



Plan S

Making full & immediate
Open Access a reality

Plan S: the Rights Retention Strategy

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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.
- ⦿ 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.
- ⦿ Funders and universities should ensure that their researchers are not deprived of essential intellectual property rights, a valuable asset.



Rights Retention Strategy (RRS)

Objectives

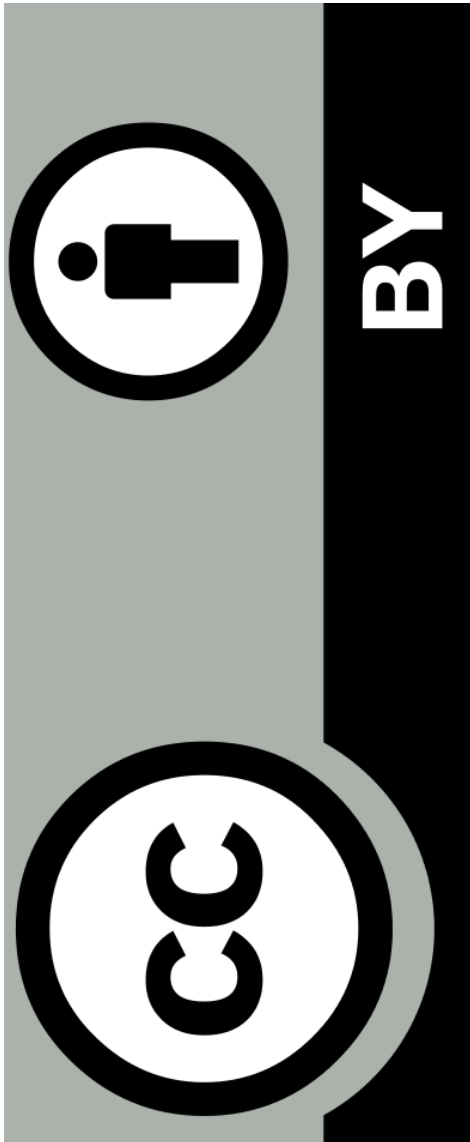
- 🕒 **Main objective:**
All research funded by cOAlition S organisations is OA with zero embargo + CC BY licence
- 🕒 **Author ownership and control:**
Empower researchers working with a cOAlition S funder to retain sufficient intellectual property rights to their Author Accepted Manuscript (AAM).
- 🕒 **Global access:**
Authors who own the rights to their AAM share it in a repository.
- 🕒 **Simplicity:**
Cut through the complexity of journal ‘permissions’: **no embargoes.** The CC BY licence on the AAM allows authors to share the AAM in a repository, and to freely reuse their own material as they see fit.



Rights Retention Strategy (RRS)

The problem we seek to resolve

- ⦿ Minimum requirement for cOAlition S Open Access:
A zero-embargo CC BY licensed AAM in a repository
- ⦿ 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
- ⦿ This leads to a **contradiction** between the researchers' grant agreement and the publishing agreement
- ⦿ The Rights Retention Strategy aims to resolve this contradiction: the CC BY licence takes **legal precedence** over any conflicting provisions in a later copyright transfer agreement.



Rights Retention Strategy (RRS)

Prior licence or prior obligation

- ⦿ cOAlition S organisations' grant agreements require:
 - ⦿ immediate open access for all peer-reviewed publications
 - ⦿ sufficient intellectual property rights (IPR) retention to comply with the OA obligations
- ⦿ This is achieved in one of two ways:
 - ⦿ Either the grant agreement states that a CC BY licence is applied to all future AAMs financed by the grant (**prior licence**)
 - ⦿ Or the grant agreement requires beneficiaries to apply a CC BY licence to the AAM or the VoR (**prior obligation**)
- ⦿ In either case, authors should include a statement about the CC BY status of the AAM in their submissions.

Rights Retention Strategy (RRS)

What's in it for authors?

- Do not give away to publishers what authors rightfully own.
- CC BY on the AAM means authors can **share** it as they see fit and **reuse material** (graphs, images, tables) in later publications, without restrictions imposed by the publisher.
- An AAM openly accessible in a repository is **more visible and citable**.
- The publisher can own and receive payment for the VoR.
- Publishers provide the means to organize peer review but...
 - peer review is carried out at no charge to the publisher
 - peer review is part of the scholarly discourse
- This process is paid for:
 - by the subscription in subscription journals,
 - by the APC in Gold Open Access journals

Rights Retention Strategy (RRS) Publishers' permissions



- Embargoes differ between journals
- Conflicts between publisher's and funder's policy
- Time spent checking, applying, and releasing embargoes for different publishers
- Additional/different restrictions on dissemination:
 - personal website OK, but not in institutional repository.
 - free repositories OK, but not in commercial ones (e.g. ResearchGate,)
 - invited groups of limited size OK, but not beyond.
- 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!

Rights Retention Strategy (RRS)

AAM v VoR

- ⦿ cOAlition S has **3 equally valid routes to OA**:
Gold, RRS (Green), and Transformative Arrangements (TAs, TJs, S2O)
- ⦿ Some cOAlition S funders have a preference for an Open Access VoR if prices are fair and reasonable (contributions to Transformative Agreements, Transformative Journals etc).
- ⦿ For these funders, the RRS is a fallback strategy: the AAM will ONLY need to be made Open Access when there is no Plan S-aligned way to make the VoR Open Access.
- ⦿ Other funders and some authors prefer the RRS route.

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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.

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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

3. cOAlition S grant holders are asked to:

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

1

Rights Retention Strategy (RRS)

What authors need to do

1. 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 [Organisation Name, Grant #]. A CC BY licence is applied to the AAM arising from this submission, in accordance with the grant’s open access conditions.”

2

2. On publication: make AAM open access in a repository

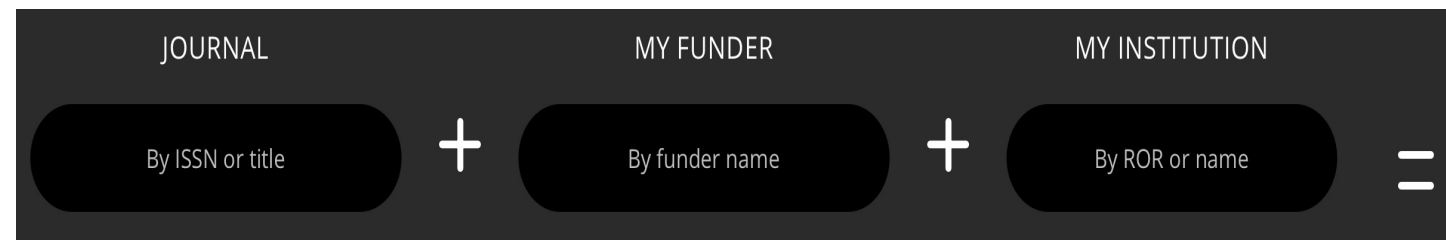
3

3. Contact their funder (or library) in case of disagreement with or obfuscation by the publisher

Is this compliant with Plan S?

Resources for checking compliance 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.



- This combination enables researchers to find out how their journal of choice complies with Plan S: Gold APC, TA, TJ, RRS.
- The JCT has been available since November 2020, and is continually updated with new information.



Publishers' smoke & mirrors

What authors may be told

- ⦿ **Wrong information:**

- ⦿ *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.*

- ⦿ **In actual fact:**

The prior notice of the RRS takes precedence over conflicting provisions in your publishing agreement, and you have given the appropriate notice. However, if you specifically sign a contract agreeing to an embargo period, then you will be in breach of your grant conditions.



Publishers' smoke & mirrors

What authors may be told

- ⦿ **Misleading information (1):**

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

- ⦿ **In actual fact:**

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

- ⦿ **Misleading information (2):**

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)

- ⦿ **In actual fact:**

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. Otherwise, the RRS suffices.



Publishers' smoke & mirrors

What authors may be told

- ⊙ Ignoring the
Before proceeding to paying for c

Gold Open Access

- Publish as an Open Access article

I acknowledge that either I or my institution/funder will have to pay an Article Publishing Charge (APC) to make my published article available to everyone immediately.

The Bill & Melinda Gates Foundation funded your research. As of January 1 2021, The Bill & Melinda Gates Foundation will no longer pay the APC for this title. Elsevier supports authors to publish open access; if you have any concerns about paying the APC, please still submit and contact [OA Policy](#) for support and information.

Article Publishing Charge (APC)

GBP 2,000.00

Excluding Taxes

- ⊙ **Translation:**

Beware! 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.



EUA, CESAER, and SE letter to publishers

“We are especially concerned by the unclear and opaque communication and practices of some publishers as reported by cOAlition S.”

“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.”

cOAlition S

CESAER

eua20

SCIENCE
EUROPE

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
College Cork

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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



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Questions & Discussion



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