

JOSS Presentation SCRIPT – Sally Rumsey

1. Hello and thank you for inviting me to join this meeting
2. I'm going to start by taking a look at cOAlition S and Plan S
3. 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
4. Plan S is not a policy. It is a set of 10 principles, upon which cOAlition S funders have agreed to align their policies.
5. 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.
6. 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.
7. 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.
8. Now let's take a look at copyright and licensing
9. 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.

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

11. 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.

12. 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)
13. 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.
14. Fortunately, simpler and even more effective solutions are being adopted in universities across the UK and beyond.
15. 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.
16. 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 Eglen's excellent visualisation.
17. 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.
18. Progress in Norway has also been rapid. 14 policies have been adopted since 2022 and the Norwegians have taken a particularly robust approach.
19. 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

20. 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.
21. 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.
22. 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.

23. 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.

24. 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.

25. Looking forward

26. 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.

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

28. 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.

29. 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.

30. 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.
31. 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.”
32. Again, author rights retention directly supports the UNESCO recommendations on open science by being an enabling tool that underpins innovation and equitable knowledge sharing.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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

38. Thank you