



Plan S

Making full & immediate
Open Access a reality

cOAlition S's Rights Retention Strategy and what it means for ECRs

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Rights Retention Strategy (RRS): The principle

- The RRS is based on a simple principle: the peer-reviewed Author Accepted manuscript (AAM) is the intellectual creation of the authors and belongs to them.
- Delivering publication services does not entitle publishers to ownership of the AAM, which remains the intellectual property of the author. Publication services should be paid for, but not with ownership of the AAM.
- Funders and universities should ensure that their researchers are not deprived of essential intellectual ownership rights, a valuable asset.



Rights Retention Strategy (RRS): Key objectives

- All research funded by cOAlition S Organisations is **Open Access**, without embargo, with a CC BY licence (or by exception CC BY ND)
- cOAlition S funded researchers can continue to seek publication in as **wide a variety of journals as possible**, including subscription or 'hybrid' journals without a "transformative arrangement"
- To encourage subscription **publishers to consider developing transformative** arrangements, such as Transformative Agreements (e.g. read and publish deals) and Transformative Journals
- To empower **ALL researchers working under a cOAlition S mandate to retain sufficient rights** to the peer-reviewed version of their own work (the Author Accepted Manuscript).

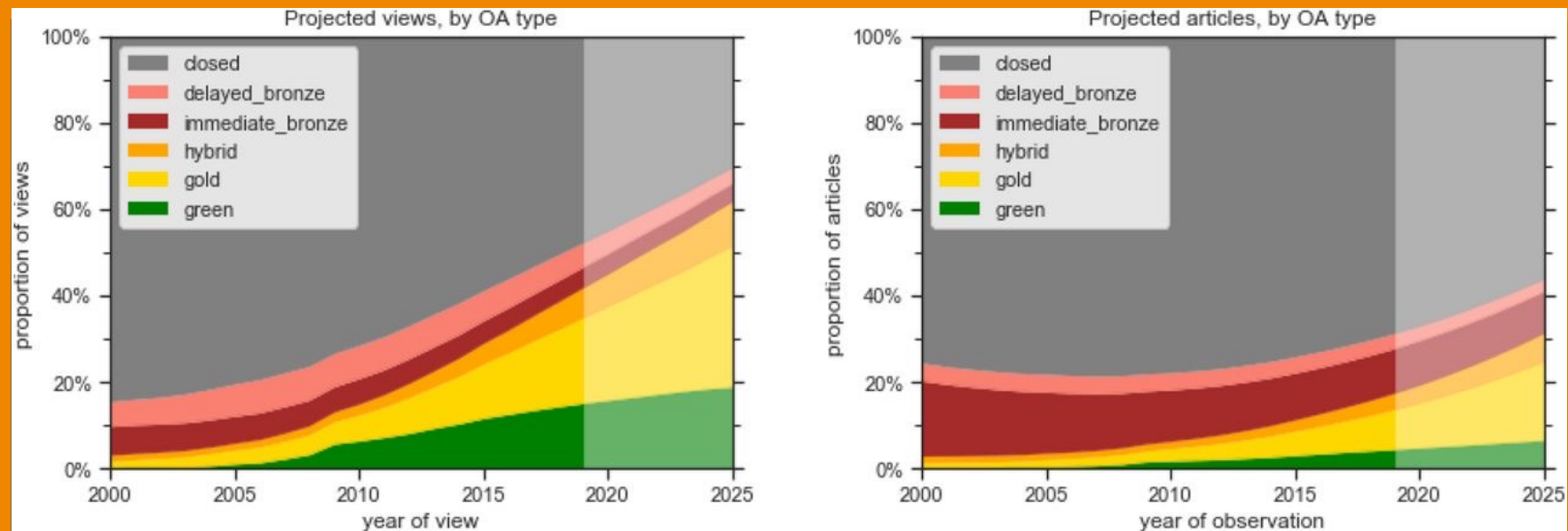
Rights Retention Strategy (RRS): What's in it for Authors? **Ownership!**

 **USE**
as you
CHOOSE

- Authors should not give away to publishers what they rightfully own.
- Ownership of the AAM means authors can **reuse and share it** as they see fit, without restrictions imposed by the publisher
- The publisher can own the Version of Record (VoR)
- Publishers provide the means to organize peer review but...
 - peer review is carried out for free
 - peer review is part of the scholarly discourse
- This process is paid for but...
 - In subscription journals, by the subscription
 - In Gold Open Access journals by the APC



Rights Retention Strategy: What's in it for authors? **Visibility!**



In 2019:

- 31% of all journal articles are available in OA
- 52% of article views are to OA articles

Piwowar et al. (2019) estimate that by 2025:

- 44% of all journal articles will be available in OA
- 70% of article views will be to OA articles

Piwowar, Priem, & Orr (2019)
The Future of OA: A large-scale
analysis projecting Open Access
publication and readership.
<https://doi.org/10.1101/795310>

Rights Retention Strategy (RRS): Let's be clear



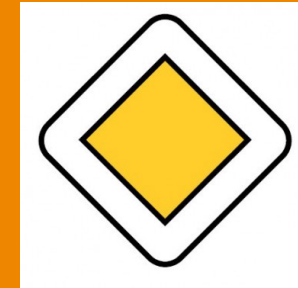
- RRS cuts through complexity, and is clear, “*simple and elegant*” (Stephen Eglen)
- Some legacy publishers are adding confusion for authors
- Let's be crystal clear:
 - Authors should retain their rights and own their AAM
 - Payment is made to undertake publication services
 - Payment SHOULD NOT include ownership and control of the content of an authors' work



Rights Retention Strategy (RRS): The problem we seek to resolve

- Minimum requirement for cOAlition S Open Access: Author Accepted Manuscript (AAM) in a repository, with zero-embargo and CC BY license
- An obligation through cOAlition S' Organisations' grant agreements
- Many researchers sign a publishing agreement that gives away their rights to deposit their AAM in a repository, with zero embargo and with CC BY license
- Contradiction between the researchers' grant agreement and the publishing agreement
- The Rights Retention Strategy resolves this contradiction: the CC BY licence takes **legal precedence** over any later copyright transfer agreement.

Precedence: prior licence or prior obligation



- cOAlition S organisations grant agreements will:
- Require immediate open access
- Require sufficient intellectual property rights (IPR) retention to comply with the OA obligations:
 - Either by automatically applying a CC BY licence to all future manuscripts per the signature of the grant agreement (**prior licence**)
 - Or by requiring that beneficiaries ensure that a CC BY licence is applied to the AAM or the VoR (**prior obligation**)

Rights Retention Strategy (RRS): AAM vs VoR



- cOAlition S expressed a preference for an Open Access VoR if prices are fair and reasonable (contributions to Transformative Agreements, Transformative Journals etc)
- The RRS is a fallback position: the AAM will ONLY need to be made Open Access when there is no Plan S-aligned way to make the VoR Open Access

Rights Retention Strategy (RRS): Three steps to implementation



1. Update grant conditions

Grant conditions now specify that authors must apply a public copyright licence (CC BY) to all future Author Accepted Manuscripts (AAMs), and deposit these in a repository.

2. Inform Publishers

Publishers who collectively publish 95% of cOAlition S output have been notified of these changes, with responses incorporated in the Journal Checker Tool.

3. cOAlition S grant holders must:

- ⦿ Include details of the public licence in their submissions
- ⦿ Deposit a copy of the AAM in a repository on publication

Rights Retention Strategy (RRS): Three steps to implementation

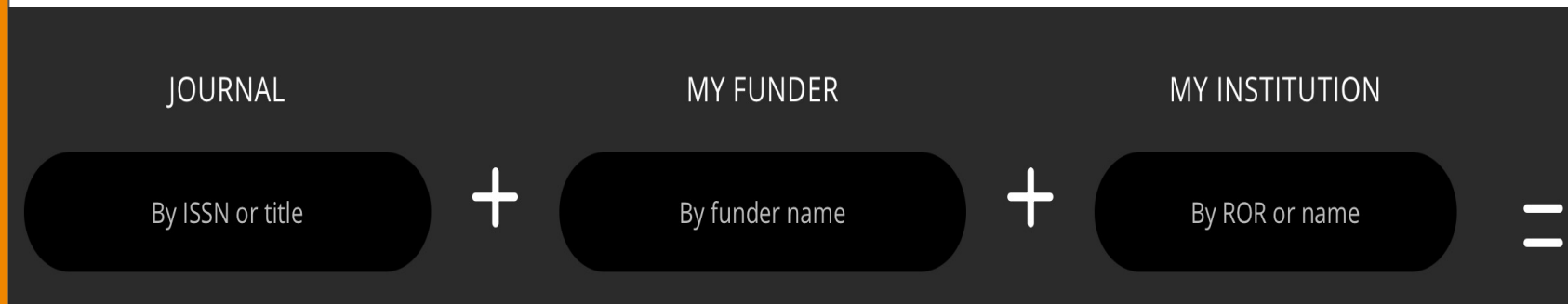


To inform the publisher that they are using the RRS, cOAlition S funded researchers should include the following templated language in their submissions:

“This research was funded in whole or in part by the [Organisation name] [Grant number]. A CC BY or equivalent licence is applied to [the AAM / the VoR] arising from this submission, in accordance with the grant’s open access conditions”

Resources: the Journal Checker Tool

- cOAlition S grant holders must be able to identify how their journal of choice meets their funders Plan S aligned OA policy.
- *A Journal Checker Tool (JCT)* was developed by Cottage Labs in partnership with Antleaf.



The screenshot shows the top section of the Journal Checker Tool interface. It features three main search categories: 'JOURNAL', 'MY FUNDER', and 'MY INSTITUTION'. Below each category is a dark rounded rectangular button with white text. The 'JOURNAL' button contains 'By ISSN or title', the 'MY FUNDER' button contains 'By funder name', and the 'MY INSTITUTION' button contains 'By ROR or name'. White plus signs are placed between the buttons, and a white equals sign is at the end of the row.

- This combination enables a researcher to find out how their journal of choice complies with Plan S: Gold APC, TA, TJ, RRS.
- A first iteration of the JCT is available since November 2020.

Resources: information aids

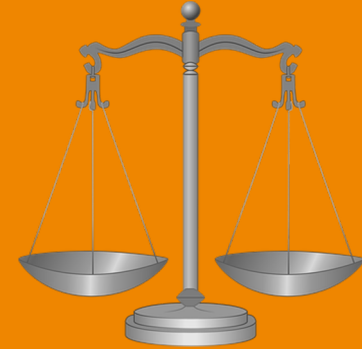
A suite of materials about the Rights Retention Strategy are freely available for download

- **Infographic** Graphical overview of how the RRS sits in relation to the scholarly article publishing process
- **Handout (PDF):** Space on the final page for organisations to add local information
- **Single slide (PPT):** A summary of the RRS with expanded 'Notes for presenters'
- **Slide deck (PPT):** Set of 5 slides

Available for download at
<https://www.coalition-s.org/resources/>



Likely FAQ (1)



From a legal perspective, how does the Rights Retention Strategy work?

- For the later publication agreement, the **priority of the CC BY licence** is crucial, (rather than it being is required by the grant agreement with a funder).
- This means that **ALL researchers can use the RRS** by stating (a variant of) the following sentence in their submission:
- **A CC BY licence is applied to the AAM arising from this submission.**

Likely FAQ (2)



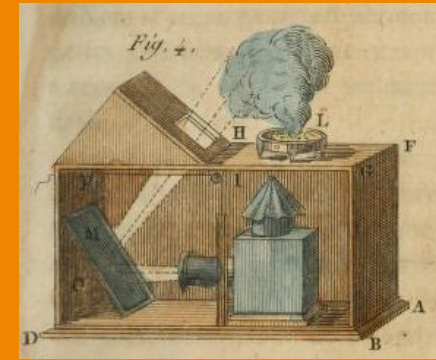
What if there is a disagreement with the publisher?

- Authors are encouraged to contact their funders or their libraries if a disagreement arises. They will take up communication with the publisher if there is any disagreement.
- In principle, **ALL** authors, funded or not, should be able to exercise the same rights.

cOAlition S is in discussion with university associations about them adopting a similar RRS for their institutions.

Publishers' smoke & mirrors

What authors may be told



- *You cannot use the RRS statement when submitting to this journal.*

Answer: You can and you should. The only option for the journal is to refuse your paper.

- *This journal does not allow AAMs to be made OA under the RRS*

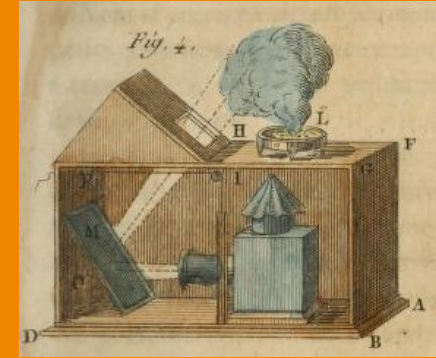
Answer: The RRS takes precedence over any restrictions formulated by the publisher. Are you rejecting my submission?

- *If you use RRS wording, we will ask you to sign a contract pledging you will respect our embargo.*

Answer: Submit elsewhere. The publisher is tricking you into a contractual agreement and subverting the RRS. By signing and respecting it, you will be in breach of your grant agreement.

Publishers' smoke & mirrors

What authors may be told



- *Choosing the green route means the work is under an embargo that is not compatible with your funder's policy.*

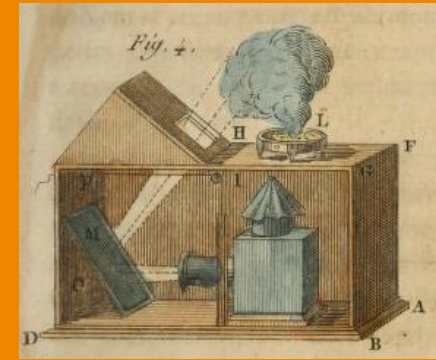
Answer: Let me repeat: the CC BY licence applied to the AAM by the author takes precedence over any publisher embargo.

- *You must pay an APC to be compliant with your funder, even if the funder will not reimburse it (e.g. in a hybrid journal with no TA)*

Answer: An APC payment is never a condition for compliance with your funder's policy. Where applicable, your funder will pay for an APC in journals that have a cOAlition S compliant route. Where that is not the case, the RRS suffices.

Publishers' smoke & mirrors

What authors may be told



- *Before proceeding with your submission, you must click here to agree to paying for an APC for publication (even if your funder does not)*

Answer: Submit elsewhere. The publisher is tricking you into a contractual agreement and subverting the RRS.

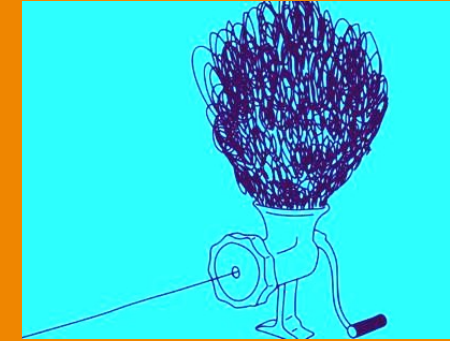
- *Using the RRS will undermine academic publishers and their transition to Open Access.*

Answer: Physics papers in ArXiv have not led to the demise of their corresponding physics journals. See also Royal Society!

- *The repositories where you deposit the AAM are not up to the task*

Answer: Repositories are largely compliant with Plan S.

Publisher permissions v. RRS



The complexity of publisher “permissions”:

- Embargoes differ between journals
- Conflicts between publishers
- Time spent checking, for different publishers
- Additional and different permissions
 - personal websites
 - free repositories (ResearchGate)
 - invited groups
- AAM locked up for months

The simplicity of the RRS:

Always include the
CC BY claim:

*“A CC BY licence is applied to the
AAM arising from this submission”*

and

**Your AAM is yours to reuse
and share as you please!**

Payment for services \neq claim ownership



I pay a decorator to decorate my house:

- Strip wallpaper
- Sand woodwork
- Undercoat and paint window frames



<https://pixabay.com/photos/painter-painting-lackierer-3009887/>

I pay for services:

- I do not expect the decorator to own the house after he has painted it
- I do not hand over the keys



<https://pixabay.com/photos/house-keys-key-security-door-key-4521073//>

<https://pixabay.com/photos/money-coins-euro-coins-currency-515058/>

Message to researchers: Retain your intellectual assets

Publishers should not obtain ownership of authors' assets in exchange for delivering publication services



Authors: Exercise your rights...

...by retaining your rights

Use it – don't lose it



Further information



- cOAlition S website - Rights Retention Strategy
<https://www.coalition-s.org/rights-retention-strategy/>
- Implementation roadmap for cOAlition S organisations
<https://www.coalition-s.org/plan-s-funders-implementation/>
- Journal Checker Tool
<https://journalcheckertool.org/>
- Creative Commons licences
<https://creativecommons.org/>
- email: info@coalition-s.org
- Sally Rumsey sally.rumsey@jisc.ac.uk



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Questions and discussion



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