

NEWS

[Go back](#)

The Rights Retention Strategy and publisher equivocation: an open letter to researchers

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cOAlition S strategy of applying a prior licence to the Author's Accepted Manuscript (AAM) is designed to facilitate full and immediate open access of funded scientific research for the greater benefit of science and society. It helps authors exercise their ownership rights on the AAM, so they can share it immediately in a repository under an open licence.

The manuscript – even after peer-review – is the intellectual creation of the authors. The RRS is designed to protect authors' rights. The costs that publishers incur for the AAM, such as managing the peer-review process, are covered by subscriptions or publication fees. Delivering such publication services does therefore not entitle publishers to limit, constrain or appropriate ownership rights in the author's AAM.

Some subscription publishers have recently put in place practices that attempt to prevent cOAlition S funded researchers from exercising their right to make their AAM open access immediately on publication.

The undersigned – cOAlition S funders and other stakeholders in academic publishing – wish to provide clarity to researchers about these practices, and caution them about the possible consequences.

Plan S routes to open access

Plan S provides [three routes](#) to enable researchers to comply with their funders' open access policies, while allowing publishers to accept submissions from cOAlition S-funded authors in all their journals.

Authors seeking to publish in a subscription/hybrid journal can comply with most cOAlition S funders' policies when the journal is either part of a transformative agreement (i.e. a Read and Publish agreement to which they have access), or has been afforded [transformative journal](#) status. In both cases, the Version of Record (VoR) will be made open access at the time of publication under a CC BY licence. Under these models, many cOAlition S funders contribute to the publishing costs.

Where transformative solutions do not apply, self-archiving provides authors with a route to open access compliance. Via the [Rights Retention Strategy](#) (RRS), authors exercise their right to apply a CC BY licence to the AAM, and make that AAM available in a repository on publication, in compliance with their funder's open access policy.

Providing clarity to authors

cOAlition S created the [Journal Checker Tool](#) (JCT) to advise researchers how they can comply with their funder's Plan S-aligned Open Access policy when seeking to publish in their chosen journal.

cOAlition S recognises that publishers have the right to reject submissions from authors who indicate that they will comply with their funder's policy and immediately share their AAM. To that end, in July 2020 cOAlition S contacted over 150 publishers to clarify their position with respect to the Rights Retention Strategy, asking them to respond by a certain date. Not a single publisher stated that they would reject a submission on the grounds that the author has applied a public copyright licence to the AAM.

However, new practices have recently been put in place by publishers that seek to undermine author's intellectual ownership rights and circumvent cOAlition S funders' open access policies. For example, some publishers are attempting to prevent funded researchers from exercising their right to make their AAM immediately available open access. These stratagems are not necessarily being communicated with authors before the submission stage. Moreover, these publishers do not provide clarity on what action they will take in cases where a researcher exercises their right to make their AAM open access.

Publisher practices

Confusing and misleading guidance to authors

For example, some publishers indicate that they do not “support” rights retention and claim that embargo periods will apply. In reality, cOAlition S funded researchers do not need the publisher’s permission to immediately share their AAM zero embargo with a CC BY licence, as long as the publisher has been given notice of the prior licence. The [July 2020 letter to publishers](#) made this clear, and these requirements are reinforced by funded researchers who are required to include specific language with every submission.

Other publishers suggest that authors can only comply with funders’ requirements by using a gold open access route. That is simply incorrect. The JCT provides guidance here.

Rejecting submissions to a subscription journal that carry the RRS language and re-routing these submissions to full Open Access journals

To avoid the possibility that an AAM in a subscription journal is made open access without embargo, the publisher may try to re-route the submission to a fully open access journal in which they publish. Such a re-routing process should be explicitly highlighted at the start of the submission process.

Modifying submission systems such that authors are required to agree to paying an open access fee (Article Processing Charge)

In this example, publishers only allow articles to be submitted to a hybrid journal if the author agrees to pay an APC, even though the publisher is aware that the cOAlition S funder will not cover these costs and that the author may not have access to alternative funds for the APC. We urge researchers to be cautious about what they sign or select on their submission screens.

Encouraging authors to breach their funder’s grant conditions

Some publishers, who recognise that from a copyright perspective the prior licence trumps any conflicting provision in a subsequent licence, are now asking authors to agree to specific terms within their publishing agreements to try and stop them sharing their AAM immediately on publication.

These practices put cOAlition S-funded researchers in a position where they either have to breach their funder’s grant conditions (by embargoing their AAM) and risk not being eligible for future funding; or breach their publishing agreement (by not embargoing their AAM) and subsequently risk the publisher taking action against them.

As publishers already have notice of the obligations that our funded researchers have agreed to, it is inappropriate for them to encourage researchers to breach these conditions.

Exercise your rights and help the research community and the public benefit from your research!

We hope that publishers will reconsider their position and play their part in providing fair and transparent policies for authors.

These should fully respect the prior licence that authors have agreed to when accepting grants from their funders, which includes their ability to make their AAM available under a CC BY licence immediately on publication.

Where publishers embrace the transition towards full and immediate open access, most cOAlition S funders will fund fair and reasonable publishing costs.

In the meantime, we wish to alert researchers to these practices, and encourage them to exercise their right to make their AAM available in full and immediate open access. Funders and university libraries will continue to provide guidance and advice to authors and grantees. In cases where publishers do not provide a valid route towards compliance with cOAlition S funders' requirements, researchers can submit their manuscript to an alternative Plan S compliant publisher.

As a society we face huge challenges: pandemics, climate change, food security. Ensuring that our funded research is made fully open access is the best way to overcome these issues.



Signatories

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cOAlition S invites other academic stakeholders to sign this open letter to help the research community retain ownership of their AAMs and allow society at large to maximally benefit from our funded research. This page will be updated regularly as new signatories respond to our invitation.