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***Authors' Rights Retention:
challenges and opportunities?***

Science Europe Conference on Open Science

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Rights Retention (RR)

The RR strategy developed by cOAlition S is based on simple principles:

- 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. Publishers can have the rights to, and be paid for, the Version of Record (VoR).

Rights Retention: what authors need to do

1. Inform the publisher that they are applying a prior licence to their submission.

“This research was funded, in whole or in part, by [Organisation Name, Grant #]. For the purpose of Open Access a CC BY licence is applied to any AAM arising from this submission.”

2. On publication: make the AAM open access in a repository, with a CC BY licence
3. Contact your funder (or library) in case of disagreement with or obfuscation by the publisher



Opportunities?



Opportunities

1. Ensures Open Access: research articles are **not** paywalled, but made Open Access, CC BY , even if the Version of Record is paywalled

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Flexible modulation of sequence generation in the entorhinal-hippocampal system

Daniel C. McNamee , Kimberly L. Stachenfeld, Matthew M. Botvinick & Samuel J. Gershman 

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Abstract

Exploration, consolidation and planning depend on the generation of sequential state representations. However, these algorithms require discrete forms of sampling dynamics for optimal performance. We

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Flexible modulation of sequence generation in the entorhinal-hippocampal system

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Abstract

Exploration, consolidation, and planning depend on the generation of sequential state representations. However, these algorithms require discrete forms of sampling dynamics for optimal performance. We theorize how the brain should adapt internally generated sequences for particular cognitive functions and propose a neural mechanism by which this may be accomplished within the entorhinal-hippocampal circuit. Specifically, we demonstrate that the systematic modulation along the MEC dorsoventral axis of grid population input into hippocampus facilitates a flexible generative process which can interpolate between qualitatively distinct regimes of sequential hippocampal

Opportunities (continued)

2. **Ensures Rights Retention:** the researcher retains the rights to reuse **their** AAM as they see fit, negating any need to secure “permission” from the publisher
 - Publishing research should not (and does not) require transfer of copyrights to the publisher
3. **Ensures equitability:** all authors can make their paywalled publications Open Access.
 - We recognise that publishing incur costs – and that making the AAM available in a repository may be seen as avoiding these costs – but the costs of paywalled publications will still be met by subscribers.



Challenges?

Publishers' tactics to undermine RR

1. Using **contract law** to enforce embargoes/non-compliant licences

Where articles are published via the subscription route, Springer Nature permits authors to self-archive the accepted manuscript (AM), on their own personal website and/or in their funder or institutional repositories, for public release after an embargo period (see the table below). The accepted manuscript is the version post-peer review, but prior to copy-editing and typesetting, and does not reflect post-acceptance improvements, or any corrections.

Use of the AM is subject to an embargo period and our AM terms of use, which permit users to view, print, copy, download and text and data-mine the content, for the purposes of academic research, subject always to the full conditions of use. Under no circumstances may the AM be shared or distributed under a Creative Commons, or other form of open access license, nor may it be reformatted or enhanced. Authors are able to publish via the gold OA publication route, which means that the published version of record will be immediately available on publication and can be shared under a CC BY licence.

2. Using **online workflows** to require authors, publishing in a subscription journal, to agree to pay an APC at the point of submission.
3. **Re-routing submissions** from subscription titles to fully OA journals (fine, if authors agree.)

Publishers' tactics to undermine RR (2 of 2)

4. Requiring researchers to remove RR before article is published

A second group of publishers have asked for the rights retention language to be removed either because they deemed it not necessary to comply with or because another compliant route was available to the authors. For example, a journal published by Springer Nature asked for the rights retention language to be removed because it was not required for compliance purposes (because the article was submitted prior to the relevant policy coming into effect). Journals published by Elsevier, the American Chemical Society and Optica all asked for the rights retention language to be removed because of pre-existing publishing agreements that allow Cambridge researchers to publish open access free of charge. In these instances, authors were willing to remove the language from the final published version and so it was not clear what would have happened if they had not done so. We have received advice that removing this wording does not negate the fact that the publisher has been informed of the prior licence and so rights retention is still permissible here. We are recommending that researchers include the rights retention declaration where possible even when publishers ask for it to be removed.

<https://unlockingresearch-blog.lib.cam.ac.uk/?p=3361>

Resistance

Other publishers did not confirm whether they asked for rights retention language to be removed due to it not being necessary but outlined their previously stated dislike of the rights retention strategy.

Taylor & Francis said the rights retention strategy is not compatible with the article-sharing policies of most of its journals, which in the case of pay-to-read content have an embargo period of either 12 or 18 months before an accepted manuscript can be shared in a repository.

A spokesperson for Taylor & Francis said most researchers will still be able to comply with their funder's requirements by publishing the article's version of record open access.

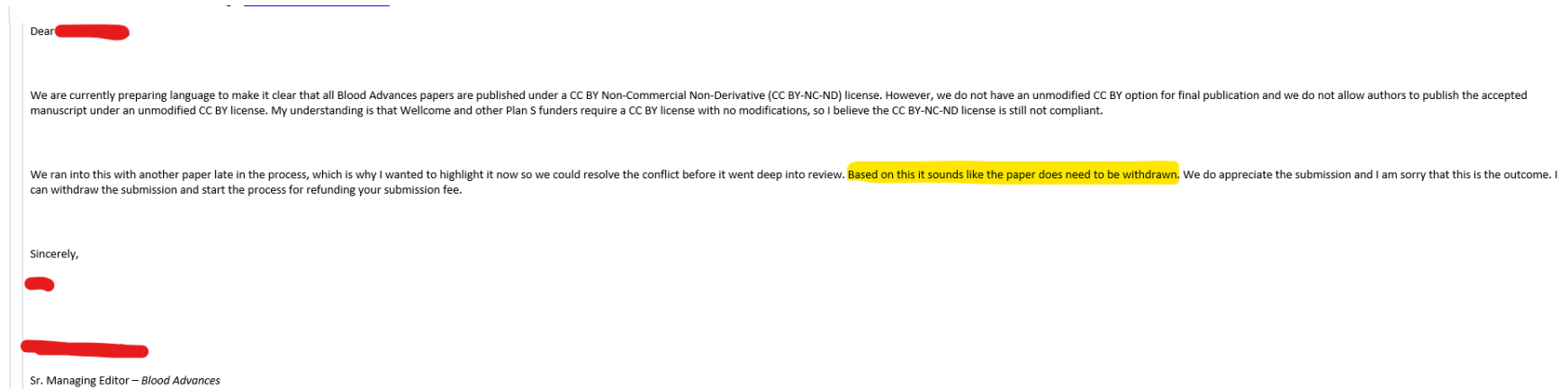
The American Chemical Society said it is unable to support the rights retention strategy in its current form.

"This approach undermines the funding on which it financially depends and for that reason is not a route to a stable and sustainable open research future where information is credible, accessible, linked and searchable," a spokesperson for the society said.

<https://www.researchprofessional.com/>

And, potentially fewer venues to seek publication

- For example, the American Society of Hematology reject submissions which include RR, which makes it impossible to publish here AND be compliant with Plan S funder policy



- *In this example, the rejected submission was published by a competitor title, OA, CC BY*



Making RR the default behaviour

RR is receiving broad support from government...

- UNESCO Recommendation on Open Science (November 2021)

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

- G6 Statement on Open Science, December 2021:

“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”

- European Council Conclusions on Research Assessment and Implementation (June 2022)

“CONSIDERS that the authors of research publications or their institutions should retain sufficient intellectual rights to ensure open access”

And universities are adopting RR policies

UiT's Rights Retention Strategy

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

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

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

Polices and Regulations

Computing Regulations

Library Regulations

Security Policies

Operational Policies

Research Publications Policy

Research Data Management Policy

Advisory Policies

Statutory Notices

Research Publications & Copyright Policy (2021)

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

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

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

[Research Publications & Copyright Policy \(190.03 KB PDF\)](#)



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Birkbeck
UNIVERSITY OF LONDON

Institutional Rights Retention policies (IRRP)

- ⦿ Each staff member agrees to grant the university a non-exclusive licence to make the accepted manuscripts of their scholarly articles publicly available immediately (no embargo), under the terms of a Creative Commons Attribution (CC BY) licence.
- ⦿ The university announces or informs publishers of this new regulation, which takes precedence over any later copyright transfer agreements.
- ⦿ **IRRP can be more powerful** than funder mandates, because universities are the direct employers of researchers, and **Rights Retention becomes a contractual obligation**.
- ⦿ **IRRP protect researchers against publishers:** if CC BY is mandated by the university, a publisher asking a researcher to drop the CC BY licence could be perceived as **procuring a breach of contract** (or tortious interference in the US)

...as are university and researcher associations

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CESAER welcomes rights retention strategy for researchers from cOAlition S

News

The new rights retention strategy is intended to empower researchers funded by cOAlition S funders to publish in any journal of their choice, including subscription journals, and provide open access in compliance with Plan S



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cOAlition S presents a new “Rights Retention Strategy” to safeguard researchers’ intellectual ownership rights

16 July 2020

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

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

Marie Curie Alumni Association welcomes rights retention for researchers

Shawrav, Mostafa Moonir

The Marie Curie Alumni Association is a strong supporter of open science and for the empowerment of researchers, for example as described in our February 2020 statement ‘Researchers call on EU institutions to ensure free circulation of scientific knowledge’, our December 2019 statement ‘Researchers support sharing of peer-reviewed research without embargoes and restrictions’, our September 2018 ‘Joint Statement on Open Access for Researchers via Plan S’ and our May 2019 input to the ‘Stakeholder consultation on the future of scholarly publishing and scholarly communication’.

Our previous efforts and positions align well with today’s announcement from cOAlition S on a new ‘Rights Retention Strategy’, which we therefore warmly welcome.

Researchers should never be forced by a publisher to hand over the rights to their work, and we reiterate our [previous call](#) upon those publishers that still force barriers on the flow of knowledge, to modernize and join the numerous publishers that already today allow and encourage researchers to share their research findings without embargoes and restrictions.

As a contributor to the cOAlition S taskforce on ‘Monitoring the effects of Plan S on Research and Scholarly Communication’, the Marie Curie Alumni Association commits to remain a constructive partner and positive force in the important endeavour of advancing open science while empowering researchers.

Signed by Mostafa Moonir Shawrav (Chair of the Marie Curie Alumni Association) on July 15, 2020.

Marie Curie Alumni Association, Avenue des Arts 24, B-1000, Brussels, Belgium

Web: <https://www.mariecuriealumni.eu>; This statement is released under a [CC BY license](#).

Please reference this statement using <http://doi.org/10.5281/zenodo.3945884>

Link to all MCAA statements: <https://zenodo.org/communities/mcaa/>



Topics for discussion

- What strategies should be put in place by funders and institutions to ensure that researchers can retain their rights?
- What should researchers do if presented with a publishing contract which, if signed, violates the funder policy?
- What role can libraries play in supporting RR?