

A researcher's guide to using the rights retention strategy (version 0.3)

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What is rights retention?

The internet has transformed the way that many researchers work. We can now rapidly share both digital research artefacts and computer programmes for processing the artefacts. This freedom to share our digital artefacts is exciting and is rapidly transforming many academic disciplines. A range of [copyright licences](#) now exist to allow researchers to both retain rights on their work whilst being able to also share their work. The use of standard licences, particularly the creative commons (CC) family, makes our jobs as academics relatively painless and robust. This ability to share our scholarly products is a key academic principle that hopefully most researchers will find natural and uncontroversial. Furthermore, most UK grant agencies require data management plans as a condition of funding to maximise the potential reuse of the research that they fund.

In parallel to this growth of open research, UK research councils and major funding bodies now require that our published research articles must be freely available without embargo under particular copyright licences (such as CC-BY). Journal publishers have responded to these requirements in various ways, e.g. by offering 'gold open access' routes, that often require payment of substantial article processing charges (APCs).

Funders also permit 'green open access' as a route to compliance with their rules. This is where the author makes their version of the manuscript (the peer-reviewed author accepted manuscript, AAM) freely available via an institutional repository or similar archive. Many publishers have previously allowed some form of self-archiving, but usually with constraints, e.g. imposition of an embargo period (between 6-24 months). These constraints contradict funders' requirements that prohibit any embargo period.

In response to these restrictive embargo periods, and to encourage open research, academic institutions and researchers have developed their own policies to permit sharing of their work. Perhaps the most well-known example of these is the policy led by [Harvard](#) faculty in 2008. Within the UK, proposals for a UK Scholarly Communications Licence [UK-SCL](#) have been created. Internationally, the "[rights retention strategy](#)" has been developed by a group of international funders, cOAlition S, to allow researchers to retain rights on their scholarly writing and thus meet the requirements of their funders.

This guide describes how authors can retain rights on their manuscripts using the rights retention strategy.

Why should authors retain their rights?

Authors should retain their rights so that it they, not a third party, retain control over uses of their own manuscripts. This includes when and to whom their manuscript can be disseminated, and means that researchers treat manuscripts in a similar fashion to other digital artefacts that they wish to share.

Another important reason why researchers might wish to retain their rights is to comply with funders' requirements. Ignoring funders' requirements could affect a researcher's chance of future funding. This might be seen by some researchers as simple rule-following with little benefit to themselves. However, work that is available open-access tends to be more highly cited than work that is only available behind a paywall (Langham-Putrow, Bakker, and Riegelman 2021). Open-access licences on work allows for rapid reuse by everyone in the community, including the researchers who originally created the material. This includes, but is not limited to books, talks, wikipedia and social media, for teaching and research.

In many professional disciplines, the creator of the work naturally maintains rights to their work. Many journal publishers state that they require exclusive rights to publish the work. This is simply not true (Suber 2022).

How to retain rights to your manuscripts

The process of retaining rights on your manuscripts is simple. Before submitting your work to a journal, add the following phrase to your manuscript e.g. in the Acknowledgements section:

For the purpose of open access, the author has applied a Creative Commons Attribution (CC BY) licence to any Author Accepted Manuscript version arising from this submission.

It is also a good idea to tell the editor, in your cover letter, that you wish to retain rights to any author-accepted manuscript resulting from your submission.

That's it. If your paper is accepted by the editor after peer-review, your author accepted manuscript can then be deposited in a suitable open repository under a CC-BY licence without embargo. You are then free to also share the manuscript however you choose. (Some disciplines may prefer other forms of creative commons licence that prevent e.g. commercial use; many funders allow this but it may require you to apply for an exemption.)

This approach is endorsed and recommended by major research funders, including the Wellcome Trust and all of the UK Research Councils.

What if things go wrong?

In the majority of cases, researchers to date have faced no issues when using the rights retention strategy to make their manuscripts freely available without embargo. However, there are several issues to be aware of:

1. A journal editor may decline reviewing ("desk reject") your manuscript because it uses rights retention language. Whilst unfortunate, each publisher is free to decline to review articles for many reasons. However, although many traditional publishers have voiced their concerns about rights retention https://ioppublishing.org/signatories_publish_statement_on_rights_retention_strategy/, those same publishers are allowing authors to exert their natural rights <https://github.com/rossmounce/rrs-language-including-outputs>.
2. One of the largest publishers, Springer Nature, noted in April 2021 that in some cases they will effectively ignore rights retention language in manuscripts <https://www.springernature.com/gp/advancing-discovery/blog/blogposts/continuing-the-open-access-transition/19045440> and require a transfer of copyright. This will create a conflict once the manuscript has been editorially accepted. Ignoring researcher rights on their work is highly unethical, and puts researchers in a

very difficult position. To avoid this stalemate, a researcher could seek confirmation from the editor that they can retain their rights before submitting their manuscript. A simpler approach would be to avoid that publisher.

3. If you publish your work in a subscription journal, as long as you make your AAM freely available without embargo, you do not need to pay the journal an APC. (The journal may still demand other charges, such as for colour figures in-print.) However, if you publish your work in an open-access journal, you may still need to pay an APC to have your work published. Often these costs are covered by institutional arrangements with the publisher.

The route to open access can occasionally be more complicated than it need be. If in doubt, researchers may seek local advice e.g. from library staff, when choosing which journal to submit their work to, and funding sources for any charges. The journal checker tool <https://journalcheckertool.org/> provides information about journal compliance with funders' OA policies, and provides simple options for you to follow.

Institutional support for rights retention

Researchers can and should use the rights retention strategy by themselves to ensure they retain some control of their own manuscripts, and to assist them with complying with funders' requirements for open access. To support their researchers, several UK institutions have already adopted rights retention policies that apply to their employees. These policies typically give the institution a non-exclusive right to archive author accepted manuscripts and make them available via their repository. The researcher gains an extra layer of institutional support in the (hopefully rare) case that a publisher raises a concern with rights retention language in the manuscript (i.e. an author wishing to retain rights that are rightfully theirs). Some universities have publicly stated their support for their researchers should any of their authors be challenged by a publisher. A list of current UK institutional policies is available at: <https://github.com/sje30/rrs/blob/main/ukinstitutions.csv> ; this list is expected to grow considerably during 2023 and 2024. However, even with an institutional policy supporting the researcher, it is pragmatic to still include the rights retention statement in your manuscript.

Closing comments

Adopting the rights retention language in manuscripts is a clear and simple step that all authors can take to maintain rights over their work. It has been adopted successfully in the last few years by many authors. Despite several publishers raising concerns with it in 2021, there has yet to be any major objection raised when researchers assert their natural rights. To further support researchers, UK institutions are adopting policies to allow their employees to share their author accepted manuscripts without embargo.

References

- Langham-Putrow, Allison, Caitlin Bakker, and Amy Riegelman. 2021. "Is the Open Access Citation Advantage Real? A Systematic Review of the Citation of Open Access and Subscription-Based Articles." *PLoS One* 16 (6): e0253129. <https://doi.org/10.1371/journal.pone.0253129>.
- Suber, Peter. 2022. "Publishing Without Exclusive Rights." *J. Electron. Publ.* 25 (1). <https://doi.org/10.3998/jep.1869>.

Changes

version 0.3

In this version I thank feedback from the several reviewers. I have implemented almost all of their suggestions. Of note:

1. The title has been changed.
2. A new opening paragraph has been added to highlight the benefits of open research, which in turn relies on licencing.
3. I have tightened the section 'What if things go wrong'?

In addition to these reviewer suggestions, I've added a brief closing comment.

and now spell-checked!