

Retaining author's rights to enable open access to research outputs

Organized by the University of Latvia Library and EIFL



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Rights Retention (RR) and Secondary Publication Rights (SPR)

**Separate but complementary concepts
that co-exist in support of open science**

What is a Secondary Publication Right (SPR)?

- **Legislative measure** that enables publicly funded research to be made available in OA (under defined conditions)
- **Legal right of authors** (or their institutions) to make a work openly available after or in parallel to publication of a formal version
 - usually peer-reviewed Author's Accepted Manuscript (AAM) or final, typeset Version of Record (VoR)

A Secondary Publication Right means that authors (or their institutions)...

- **have the full backing of the law** when seeking to enforce their rights in support of open access;
- **can ensure that published, publicly funded work is openly available** and ideally reusable, even in the absence of an open access publishing agreement with the publisher;
- **can help increase the impact of published research** by guaranteeing wide dissemination and reuse.

“An effective tool for rebalancing the bargaining powers of authors and publishers, enhancing OA to scientific publications, and fostering national Open Science policies”.

Sganga, C., Margoni, T., Senftleben, M. *et al.* *IIC* (2025)

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Towards a European Research Freedom Act: A Proposal for an EU-Wide Secondary Publication Right

Article | [Open access](#) | Published: 22 July 2025

(2025) [Cite this article](#)



**[IIC – International Review of Intellectual
Property and Competition Law](#)**

A quarter of EU Member States have SPR in national law

Coming next –
a Europe-wide mandate?

2014: **Germany** – copyright law

2015: **Austria, Netherlands** – copyright

2016: **France** - law on science

2018: **Belgium** – law on economics

2023: **Bulgaria** – copyright law

2025: **Slovenia** – law on research and innovation

SPR in Bulgaria



Act to Amend and Supplement the Copyright and Related Rights Act, Decree No. 211 November 28, 2023

Article 60

(2) The author of a work of scientific literature created on the occasion of a research, funded in whole or in part by public funding, shall retain the right to make that work or parts thereof available to the public in educational or scientific repositories for non-commercial purposes after its acceptance for publication by a publisher, and shall be obliged to mention the publisher when doing so.

(3) Any arrangement which prevents or restricts what is provided for in para 2 shall be null and void.

(4) A publisher may not impose restrictions on the publication of a work of scientific literature solely on the grounds that it has already been published in an educational or scientific repository for a non-commercial purpose.

More information:

www.knowledgerights21.org/news-story/key-wins-on-knowledge-rights-21-priorities-in-bulgarias-implementation-of-the-digital-single-market-directive/

SPR in Slovenia



Scientific Research and Innovation Activity Act May 2025

- **Provides** legal basis for enabling OA and reuse of publicly funded research outputs
- **Qualifies** >50% co-funding with public resources
- **Applies** to publications and research data
- **Exercised** by author/researcher, their employer or the funder
- **Any contractual provisions** that prevent researchers from publishing in OA repositories are null and void
- **Strengthens** position of researchers to comply with rights retention obligations
- **Aligns** Slovenia's research strategy and policies with the principles of open science
- **Significant step** towards establishing an open research environment.

More information:

www.odipi.si/en/secondary-publishing-rights-adopted-into-slovenian-law/

SPR at European level

2021 European Research Area Policy Agenda (2022-2024)

- proposed EU legislative and regulatory framework for copyright and data 'fit for research
- undertook to examine SPR provisions enacted by Member States

2023 EU Council Conclusions on 'high-quality, open and equitable scholarly publishing'

- welcomed the introduction of SPR by MS in their national copyright laws
- encouraged increased knowledge among researchers of
 - consequences of transferring copyright from authors to publishers
 - importance of strategic management of IPRs in facilitating immediate and unrestricted open access to scientific publications.

SPR: an EU-wide approach



March 2024

Reduce fragmentation and encourage harmonization of national approaches to SPR

5 Policy Options for SPR

- Include broad range of scientific output (not only journal articles)
- Relax threshold requirement for public funding (50% or less)
- Expand scope to include Version of Record (essential for citation purposes)
- Minimize embargo periods (no embargo or only a short period)
- Allow all types of uses (restriction to specific forms of use, such as non-commercial purposes, seems outdated and overly restrictive)

SPR: an EU-wide approach

September 2025: Written answer by Commission to a question by MEPs (Italian, German, Belgian) on actions to harmonise SPR across Europe

Commission

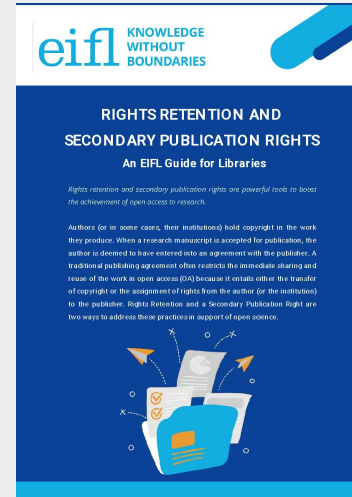
- acknowledged discussions on SPR
- referenced the studies
- gave no firm commitment on its intention to legislate

Start the discussion in Latvia!

EIFL resources

An EIFL Guide for Libraries on Rights Retention and Secondary Publication Rights

An EIFL Guide for Libraries

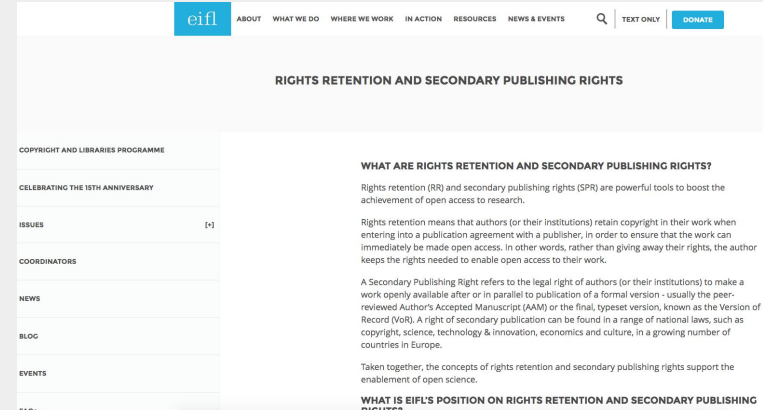


- Sets out principles and key benefits
- Explains how to achieve RR and SPR
- Contains useful resources
- Available as a pdf or online (with additional resources and FAQs)
- At:
www.eifl.net/resources/rights-retention-and-secondary-publication-rights-eifl-guide-libraries

EIFL resources

Issues page – EIFL-IP Programme page

Issues – EIFL-IP Programme



The screenshot shows the EIFL website's 'Issues' page. The top navigation bar includes the EIFL logo and links for 'ABOUT', 'WHAT WE DO', 'WHERE WE WORK', 'IN ACTION', 'RESOURCES', 'NEWS & EVENTS', a search icon, 'TEXT ONLY', and a 'DONATE' button. The main heading is 'RIGHTS RETENTION AND SECONDARY PUBLISHING RIGHTS'. On the left, a sidebar lists categories: 'COPYRIGHT AND LIBRARIES PROGRAMME', 'CELEBRATING THE 15TH ANNIVERSARY', 'ISSUES' (with a '+1' icon), 'COORDINATORS', 'NEWS', 'BLOG', and 'EVENTS'. The main content area is titled 'WHAT ARE RIGHTS RETENTION AND SECONDARY PUBLISHING RIGHTS?' and contains three paragraphs explaining the concepts of Rights Retention (RR) and Secondary Publishing Rights (SPR) in the context of open access research.

WHAT ARE RIGHTS RETENTION AND SECONDARY PUBLISHING RIGHTS?

Rights retention (RR) and secondary publishing rights (SPR) are powerful tools to boost the achievement of open access to research.

Rights retention means that authors (or their institutions) retain copyright in their work when entering into a publication agreement with a publisher. In order to ensure that the work can immediately be made open access. In other words, rather than giving away their rights, the author keeps the rights needed to enable open access to their work.

A Secondary Publishing Right refers to the legal right of authors (or their institutions) to make a work openly available after or in parallel to publication of a formal version - usually the peer-reviewed Author's Accepted Manuscript (AAM) or the final, typeset version, known as the Version of Record (VoR). A right of secondary publication can be found in a range of national laws, such as copyright, science, technology & innovation, economics and culture, in a growing number of countries in Europe.

Taken together, the concepts of rights retention and secondary publishing rights support the enablement of open science.

WHAT IS EIFL'S POSITION ON RIGHTS RETENTION AND SECONDARY PUBLISHING RIGHTS?

- What are Rights Retention and Secondary Publishing Rights?
- What is EIFL's position?
- Read more information
- At:
www.eifl.net/programme/copyright-and-libraries-programme/rights-retention-and-secondary-publishing-rights

EIFL resources

Model provision on SPR in copyright law

SPR can be implemented in a variety of ways in
different laws – this is a copyright example

EIFL Draft Law on Copyright (2025) Article 8



At:

www.eifl.net/resources/eifl-draft-law-copyright-including-model-exceptions-and-limitations-libraries-and-their

Thank you!

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