



CAUL Research Repositories
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Paula Callan
Scholarly Communications Librarian
QUT Library
p.callan@qut.edu.au
orcid.org/0000-0001-6349-5678



Queensland University of Technology



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Update on CAUL Project

Retaining Rights to Research Publications

The brief....

1. PROJECT DESCRIPTION

This project will investigate the optimal approach for researchers within Australian universities to retain (non-commercial) rights to their research publications, and to improve and simplify compliance with their funder body requirements.

Retaining Rights to Research Publications

The Project Team.....

Project Lead	Frances O'Neil, Associate Librarian, Scholarly Information Services, VU
Project Team Members	Antoinette Cass, Manager, Scholarly Publications and Copyright, Bond David Groenewegen, Director Research, Monash Helen Thomson, Manager Copyright Office, UMelbourne Paula Callan, Scholarly Communications Librarian, QUT Stephen Cramond, Manager, Institutional Repository, UMelbourne Vicki Picasso, Senior Librarian Research Support, UNewcastle
CAUL Office Representative	Diane Costello, Executive Officer, CAUL

Retaining Rights to Research Publications

Some of the things we did

- Reviewed the literature on the UK-SCL
- Teleconference with Chris Banks re UK-SCL
- Survey of Australian University IP policies
- Identified potential barriers to the implementation of a national licence in Aust.
- Drafted a scoping document for legal advice & contracted a firm to supply the legal advice
- Produced a final report which provides a considered opinion based on all the above and identifies possible next steps

Key elements of the UK-SCL

- Retain the right to make accepted manuscripts of scholarly articles available publicly for non-commercial use (CC BY NC 4.0) from the moment of first publication.
- Allow authors to request a waiver for applying this right for up to 12/6 months (AHSS and STEM, REF panels).
- Allow publishers to request a blanket waivers for applying this right for up to 12/6 months (AHSS and STEM, REF panels).
- Supports academics whose only option is to self-archive, or who choose to self-archive

Key elements of the UK-SCL

- Rights retention on behalf of the academic: these rights come into existence at the point the AAM comes into existence. The rights are then transferred back to the academic(s)
- Licence on deposit: the default is CC BY-NC in line with the minimum requirements for RCUK. We recently added the option for a ND choice for those with no funder requirement to have the more liberal default licence
- AAM availability through the repository: default is zero months after publication (earlier if publishers allow). For an interim period publishers can apply for blanket 6/12 month embargos also in line with minimum RCUK requirements

State of Play with the UK-SCL

Where are we now with the UK-SCL?



- Progressive funder policies add backbone to the initiative
- Significant sectoral interest and engagement
- Strong institutional and support @ Imperial and elsewhere
- Publisher engagement suggests that we are on the right track
- Policy makers are taking notice and seeing it as part of their solution
- Publisher lobbying:
 - Funders
 - Academics
 - Learned Societies
- Implementation concerns – some of the concessions add back complexity into the administration of the policy

Retaining Rights to Research Publications

Survey of IP Policies revealed:

IP in scholarly works owned by creator (but conditional on some rights retained by the university)	13
IP created by staff owned by the university (including scholarly works or not specifically exempting scholarly works)	8
IP in scholarly works owned by creator (unconditionally)	18

Retaining Rights to Research Publications

Gist of the legal advice

- Any university wishing to assert copyright in scholarly works would need to make this expressly clear in their *academic employment contracts* as well as in their *IP policy*
- Universities can rely on a non-exclusive prior license if the author subsequently assigns copyright to a publisher - as the legal position in Australia is that the publisher is bound by any prior licenses granted by the author regardless of whether or not the publisher has notice of these.
- There is no need for an author addendum but using one would protect author from a claim they misled the publisher.

Retaining Rights to Research Publications

Potential barriers:

- Resistance or push-back from academics
- Resistance by university legal offices
- Diversity in current IP policies
- Publisher misinformation / pressure
- Complexity of the communication required
- Cost of compliance monitoring
- Reaching consensus on appropriate licence

Retaining Rights to Research Publications

Proposal for (possible) next steps by CAUL:

- Refer the legal advice and approach to Universities Australia for consideration.
- Make a recommendation that universities review their IP policy, university regulations and contracts of employment to assure legal entitlement to assert a non-exclusive license.
- Consider what assistance it could provide UA in the development of guidelines for alignment with IP policies.

Since then, Plan S has been released.

Plan S is an initiative for [open-access](#) science publishing that was launched by [Science Europe](#) on 4 September 2018.

- authors should retain [copyright](#) on their publications, which must be published under an open license such as [Creative Commons](#);
- universities, research organizations, and libraries should align their policies and strategies;
- provide incentives for the creation of compliant open access journals and platforms
- publication fees should be covered by the funders or universities;
- publication fees should be standardized and capped;
- open archives and repositories are acknowledged for their importance;
- [hybrid open-access journals](#) are not compliant with the key principle;
- members of the coalition should monitor and sanction compliance.

Eight routes towards Plan-S compliance, or if similar was adopted in Australia (Australian adaptation of https://docs.google.com/presentation/d/1DbmqFswgNLQtXhnajlXikTFVPRHCH-I-HCZ75o-5gJl/edit#slide=id.g44176624d2_2_75 Australian examples in **bold green**)

routes to Plan S compliance	A. existing/new APC gold journal / platform	B. existing/new non-APC gold journal / platform (diamond)	C. flipping journals to APC gold (by publishers or editors)	D. soft-flipping journals to APC gold (leaving hybrid intact)	E. flipping journals to non-APC gold (diamond), by publishers or eds.	F. archiving publisher version, on publication	G. archiving AAM, on publication	H. sharing preprints and using overlay PR
1. compliant?	yes	yes	yes	yes	yes	yes	unsure	ARC/NMHC - not compliant
2. example	PLoS, 1000s more	Many universities in Australia host journals already	Epidemiology & Infection, 100s more	Water Research X, J. of Hydrology X	Scoop ³	MNRAS, APS journals	Emerald journals	SciPost
3. current use / availability	moderate amount (compared to EUR)	moderate	very limited	rare	very limited	limited	Moderate-High (depending on institution)	very limited
4. effect on publishers	gold publ. win, evt. decreasing subscriptions	more competition / perhaps evt. decreasing subscriptions	change in business model / probl. for high rejection	matching APC levels, evt. decreasing subscriptions?	new partnerships or loose journals to funders/institutions	evt. decreasing subscriptions, need to solve sustainability?	keep large part of perceived value	change publishing model or loose out
5. effect on researchers	away from trad. venues and IF-thinking	away from trad. venues and IF-thinking	depends on (funding for) APC	accept new journal as similar to sister	none	small effort	small effort, accept limitations	adapt to new idea
6. effect on libraries	May increase expenditure in short-mid term	May provide opportunity to increase role in hosting journals and platforms	High - new skills required, workflows, procedures	High - new skills required, workflows, procedures	May provide opportunity to increase role in hosting journals and platforms	role insofar as hosted in IR / cancel subs evt.	continued role, esp. hosting in inst. repo	chance to play role in curation
7. effect on funders	supporting (own) platforms / lower APC levels	supporting (own) platforms / lower APC levels?	depends on APC levels	depends on APC levels	lower average APC levels? / pot. role in funding	no financial gain	no financial gain	adapt to new idea, change assessment
8. effect on societies	Australian-specific titles unlikely to be affected in short term	Australian-specific titles unlikely to be affected in short term	change in business model / probl. for high rejection	matching APC levels / income?	change in business model / probl. for high rejection	evt. decreasing subscriptions?	evt. decreasing subscriptions?	limited role, perhaps in quality assurance?
9. effect on editors of trad. jrnls.	fewer submissions, lower status	fewer submissions, lower status	none (or big role in leading flip)	none	none (or big role in leading flip)	none	none	new role in overlay journals?
10. overall pub cost	depends on cap / market	depends on cap / market / funding sources	depends on cap / market	depends on cap / market Costs subject to currency	depends on cap / market / funding sources	remains high	remains high	substantially lower?



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