

Rights Retention

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Webinar “Retaining author's rights to enable open
access to research outputs”

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#OAWeek

Misconceptions and fears

Many researchers believe that:

- Publisher always own the copyright of the published works even if there is no copyright transfer agreement.
- Authors (must) sign off all rights if they wish to publish in a subscription-based journal.
- The terms of the copyright transfer agreement are not negotiable.
- Authors who have signed off copyright cannot share their work.

Photo by Bi yasemin:
<https://www.pexels.com/photo/keys-on-white-wooden-table-9388771/>. Licence



What is Rights Retention?

- When entering into a publication agreement with a publisher authors (or their institutions) retain copyright in their work
- Purpose: to ensure that the work can immediately be made open access
- Policy instrument
- Various methods have been developed over the past 20 years
(<https://docs.google.com/document/d/1ucmrAnkOSnZdnYBuZAiK2acih0dYyWz4HA9MYuxnJ4/edit>)

How to retain rights

- retaining sufficient rights
- legal precedence of a prior licence or agreed obligations

When submitting a manuscript, the author adds a statement:

- informing the publisher of the source of funding and the need to comply with an OA policy (funder / institutional / national);
- declaring that an open licence (preferably CC BY) will be applied to the submitted manuscript and to any Author's Accepted Manuscript (AAM) arising from the submission;
- once the manuscript is accepted, the author deposits the AAM in a repository e.g. an institutional repository, adding an open licence (preferably CC BY) to ensure that the manuscript is open access.

Alternative method: after manuscript acceptance, the author (or their institution) must ask for a modification to the publishing agreement retaining the rights needed to openly share and reuse the work.

Benefits of Rights Retention?

Rights retention enables authors (or their institutions) to:

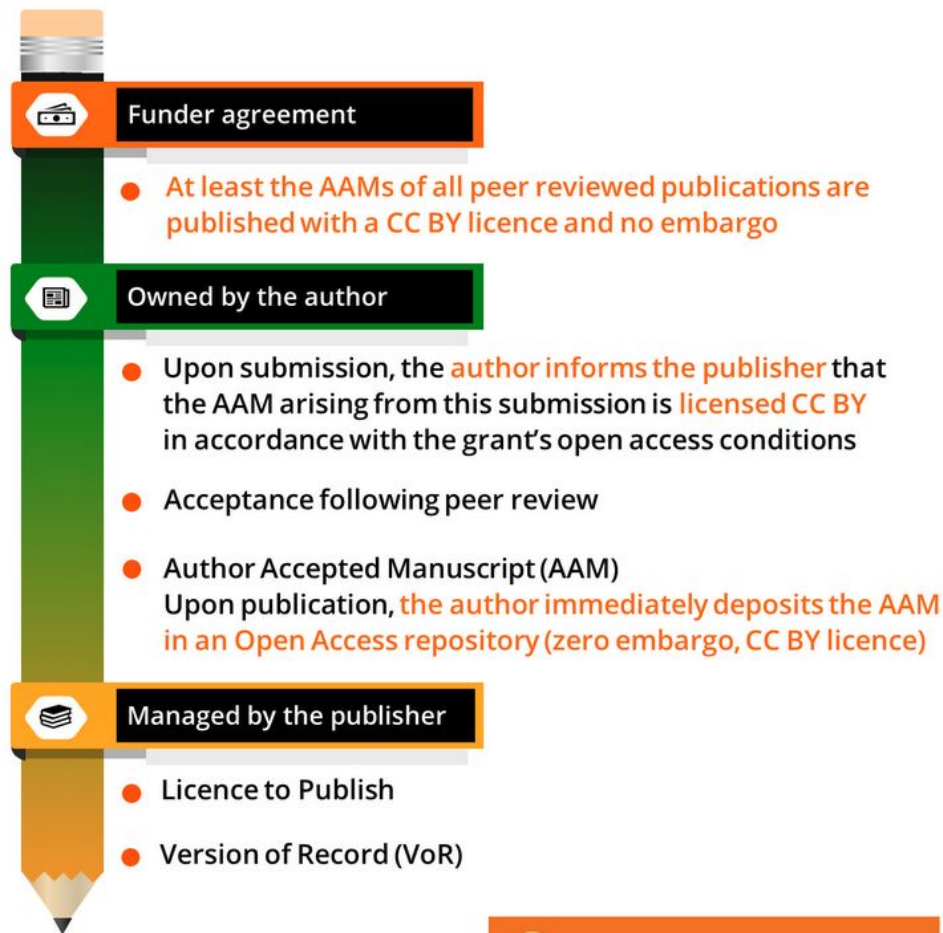
- take control of their copyright and share their work under an open licence;
- encourage further reuse and gain wide exposure for their work leading to increased citations and greater recognition;
- publish in journals recognized for tenure and promotion and still comply with institutional open access policies;
- comply with open access policies of major research funders, such as, World Health Organization, European Commission, Wellcome Trust, Bill & Melinda Gates Foundation.

Example: cOAlition S Rights Retention Strategy

- Authors who publish in subscription-based journals should retain SUFFICIENT rights to be able to immediately (no embargo) self-archive at least AAM under the CC BY licence.
- Exemption clause in the publishing agreement:

“[Insert publisher name] acknowledges that, notwithstanding any other terms or conditions in this agreement: Author Accepted Manuscript versions, which arise from submissions based on results from research funded fully or partially by cOAlition S Organisations, can be made freely available at the time of publication through any Open Access repository of the author’s choice;

the Author Accepted Manuscript can be shared under a CC BY or equivalent licence; CC BY-ND upon agreement by the cOAlition S Organisation).”



Informing the publisher (cOAlition S resources)

User guide



Pre-submission letter template



Submission cover letter template



Templates prepared by cOAlition S:
<https://www.coalition-s.org/resources/rights-retention-strategy/>

Example: Leeds Beckett University

Institution

- Policies adopted: [Open Research](#) and [Intellectual Property \(IP\)](#) policies
- The library created a list of publishers to contact based on the Scopus and OpenAlex data
- A letter was sent to publishers to inform them that rights retention was being introduced and that any articles submitted after the policy start date were eligible for the policy
- A list of [Publishers with prior notice of rights retention](#) is available. Researchers who want to publish with publishers not included in the list should contact the Research Services team, who will write to publishers and update the list.

Authors

- Add the rights retention language and the CC BY licence to their manuscripts at submission.
- Keep the rights retention language and the licence on all manuscript versions, throughout the review process.
- Make the Author Accepted Manuscript available in the institutional repository upon acceptance for publication.

<https://research.jiscinvolve.org/wp/2025/04/04/navigating-the-introduction-of-rights-retention-lessons-from-leeds-beckett-university/>

Challenges

- Publishers reject manuscripts with rights retention language.
- Publishers refuse to accept the institution's prior notification and require to be informed every time a manuscript that falls under rights retention is submitted.
- Publishers state that manuscripts with rights retention language won't be rejected but authors are not allowed to place their manuscripts under a Creative Commons license (they require authors to agree to this when signing the publishing agreement).
- Publishers require authors to agree, by signing the publishing agreement, that their publishing terms take precedence over any other terms, including institutional policies.

<https://www.coalition-s.org/blog/springer-nature-doublespeak/>

Institutional support: University of Edinburgh

“Many publishers have introduced restrictive publishing agreements which require embargo periods, and some publishers even assert that their licensing terms will supersede any other prior agreements. We dispute this and **if challenged the University will be able to bring a legal claim against the publisher as they have willingly procured a breach of contract against our pre-existing rights.**

For a claim of procuring a breach of contract to succeed it **must be shown that the defendant knew about the prior contract and intended to encourage another person to break it.** Our solicitors have prepared a sworn Affidavit confirming service on all the recipients which will be sufficient to confirm that all the named publishers were indeed advised of our position ahead of article publication and that they have subsequently asked an author to breach the terms of their employment contract by accepting a publishing licence.“

theo. 2022. '[Rights Retention Policy: An Update after 9 Months](#)'. Open Scholarship (blog). 14 October 2022.

Tate, D. (2022). Open Science Policies at the University of Edinburgh: Putting Policy into Practice. *Septentrio Conference Series*, (1).
<https://doi.org/10.7557/5.6759> + [Recording](#)

Research Publications & Copyright Policy (2021)



Purpose of Policy

This will allow University of Edinburgh researchers to make their journal articles and conference proceedings available on an open access basis as required by research funders under Plan S <https://www.coalition-s.org>.

Overview

Immediate Open Access to research outputs, with rights retention, is the direction of travel major researcher funders are taking. On 1 January 2021 the Wellcome Trust introduced its new Open Access policy which requires its grantees to immediately make their research outputs open access upon publication and to be openly licensed with a Creative Commons attribution licence (CC BY).

It is expected that the new UKRI open access policy, which is due to be announced shortly with a start date of 1 January 2022, will have similar elements of rights retention that allow their grantees to make their research outputs freely available by the official final publication date.

Furthermore, the recently announced Horizon Europe programme, which is world's largest multinational research and innovation programme, will require immediate open-access publishing for all recipients of Horizon Europe research grants. Authors must also retain intellectual-property rights for their papers.

The original Research Publications Policy was originally developed and implemented in January 2010, and has been revised in 2021 to bring it in line with research council strategies, policies, and practices.

Scope: Mandatory Policy

This policy applies to all staff on research contracts.

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Document control

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