-s.org/coalition-s-confirms-the-end-of-its-financial-support-for-open-access-publishing-under-transformative-arrangements-after-2024/>

The funders will not currently financially support Article Processing Charges or APCs for OA publication in hybrid journals, unless the journal is part of a transformative arrangement. Because of the problems of a hybrid OA model, and recognizing the risk that transformative arrangements may not in fact be transformative, cOAlition S funders have confirmed they will not offer financial support for OA publishing under transformative arrangements after 2024.



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Part 2

Copyright and licensing



Now let's take a look at copyright and licensing



Authors' right to use their own work: How things

Licence to Publish (LTP) written by publisher - Imbalance

- The publisher does not need the authors' rights to publish the paper – only needs a LTP
- Authors' terms of use of their own intellectual creation written by publisher
- Publisher's business model takes priority over scholarship
- Business model unnecessarily conflated with author's rights

Conflating 'value added service' with 'author rights' creates risk

- Some publishers conflate paid value added service with content ownership
- Risk of service provider control shifting upstream as new dissemination models emerge

Unhelpful permissions restrict author's dissemination. Eg:

- Allowing access via personal web but not repository
- Restrictions on use of Academic Research Networks (eg ResearchGate; Academia.edu)
- Embargoes. Claim of risk to sustainability without embargo – or not [See [Elsevier Share Links: The Schrödinger's cat of Open Access](#)]

Repository services are not being fully exploited

- Repositories not maximizing dissemination potential for researchers & universities
- Too much time spent on OA policy compliance rather than scholarship

Publishing terms designed for 20th not 21st century research dissemination

Here's a summary of the position when authors submit their manuscripts to many publishers.

- a. Firstly, a publisher does not need the authors' rights in order to publish the paper – they only need a Licence to Publish (LTP) from the author. The licence to publish that a typical author signs tends to be written by the publisher, even though it is the author licensing the publisher to publish their work. This imbalance means the publisher's business model takes precedence over scholarship, and is conflated with the author's rights. Conflating the publisher's value-added service with content ownership means that there is a future risk this same model could be adopted further upstream the research process to other output types such as preprints, micro-publications, and so on.
- b. It comes down to who controls the content, that is, the author's intellectual creation. If it is clear that the author retains control of their rights, and that is non-negotiable, then discussions about publication can proceed without argument.

- c. There are lots of examples of publishers imposing unhelpful terms on authors such as allowing immediate Open Access via a personal website, but not in a repository. Saying it's OK to distribute via one freely available website, but not another totally ignores the way the internet works, and just adds to researcher's confusion.
- d. Another confusing restriction is that on the rules for dissemination via Academic Research Networks such as ResearchGate and Academia.edu.
- e. There is also the questionable claim that embargoes for the Accepted Manuscript are necessary – which is contradicted by some publishers who at the same time promote unembargoed access to paywalled articles via tools such as ShareLink and SharedIt. I direct you to my piece on the cOAlition S blog: [Elsevier Share Links: The Schrödinger's cat of Open Access](https://www.coalition-s.org/blog/elsevier-share-links-the-schrodingers-cat-of-open-access) as well as a piece I wrote on Springer Nature ShareIt and one about Springer Nature sharing terms. I'll make the links available later in the chat.
 - i. <https://www.coalition-s.org/blog/we-encourage-you-to-share-your-article-widely-but-not-too-much/>
 - ii. <https://www.coalition-s.org/blog/springer-nature-doublespeak/>
 - iii. <https://www.coalition-s.org/blog/elsevier-share-links-the-schrodingers-cat-of-open-access/>
- f. As a result of all this, repositories are not fully exploited to maximise dissemination for researchers and universities. And because of the convoluted permissions that result in complex terms, too much time and money is spent on policy compliance rather than actual dissemination. To sum up, the model used in most current situations is designed for 20th, not 21st century research dissemination.



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Part 2

Plan S Rights Retention Strategy

What it is and why it was adopted



Now let's take a look at the Plan S Rights Retention Strategy.



Rights Retention Strategy (RRS): Objectives

- **Main objective:**
All research funded by cOAlition S organisations is OA with zero embargo + CC BY licence
- **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

The main objective of the strategy is that all research funded by cOAlition S organisations is OA (Open Access), with zero embargo, with a CC BY licence. The strategy aims to empower researchers to retain sufficient intellectual property rights to the Author Accepted Manuscript so that they can share it globally in a repository and elsewhere. It aims to cut through the complexity of journal permissions & embargoes, allowing authors freedom to choose how they share their work.

1

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

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

3

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

cOAlition S informed > 150 publishers of the RRS prior to its adoption

It’s designed to be simple for authors, who simply need to include template text in their submission, and then make their Accepted Manuscript open access in a repository. If there are any disagreements with their publisher, they can contact their funder (or their library)



Some challenges

- Author rights retention (RR) challenged by some publishers – using contract law rather than copyright law
- Some publishers have adopted unhelpful workflows to try to counter author RR
 - Confuses researchers
 - Authors not informed by journal about options until acceptance
 - Authors may sign conflicting contract (Journal + Uni Funder Grant agreement)
 - Authors may be invoiced for APCs they can't pay
- cOAlition S RRS only applies to funded authors within an institution

Despite this...

- lots of papers have been made OA using the Plan S RR wording
- Authors fears around desk rejection have not been realised

<https://pixabay.com/photos/puzzle-pieces-puzzle-game-592781/>

Unfortunately, some publishers have challenged author rights retention. They have done this via contract law rather than copyright law. Some publishers have adopted unhelpful workflows to try to counter author rights retention, which confuses researchers. It can mean authors are not informed by the journal about their options until acceptance, may result in conflicting contracts, or that authors are invoiced for APCs they can't pay. Additionally, rights retention only applies to funded authors within an institution. However, despite this, lots of papers have been made OA using the RR wording, and authors fears around desk rejection have not been realized.



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Part 4

Institutional Rights Retention Policies

The case of the UK and beyond



Fortunately, simpler and even more effective solutions are being adopted in universities across the UK and beyond.

Publish with Power.
Protect your Rights.

Institutional Rights Retention Policies (IRRP)

- cOAlition S Rights Retention Strategy
 - Limited to funded authors
 - Funders: No 'skin' in the Author-Publisher publishing contract
 - Provided impetus for institutions to adopt their own policies
- IRRPs are stronger than funders' policies
 - Applies to all researchers – funded or not
 - Direct link with author via employment contract/signatory of funding agreement
 - Prior licence may form part of employment contract – if challenged: claim of procurement of breach of contract or similar



<https://pixabay.com/illustrations/silhouettes-person-circle-1186990/>

Although the cOAlition S Rights Retention Strategy has limits - it is limited to funded authors, and the funder has no legal place in the author-publisher relationship – it has proved to be an impetus for universities to adopt their own, stronger, rights retention policies. University policies apply to all researchers, funded or not. There is a direct link via the researcher's employment contract with the author. And most importantly, the prior licence that is agreed between researcher & university may form part of an employment contract. The prior licence means that if, challenged, the university could claim procurement of breach of contract or similar.

UK Institutional Rights Retention Policies

UK Institutional Rights Retention Policies

(CC BY) <https://sje30.github.io/rrs/rrs.html>

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Introduction

This page contains information about UK universities that have institutional rights retention policies. The raw data underlying these visualisations is available on [github](#) along with the code that generates this page. Please also visit a list of [similar policies worldwide](#).

The Open Access Directory has launched a worldwide list of [university rights-retention OA policies](#).



- Rapid progress
- > 28 UK institutions adopted institutional rights retention policies in just over 2 years
 - (at 3 June 2024)
- Many more in the pipeline
- Visualisation with links to policies
 - Prof Stephen J. Eglén, University of Cambridge
 - <https://sje30.github.io/rrs/rrs.html>

Since 2021 there has been rapid adoption of such institutional rights retention policies in the UK. It now stands at 28 adopted policies with many more in the pipeline. Please take a look at Prof Stephen Eglén's excellent visualisation.

Prior licensing means the work is 'licensed' to the university even before it's written

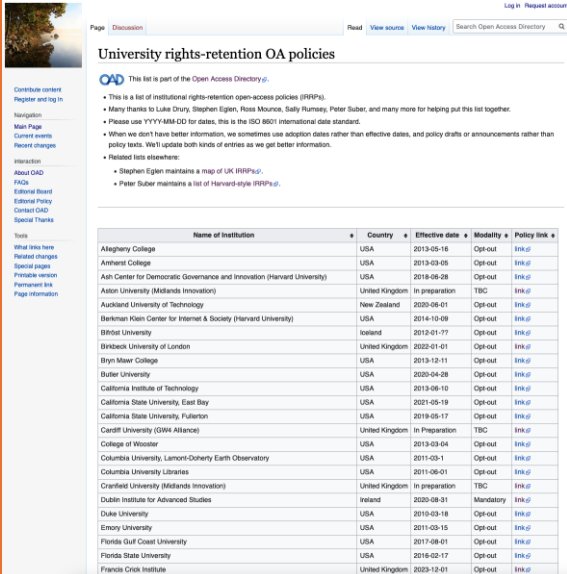
Typical (UK) Institutional Rights Retention Policy (IRRP)

- Confirms members of staff own the copyright (not the institution)
- Researcher automatically grants the institution a non-exclusive licence to make their manuscripts publicly available under a CC BY licence as a condition of employment
- Researcher provides the institution with an Author Accepted Manuscript (AAM) copy of the work (usually via the library)
- AAM (Author Accepted Manuscript) made Open Access (usually by the library via the repository)
- Covers research articles & conference papers, but may include other outputs

A typical UK policy confirms that it is the member of staff that owns the copyright. The researcher automatically grants the institution a non-exclusive licence to make their manuscripts publicly available under a CC BY licence as a condition of employment, and provide the library with their accepted manuscript to be made available via the repository. Policies usually cover research articles and conference papers, but may include other item types. The beauty of the prior licence is that, in effect, it means the work is licenced to the university before it's written.

Global status of IRRPs

- Globally numbers of policies is increasing
- Growing Open Access Directory list of policies
 - Includes 60 in USA
- https://oad.simmons.edu/oadwiki/University_rights-retention_OA_policies



The screenshot shows the OAD website page titled "University rights-retention OA policies". It includes a navigation menu on the left, a search bar at the top right, and a main content area with a list of policies. The list is organized into columns: Name of Institution, Country, Effective date, Modality, and Policy link. The table contains 20 rows of data, including institutions like Allegheny College, Amherst College, Ash Center for Democratic Governance and Innovation, Aston University, Auckland University of Technology, Berkman Klein Center for Internet & Society, Bristol University, Brunel University of London, Bryn Mawr College, Butler University, California Institute of Technology, California State University, East Bay, California State University, Fullerton, Cardiff University (CWA Alliance), College of Wooster, Columbia University, Lamont-Coherty Earth Observatory, Columbia University Libraries, Cranfield University, Dublin Institute for Advanced Studies, Duke University, Emory University, Florida Gulf Coast University, Florida State University, and Francis Crick Institute.

Name of Institution	Country	Effective date	Modality	Policy link
Allegheny College	USA	2013-05-16	Opt-out	link
Amherst College	USA	2013-03-05	Opt-out	link
Ash Center for Democratic Governance and Innovation (Harvard University)	USA	2018-06-28	Opt-out	link
Aston University (Midlands Innovation)	United Kingdom	In preparation	TBC	link
Auckland University of Technology	New Zealand	2020-06-01	Opt-out	link
Berkman Klein Center for Internet & Society (Harvard University)	USA	2014-10-09	Opt-out	link
Bristol University	Ireland	2013-01-17	Opt-out	link
Brunel University of London	United Kingdom	2023-01-01	Opt-out	link
Bryn Mawr College	USA	2013-12-11	Opt-out	link
Butler University	USA	2020-04-28	Opt-out	link
California Institute of Technology	USA	2013-06-10	Opt-out	link
California State University, East Bay	USA	2021-05-19	Opt-out	link
California State University, Fullerton	USA	2019-05-17	Opt-out	link
Cardiff University (CWA Alliance)	United Kingdom	In Preparation	TBC	link
College of Wooster	USA	2013-03-04	Opt-out	link
Columbia University, Lamont-Coherty Earth Observatory	USA	2011-03-1	Opt-out	link
Columbia University Libraries	USA	2011-06-01	Opt-out	link
Cranfield University (Midlands Innovation)	United Kingdom	In preparation	TBC	link
Dublin Institute for Advanced Studies	Ireland	2020-08-31	Mandatory	link
Duke University	USA	2010-03-18	Opt-out	link
Emory University	USA	2011-03-15	Opt-out	link
Florida Gulf Coast University	USA	2017-08-01	Opt-out	link
Florida State University	USA	2016-02-17	Opt-out	link
Francis Crick Institute	United Kingdom	2023-12-01	Opt-out	link

Of course, institutional policies are not new. The first was Harvard's back in 2008 and since then, numbers have been increasing including about 60 in the USA. Take a look at the global list of policies



Lots of benefits of Institutional Rights Retention Policies

1. **Simple** to communicate, use, and understand
2. **Authors** can disseminate and use their own work **as they choose**
 - **Control** of primary dissemination by author resides in **academia**
3. **Researchers feel supported** by their institution
 - **As part of employment contract:** university, not researcher, counters any pushback
4. **Increased researchers' engagement** with OA
5. **Counters complexities** of convoluted & conflicting rights policies for researchers & library staff – saving time & therefore money
 - **Cuts through** confused messaging from publishers
6. **Researchers' fears have not been realised** re: editorial rejection; non-cooperative co-authors; when signing publication agreements
 - **Little pushback** from publishers (dissatisfaction but not rejection)
7. **Opportunities to save time and money**
 - **Strengthens** institutional negotiating position with publishers
 - **Reduces** repository time spent managing embargoes
8. **Applies to all**, not just funded, researchers
9. **Increases open access** to researcher's & institution's publications
 - **More OA** via institutional repository & plugs gaps
10. **Low numbers of opt-outs** by researchers reported
11. **Benefits** researchers, research, institution, & society in general

Adopted
IN support of,
and
WITH the
support of
university
academic staff

There are lots of benefits to adopting an institutional rights retention policy. I've listed many of them here, and you can read them at your leisure later. They include that they are simple to communicate & understand. It gives authors control of their own dissemination of their research findings. Importantly, researchers feel supported by their institution. Adopting a rights retention policy can save the institution money for example, by simplifying repository processes, thereby saving time. It can also save money by strengthening the institution's negotiating position for publisher deals.

- a. If the institution has a valid alternative for making papers Open Access, it means the publisher's offer can be much more fairly negotiated. For example, negotiations could address limitations on researchers such as that of Elsevier, who stipulate that authors can make only "some" use of their own work only "if" their library has a subscription.
- b. Ultimately, because of the increased open access to the papers, it benefits individual researchers, the institution, and broader research & society in general. It means that keeping your rights as an author still allows a publisher to provide publication services, but keeps control of the **author's** dissemination within academia, and this is rapidly becoming the norm.

My experience of Rights Retention (RR) policies

- Major publishers
 - Some publishers don't like RR policies but have no valid arguments against authors retaining their rights
 - However, author RR is becoming the de facto norm at many universities
- Some publishers create procedures to make it difficult for authors to retain their rights or they 'encourage' paid APC (Article Processing Charge) option (eg ACS)
- Only one publisher has specifically said they will desk reject m/s because of RR
 - ASH: American Society of Hematology
- Lots of examples of rights retention being used and m/s made OA – even when not 'allowed' by publisher
- No repercussions I'm aware of
 - Negative optics of publisher attempting to prosecute an academic or a university for retaining their own rights
- Lots of researchers' groups strongly support Plan S RRS
 - GYA; YAE; EUA; Science Europe; EuroDoc; Marie Curie Alumni Assoc; CESAER
- Researchers and institutions are taking positive action to support researchers
- Universities increasingly reassuring researchers 'we've got your back'
- Universities are collaborating to adopt policies
 - Sharing resources, experience and expertise (eg N8, Midlands Innovation, SCURL, GW4)

Some publishers don't like RR policies but have no valid arguments against authors retaining their rights. However, author RR is becoming the norm at many universities. Unfortunately, some publishers create procedures to make it difficult for authors to retain their rights or they 'encourage' paid APC option. To my knowledge, only one publisher has specifically said they will desk reject m/s because of RR. There are lots of examples of rights retention being used and m/s made OA – even when not 'allowed' by publishers with no repercussions that I'm aware of. Lots of researchers' groups strongly support Plan S RRS including the Global Young Academy, EuroDoc and CESAER. Researchers & institutions are taking positive action to support researchers, and universities are increasingly reassuring researchers 'we've got your back.' Universities are collaborating to adopt policies by sharing resources, experience & expertise. Examples in the UK include the N8 partnership, and SCURL in Scotland.

Some Publishers' arguments against Rights Retention

Claims*

- Importance of the 'Version of Record'
- Gold OA is what authors want
- Green OA
 - "undermines progress"
 - Potential problems with Green OA
 - Emphasis on green OA is not constructive
 - Risk of establishing green OA as the default
 - Green OA removes incentives for institutions to transition funding towards gold OA
 - Green OA disincentivizes funders to establish structured funds to support OA
- Authors rights retention erodes the advantages of full OA
- "The RRS...gives authors **the opportunity to select** subscription journals and the subscription model at the expense of full OA titles" i.e. prefer not to enable author choice
- RRS undermines publishers' progress & commitment to OA
- Publishers produce high quality journals
- Publishers add value
- The Rights Retention Strategy ignores long-standing academic freedoms
- Sustainability: "[RRS] provides an immediate free substitute that eliminates the ability to charge for the services that publishers provide."

* Many of these claims can be refuted

Image:https://commons.wikimedia.org/wiki/File:White_flag_waving.svg under <https://creativecommons.org/licenses/by-sa/3.0/deed.en>

<https://www.oaspa.org/pressroom-and-the-use-of-immediate-green-ia-undermines-progress> Publishers' response to launch of Plan S Rights Retention Strategy posted on OASPA site Dec 2020; <https://www.springernature.com/gp/open-research/business-books-journals-going-to-field-research-and-more>; <https://group.springernature.com/gp/group/media/press-releases/springer-nature-signs-joint-letter-with-50-other-publishers-18828798>

Some publishers have made arguments supposedly against author rights retention. Their arguments include the importance of the version of record, and that Gold Open Access is what authors want.

- a. They list a number of points criticising green open access.
- b. Many of their claims can be refuted. They claim that authors retaining the rights to their own intellectual creation undermines publishers' commitment to Open Access. They even claim that availability of the accepted manuscript stops them from charging for their services.
- c. They note that publishers produce high quality journals and they add value, which of course they do.
- d. They also surprisingly claim that author rights retention somehow ignores long-standing academic freedoms.

Even though some of these statements are accurate...



Some publishers arguments against RR are not actually about RR: in reality, the points they make are focused on their dislike of Green OA

Not one
of these publishers'
arguments provides
a reason
why authors
should give up their rights

Even though some, but by no means all, of these statements are accurate, the claims against author rights retention are focused on some publisher's clear dislike of green open access, BUT not one of the arguments actually provides a reason why authors should give up their rights.

Some publishers' arguments against Rights Retention: Claims *



Image: https://commons.wikimedia.org/wiki/File:White_flag_waving.svg
under <https://creativecommons.org/licenses/by-sa/3.0/deed.en>

- Importance of the 'Version of Record' – **Not a reason to give up rights**
- Gold OA is what authors want – **Maybe. Not a reason to give up rights**
- Green OA "undermines progress" – **Inaccurate & Not a reason to give up rights**
- Potential problems with Green OA – **Not a reason to give up rights**
- Emphasis on green OA is not constructive – **Inaccurate & Not a reason to give up rights**
- Risk of establishing green OA as the default – **Deflection & Not a reason to give up rights**
- Authors' RR erodes the advantages of full OA – **Inaccurate & Not a reason to give up rights**
- Prefer not to enable author choice of green OA – **Deflection & Not a reason to give up rights**
- Green OA removes incentives for institutions to transition funding towards gold OA – **Deflection & Not a reason to give up rights**
- Green OA disincentivizes funders to establish structured funds to support OA – **Inaccurate & Not a reason to give up rights**
- RRS undermines publishers' progress & commitment to OA – **Deflection & Not a reason to give up rights**
- Publishers produce high quality journals – **True. But not a reason to give up rights**
- Publishers add value – **True. But not a reason to give up rights**
- RRS ignores long-standing academic freedoms – **Inaccurate & Not a reason to give up rights**
- Sustainability: RRS 'provides an immediate free substitute that eliminates the ability to charge for the services that publishers provide.' – **Inaccurate & Not a reason to give up rights**

* Many of these claims can be refuted

<https://www.oaspa.org/en/open-access-and-the-use-of-immediate-green-ia-underscores-progress> Publishers' response to launch of Plan S Rights Retention Strategy posted on OASPA site Dec 2020; <https://www.springernature.com/gp/open-research/business-books/journals-going-to-gold-reach-and-more>; <https://group.springernature.com/gp/group/media/press-releases/springer-nature-signs-joint-letter-with-50-other-publishers-18828798>

For example, neither the fact that publishers produce high quality journals, or that publishers add value are reasons for authors to give away their rights. Arguing that green OA removes incentives for institutions to transition funding towards gold OA is a deflection – institutions are not duty bound to spend their budgets on gold OA, especially when there are so many other new options emerging, such as Subscribe to Open, diamond OA, new platforms such as Octopus, the Peer Community In Notify initiative, and so on. Arguing that green OA disincentivizes funders to establish structured funds to support OA is spurious – funders are pouring millions into open access and open science, and continue to do so. Again, they do not have to be tied to a single paid gold OA model in an evolving 21st century digital landscape. None of these publishers' arguments provide any reason for authors to give away their rights.



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Part 5

The bigger picture

Rights retention in the digital age



Looking forward



<https://pixabay.com/photos/traffic-lights-green-light-street-6324351/>

Rights retention in the digital age: Supports the following:

1. Actively & visibly support your researchers
 - Enable Author/Researcher choice
 - Focus on research dissemination not compliance
 - Primary focus on scholarship & shared knowledge
2. Embed core copyright & publishing policy to support current & future 21st century Open Scholarship, and emerging models of research dissemination
 - Throughout research process, not just at the end
 - New (& as yet unknown) output types (protocols, code, data, preprints, micropublications, etc)
 - New & emerging models of 'publishing' (overlay peer review, [Notify initiative](#) using repositories, etc)
3. Within research institutions: Author rights underpin ability to manage research culture, recognition & reward, budgets
4. RR encourages globally equitable models of disseminating research findings

5. Return control of scholarship to academia

In addition to the reasons already mentioned

Join in. don't just view this as about RR, or compliance – fit with uni policies

Actively supporting employees – putting them first before external suppliers

Author rights retention actively & visibly supports researchers as open research evolves, ensuring the focus is on scholarship and shared knowledge. Having rights retention as a core part of a copyright & publishing policy supports researchers to participate and flourish in the rapidly evolving 21st century open scholarship environment. They can easily participate in new and emerging models of global research dissemination.

- a. For institutions, author rights retention is a lynchpin for establishing a modern global research culture, for enabling robust recognition & rewards, and for managing squeezed budgets. Rights retention encourages more equitable models of disseminating research findings, and ultimately, it helps return control of scholarship to academia.



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Japanese OA plan

How author rights retention will
support the plan



Now let's consider the new Japanese plan for Open
Access

Context: G7 Open Science working Group (OSWG) recommendations



- Address barriers that hinder scientific cooperation and slow the ability to respond to crises
- Research assessment & incentives
 - *i) Change the research assessment system to encourage open science, through valuing **more diversified research outputs**, activities, practices and career paths*
 - *iv) raise awareness and provide leadership to **promote open science practices***
 - *vi) provide **infrastructures and support** necessary to practice open science*
 - *vii) **provide education and training** that enable researchers to practice open science*
- Interoperability & sustainability
 - *i) the pandemic illustrated the importance of world-wide sharing of data and other research outputs to accelerate research and decision-making,*
 - *ii) successful responses to common challenges and future global crises will require similar accessing, sharing, and comparing data;*
 - *iii) open science infrastructures therefore need to be embedded in standard workflows in advance in order to be effectively leveraged during crisis situations.*

I first want to add some context. Here are relevant recommendations from the G7 Open Science working group. The text mentions valuing more diversified research outputs, promoting open science practices, and provision of infrastructure & support for open science. It also stresses the need to be prepared for knowledge sharing to enable rapid responses to global crises.



How author Rights Retention supports implementation of G7 guidelines



- Enables many more papers to be open: preparation for response to future crises
- Can apply to any type of research output – makes it easier for researcher
- Promote RR as one element of soft research infrastructure
- Simple message to communicate to researchers

Author rights retention directly supports these recommendations by enabling many more papers to be open, by applying to any type of research output, by being adopted as part of the research infrastructure, and by being a simple message to communicate to researchers.

“Access to scientific knowledge should be as open as possible”

UNESCO
Recommendations on
Open Science Para 8

Context: UNESCO Recommendation on Open Science

- By promoting science that is more accessible, inclusive and transparent, open science furthers the right of everyone to share in scientific advancement and its benefits as stated in Article 27.1 of the [Universal Declaration of Human Rights](#).
- *Guiding Principle: 13. The core values of open science stem from the rights-based, ...legal, ...implications of opening science to society and broadening the principles of openness to the whole cycle of scientific research.*

UNESCO Recommendation on Open Science asks Member States to:

- Promote a shared understanding of open science & **set out diverse paths** to achieving it
- Develop an **enabling policy** environment for open science
- **Invest in infrastructure and activities** that contribute to open science
- **Invest in** training, education, digital literacy & capacity-building to support open science
- **Foster a culture of open science** and align incentives to support it
- **Promote innovative approaches for open science at all stages of the scientific process**

Adopted Nov 2021

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

Here is the context of the UNESCO recommendation on open science, that has similar points around understanding, infrastructure, culture of open science, and innovation across the entire scientific process. It promotes equity via links to the Universal Declaration on Human Rights and by its guiding principles: Sharing by right, not by waivers and concessions.

“Access to scientific knowledge should be as open as possible”

UNESCO
Recommendations on
Open Science Para 8

Context: 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]

Adopted Nov 2021

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

UNESCO importantly states that “Any transfer or licensing of copyrights to third parties should not restrict the public’s right to immediate open access to a scientific publication.”

“Access to scientific knowledge should be as open as possible”

UNESCO
Recommendations on
Open Science Para 8


How Author Rights Retention directly supports UNESCO Recommendations on Open Science

- Enables diverse paths to achieving Open Science
- Forms key element of an enabling policy for open science
- Part of an investment in soft infrastructure and activities that contribute to open science – especially when coupled with repository provision
- Communications and training around RR increases digital literacy to support open science
- Helps foster a culture of open science
- Enables an innovative approach for open science and can be applied to all stages of the scientific process

Plus:

- Maximises numbers of papers made open access
- Enables findings to be more accessible, inclusive and transparent in support of Universal Declaration on Human Rights
- Allows the broadening of the principles of openness to the whole cycle of scientific research
- Ensures that restrictive transfer or licensing of copyrights to third parties is not able to restrict the public's right to immediate open access to a scientific publication

Again, author rights retention directly supports the UNESCO recommendations on open science by being an enabling tool that underpins innovation and equitable knowledge sharing.



<https://pixabay.com/vectors/fl-ag-japan-japanese-nation-32177/>

Key elements in the Japanese OA publications plan

- **Applies from April 2025 for competitively funded research**
- **Focus on G7 open science priorities, shared values, co-operation & collaboration**
 - Focus on academic papers to be as open as possible, and as secure as necessary & enhance the ability of researchers to disseminate their research outputs.
- **Give back research findings to the public**
- **Market dominance of publishers negatively affects dissemination of papers**
 - Distribution [of academic papers] is under the market dominance of the global academic publishers. The government will support enhancing the ability to negotiate for universities and research institutes with academic publishers, based on the national policy.
- **Adopt 21st century research dissemination models to maintain national competitiveness**
 - Promote efforts to ensure access to a variety of knowledge, including new forms such as preprints.
- **Focus on 'Green' OA via institutional repositories**
 - Cost consideration
 - ¥10 billion allocated for institutional repositories to make science free to read [Infrastructure]

Integrated Innovation Strategy 2023 (Tentative translation), 9th June 2023. Cabinet Decision https://www6.cao.go.jp/cstp/ougosennryaku/hogo2023_honbun_siyaku.pdf
Dalmeet Singh Chawla, *Japan's push to make all research OA is taking shape*. Nature, 3rd June 2024. <https://www.nature.com/articles/d41586-024-01493-8>

Turning to the Japanese OA plan [which I have only seen in translation], there appear to be 6 key elements around shared values, collaboration, public access, budgetary consideration, national competitiveness, and repositories as a key vehicle for dissemination.

	<h2>How Author Rights Retention will enable the new Japanese plan to succeed</h2>	
	<h3>Japanese OA Plan</h3>	<h3>Rights Retention Enabling</h3>
<small>https://pixabay.com/vectors/fl-ag-japan-japanese-nation-32177/</small>	<ol style="list-style-type: none"> 1. Focus on G7 open science priorities, shared values, co-operation & collaboration 2. Give back research findings to the public 3. Market dominance of publishers negatively affects dissemination of papers 4. Adopt 21st century research dissemination models to maintain national competitiveness 5. Focus on 'Green' OA via institutional repositories 	<ol style="list-style-type: none"> 1. Enhances the ability of researchers to disseminate their research outputs and make as many of them as possible them as open as possible 2. Maximises the ability to give back scholarly outputs to the public 3. Addresses the difficulties of 3rd party complex terms and conditions & strengthens university negotiating position 4. On point for supporting new models of research dissemination in the digital age to aid competitiveness and improve research collaboration 5. Maximises dissemination and curation opportunities offered by Institutional Repositories


Author rights retention will enable the new plan to succeed, because it enhances the ability of researchers to disseminate their research outputs and make as many of them as possible them as open as possible. It maximises the ability to give back scholarly outputs to the public; it addresses the difficulties of 3rd party complex terms & conditions, and strengthens university negotiating positions; it supports new models of research dissemination in the digital age to aid competitiveness, and improve research collaboration; and finally it maximises dissemination & curation opportunities offered by Institutional Repositories.



Return on investment on ¥ 10 billion

- Build on previous investment in repositories
- Author Rights Retention maximises the effectiveness of Green OA strategy
- It does this by:
 - Blanket option to enable all papers to be immediately OA—**everyone** can easily fulfil the strategy
 - Simplifies instructions for authors (library support)
 - Unified message to all (reduces policy stack problem)
 - Supporting 21st century research dissemination models via repositories
- Economic considerations
 - OA in published journals but not at any cost
 - Increases negotiating power
 - Simplifies repository workflows (saves time and therefore money)

Given the considerable investment in repositories, adopting author rights retention helps build on the previous investment in repositories and maximises the effectiveness of the green OA strategy. It does this in a number of ways, including supporting 21st century innovative research dissemination models via repositories, and by helping address budgetary constraints.



**Publish with Power.
Protect your Rights.**

<https://pixabay.com/illustrations/progress-growth-success-business-3936332/>

Authors right to use their own work: How to get there

- Need to take action
- Ideally change the law
 - Slow but not impossible
 - Eg Secondary publishing right
 - Adopted Slovenia, Bulgaria, etc
[<https://www.knowledge4rights21.org/wp-content/uploads/2022/10/KR21-Secondary-Publishing-Rights-Position-paper-v1.1.pdf>]
- Funders adopt supportive policies
 - Eg Plan S Rights Retention Strategy
- Raise researcher's awareness
 - Work in collaboration & in consultation with researchers explaining the reasoning
- Universities & research institutions adopt policies that support their researchers
 - See global list of RR policies [https://oad.simmons.edu/oadwiki/University_rights-retention_OA_policies]
 - Eg Harvard etc
 - Norway [<https://www.openscience.no/aktuelt/institusjonell-rettighetspolitikk-irs-irs-ved-norske-forkningsinstitusjoner>]
 - UK [<https://rje30.github.io/rrs/rrs.html>]
- Once you've got an OA option that doesn't need a publisher, THEN you can start negotiating a publisher's deal on a more level playing field

Adopting author rights retention requires action. Ideally national law would be changed. This can be very slow, but not impossible – I refer you to countries such as Slovenia and Bulgaria that are adopting secondary publishing rights. Research funders can adopt supportive policies like cOAlition S and its Rights Retention Strategy. Work can be undertaken to raise individual researchers' awareness of their rights. The pragmatic solution that is being adopted by many universities is to adopt author rights retention policies that support all their researchers. For institutions adopting rights retention policies, once they have an OA option that doesn't need a publisher, THEN the institution can start negotiating publication deals on a more level playing field.



<https://pixabay.com/photos/traffic-lights-green-light-street-6324351/>

Good reasons to promote & adopt Author Rights Retention

- 1. Excessive gift:** a publisher does not need authors' rights to publish their manuscript
 - Limits author re-use including translation rights
 - *Shift the gift:* Retain your rights to share with whom you should be sharing - the global research community
- 2. Gift to the world**
 - Opens opportunities for wider global sharing of research findings
 - Benefits research, researchers and wider society
- 3. Economic:**
 - Having a Rights Retention Policy strengthens your negotiating position for OA deals
 - Simplifies processing & workflows for repositories (saves time and money)
- 4. Researchers fears not realized:**
 - Many researchers are already retaining their rights – and continue to publish with their chosen journal/publisher
- 5. RR Underpins dissemination in the digital age:**
 - By not giving away their rights, researchers are better enabled to take opportunities for participating in 21st century digital research dissemination models
- 6. Common practice:**
 - Author rights retention is rapidly becoming the de facto norm – don't get left behind

My final slide lists good reasons to promote & adopt author rights retention either locally or nationally. Firstly, the current practice of authors giving away their rights can be described as an Excessive gift. A publisher does not need authors' rights to publish their manuscript. Shift the gift so that researchers maximise their sharing with the global research community as a gift to the world. This will open opportunities for wider global sharing & collaboration, and will benefit research, researchers, and wider society.

- Having a Rights Retention Policy strengthens a university's negotiating position for OA arrangements, to enable fairer & more sustainable deals.
- Many publishers insist that their paid gold OA option should be the ultimate aim. Remember that this paid Gold OA is not controllable: there has been an almost 10% price increase in a single year. This is unsustainable. Retaining authors rights is essential to regain control of budgets.
- It is important that the transition to full open scholarship happens in as short a time frame as possible. A recent report by Jisc states that "*Based on the journal flipping rates observed between 2018 – 2022 it would take at least 70 years for the big five publishers to flip their Transformative Arrangement titles to OA.*" This is another reason to exploit the affordable

dissemination opportunities offered by repositories.

- <https://zenodo.org/records/10787392>
- Note that researchers fears have not been realized and many researchers are already retaining their rights, whilst continuing to publish with their chosen journal.
- RR Underpins dissemination in the digital age because, by **not** giving away their rights, researchers better enable opportunities for participating in 21st century digital research dissemination models.
- Transferring control of author's use of content and control of budgets back to academia, is the only way to ensure affordable, global scholarship, in the digital age
- And finally, Author rights retention is rapidly becoming the de facto norm – don't get left behind

