

Plan S and the Rights Retention Strategy

STM fully shares and supports the goals of expanding access to peer-reviewed works and is continuing to work across the research ecosystem (including with individual funders and cOAlition S) to make a more open scholarly communication system a reality. In order to achieve a successful transition, steps should be taken to avoid placing any limitations on academic freedoms and ensuring that a future OA landscape fully meets the needs of researchers whilst also remaining as the benchmark for quality and integrity. We continue to believe that cOAlition S falls short of this standard and will continue to argue that their approach is counterproductive and that specific aspects are unworkable. At the same time, we remain interested in working with cOAlition S where possible, and have pursued dialogue towards that end.

Background

On September 4, 2018 Science Europe launched [cOAlition S](#), a voluntary group of funders that commit to '[Plan S](#)', a set of 10 principles for “accelerating the transition to full and immediate Open Access to scientific publications.” It is important to note that this is not a government or policymaking authority, with no ability to bind signatory funders to any particular action. Any funder that wishes to implement its commitment will do so subject to its own authority and governance restrictions. To date, the degree to which each signatory has implemented differs, with some taking no steps thus far.

Current Status

Plan S officially came into effect in January 2021, although as noted above the implementation is happening on a funder-by-funder basis, with some cOAlition S funders indicating implementation dates of 2023 or later. STM continues to engage with the leadership of cOAlition S to make our concerns known, as well as to reach out to individual funders.

A particular concern for STM has been the requirements within Plan S for zero embargo access to Accepted Manuscripts, and for such access to be under a CC BY license. This has a serious potential to undermine support for Gold OA and to reduce the viability of subscription business models.

The main mechanism that cOAlitionS seeks to use to ensure immediate access with CC BY is their so-called *Rights Retention Strategy* (RRS), which requires the author to forego their own ability to negotiate their rights, rather than allowing them to retain them.

The Rights Retention Strategy proposes that cOAlitionS funders require funded authors to:

- (1) insist on “retaining” their copyrights subsisting in publications, and
- (2) simultaneously subject “Author Accepted Manuscripts” (term used by cOAlitionS) or “Versions of Record” to liberal licensing terms and conditions (CC BY) at the time of submission or acceptance of a manuscript for publication to a publisher. cOAlition S claims that this requirement will be ‘prior license’ and will take precedence over a later publishing agreement or copyright transfer agreement.

cOAlition S is recommending its funder members to change the language in their grant conditions and providing the example of Wellcome, as follows below.

Wellcome grant conditions: Open Access language

You hereby grant a CC BY Public Copyright Licence to all future Author Accepted Manuscripts (AAMs). If you allow others to own copyright in AAMs, you must ensure they grant such a licence.

All submissions of original research to peer-reviewed journals must contain the following statement:

“This research was funded in whole or in part by the Wellcome Trust [Grant number]. For the purpose of Open Access, the author has applied a CC BY public copyright licence to any Author Accepted Manuscript (AAM) version arising from this submission.”

Concerns

Publishers make significant investments in manuscripts in the period between submission and acceptance. The requirement for zero embargo on the Accepted Manuscript makes no recognition of these investments, and undermines the ability to provide for the quality and integrity of scholarly communication where direct funding is not possible. It also provides an immediate free substitute (of lesser quality) that eliminates the ability to charge for the services that publishers provide, whether via subscriptions or Article Processing Charges.

The wide availability of Accepted Manuscripts encouraged by the Rights Retention Strategy is counter to the publishers' goals and means of speeding up Open Access: it undermines the value of the Version of Record and Gold Open Access; it reduces the potential for transformative deals; it will stall the transition of hybrid journals to becoming Open Access journals; and it prevents other innovations toward sustainable Open Access business models. As such, the Rights Retention Strategy is not, in the long term or at scale, financially sustainable.

Indeed, hybrid journals are often the most appropriate mechanism to speed the transition to Open Access, where authors increasingly choose Open Access options. The ban on publication under Open Access in hybrid journals reduces the viability of hybrid models and will reduce the speed of transition to fully Open Access. The Plan S objective of immediate access to research funded by its members can easily be fulfilled without this requirement.

The wide availability of Accepted Manuscripts is also counter to the preference expressed by cOAlition S for the Version of Record, which is the foundation of the scientific record, and its associated codified mechanisms for corrections, retractions and data disclosure. The Rights Retention Strategy undermines the integrity of the VoR, rather than clarifying its primacy. Additionally, the confusion of multiple versions of the same article does not help clarity or trust, particularly if amendments are subsequently made to the Version of Record. Without a Version of Record, there is no “Accepted Manuscript”.

For authors, this will lead to less choice and reduce the availability of high-quality scholarly communication. A variety of licenses, including those promoted by Creative Commons and bespoke options, can ensure that the research in articles made Open Access is Findable, Accessible, Interoperable, and Reusable. In fact, when given the option, authors select other licenses by wide margins to preserve their rights in manuscripts. While Plan S suggests authors should retain copyright in their works, they undermine this principle when they insist on only one license to those rights in CC-BY. The Rights Retention Strategy poses a threat to long-standing academic freedoms and will equally not result in a more open and equitable scholarly ecosystem.

Overall, the current approach threatens long-term quality, integrity, and access in exchange for short-term gains.

A secondary aspect of the Rights Retention Strategy is that cOAlition S has developed an electronic tool – the ‘Journal Checker Tool’ providing information to authors about journals and publishers that do either support, enable or at least acquiesce to not object to authors complying with Rights Retention Strategy requirements. The tool is now released in version beta, and relies on multiple data sources, including the Directory of Open Access Journals (DOAJ), the ESAC Transformative Agreements Registry, CrossRef and a list of Transformative Journals compiled by cOAlition S.

cOAlitionS claims to have contacted about 150 main publishers who historically publish collectively the majority of publications in research funded by cOAlitionS members. The publishers contacted were invited to communicate whether and how they were going to implement the Rights Retention Strategy. Such information supposedly populates another data set that the Journal Checker Tool uses in its queries.

Concerns around the Journal Checker Tool are of multifaceted nature. First, the inaccuracy of the data which it is fed with and the challenges in keeping the tool updated risk leading to results delivered to authors that do not correctly represent the current reality. Second, where a publisher offers various paths to compliance under Plan S, e.g., providing options to publish in a transformative journal or under a transformative agreement, the option to self-archive a work through the Rights Retention Strategy is still presented, although having been described in several occasions as a fall-back option. Third, if a journal was identified as non-compliant and thus authors were turned away from it, the question would arise whether this amounts to a “blacklisting” practice.

Conclusion

STM has expressed the concerns outlined above in multiple occasions with representatives of cOAlition S and will continue to do so, including with individual funders and government officials. STM staff remains at disposal of STM publisher members, should there be any further doubts concerning developments or implications of the Rights Retention Strategy, or other Plan S related policies, they wish to obtain more information about.

STM contacts

Barbara Kalumenos, Director Public Affairs (Kalumenos@stm-assoc.org)

David Weinreich, Director Public Affairs Americas (Weinreich@stm-assoc.org)

Claudia Russo, Regional Manager Public Affairs EU (claudia@stm-assoc.org)