Retention of rights for researchers at universities of science & technology and beyond

Mattias Björnmalm, Secretary General of CESAER – the strong and united voice of universities of science and technology in Europe – 14 November 2023 webinar: ‘Harmonising Zero Embargo initiatives: Challenges in Europe and Beyond’
Association at a glance

We unite 58 leading research-intensive specialised and comprehensive universities of science and technology from 27 countries in Europe and beyond.

Founded in 1990 as a not-for-profit association and hosted by KU Leuven on its science and technology campus.

Over 1,400 volunteers and leaders from our Members are engaged in our association.

Acknowledged stakeholder organisation for European Research Area, European Education Area and European Strategy for Universities.
58 Members from 28 countries

58) New in 2023
CESAER position on rights retention
Governments

- Ongoing developments across Europe on copyright laws with open access amendments, such as the Dutch Taverne Amendment and similar efforts in Belgium, Germany, France
- We strongly encourage their further deployment.
- We call on the European Commission to propose EU legislation to give researchers the nonwaivable legal right to share publicly funded and peer-reviewed research findings without embargoes.

Governments

Objective

- Solve the problem ‘across the board’ by addressing at legal level

Challenge

- Legal amendments and new copyright laws take long time (e.g. new EU-level legislation take many years from conception to implementation)

Recalling our position paper “CESAER going towards Open Science” and “Roadmap towards Open Access”, the universities of science and technology united in CESAER are proponents for open science and open access to scientific publications. We support the transition towards making open science the modus operandi in Horizon Europe. We acknowledge the laudable efforts by cOAlition S - a group of national research funding organisations with the support of the European Commission and the European Research Council - to ensure immediate open access to scientific publications and we support Plan S. In line with our previous statements and our mission, aims and values, we herewith present our advanced position on open access in Horizon Europe.

RETENTION OF RIGHTS AND LICENSES

We support the principles behind Plan S stating that researchers (or their universities) should retain full rights to their scholarly works. For example, any ‘copyright transfer agreement’ where researchers and universities hand over their rights (for their scholarly work or their research data) must be avoided. The retention of rights by researchers and universities is vital as it enables the full utilisation of research outcomes in diverse efforts across all areas of research, education and innovation.

We further note the ongoing developments across Europe on copyright laws with open access amendments, such as the Dutch Taverne Amendment and similar efforts in Belgium, Germany, France and other countries. These developments help safeguard the rights of researchers and universities, and we therefore strongly encourage their further deployment. We call on the European Commission to propose EU legislation to give researchers the nonwaivable legal right to share publicly funded and peer-reviewed research findings without embargoes.

As an association, we have adopted a creative commons license (CC BY) as the default license for our own publications. We endorse the use of licenses for research outputs which are conformant with the principles laid out in the ‘Open Definition’. In short, any researcher who wishes to share the findings contained in their peer-reviewed articles must be able to do so without restrictions or embargoes. This is what publishing is about: to disseminate research findings.

Publishers

- All publishers must fully respect researchers' rights by providing clarity and transparency on Open Access

- We urge those publishers to reconsider their position and modernise, ensuring they play their part in providing fair and transparent conditions for authors.

- 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.

https://www.cesaer.org/news/all-publishers-must-provide-researchers-with-clarity-and-transparency-on-open-access-920/
Publishers

Objective

- Seamless transition for researchers

Challenge

- We are moving out of ‘awareness-raising phase’, publishers who are okay with researchers retaining rights have largely aligned already
- This avenue therefore largely ‘stuck’

Window of opportunity

- Recommendation 1: Enshrine a secondary publishing right at the European level to empower researchers

- “The time has now come to enshrine a secondary publishing right at the EU level through EU legislation”

- We provide our strongest support to the European Commission to swiftly come forward with a proposal to enshrine such a secondary publishing right in EU law

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Ensuring high-quality, transparent, open, trustworthy and equitable scholarly publishing

Position dated 3 May 2023

The leading universities of Science and Technology (S&T) united in CESAER welcome the focus at the European level to accelerate the transition to open science as the default mode in scholarly publishing. We further welcome the attention given by the Swedish Presidency of the Council of the EU towards ensuring an open and equitable scholarly publishing system and we provide our full support for ministers to adopt bold and ambitious conclusions in the Competitiveness Council.

Our association and our Members have a long track-record of boosting the open sharing of scientific knowledge including through institutional strategies on open access and research data management, and by supporting advancements at the (EU) policy level and modernisation together with scientific publishers.

To take these efforts to the next level, and to ensure high-quality, transparent, open, trustworthy and equitable scholarly publishing, we provide five key recommendations for action at the European level.

1) Enshrine a secondary publishing right at the European level to empower researchers

We reiterate our joint conviction, shared with the European University Association and Science Europe, that it is absolutely vital that “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”. We fully support the #ZeroEmbargo campaign.

Let us work together!

- Major policy shifts only happen when political and technical levels are aligned
- We have a unique opportunity now – let us make sure we seize it!
- Thank you to KR21, LIBER and all partners helping to push for this
- I call on you – all participants today – to lend your support, in whatever capacity you can!

Two take away messages

● CESAER calls on all publishers to fully respect researchers’ rights

>> Researchers who wish to deposit their author-accepted manuscript in a repository with an open license and without any embargo, must be able to do so.

● CESAER calls on the EU institutions to enshrine a secondary publishing right at the European level to empower researchers

>> We provide our strongest support to the European Commission to swiftly come forward with a proposal to enshrine a secondary publishing right in EU law.
- More information on our website cesaer.org
- My email is mattias.bjornmalm@cesaer.org
- Also on linkedin and twitter @bearore
Appendix
Universities and their researchers

“The rights belong to the author and they should remain there”

- Marco Tullney (Technische Informationsbibliothek and member of CESAER task force)

‘Particularly inspiring is the adoption by cOAlition S of a similar rights retention policy as espoused by initiatives like the UK Scholarly Communications Licence’

- Pablo De Castro (University of Strathclyde and member of CESAER task force)

Universities and their researchers

Objective

- Universities and their researchers can sort this themselves (does not depend on external players)

Challenges

- Resources (including staff hours) needed to engage and convince researches in technical discussions (e.g. Harvard OA policy adopted by faculty vote which implies need for copyright understanding in broader faculty)
- Potential legal issues (e.g. publisher disputing or taking legal action)