

**Retaining Rights IP Policy Project**

**Project Initiation Document**

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| **CAUL Program:** | **FAIR, AFFORDABLE AND OPEN ACCESS TO KNOWLEDGE** |
| **Title:** | Retaining Rights IP Policy Project |
| **Document Author (name, email, phone and position):** | Catherine Clark, CAUL Program Director – Fair, affordable and open access to knowledge and University Librarian, Curtin University [catherine.clark@curtin.edu.au](mailto:catherine.clark@curtin.edu.au) / 08 9266 7205 |
| **Objective:** | This project aims to develop template text for Australian universities’ IP policies, leading to improved rights retention for research publications. This will maximise the proportion of research publications that are openly available and move Australian universities towards compliance with Plan S. |
| **Brief Project Description:** | This project will investigate the optimal approach for Australian universities:   1. to include in their IP policies text that ensures the university maximises the openness of publications produced by their researchers and; 2. ensures compliance with funders’ requirements, including under Plan S. |
| **Context:** | Currently it is standard practice for authors to sign away rights to their research outputs upon publication in most instances. This restricts legal reuse by authors of their own articles for teaching and research and, in the majority of cases, makes it difficult to comply with funder Open Access policies (e.g. ARC and NHMRC). This is due to the inability to make an open access version of a publication available in a repository immediately on publication or when an embargo period is lifted. As embargo policies differ from title to title, management of these processes is substantial and creates a barrier to open research.  Following a presentation at a September 2019 meeting of the Universities Australia DVCs Research Committee, CAUL has been asked to develop draft template text that is appropriate for university IP policies and would maximise the openness of Australian research publications and compliance with Plan S.  This project is aligned with the FAIR Policy Statement and CAUL’s Open Scholarship Statement. The latter states that CAUL and its members commit to:  *Actively work with our research communities to adopt open scholarly publishing practices especially Green OA through existing well established institutional repositories.* |
| **Project Owner (name, email, phone and position):** | Catherine Clark, CAUL Program Director – Fair, affordable and open access to knowledge and University Librarian, Curtin University [catherine.clark@curtin.edu.au](mailto:catherine.clark@curtin.edu.au) / 08 9266 7205 |
| **Project Lead (name, email, phone and position):** | TBC - CAUL office calls for EOI from CAUL members and their delegates |
| **Project Team (name, email, phone and position):** | TBC - CAUL office calls for EOI from CAUL members and their delegates |
| **Project Governance Group:** | The CAUL Board will provide oversight and governance in relation to this Project. |
| **Benefits:** | This project will develop template text for Australian university IP policies that will lead to retention of rights to research publications and:   * increase the visibility and discoverability of research, * increase compliance with funding body open access policies, * leverage existing investment in institutional repositories   By approaching this at a university policy level, it is anticipated that this will lead to sector wide gains and create a culture of openness which is driven by each university.  The approach would ensure:   1. Authors’ work is more visible & discoverable, leveraging existing investment in institutional repositories; 2. Authors have the right to make their articles open access (studies have shown that open access articles lead to higher citations); 3. Authors’ compliance with their institutions’ open access policies is supported and simplified; 4. Authors’ compliance with policies & mandates of funding agencies is significantly enhanced; 5. Universities’ & their libraries’ reliance on hybrid open access is minimised, reducing “double dipping” practice (paying twice through subscriptions as well as an article processing charge)[[1]](#endnote-1); |
| **Scope and Deliverables:**  *What is expected to be produced as a result of this work* | 1. Identify best practice template text from within Australian universities based on the work completed by CAUL’s 2018 Retaining Rights to Research Publications Project; 2. Seek legal advice on wording of IP policy to ensure compliance and expected benefits are achieved; 3. Identify any associated procedures which may also require template text; 4. Draft report for UA DVCsR Committee advising on template text and implementation. |
| **Resources & Key Stakeholders:**  *What resources will be provided by the business and what resources are being requested  E.g. budget, subject matter expert, vendor developers, project managers, etc.* | Stakeholder engagement is critical to the success of the Project. Engagement and collaboration is expected for (but not limited to):   1. CAUL Members 2. Australian Research Council and National Health and Medical Research Council (funding agencies) 3. Plan S Ambassadors (Ginny Barbour and Cameron Neylon) 4. Universities Australia (UA) and their relevant committees 5. F.A.I.R. Statement Steering Group (including Australasian Open Access Strategy Group) 6. ARMS (on behalf of Research Offices) 7. researchers (via their universities/libraries or Universities Australia DVC(R)s or Research Offices or funding agencies?)   Resources required:   1. Budget for legal advice may be required or this may be able to be sourced from within the university sector; 2. Personnel to scope, brief the legal consultants and analyse legal advice to provide advice to funding agencies and universities; 3. Personnel to assess legal advice & university policies & prepare final report; 4. CAUL office personnel re project management (and some of the above); |
| **Key risks and mitigations:** | Risk: Universities don’t adopt the template text for the IP policy thereby wasting CAUL resources and possibly damaging reputation of CAUL as experts in OA.  Mitigation:   1. This work has been initiated at the request of the UA DVCs Research Committee so alignment with their strategy is agreed. 2. Consultation with UA through the process should ensure an appropriate outcome.   Risk: Previous legal advice has advised that IP policy alone is not sufficient to guarantee researcher compliance with OA and that compliance is likely to be stronger if also covered by the universities’ Enterprise Agreements.  Mitigation:  This risk was raised with the UA DVCs Research Committee in September 2019 but the view of the Committee was that including this information in Enterprise Agreements was a far more difficult approach to take, not least because these Agreements are completed approximately once every three years. The Committee agreed that starting with policy was a more reasonable approach.  Risk: Inadequate resources will be available for this project  Mitigation:   1. CAUL members will be encouraged to nominate themselves and their staff to participate in this project 2. CAUL Office resources will be prioritised to enable appropriate levels of support; 3. Work closely with Universities Australia to scope the legal advice required to keep any expenditure to a minimum, to reduce scope creep and cost creep. |
| **Related Projects/ Initiatives:** | Other CAUL-related projects under the Fair, affordable and open access to knowledge program. In particular, the [Retaining Rights to Research Publications Project](https://www.caul.edu.au/programs-projects/fair-affordable-open-access-knowledge/retaining-rights-research-publications). |
| **Timelines:** | Ideally this project would commence as soon as resourcing can be put in place and no later than the end of January 2020 to capitalise on the current support and momentum. |
| **Attachments submitted:**  *List and describe them* |  |
| **Document Version:** | Drafted Catherine Clark 21/10/19 with acknowledgement and based on the Retaining Rights to Research Publications Project Initiation drafted by Jill Benn on 7/11/17. |
| ***Approval from CAUL Program Director and CAUL President:*** | |
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1. [↑](#endnote-ref-1)