

# RIGHTS RETENTION AND SECONDARY PUBLISHING RIGHTS

## An EIFL Guide for Libraries

*Rights retention and secondary publishing rights are powerful tools to boost the achievement of open access to research.*

Authors (or in some cases, their institutions) hold copyright in the work they produce. When a research manuscript is accepted for publication, the author is deemed to have entered into an agreement with the publisher. A traditional publishing agreement often restricts the immediate sharing and reuse of the work in open access (OA) because it entails either the transfer of copyright or the assignment of rights from the author (or the institution) to the publisher. Rights Retention and a Secondary Publishing Right are two ways to address these practices in support of open science.



# What is Rights Retention?

Rights retention means that authors (or their institutions) retain copyright in their work when entering into a publishing 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 or their institution keeps the rights needed to enable open access to their work.

## 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.



## How to retain your rights



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 (see cOAlition S Template for a Pre-submission Letter to Journal/Publisher: <https://tinyurl.com/mr36sjvt>).



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.

## Take action!

- **Encourage your institution to adopt a policy on rights retention**, if it doesn't already have one (institutions can support authors by making publishers aware of institutional rights retention policies).
- **Raise awareness among researchers of rights retention policies**, encourage authors to retain their copyright and make open licensing the default option for sharing research outputs (some are unaware of their rights).
- **Network with other institutions to share expertise and experience** (some are unaware that researchers are giving away their copyright).
- **Advocate for legislative solutions to include rights retention in national open science and technology policies** (that provides legal backing to help researchers ensure their work is available in open access).



Some publishers don't accept rights retention notices or they may impose an embargo period on open access to the work.

Scan the QR code to learn more



# What is a Secondary Publishing Right?

A Secondary Publishing Right (SPR) 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 laws (e.g. copyright, science, technology & innovation, economics and culture) in a growing number of countries in Europe.

## A Secondary Publishing Right enables authors (or their institutions) to:

- **manage and enforce their rights in support of open access** with the full backing of the law;
- **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;
- **increase the impact of published research** by helping to guarantee wide dissemination and reuse through open access.

## How to make use of a Secondary Publishing Right



Find out if your national law provides for a secondary publishing right e.g. check the law on copyright, science and innovation, etc.



If it does, be aware of any conditions that might apply e.g. the minimum percentage of public funding required for a publication to be subject to SPR, embargo periods, type of scholarly works covered.



The author deposits the AAM or VoR in a repository in accordance with any conditions set out in the law.



To maximize open knowledge sharing, Secondary Publishing Rights should require immediate open access (zero embargo) and reuse (by means of an open licence) for all types of research outputs.

Scan the QR code  
to learn more



## Take action!

- **Learn more about national initiatives** related to Secondary Publishing Rights, <https://doi.org/10.5281/zenodo.8428315>
- **Raise awareness** of the challenges and opportunities of SPR.
- **Start working towards the adoption of zero embargo SPR legislation** in your country.

This document explains general principles and mechanisms with respect to SPR. For guidance on specific national laws and rules, check with a local legal professional.

## Learn more – Rights Retention

- SPARC Europe - Rights Retention Helper: <https://tinyurl.com/5x8tj942>
- cOAlition S - Rights Retention resources: <https://tinyurl.com/2u65n3kv>
- Knowledge Rights 21 - Knowledge Capsules (short videos): <https://tinyurl.com/2s3er663>
- Suber, Peter. Methods of Rights Retention: <https://bit.ly/MethodsRightsRetention>
- Suber, Peter (2022). "Publishing Without Exclusive Rights." The Journal of Electronic Publishing 25 (1). <https://doi.org/10.3998/jep.1869>
- Eglen, S. J. (2021). Primer on the Rights Retention Strategy (v0.23). Zenodo. <https://doi.org/10.5281/zenodo.4668132>

## Learn more – Secondary Publishing Rights

- LIBER - SPR resources: <https://tinyurl.com/mu4td38n>
- Knowledge Rights 21 - Secondary Publishing Rights in Europe: status, challenges & opportunities (2023): <https://doi.org/10.5281/zenodo.8428315>
- Knowledge Rights 21 - National Insights: <https://tinyurl.com/5n6uejkh>
- Knowledge Rights 21 - Knowledge Capsules (short videos): <https://tinyurl.com/2s3er663>

For a full list of resources go to:

<https://eifl.net/page/rights-retention-and-secondary-publishing-rights>

