

Retenció de drets: mantingueu els vostres drets per avançar en la ciència oberta

Setmana Internacional de l'Accés Obert
Universitat Autònoma de Barcelona
23 d'octubre de 2023

Ignasi Labastida i Juan
CRAI, Universitat de Barcelona



Una mica d'història



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Universitat Autònoma de Barcelona
23 d'octubre 2023

Budapest, fa més de vint anys (1-2 desembre 2001)



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https://commons.wikimedia.org/wiki/File:Participants_at_Budapest_meeting,_December_1,_2001.jpeg

Budapest Open Access Initiative

Budapest Open Access Initiative

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Budapest Open Access Initiative

In response to the growing demand to make research free and available to anyone with a computer and an internet connection, a diverse coalition has issued [new guidelines](#) that could usher in huge advances in the sciences, medicine, and health.

The recommendations were developed by [leaders of the Open Access movement](#), which has worked for the past decade to provide the public with unrestricted, free access to scholarly research—much of which is publicly funded. Making the research publicly available to everyone—free of charge and without most copyright and licensing restrictions—will accelerate scientific research efforts and allow authors to reach a larger number of readers.

The recommendations are the result of a meeting organized by the Open Society Foundations to mark the [tenth anniversary](#) of [Budapest Open Access Initiative](#), which first defined Open Access. The recommendations include the development of Open Access policies in institutions of higher education and in funding agencies, the open licensing of scholarly works, the development of infrastructure such as Open Access repositories and creating standards of professional conduct for Open Access publishing. The recommendations also establish a new goal of achieving Open Access as the default method for distributing new peer-reviewed research in every field and in every country within ten years' time.

[Translations of the recommendations](#) have already been made in several languages, with more to follow.

For more on the recommendations, please see the [press release](#) as well as a [blog post](#) by Peter Suber which provides additional background on the Open Access movement.

<https://www.budapestopenaccessinitiative.org/>

Budapest Open Access Initiative

Una tradició antiga i una tecnologia nova han convergit per fer possible un bé públic sense precedents. La tradició antiga és la bona disposició amb què els científics i acadèmics publiquen els fruits de les investigacions en revistes científiques sense cobrar per fer-ho per tal que es puguin consultar i generin coneixement. La tecnologia nova és Internet. El bé públic que han fet possible és la distribució mundial electrònica de la literatura periòdica revisada per parells i el seu accés completament gratuït i sense restriccions, disponible per a tots els científics, acadèmics, professors, estudiants i qualsevol ment curiosa. El fet de suprimir les barreres d'accés a aquesta literatura ha d'accelerar la recerca, enriquir l'educació, propiciar que es pugui compartir amb els pobres allò que han après els rics i amb els rics allò que han après els pobres, fer que aquesta literatura esdevingui tan útil com sigui possible, i establir les bases per unir la humanitat en una conversa intel·lectual comuna i en l'exploració del coneixement.

La definició proposada a la BOAI

*Entenem per **accés obert** que estigui **disponible de manera gratuïta a Internet**, i que qualsevol usuari estigui **autoritzat a llegir, descarregar, copiar, distribuir, imprimir, buscar o afegir un enllaç al text complet d'aquests articles, rastrejar-los per a la indexació, incorporar-los com a dades en un programa informàtic o utilitzar-los per a qualsevol altre propòsit que sigui legal, sense barreres econòmiques, legals ni tècniques**, a part de les que són inseparables del mateix accés a Internet. L'única limitació quant a la reproducció i distribució i l'únic paper dels drets d'explotació en aquest àmbit hauria de ser donar als autors el **control sobre la integritat dels seus treballs i el dret de ser reconeguts i citats adequadament**.*

Les dues estratègies de Budapest



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23 d'octubre 2023

Les dues estratègies de Budapest

Autoarxiu: els investigadors necessiten eines i assistència per dipositar els articles revisats en revistes en arxiu oberts electrònics, una pràctica comunament anomenada autoarxiu

Revistes d'Accés Obert: Els investigadors necessiten els mitjans per llançar una nova generació de revistes i ajudar les actuals per fer la transició cap a l'accés obert... empraran els drets de propietat intel·lectual i altres eines per assegurar un accés lliure i permanent a tots els articles publicats. Com que el preu és una barrera, aquestes noves revistes no cobraran ni per subscripció ni per accedir-hi i cercaran altres mètodes per cobrir-ne les despeses. Hi ha alternatives per percebre fons, de fundacions i de governs que financen la recerca, d'universitats i de laboratoris que tenen investigadors, ... No cal afavorir una solució, cal cercar alternatives creatives.

L'evolució de les dues estratègies

| | | | |
|------------------|-------------|--------------------------|---------------------------|
| Accés Obert Verd | Repositoris | Sense cost per dipositar | (c) Editor Rarament CC |
|------------------|-------------|--------------------------|---------------------------|

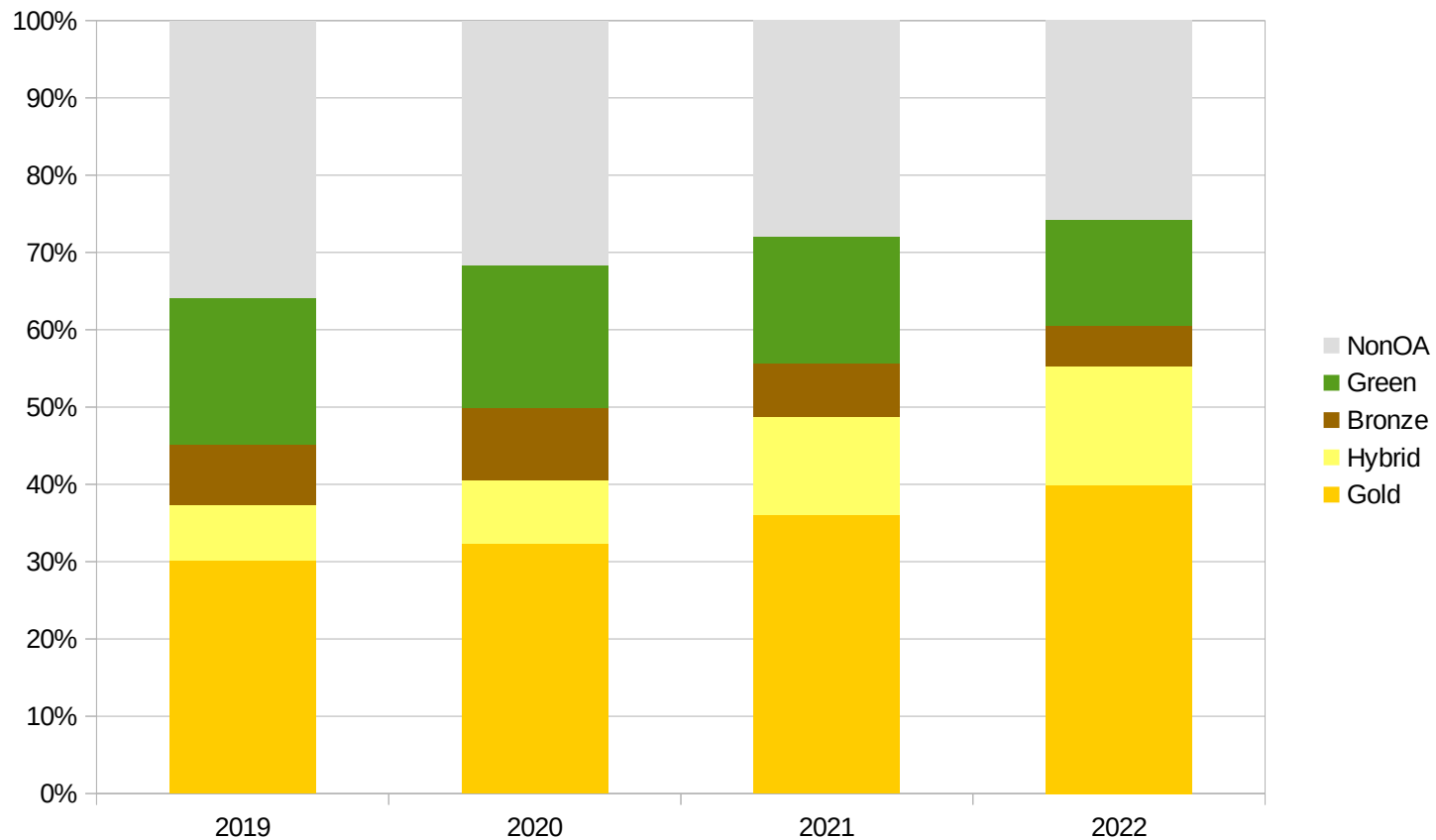
Revistes d'Accés Obert: Els investigadors necessiten els mitjans per llançar una nova generació de revistes i ajudar les actuals per fer la transició cap a l'accés obert... empraran els drets de propietat intel·lectual i altres eines per assegurar un accés lliure i permanent a tots els articles publicats. Com que el preu és una barrera, aquestes noves revistes no cobraran ni per subscripció ni per accedir-hi i cercaran altres mètodes per cobrir-ne les despeses. Hi ha alternatives per percebre fons, de fundacions i de governs que financen la recerca, d'universitats i de laboratoris que tenen investigadors, ... No cal afavorir una solució, cal cercar alternatives creatives.

L'evolució de les dues estratègies

| | | | |
|--------------------|------------------------|--------------------------|---------------------------|
| Accés Obert Verd | Repositoris | Sense cost per dipositar | (c) Editor Rarament CC |
| Accés Obert Daurat | Revistes d'Accés Obert | APC Fee | (c) Autors CC BY-xxx |
| | | Sense cost per publicar | |
| | Opció Híbrida | APC Fee | (c) Autors CC BY-xxx |

Els resultats

Percentatge d'accés obert en articles de revistes



Articles de revistes amb un autor UAB, dades extretes d'OpenAlex

L'opció de la via verda

Característiques de l'autoarxiu

Arxiu d'una còpia d'un article revisat per parells i publicat en una revista científica

Accés a versions revisades però no sempre a la versió final publicada

Accés públic però no sempre immediat

Restriccions en la reutilització: tots els drets reservats o llicències restrictives

L'origen de les limitacions de l'autoarxiu

Accepted
Version
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| ISSN | Journal Name | Embargo Period (months) |
|-----------|--|-------------------------|
| 0926-9851 | Journal of Applied Geophysics | 24 |
| 1570-8683 | Journal of Applied Logic | 24 |
| 0021-8928 | Journal of Applied Mathematics and Mechanics | 24 |
| 1665-6423 | Journal of Applied Research and Technology | 0 |
| 2211-3681 | Journal of Applied Research in Memory and Cognition | 24 |
| 2214-7861 | Journal of Applied Research on Medicinal and Aromatic Plants | 0 |
| 0021-9045 | Journal of Approximation Theory | 24 |
| 0305-4403 | Journal of Archaeological Science | 36 |
| 2352-409X | Journal of Archaeological Science: Reports | 24 |
| 0140-1963 | Journal of Arid Environments | 24 |
| 1880-4276 | Journal of Arrhythmia | 12 |
| 2214-9635 | Journal of Arthroscopy and Joint Surgery | 12 |
| 2187-0764 | Journal of Asian Ceramic Societies | 0 |
| 1367-9120 | Journal of Asian Earth Sciences | 24 |
| 1049-0078 | Journal of Asian Economics | 24 |
| 2287-884X | Journal of Asia-Pacific Biodiversity | 0 |
| 1226-8615 | Journal of Asia-Pacific Entomology | 12 |
| 1364-6826 | Journal of Atmospheric and Solar-Terrestrial Physics | 24 |
| 0896-8411 | Journal of Autoimmunity | 12 |
| 0378-4266 | Journal of Banking & Finance | 36 |
| 0005-7916 | Journal of Behavior Therapy and Experimental Psychiatry | 24 |
| 2007-0780 | Journal of Behavior, Health & Social Issues | 0 |
| 2214-8043 | Journal of Behavioral and Experimental Economics | 24 |
| 2214-6350 | Journal of Behavioral and Experimental Finance | 24 |
| 0021-9290 | Journal of Biomechanics | 12 |
| 1532-0464 | Journal of Biomedical Informatics | 12 |
| 1674-8301 | Journal of Biomedical Research | 12 |
| 1672-6529 | Journal of Bionic Engineering | 24 |
| 1389-1723 | Journal of Bioscience and Bioengineering | 12 |
| 0168-1656 | Journal of Biotechnology | 12 |
| 1360-8592 | Journal of Bodywork and Movement Therapies | 12 |

Exemples de les condicions de les revistes

| Journal | Publisher | Embargo Period | Allowed version Copyright |
|---------------------------------------|----------------------------|----------------|-------------------------------------|
| Science of The Total Environment | Elsevier | 24 months | Accepted CC BYNCND © Elsevier |
| Experimental Agriculture | Cambridge University Press | 6 months | Accepted © Authors |
| Landscape Ecology | Springer Nature | 12 months | Accepted © Springer Nature |
| Paleoceanography and Paleoclimatology | Wiley | 6 months | Published © AGU |

Com superar aquestes limitacions?

Canvis des dels finançadors



La proposta de la cOAlició S

Plan S & Rights Retention

#RetainYourRights

www.coalition-s.org/rights-retention-strategy

Helping researchers
retain their rights
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La seva implementació

Where possible, cOAlition S members will ensure by way of **funding contracts or agreements** that the **authors** or their **institutions retain copyright** as well as the **rights that are necessary** to make a version (either the VoR, the AAM or both) **immediately available** under an **open license**. To this end, cOAlition S will develop or adopt a model '**License to Publish**' for their grantees.

El requeriment d'Horizon Europe

The **beneficiaries** must ensure **open access** to peer-reviewed **scientific publications** relating to their results. In particular, they must ensure that:

- **at the latest at the time of publication**, a machine-readable electronic copy of the **published version** or the **final peer-reviewed manuscript accepted** for publication, is deposited in a **trusted repository** for scientific publications
- **immediate open access** is provided to the deposited publication via the repository, under the latest available version of the Creative Commons Attribution International Public Licence (**CC BY**) or a licence with equivalent rights; for monographs and other **long-text formats**, the licence **may exclude commercial uses and derivative works** (e.g. CC BY-NC, CC BY-ND) and
- information is given via the repository about any research output or any other tools and instruments needed to validate the conclusions of the scientific publication.

Beneficiaries (or authors) must retain sufficient intellectual property rights to comply with the open access requirements.

https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/horizon/agr-contr/unit-mga_he_en.pdf

La llei 14/2011 (Llei de la Ciència estatal)

El personal de investigación del sector público o cuya actividad investigadora esté financiada mayoritariamente con fondos públicos y que opte por diseminar sus resultados de investigación en publicaciones científicas, deberá **depositar una copia de la versión final aceptada** para publicación y los datos asociados a las mismas en **repositorios institucionales** o temáticos de acceso abierto, de forma **simultánea a la fecha de publicación**.

Los **beneficiarios de proyectos de investigación, desarrollo o innovación financiados mayoritariamente con fondos públicos** deberán cumplir en todo momento con las **obligaciones de acceso abierto dispuestas en las bases o los acuerdos de subvención** de las convocatorias correspondientes. Los beneficiarios de ayudas y subvenciones públicas **se asegurarán de que conservan los derechos de propiedad intelectual necesarios** para dar cumplimiento a los requisitos de acceso abierto

<https://www.boe.es/buscar/act.php?lang=ca&id=BOE-A-2011-9617>

La resposta dels editors

Carta de STM, 3 de febrer de 2021

Each of the undersigned publishers and societies have long been **committed to Open Research and the broadening of Open Access options for researchers**. They offer a wide variety of paths to Open Access, including Open Access journals, hybrid journal options, article self-archiving, and transformative (including Read & Publish) deals. The signatories to this statement are **innovating and experimenting with flexible and sustainable mechanisms for authors** to make their works as widely available as possible, whilst maintaining the highest standards of quality and integrity, discoverability and usability.

The undersigned **share with cOAlition S the goal to expand Open Research** and are committed to supporting cOAlition S-funded researchers through the various paths provided for Open Access. However, we are **unable to support** one route to compliance offered by Plan S, the “**Rights Retention Strategy**”, in its current form. The Rights Retention Strategy provides a **challenge to the vital income** that is necessary to fund the resources, time, and effort to provide not only the many checks, corrections, and editorial inputs required but also **the management and support of a rigorous peer review process**, a process that is of fundamental value and is essential to the verification of results.

Carta de STM, 3 de febrer de 2021

The Rights Retention Strategy ignores long-standing **academic freedoms** and will work against the shared objective of a more **open and equitable scholarly ecosystem**. It provides an immediate free substitute that **eliminates the ability to charge for the services** that publishers provide, whether via subscriptions or Article Publishing Charges. As such, the Rights Retention Strategy **is not financially sustainable and undermines potential support for open access journals**. Additionally, it will **undermine the integrity of the Version of Record**, which is the foundation of the scientific record, and its associated codified mechanisms for corrections, retractions and data disclosure.

While **many publishers**, including some of the undersigned, **are able to provide options** that allow authors to post **versions of articles to repositories with broad reuse license**, to be sustainable this is a decision that needs to be **applied at the level of individual journals**, not through blanket policies. The signatory publishers therefore oppose the approach of the Rights Retention Strategy in its current form and **urge authors to consult with their journals of choice as to what is allowed**.

The undersigned publishers pledge to do everything possible to **support the research community** and the **right to communicate** research results **in the venue that each researcher will find most relevant** for their work. **Our commitment to broadening Open Access is a sincere one**, but it must ensure that the vital process of verification and trust in science is maintained to a high standard.

Altres reaccions

Karger approves authors, independently and without Karger's action, **to make their AAMs openly available** in PMC or another **repository** under a **CC BY license upon publication** of the Version of Record (VOR, i.e post-production, final article version).

You may use or deposit **a copy of the version of your article** incorporating changes made during peer review (the “**Accepted Manuscript**”) to a free public institutional or subject **repository, immediately after first publication** in the Journal and make this available **under a CC-BY licence**. Such copy must include the following notice: © [name of Author(s), year]. The definitive peer reviewed, edited version of this article is published in [name of Journal, volume, issue, year, DOI] (*Microbiology Society*)

In relation to the **Accepted Author Manuscript** only, you are free to: **post it** on your personal or institutional web site and **load it onto your institutional** or subject **repository once accepted for publication**; use it in compilations of your work subsequent to publication of the Definitive Published Version of the article, expand the article into book-length form, and/or otherwise re-use portions of the Accepted Author Manuscript of the article in other works. you are also free to present the article at a meeting or conference and to disseminate copies of such article to the delegates attending such meeting or conference and/or to use the Accepted Author Manuscript in a thesis or dissertation. **A licence of CC-BY may be applied to the Accepted Author Manuscript**, as required by some funders. (*The Royal Society*)

Com actuar

Justificació de la retenció

Hi ha una obligació prèvia o una llicència prèvia

El finançador estableix uns requeriments i/o els autors apliquen una llicència abans de signar cap acord de publicació amb un editor

“This research was funded, in whole or in part, by [Organisation name, Grant #]. A CC-BY public copyright licence has been applied by the authors to the present document and will be applied to all subsequent versions up to the Author Accepted Manuscript arising from this submission, in accordance with the grant’s open access conditions.”

“Aquesta recerca ha estat finançada, totalment o parcialment, per [Institució, projecte]. Amb la finalitat d’oferir-lo en accés obert, els autors han aplicat una llicència CC-BY a aquest document i qualsevol versió posterior fins al manuscrit de l’autor que s’accepti per publicar fruit d’aquest lliurament inicial.”

Reforçar l'estratègia: la política institucional

Política institucional de retenció de drets

Una política institucional de retenció de drets es pot definir de la manera següent:

An expressed position setting out the practice of retaining sufficient rights for academic works produced by an institutions' researchers to make the work openly accessible and reusable immediately.

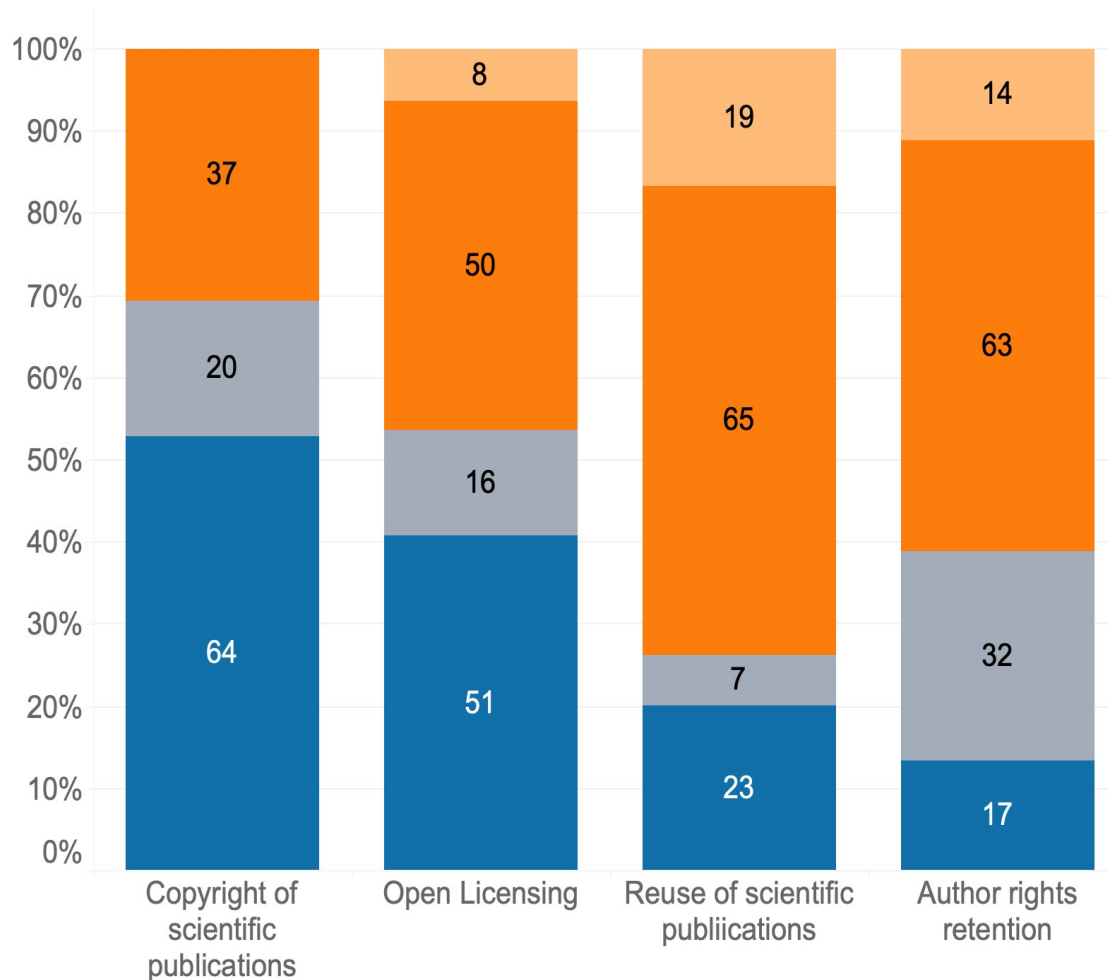
Una posició expressa que estableix la pràctica de conservar els drets suficients per a les obres acadèmiques produïdes pels investigadors d'una institució per fer-les accessibles obertament i reutilitzables immediatament.

Opening Knowledge: Retaining Rights and Open Licensing in Europe
<https://doi.org/10.5281/zenodo.8084051>

Polítiques institucionals de retenció de drets

| | Harvard | Edinburgh | Tromsø |
|---|--|--|---|
| Policy title | Open Access | Research Publications & Copyright policy | Principles for Open Access to academic publications |
| Mandate or guidance | Mandate | Mandate | Mandate |
| Content covered | Journal articles | Journal articles; encouraged for all scholarly outputs | Journal articles; encouraged for all scholarly outputs |
| Authors covered | Faculty only | Academic staff | Employees and students |
| Opt-in or opt-out | Opt-out | Opt-out | Opt-out |
| Process of engagement / approval from faculty | Non-exclusive license granted to institution in writing by faculty, granted back to author | Employment contract requires assignment of non-exclusive license to institution; | UiT given permission to make their academic works available; Rector has the legal responsibility for interpreting this policy, resolving disputes about its Interpretation. |
| Formal communication with publishers | N/a | - Letter from institution notifying publishers of prior license - Insertion of language by authors in manuscripts recommended | Policy itself provides notification to publishers |
| Article type | VoR or AAM | VoR or AAM | VoR or AAM |
| Specified mechanisms | Institutional repository - DASH (Digital Access to Scholarship at Harvard) | Institutional repository | Institutional repository - Munin |
| Licence applied | Non-exclusive licence for a non-commercial reuse | CC BY | Creative Commons license |

Polítiques institucionals de retenció de drets



Does your organisation have a policy or policies which cover the following areas? n=131

Resultat de l'enquesta del projecte RETAIN

Don't know
No
In development
Yes

Polítiques institucionals al Regne Unit



<https://sje30.github.io/rrs/rrs.html>

Característiques de les polítiques institucionals

| | |
|---|---|
| Type of policy | Specifically: <ul style="list-style-type: none">• Mandate, recommendation or guidance• Open Access policy, Copyright policy, Intellectual Property, Publications, Scholarly Output, or one of the many other alternatives |
| Content covered | <ul style="list-style-type: none">• Journal articles, all written scholarly output, or all outputs from research• All outputs, or only results of research funded by a funder requiring right retention |
| Authors covered | Employed faculty only or extended to non-faculty |
| Opt-in or opt-out | Whether researchers are included in the policy by default, or have a choice to follow its requirements |
| Process for approval | The variety of decision-making bodies and faculty approval mechanisms |
| Legal basis for policy | Including but not limited to <ul style="list-style-type: none">• <i>Rights assignment</i> to the institution or the author• <i>Method of communication</i> via inclusion of text in scholarly outputs, alternative formal communication to publishers, neither or both |
| Version | Author Accepted Manuscript, either the Author Accepted Manuscript or Version of Record, or unspecified |
| Specified processes involved in implementation | Including but not limited to: <ul style="list-style-type: none">• Deposit of output in an institutional repository• Application of specific licence types• Responsibility of for different elements |

Recomanacions del projecte RETAIN

- Cercar expertesa legal per assegurar la retenció dels drets apropiats per part de la institució i els autors en el marc de la legislació de propietat intel·lectual aplicable
- Considerar com fer efectius els models d'accés obert i fer que prevalguin
- Dissenyar estratègies per assegurar-se l'aprovació i la implicació del personal investigador en el desenvolupament de polítiques, la conscienciació i la formació
- Oferir recursos per donar suport als investigadors a qui demanen la retenció de drets. Com a mínim oferir unes pautes d'actuació però idealment aconsellant i participant en les negociacions amb els editors
- Treballar amb les xarxes institucionals per millorar l'expertesa i la formació
- Compartir polítiques i estratègies a nivell local, nacional i internacional

Opening Knowledge: Retaining Rights and Open Licensing in Europe
<https://doi.org/10.5281/zenodo.8084051>

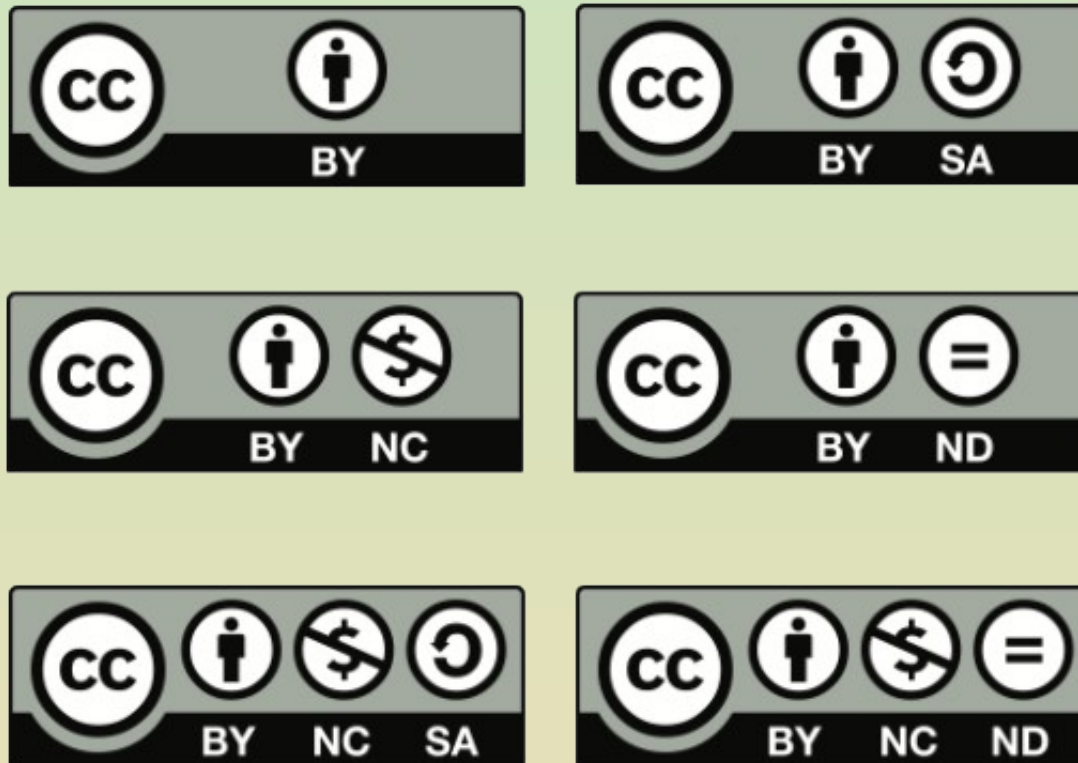
La via daurada i la retenció de drets

Una contribució d'accés obert

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Conclusió

Algunes reflexions finals

La retenció de drets és una estratègia més per assolir l'accés obert a totes les publicacions

Principalment afecta a les publicacions d'accés restringit però també a les d'accés obert

Les institucions hauríem de donar suport als investigadors a l'hora de complir amb els requeriments de les agències de finançament

Qualsevol política de retenció de drets s'ha d'adaptar a la legislació local

Cal incloure a tots els agents implicats en la creació i aplicació d'una política de retenció de drets

La retenció de drets es pot incloure en una política institucional més àmplia

Gràcies

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