



Rights Retention: publisher webinar

Agenda

- 16.00: Welcome; introducing the cOAlition S Rights Retention Team + housekeeping “rules” (Johan Rooryck)
- 16.05 - 16.25: Overview of Rights Retention Strategy (Robert Kiley)
- 16.25 - 16.55: Q & A Session - All (please use Sli.do)
- 16.55 - 17.00: Next steps (Robert Kiley)
- 17.00: Webinar ends

cOAlition S: Rights Retention Team

- Johan Rooryck - Executive Director, cOAlition S
- Nora Papp-le-Roy, Programme Manager, cOAlition S
- Chris Moran, Associate General Counsel (Innovations & IP), Wellcome
- Robert Kiley, Head of Open Research Wellcome and cOAlition S Coordinator





Rights Retention Strategy

Robert Kiley

Head of Open Research, Wellcome and cOAlition S Coordinator

Webinar: key objectives

- Explain the cOAlition S Rights Retention Strategy
- Provide an opportunity for publishers to ask questions
- Encourage publisher participants to complete the online response form by the 5th October

Rights Retention Strategy: key objectives

- To ensure that the research we fund is made Open Access
 - *i.e. without embargo, with a CC BY licence (or by exception CC BY ND), and accessible through a repository*
- To ensure that our funded researchers continue to have the opportunity to seek publication in as wide a variety of journals as possible, including subscription journals which have not yet developed a “transformative arrangement”, accessible to all researchers funded by cOAlition S Organisations
- To encourage subscription publishers to consider developing transformative arrangements, such as Transformative Agreements (e.g. read and publish deals) and Transformative Journals

Rights Retention: the problem we seek to resolve

- We require the research we fund to be made OA
 - If a Version of Record article can not be made OA in a Plan S-aligned way we require researchers to deposit their Author Accepted Manuscript (AAM) in a repository, with zero-embargo and with a CC BY license.
- One way to achieve that is to make it an obligation through our grant agreements.
- Nevertheless, many researchers will sign a publishing agreement that gives away their rights to deposit their AAM in a repository, with zero embargo and with CC BY license.
- Thus, there will be a contradiction between the researchers' grant agreement and the publishing agreement.
- The Rights Retention Strategy resolves this contradiction.

AAM v VoR

- Our preference is always to make the VoR available whenever possible.
- The AAM will ONLY need to be made Open Access when there is no Plan S-aligned way to make the VoR Open Access.

Author Accepted Manuscripts vs Version of Record?

In developing the Rights Retention strategy, we are mindful that the AAM version differs from the VoR. Not only does the latter contain all the changes from the copyediting process, journal formatting/branding etc., but it is also the version maintained and curated by the publisher, who has the responsibility to ensure that any corrections or retractions are applied in a timely and consistent way.

For this reason, our preferred option is to ensure that the VoR is made Open Access. In cases where this version can be made available in accord with the Plan S principles, many cOAlition S Organisations make funding available to pay for these services in the form of APCs and contributions to transformative arrangements.



A 3-step model for delivering this strategy

- 1: Update grant conditions (and notify beneficiaries)
- 2: Notify publishers of these changes
- 3: Require beneficiaries, in their submission to publishers, to include details of the public licence that has already been applied to any future AAMs which arise from those submissions

Step 1: Updating the grant conditions

- **cOAlition S organisations will change their grant conditions such that their beneficiaries:**
 - apply (by default) a public copyright licence (CC BY, or CC BY-ND by agreement of the funder) to all their future Author Accepted Manuscripts (AAMs), supported in whole or in part by their funding;
 - specify the public copyright licence that has been applied - and the source of their funding - in all their submitted manuscripts which arise from their funding;
 - mandate that these manuscripts must be made freely available at the time of publication from an Open Access repository of their choice.

Step 2: Notifying publishers of these changes

- We will contact publishers who collectively publish over 95% of research attributed to cOAlition S organisations to make them aware of these changes.
- We will run webinars, talk to publisher trade bodies, and work to communicate this approach far and wide.
- Invite publishers to respond – from a choice of 5 options – how they will deal with AAMs that are licensed CC BY. This information will be incorporated in the Journal Checker Tool.

Step 3: Licence specified in submissions

- Provide templated language for cOAlition S funded researchers to include in their submissions:

“This research was funded in whole or in part by the [Funder name] [Grant number]. For the purpose of open access, the author has applied a CC-BY public copyright licence to any Author Accepted Manuscript version arising from this submission”



Wellcome grant conditions: a case study

1. All original research supported in whole or in part by the Grant must be made available from Europe PubMed Central as follows:
 - *Peer-reviewed journal articles - immediately upon final publication*
2. You hereby grant a CC BY Public Copyright Licence to all future Author Accepted Manuscripts (AAMs). If you allow others to own copyright in AAMs, you must ensure they grant such a licence.
3. All submissions of original research to peer-reviewed journals must contain the following statement:
 - *“This research was funded in whole or in part by the Wellcome Trust [Grant number]. For the purpose of open access, the author has applied a CC BY public copyright licence to any Author Accepted Manuscript version arising from this submission.”*

See:

<https://wellcome.ac.uk/grant-funding/evidencebased-access/evidence/open-access-policy>

The Response Form - Option 1

- ❑ 1. Our publishing agreements already allow all authors to self-archive their Author Accepted Manuscripts, without embargo, under a CC BY licence or equivalent (or CC BY-ND upon agreement by the cOAlition S Organisation), in an Open Access repository of their choice.

- Publishers like [Royal Society](#) and [Microbiology Society](#) already encode OA rights to the AAM in their standard publishing agreements

c) In relation to the **Accepted Author Manuscript** only, you are free to: post it on your personal or institutional web site and load it onto your institutional or subject repository once accepted for publication; use it in compilations of your work subsequent to publication of the Definitive Published Version of the article, expand the article into book-length form, and/or otherwise re-use portions of the Accepted Author Manuscript of the article in other works. you are also free to present the article at a meeting or conference and to disseminate copies of such article to the delegates attending such meeting or conference and/or to use the Accepted Author Manuscript in a thesis or dissertation. A licence of CC-BY may be applied to the Accepted Author Manuscript, as required by some funders.

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https://www.microbiologyresearch.org/upload/editorial/Licence_to_publish.pdf

The Response Form - Options 2 & 3

- 2. We will change our publishing agreement(s) to allow **all** authors to self-archive their Author Accepted Manuscripts, without embargo, under a CC BY licence or equivalent (or CC BY-ND upon agreement by the cOAlition S Organisation), from 1 January 2021, in an Open Access repository of their choice.
- 3. We will change our publishing agreement(s) to allow authors, **supported in whole or in part by cOAlition S Organisations**, to enable them to self-archive their Author Accepted Manuscripts, without embargo, under a CC BY licence or equivalent (or CC BY-ND upon agreement by the cOAlition S Organisation), from 1 January 2021, in an Open Access repository of their choice.

- Publishers are asked to consider updating their standard publishing agreements to give **all** authors (**Option 2**), (or by exception, authors funded by cOAlition S Organisations, (**Option 3**), the right to self archive their AAM, at the time of publication with a CC BY licence, in a OA repository of choice
- **Selecting options 1, 2 or 3 is the preferred outcome**

The Response Form - Options 4 & 5

- 4. We will **not** change our publishing agreement(s) to accommodate Plans S requirements, but we acknowledge that we have been given notice of the obligations that apply to cOAlition S organisations' grantees. Such authors can make the Author Accepted Manuscript freely available, at the time of publication, under a CC BY licence or equivalent (or CC BY-ND upon agreement by the cOAlition S Organisation), in line with their agreement with their funder(s), from 1st January 2021, in an Open Access repository of their choice¹.
- 5. We will **not** change our publishing agreement(s) to accommodate Plans S requirements, but we acknowledge that we have been given notice of the obligations that apply to cOAlition S organisations' grantees. Please ensure that the cOAlition S Journal Checker Tool (JCT) identifies our journal(s) as one(s) not allowing compliance with the Plan S Open Access requirements from the 1st January 2021. *Note: In cases where a journal is part of a Transformative Arrangement, and where that option is accessible to researchers funded by a cOAlition S Organisation (i.e. they are based at an institution which has entered into such an arrangement with the publisher), the JCT will show the journal to be compliant with Plan S.*

- **Option 4:** publisher acknowledges they have been given notice and accepts that authors can make their work OA, CC BY, zero embargo
- **Option 5:** publisher acknowledges they have been given notice, but requests that the JCT indicate the journal is **not** compliant

Some likely FAQs (1)

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

*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.***

As a CC BY licence to the future AAM was already in place, prior to the publication agreement with the author, that CC BY licence will trump any conflicting language in the publication agreement

Some likely FAQs (2)

2. Is the initial submission itself also covered by the CC BY licence?

*No. However, at or before the time of the submission, the author must inform the journal that **any Author Accepted Manuscript version arising from this submission** is already licenced CC BY (or by exception CC BY-ND).*

Some likely FAQs (3)

3. If my journal is already a Transformative Journal (TJ), which box should I tick on the publisher response form?

As a journal which is already committed to transitioning to Open Access (as evidenced by the TJ status) we strongly encourage you to select either Option 2 (preferred) or Option 3.

However, if Option 5 is selected, and the journal is a TJ (and not part of any TAs) then the only route to compliance shown by the JCT will be the TJ route. If the journal were to lose TJ status then the JCT would show it as not offering a route to compliance.

In any event, by dint of giving notice to publishers of the prior licence, a researcher funded by a cOAlition S Organisation can archive an AAM arising from a submission, and make it available without embargo and with a CC BY licence.

Further information

- <https://www.coalition-s.org/rights-retention-strategy/>
- email: info@coalition-s.org

Questions and discussion

