

Retention of rights for researchers at universities of science & technology and beyond

Mattias Björnmalm (Deputy Secretary General)

18 October 2022 - Science Europe Open Science Conference 2022

CESAER

About us

Association at a glance



Our Members at a glance



CESAER position on rights retention

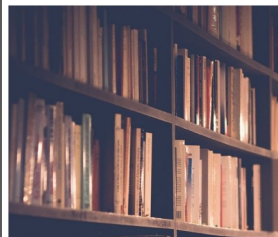
Governments

- Ongoing developments across Europe on [copyright laws with open access amendments](#), such as the Dutch Taverne Amendment and similar efforts in Belgium, Germany, France
- We [strongly encourage their further deployment](#).
- We call on the European Commission to propose [EU legislation to give researchers the nonwaivable legal right](#) to share publicly funded and peer-reviewed research findings without embargoes.

Open Access in Horizon Europe

News

Today, we publish a position expressing our support for further strengthening open science and open access in Horizon Europe.



CESAER

The strong and united voice of universities
of science and technology in Europe

OPEN ACCESS IN HORIZON EUROPE

POSITION DATED 25TH FEBRUARY 2020

Recalling our position paper '[CESAER going towards Open Science](#)' and '[Roadmap towards Open Access](#)', the universities of science and technology united in CESAER are proponents for open science and open access to scientific publications. We support the transition towards making open science the *modus operandi* in Horizon Europe. We acknowledge the laudable efforts by [cOAlition S](#) - a group of national research funding organisations with the support of the European Commission and the European Research Council - to ensure immediate open access to scientific publications and we support '[Plan S](#)'. In line with our [previous statements](#) and our [mission, aims and values](#), we herewith present our advanced position on open access in Horizon Europe.

RETENTION OF RIGHTS AND LICENSES

We support the [principles](#) behind Plan S stating that researchers (or their universities) should retain full rights to their scholarly works. For example, any 'copyright transfer agreement' where researchers and universities hand over their rights (for their scholarly work or their research data) must be avoided. The retention of rights by researchers and universities is vital as it enables the full utilisation of research outcomes in diverse efforts across all areas of research, education and innovation.

We further note the ongoing developments across Europe on copyright laws with open access amendments, such as the Dutch [Taverne Amendment](#) and similar efforts in [Belgium, Germany, France and other countries](#). These developments help safeguard the rights of researchers and universities, and we therefore strongly encourage their further deployment. We call on the European Commission to propose EU legislation to give researchers the nonwaivable legal right to share publicly funded and peer-reviewed research findings without embargoes.

As an association, we have adopted a creative commons license ([CC BY](#)) as the [default license](#) for our own publications. We endorse the use of [licenses](#) for research outputs which are conformant with the principles laid out in the '[Open Definition](#)'. In short, any researcher who wishes to share the findings contained in their peer-reviewed articles must be able to do so without ~~restrictions or embargoes. This is what publishing is about - to disseminate research findings~~

Governments

Objective

- Solve the problem 'across the board' by addressing at legal level

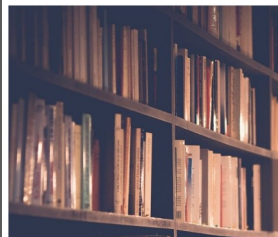
Challenge

- Legal amendments and new copyright laws take long time (e.g. new EU-level legislation take many years from conception to implementation)

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<https://www.cesaer.org/news/open-access-in-horizon-europe-469/>

CESAER

Publishers

- All publishers must fully **respect researchers' rights** by providing clarity and transparency on Open Access
- We urge those **publishers to reconsider their position** and modernise, ensuring they play their part in providing fair and transparent conditions for authors.
- 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.**

<https://www.cesaer.org/news/all-publishers-must-provide-researchers-with-clarity-and-transparency-on-open-access-920/>

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.

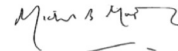
More broadly, the standard position of platforms and publishers should be to empower researchers to publish their findings (including data and digital assets) while retaining their rights. **Researchers who wish to deposit their author-accepted manuscript in a repository with an open license (e.g. CC 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

Publishers

Objective

- Seamless transition for researchers

Challenge

- We are moving out of 'awareness-raising phase', publishers who are okay with researchers retaining rights have largely aligned already
- This avenue therefore largely 'stuck'

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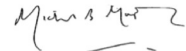
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Universities and their researchers

“The rights belong to the author and they should remain there”

- Marco Tullney (*Technische Informationsbibliothek* and member of CESAER task force)

‘Particularly inspiring is the adoption by cOAlition S of a similar rights retention policy as espoused by initiatives like the [UK Scholarly Communications Licence](#)’

- Pablo De Castro (University of Strathclyde and member of CESAER task force)

CESAER welcomes rights retention strategy for researchers from cOAlition S



15th July 2020

<https://www.cesaer.org/news/cesaer-welcomes-rights-retention-strategy-for-researchers-from-coalition-s-587/>

Universities and their researchers

Objective

- Universities and their researchers can sort this themselves (does not depend on external players)

Challenges

- Resources (including staff hours) needed to engage and convince researchers in technical discussions (e.g. Harvard OA policy adopted by faculty vote which implies need for copyright understanding in broader faculty)
- Potential legal issues (e.g. publisher disputing or taking legal action)

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Next steps

Continue pushing for

- change on (EU) legal level, and
- for (all) publishers to modernise

In addition, roll-out institutional approaches and mitigate challenges by

- Reducing need for additional resources by sharing good practices to ‘follow trailblazers’
- Reducing potential for legal problems (from publishers) by open and transparent approach and engagement with publisher community
- Well-resourced open access services at institution (e.g. library) to inform and engage with local community

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More information

- [Our website](#)
- [Our contact details](#)

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