



Plan S

Making full & immediate
Open Access a reality

cOAlition S Rights Retention Strategy (RRS)

Sally Rumsey, Jisc/cOAlition S OA Expert
Nordic OA Forum, 20 April 2021





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 OA with zero embargo + CC BY licence
- Seek publication in wide variety of journals
- Encourage development of transformative arrangements
- Empower ALL researchers working under a cOAlition S mandate to retain sufficient rights to their own AAM (Author Accepted Manuscript)

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

 **USE**
as you
CHOOSE

- Do not give away to publishers what authors 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:
 - In subscription journals, by the subscription
 - In Gold Open Access journals by the APC

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



- RRS is cuts through complexity
 - RRS is clear, “*simple and elegant*” (Stephen Eglen)
- Some legacy publishers 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: AAM) in a repository; zero-embargo; 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 conflicting provisions in a later copyright transfer agreement.

WHAT?

Incredible!

Can't scientists just make their papers freely available online?

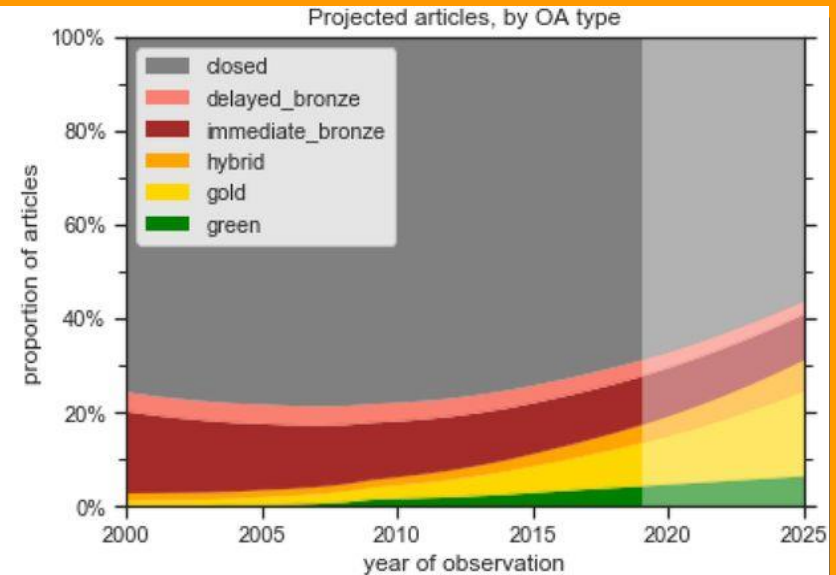
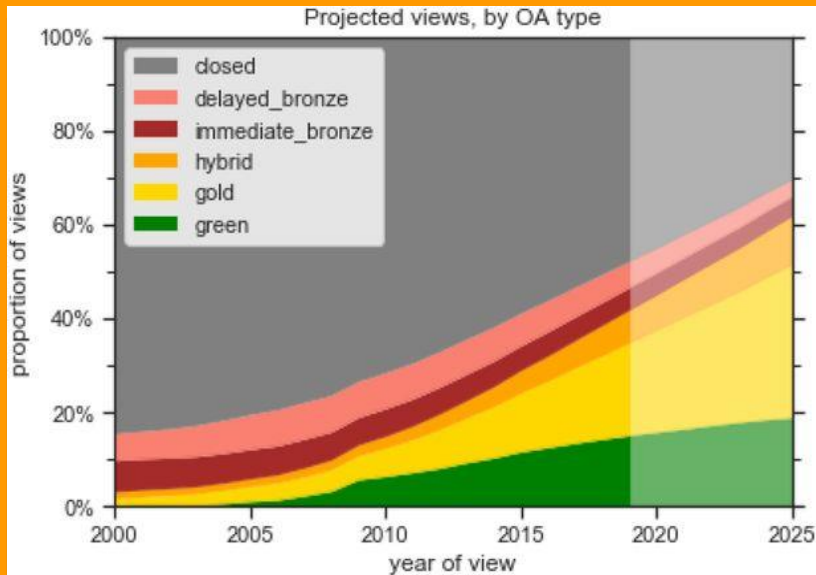
That is the focus of one of Plan S's most contentious parts, announced in July 2020. Under the 'rights retention strategy' (RRS), Plan S funders have instructed authors – as a legal condition of their grants – to assert that they retain the right to post their peer-reviewed, accepted manuscript online, with a liberal publishing license, when they submit their manuscript to a journal.

There is nothing the slightest bit *contentious* about authors retaining rights to use their own AAM.

The only *contentious* thing is that they don't all universally retain that right now.



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:

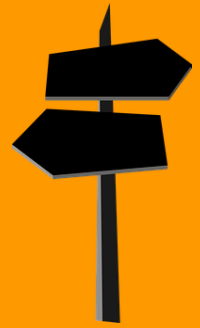
- 44% of all journal articles will be available in OA
- 70% of article views will be to OA articles

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



RRS: A natural solution

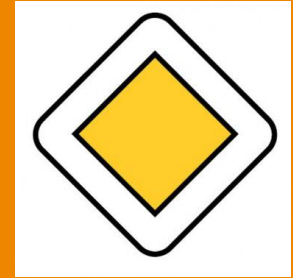
- OA AAM = Minimum requirement for cOAlition S Open Access
- Obligation through cOAlition S' Organisations' grant agreements



AAM v VoR

- cOAlition S has 3 equally valid routes to OA:
 - Gold, RRS, and Transformative Arrangements (TAs, TJs, S2O)
- Some cOAlition S funder have preference for OA VoR if prices are fair and reasonable (contributions to Transformative Agreements, Transformative Journals etc)
- AAM will ONLY need to be made Open Access when there is no Plan S-aligned way to make the VoR Open Access

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**)

A 3-step model for delivering this strategy



- ☑ 1: Update grant conditions (and notify beneficiaries)
- ☑ 2: Notify publishers of these changes
 - Publishers who collectively publish 95% of cOAlition S output notified of these changes
 - Responses incorporated in the Journal Checker Tool
- ☑ 3: Require beneficiaries to:
 - Include details of the public licence in their submissions
 - Make a copy of the AAM available in a repository on publication

What do authors need to do?



1. **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]. The author has applied a CC BY public copyright licence to any Author Accepted Manuscript (AAM) version arising from this submission.”

2. On publication: **deposit their AAM** in a repository

Making it easy: 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.

JOURNAL

MY FUNDER

MY INSTITUTION

By ISSN or title



By funder name



By ROR or name

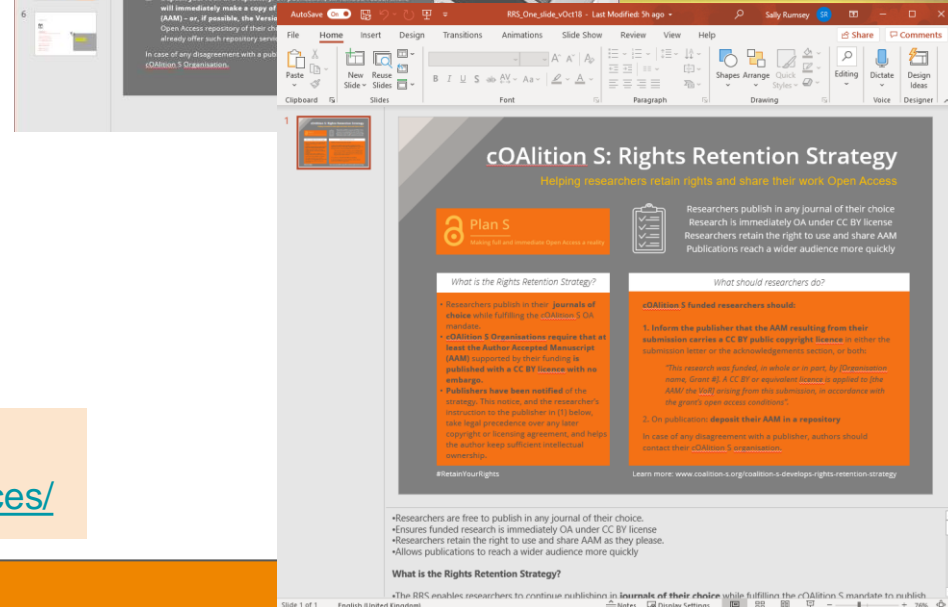
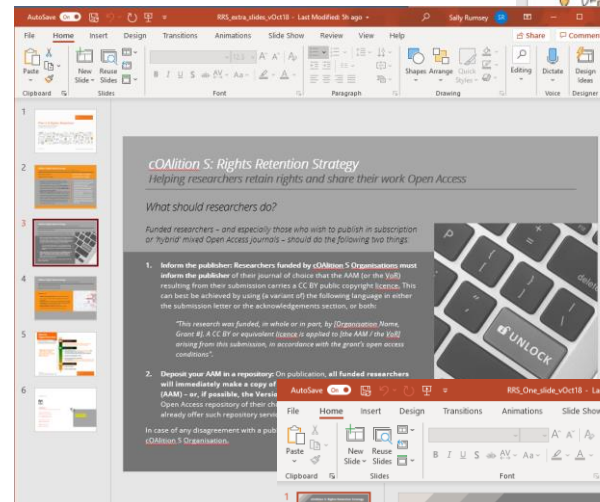


- This combination enables a researcher to find out how their journal of choice complies with Plan S: Gold APC, TA, TJ, RRS.
- First iteration of the JCT available since November 2020.

Resources: information aids

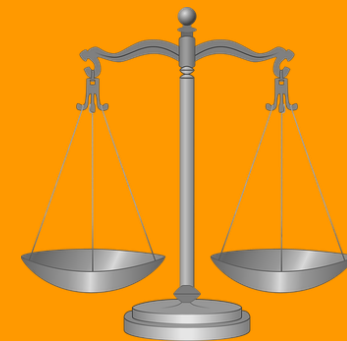
A suite of materials about the Rights Retention Strategy are freely available for download

- **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/>

How the RRS works from a legal perspective



- For the later publication agreement, the priority of the CC BY licence is crucial.

*An assignee or exclusive licensee of copyright takes that assignment or exclusive licence **subject to any prior grant of rights to the copyright work of which they had notice**. Since a CC BY licence on the AAM is already in place **prior** to the publication agreement with the author, that CC BY **takes precedence over** any conflicting language in the publication agreement.*

- This means that, in principle, ALL researchers could use the RRS by stating: *“A CC BY licence is applied to the AAM arising from this submission.”*
- For many cOAlition S funded authors the RRS is a fallback strategy: funders will pay a fair price for the VoR where a Plan S aligned option is available.
- cOAlition S is in discussion with university associations about them adopting a similar RRS for their institutions

What if there is a disagreement with the publisher?



Authors are encouraged to contact their funders (or their libraries) if a disagreement arises.

Funders will take up communication with the publisher if there is any disagreement.

Is the initial submission* also covered by the CC BY license?



No. The license only applies to the AAM (Author Accepted Manuscript) – the final submitted version of the manuscript which has been accepted by the publisher following changes made during peer review.

* Preprint

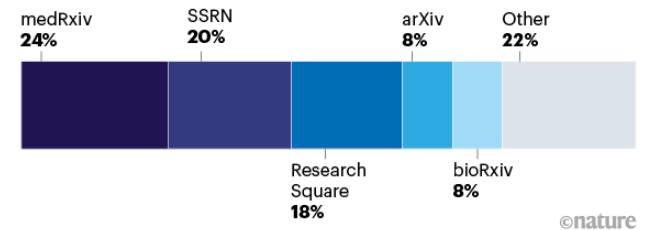
Rights retention – its time has come



- Environment - Examples of open science:
 - Explosion of preprints and overlay review services
 - Push towards open science in all forms
 - COAR *Notify* project:
 - *standard and interoperable approach that will link reviews and endorsements from different services with the research outputs housed in the distributed network of preprint servers, archives, and repositories*
- Go with the flow: Futile to resist the inevitable shift to open science

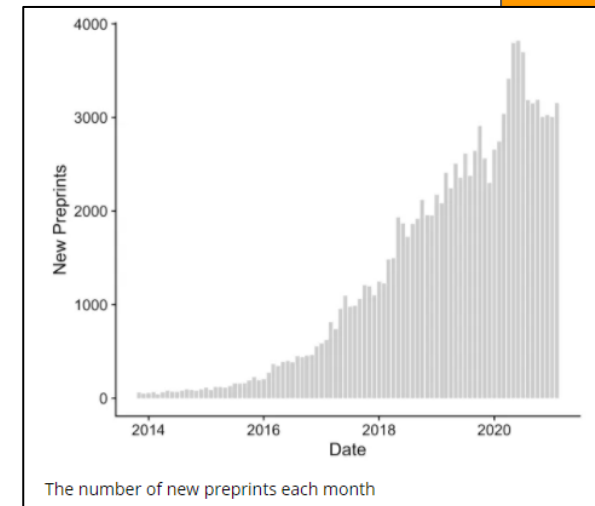
CORONAVIRUS PREPRINTS

More than half of preprints appeared on medRxiv, SSRN or Research Square.



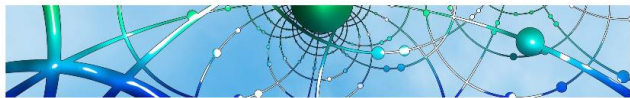
Source: Dimensions

<https://www.nature.com/articles/d41586-020-03564-y>



COAR Confederation of Open Access Repositories

Notify: Repository and Services Interoperability Project



<https://www.coar-repositories.org/news-updates/coar-launches-the-notify-project/>

<https://www.r-bloggers.com/2021/03/the-rise-and-fall-impact-of-the-covid-19-pandemic-on-biorxiv-preprints/>

Scholar action 1

Primer on the Rights Retention Strategy

Stephen J Eglén*

2021-03-27 v0.21

Abstract

The rights retention strategy (RRS) is a new tool to help academic authors retain rights over their manuscripts. This will allow you to freely share your author accepted manuscript at any time. The RRS is simple and elegant; authors need follow only two steps. (1) Add the following text, e.g. to the cover page acknowledgements, to your manuscript before submission to a journal: "A CC BY or equivalent license is applied to the AAM arising from this submission." (2) Once your article is accepted for publication, you can deposit your version of the manuscript in a public repository. This strategy has been developed by cOAlition-S, but can be used by all authors, irrespective of funding. Here I describe the RRS approach, but recommend its adoption by scholars as a way to retain ownership of their own content.

Abbreviations: AAM: Author Accepted Manuscript; CC BY: Creative Commons Attribution; RRS: Rights Retention Strategy; VOR: Version Of Record.

This is written by researchers, for researchers, very much work-in-progress during 2021. Comments welcome. See <https://github.com/sje30/rrs> for sources.

Introduction

Congratulations! Your paper has just been accepted for publication in a journal. Your excitement may soon fade however when it turns to the thorny issue of complying with open access policies. Your funders may readily pay the article processing charge (APC) if you have chosen a fully open access journal. Or you may have chosen a diamond OA venue where there is no APC. But what if you have chosen to publish in a subscription journal with an option to publish open access (sometimes called 'hybrid')? If your funder is a member of cOAlition S, they will not pay for the APC, and it is likely that your institution won't either; how can you make your article open access without recourse to funds for paying the APC?

One thing you might wish to do is to freely share the version of the manuscript that the journal has accepted, the so-called "author-accepted manuscript". This version is *your* manuscript, taking on board comments during the review process (editors and reviewers, who are typically your colleagues). Many journals, however, demand that you should not share your own AAM until an embargo period (often 6-24 months) has passed. These first few months are often vital for the visibility of your papers.

*University of Cambridge, sje30@cam.ac.uk, <https://doi.org/10.5281/zenodo.4641799>

“The rights retention strategy (RRS) is a new tool to help academic authors retain rights over their manuscripts. This will allow you to freely share your author accepted manuscript at any time. **The RRS is simple and elegant;** authors need follow only two steps.....This strategy has been developed by cOAlition-S, but can be used by all authors, irrespective of funding. Here I describe pros and cons of this approach, but **recommend its adoption by scholars as a way to retain ownership of their own content.**”

Prof Stephen J. Eglén, University of Cambridge
Primer on the Rights Retention Strategy
<https://zenodo.org/record/4641799>

Scholar action 2: Examples

Challenging monolithic publishing culture

Peer Community in

A free recommendation process of scientific preprints based on peer-reviews

“Once recommended by one or several of these PCs on the basis of rigorous peer reviews, articles become valid references and may be considered to be articles of high value.”

<https://peercommunityin.org>

“Octopus puts authors in control of what they publish. There are no gatekeepers to the research record.”

Octopus Publish your work Search... In Publications Q Log in via ORCID

Octopus. The primary research record.

A new way to publish your scientific work that's fast, free and fair.

Designed to replace journals and papers as the place to establish priority and record your work in full detail, Octopus is free to use and publishes all kinds of scientific work, whether it is a hypothesis, a method, data, an analysis or a peer review.

Publication is instant. Peer review happens openly. All work can be reviewed and rated. Your personal page records everything you do and how it is rated by your peers.

Octopus encourages meritocracy, collaboration and a fast and effective scientific process.

Created in partnership with the UK Reproducibility Network.

This is a demo version of Octopus with dummy content only. Please give feedback using the link in the footer!

<https://science-octopus.org/>

Publishers' smoke & mirrors

What authors may be told

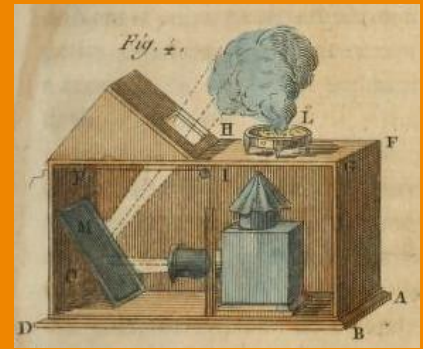


- *This journal does not allow AAMs to be made OA under the RRS*
- *If you use RRS wording, we will ask you to sign a contract pledging you will respect our embargo.*
- *Choosing the green route means the work is under an embargo that is not compatible with your funder's policy.*

Answer: the prior licence under the RRS takes precedence over conflicting provisions in your publishing agreement, and you have given the appropriate notice. However, if you specifically agree to an embargo period then you will be in breach of your grant conditions.

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 upon submission.
- *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: The publisher is suggesting that you enter into a contractual agreement. Check if there is an option to discuss the APC before submission. If you are not comfortable with the suggested approach or in the case of hybrid journals, do not have the funds to pay the APC, submit to an alternative journal.

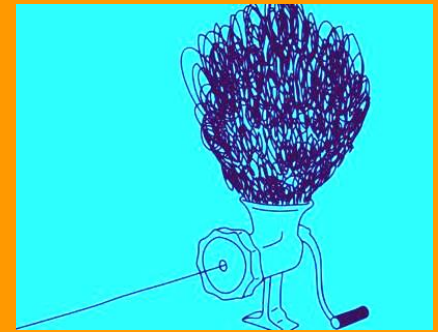
- *Using the RRS will undermine academic publishers and their transition to Open Access.*

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.

RRS – so simple



The complexity of journal “permissions”

- Embargoes differ between journals
- Conflicts between publisher’s & funder’s policies
- Additional and different restrictions on dissemination:
 - Personal website OK, but not in institutional repository
 - Free repositories OK, but not in commercial ones (ResearchGate)
 - Invited groups of limited size OK, but not beyond
- Time spent checking, applying, and releasing embargoes for different publishers
- AAM locked up for months

The simplicity of the RRS:

Always include the standard language:

“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 them – don't
lose them



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



Plan S

Making full & immediate
Open Access a reality