



# The Plan S Rights Retention Strategy: author rights and academic publishers

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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.
- 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 ownership rights, a valuable asset.



# Rights Retention Strategy (RRS): Objectives

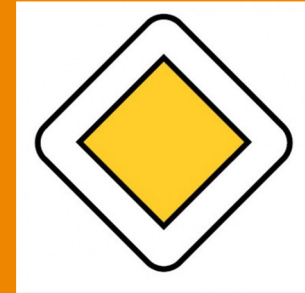
- All research funded by cOAlition S Organisations is OA with zero embargo + CC BY licence
- Seek publication in wide variety of journals
- Encourage development of transformative arrangements
- Empower ALL researchers working under a cOAlition S mandate to retain sufficient rights to their own Author Accepted Manuscript (AAM).
- Cut through current complexity of journal 'permissions': no embargoes, authors own the AAM and share it in a repository on publication.



# Rights Retention Strategy (RRS): The problem we seek to resolve

- Minimum requirement for cOAlition S Open Access: AAM) in a repository; zero-embargo; CC BY license
- 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
- Contradiction between the researchers' grant agreement and the publishing agreement
- The Rights Retention Strategy resolves 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 will:
- Require immediate open access
- Require sufficient intellectual property rights (IPR) retention to comply with the OA obligations:
- Either by automatically applying a CC BY licence to all future manuscripts per the signature of the grant agreement (**prior licence**)
- Or by requiring that beneficiaries ensure that a CC BY licence is applied to the AAM or the VoR (**prior obligation**)



## Rights Retention Strategy (RRS):

### What's in it for authors? Ownership & visibility!

- Do not give away to publishers what authors rightfully own
- Ownership of the AAM means authors can **reuse and share it** as they see fit, without restrictions imposed by the publisher
- An OA AAM in a repository is **more visible, and more 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 for free
  - 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): AAM v VoR



- cOAlition S has 3 **equally valid** routes to OA:  
Gold, RRS, and Transformative Arrangements (TAs, TJs, S2O)
- Some cOAlition S funders have a preference for OA 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

# 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.

## 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. **cOAlition S grant holders must:**

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



# Rights Retention Strategy (RRS): What authors need to do



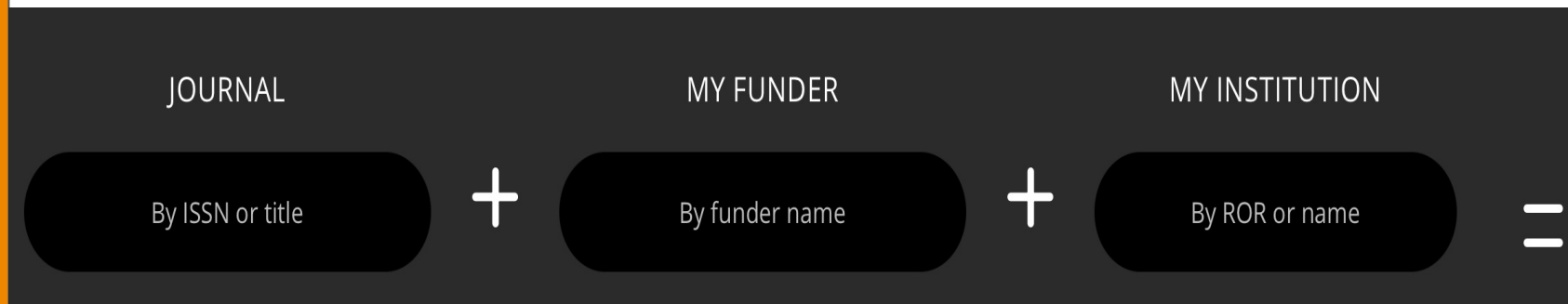
1. To **inform the publisher** that they are using the RRS, cOAlition S funded researchers should include the following templated language in their submissions:

*“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. On publication: **make AAM open access in a repository**
3. Contact their funder (or library) in case of disagreement with or obfuscation by the publisher

## Resources: 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.

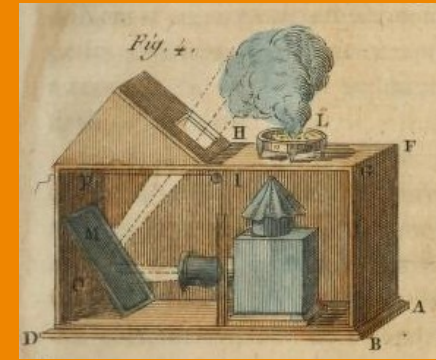


The screenshot shows the top section of the Journal Checker Tool interface. It features three main input categories: 'JOURNAL', 'MY FUNDER', and 'MY INSTITUTION'. Below each category is a dark rounded rectangular button. The 'JOURNAL' button is labeled 'By ISSN or title'. The 'MY FUNDER' button is labeled 'By funder name'. The 'MY INSTITUTION' button is labeled 'By ROR or name'. These buttons are separated by plus signs (+), and the entire sequence is followed by an equals sign (=), indicating a search or calculation function.

- This combination enables a researcher to find out how their journal of choice complies with Plan S: Gold APC, TA, TJ, RRS.
- A first iteration of the JCT is available since November 2020.

# Publishers' smoke & mirrors

## What authors may be told

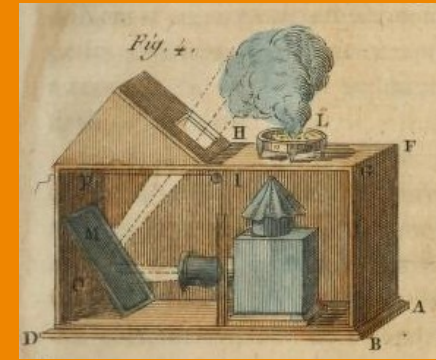


- *This journal does not allow AAMs to be made OA under the RRS*
- *If you use RRS wording, we will ask you to sign a contract pledging you will respect our embargo.*
- *Choosing the green route means the work is under an embargo that is not compatible with your funder's policy.*

**Answer:** the prior licence under the RRS takes precedence over conflicting provisions in your publishing agreement, and you have given the appropriate notice. However, if you specifically agree to an embargo period then you will be in breach of your grant conditions.

# Publishers' smoke & mirrors

## What authors may be told



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

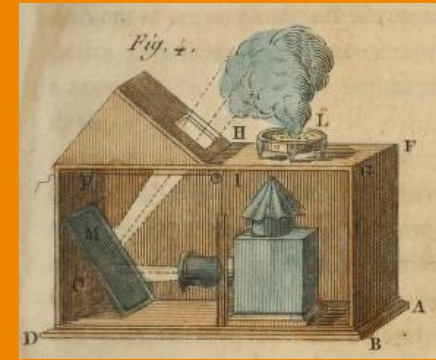
**Answer:** You can and you should. The only option for the journal is to refuse your paper upon submission.

- *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)*

**Answer:** 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. Where that is not the case, the RRS suffices.

# Publishers' smoke & mirrors

## What authors may be told



- *Before proceeding with your submission, you must click here to agree to paying for an APC for publication (even if your funder does not)*

**Answer:** 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.

- *Using the RRS will undermine academic publishers and their transition to Open Access.*

**Answer:** Physics papers in ArXiv have not led to the demise of their corresponding physics journals. See also Royal Society!

- *The repositories where you deposit the AAM are not up to the task*

**Answer:** Repositories are largely compliant with Plan S.

# 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."*

CESAER

eua20



**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

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## Further information



**Plan S**

Making full & immediate  
Open Access a reality

- 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](mailto:info@coalition-s.org)



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