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Open Access: An Analysis of Publisher Copyright and Licensing Policies in Europe, 2020

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Open Access: An Analysis of Publisher Copyright and Licensing Policies in Europe, 2020

September 2020



Open Access: An Analysis of Publisher Copyright and Licensing Policies in Europe, 2020

**“Open Access: An Analysis of Publisher
Copyright and Licensing Policies in Europe,
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1. Introduction

Over the past decade, Europe has seen a significant growth in activity to establish and advance Open Access (OA) policies, this includes the relatively recent formation of the funder coalition, cOAlition S, and its Plan S that is calling for immediate OA. However, to date, a lack of clarity has existed around our understanding of the extent to which publishers are responding to the OA policies of governments, funders and institutions to enable researchers to openly access and share their journal articles. From the outset, copyright has been a key challenge to OA; to ensure the widest possible reach of research through OA, widespread change is necessary. This report seeks to shed light on the extent to which publisher copyright, rights retention, self-archiving and open licensing policies, at this point in time, support this change.

This report presents the results of a research study that was completed in the Summer of 2020 to explore copyright and licensing practices amongst the most prominent journal publishers in Europe and amongst European DOAJ journals. The study investigates copyright retention policy amongst publishers, self-archiving policies and records publisher policies on open licensing, also as relating to the Plan S requirements on rights and licensing. It should be understood as a snapshot in time informing on the current policy status. Whilst making concrete recommendations to far better enable immediate OA based on these findings, it also reports on instances where publisher policy changes are in the planning phase. This study seeks to provide policy development guidance to funders, institutions, publishers and their authors for positive change towards immediate OA.

The report begins by providing background information and context for the study, including definitions of terms used. This is followed by the study's research questions and the methodology used to address them. The findings are organised in two sections: the first, an analysis of 10 large journal publisher policies, and the second, an analysis of the copyright and open licensing policies of all European OA journals listed in the Directory of Open Access Journals (DOAJ).¹ The report then considers all findings in light of the Plan S copyright & licensing requirements and the overall readiness of scholarly journal publishers to meet them.² The final section of the report provides a set of recommendations for relevant stakeholders based on the analysis of the findings.

¹ Directory of Open Access Journals (DOAJ): <https://doaj.org/>

² Plan S Principles and Implementation: Accessed at <https://www.coalition-s.org/addendum-to-the-coalition-s-guidance-on-the-implementation-of-plan-s/principles-and-implementation/> accessed 13 June 2020

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The initial research design and first draft of this report was completed by Brigitte Vezina, at the time Policy Adviser to SPARC Europe. The report was written by Chris Morrison and Jane Secker who updated the research, collected additional data and drafted the findings. The recommendations and conclusion were completed by Ignasi Labastida i Juan and Vanessa Proudman.

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2. Background

The following section describes the key concepts and policy areas.

Copyright and copyright holders

Copyright is a type of intellectual property right which provides the creators of certain original, creative works with a set of exclusive rights. The most relevant exclusive rights in relation to scholarly works are the right to copy (reproduction), publish or distribute (issuing physical copies to the public) and to share online (communication to the public by means of electronic transmission).³ Academic journal articles usually qualify for copyright protection where the content (text and images such as figures, charts and diagrams) is suitably original. Copyright does not legally last in perpetuity.

Academic researchers, as the authors of scholarly works such as journal articles, are generally the first holders of copyright in their research outputs. However, in certain cases a researcher's employer (e.g. a university) may claim copyright in those works as part of their contract of employment. In those cases, the research institution which employs the researcher is the copyright holder. Only the copyright holder can assign or grant rights to others. When rights are assigned the copyright holder changes while when rights are granted by way of a licence the copyright holder remains. When authors make non-exclusive agreements to allow others to reuse a work, they are granting rights and remaining copyright holders

In many cases funding agreements, such as those with commercial partners, include clauses stating which party owns the intellectual property that arises from the research. These clauses are primarily intended to cover inventions which are typically protected by patents. However, they also intended to ensure institutions retain the copyright in research outputs with specific applications, such as toolkits and software, rather than journal articles.

Assignment and granting copyright

Traditionally, academic publishers require the author (or other copyright holder) to transfer the copyright in the work to allow the publisher to reproduce, publish, distribute and archive the article in print and electronic form. Publishers also request that the author transfers copyright ownership in order that the publisher can defend against improper use of the article. While there is no legal requirement to transfer copyright to publish and distribute a journal article this has long been standard practice by academic publishers.

³ As this study focuses on European academic publishing it uses terms from EU legislation which have been harmonised across Member States particularly in certain areas such as the rights of economic exploitation. Other areas have not (e.g. moral rights) or only to a lesser extent (e.g. exceptions) been harmonised. Certain key concepts relating to copyright such as certain requirements for protection, certain subject matter, exclusive rights and transfer of those exclusive rights receive a more or less similar treatment following international agreements such as the Berne Convention for the Protection of Literary and Artistic Works and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement, although national differences still exist.

The traditional contractual model for copyright transfer in subscription journals is an **assignment**. The author assigns his/her copyright in a work to a publisher or learned society. Through an assignment, the author transfers all the rights in his/her work to the publisher, who then becomes the copyright holder. The author no longer holds the copyright in the work and is generally not allowed to license it to others, save with the permission of the publisher or in accordance with the signed or agreed transfer document. In effect, authors can no longer reuse the work freely and need to get authorisation from the new copyright holder to share this work or re-use it. An alternative to assigning copyright is that the author grants a non-exclusive licence to publishers to publish; a practice which is gaining momentum.

Alternatively, an author may retain copyright but sign a **licence** agreement with a publisher to grant a limited permission to the publisher to perform certain acts in relation to the work. Typically, the author will agree that the publisher has the right to publish and distribute the work, but in this case the author holds or retains copyright. Licences can be exclusive or non-exclusive. Exclusive licences grant permission to one publisher exclusively, i.e. the author may not enter into licences with other parties. If an author signs an exclusive licence, they generally no longer hold the publishing rights to their work which, in practice often has the same effect as an assignment of copyright in that the author can no longer exercise their right to copy, re-use or disseminate their work. Non-exclusive licences, however, allow the author to share and reuse their work. Therefore, a non-exclusive licence allows an author to retain the publishing and exploitation rights to their work like reproduction, distribution and public communication. Non-exclusive licences also provide publishers with all the rights required to publish articles in their journals, although some publishers state that they require exclusivity for practical and commercial reasons.

An end-user licence is applied to published journal articles to indicate what users can or cannot do with the article, i.e. whether they may access, share, use, and re-use freely. It is entered into by the copyright holder and any potential end-user of the work, e.g. other researchers. The use of “open” licences primarily applies to allow others to seamlessly access, copy and re-use research articles and therefore increases access to and exchange of knowledge and information and researcher visibility and impact.

Types of Open Access

The OA community uses a number of specific terms, sometimes used in different ways by different stakeholders. For clarity, the terms Green and Gold OA used in this report are defined according to Stevan Harnad:

“The OA movement uses the term *gold OA* for OA delivered by journals, regardless of the journal’s business model, and *green OA* for OA delivered by repositories. *Self-archiving* is the practice of depositing one’s own work in an OA repository.”⁴

4 Steve Harnad quoted in Suber, Peter. (2013) *Open Access*. MIT Press: Cambridge MA. p.53

Sometimes Gold OA involves the payment of **Article Processing Charges (APC)**, which covers the publication costs of the journal and allow immediate access to the article. APC costs often vary by title, and some institutions and research funders across Europe have made limited funds available to cover the cost of such charges. This model is not only used by full Open Access journals. Many journals continue to charge subscriptions for access to their content and make only those articles where the APC has been paid available openly. These journals are known as ‘hybrid OA’ journals. This means that the journal can have a combination of open and ‘closed’ access articles.

There are many journals that follow the Gold OA model without requiring authors to pay an APC. There is no cost to authors who are published in such journals nor is there a charge for readers to access articles, with the costs of operating the journal covered elsewhere. In line with Harnad’s definition above, this study uses the term ‘non-APC Gold OA’ to describe this model, instead of other terms like ‘platinum’ or ‘diamond’.

According to the Berlin Declaration, an Open Access contribution needs to be subject to a licence granting all readers the needed rights to reuse such a contribution without copyright barriers.⁵ The set of licences provided by **Creative Commons** is widely used on OA publications to clarify the end-user conditions and to encourage the sharing of scholarly content OA although it should be noted that the NoDerivative (ND) and NonCommercial (NC) options do not fulfil the requirements of the open definition <https://opendefinition.org/>⁶ Creative Commons provides a licensing scheme that allows authors to license their works so that others may re-use them without having to contact the copyright holder for permission. Creative Commons sets out standard terms governing the use of an author’s work by others. Authors can only add a Creative Commons licence to a work in which they hold the copyright, i.e. they cannot apply a Creative Commons licence on an article for which they have assigned copyright to a publisher unless the publisher agrees to this.

Meanwhile, Green OA or self-archiving is another OA path followed by authors when they make a version of the article available via a repository. Here, authors make their articles freely available and self-archive their articles in an institutional or subject-based repository. Note that if the author has assigned copyright (and has not already applied an open licence to their work prior to the assignment), the author needs permission from the new copyright holder, usually the publisher, to do so. While many publishers allow self-archiving, public access to that article is frequently delayed by the publisher for a period of time (e.g. twelve months), known as embargo period. This delay is a publisher requirement and not an author choice. Publishers frequently specify that the ‘Author accepted manuscript’ (or ‘AAM’ - the post-peer review, manuscript which is submitted to the publisher) is the version allowed to be archived rather than the ‘Version of Record’ (or ‘VoR’ – the final typeset, published version). Note also that frequently open licences are not applied

⁵ Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities
<https://openaccess.mpg.de/Berlin-Declaration>

⁶ Creative Commons, Share your Work: <https://creativecommons.org/share-your-work/>

to Green OA and that publishers may put restrictions on which licences are allowed, if any.

Plan S copyright and licensing requirements

In 2018, a group of funders – cOAlition S – established a set of 10 principles – Plan S – to help make full and immediate OA a reality.^{7,8} Plan S specifies a number of requirements for grantees in receipt of funding or partial funding from a cOAlition organisation in relation to copyright and licensing that are relevant to this study.⁹ These include:

- Authors or their institutions retain copyright to their publications.
- All publications must be published under an open licence, Plan S requires the Creative Commons Attribution license (CC BY), accepts CC BY-SA and CC0.^{10 11}
¹² CC BY-ND may be agreed by the funder when explicitly requested and justified by the grantee.

In addition, all scholarly articles that result from research funded by members of cOAlition S must be openly available immediately upon publication without any embargo period.

The Plan S requirements were further strengthened in July 2020 in a strategy for rights retention which supports funded researchers to publish in the journal of their choice, including subscription/hybrid OA journals. It was established to ensure that all cOAlition S funded journal articles can be immediately made OA. Funders commit to changing their grant agreements to require that a Creative Commons Attribution licence (CC BY) is applied to all Author Accepted Manuscripts (AAMs) or Versions of Record (VoR). This enables immediate OA for authors through the self-archiving option. cOAlition S research funders are encouraging publishers to modify their existing publishing agreements accordingly.¹³

⁷ cOAlition S: <https://www.coalition-s.org/> (accessed on 13th June 2020)

⁸ Plan S principles: https://www.coalition-s.org/plan_s_principles/ (accessed on 13th June 2020)

⁹ Plan S Principles and Implementation. Available at: <https://www.coalition-s.org/addendum-to-the-coalition-s-guidance-on-the-implementation-of-plan-s/principles-and-implementation/> (accessed on 13th June 2020)

¹⁰ About the licenses, Creative Commons: <https://creativecommons.org/about/ccllicenses/>

¹¹ CC BY-SA: <https://creativecommons.org/licenses/by-sa/2.0/>

¹² CC0: <https://creativecommons.org/publicdomain/zero/1.0/>

¹³ cOAlition S develops rights retention strategy to safeguard researchers' intellectual ownership rights and suppress unreasonable embargo periods: <https://www.coalition-s.org/coalition-s-develops-rights-retention-strategy/> (accessed on 15 July 2020)

3. Research Questions and Methodology

This research was commissioned by SPARC Europe.

3.1 Research Aims

The research had the following broad aims:

- To identify the copyright and licensing policies of academic publishers in relation to both OA and non-OA journal publications and to analyse how these are presented to academic authors
- To document the complexity of the journal publishing landscape for authors and to record publisher policy related to open licensing
- To explore how ready publishers are to meet the Plan S requirements for rights and licensing.
- To provide a series of recommendations for funder, institutional and publisher policy makers, and authors with a view to simplify and align policy that promotes immediate OA.

3.2 Research Questions

The research sought to answer the following research questions in particular in relation to publishers' policies and practices:

1. To what extent are publishers' copyright and licensing policies limiting authors' ability to:
 - a. Share journal articles openly
 - b. Archive articles on institutional or subject repositories?
2. What types of contract are used to grant or transfer rights between the author or other right holder and the publisher? Do publishers require authors to agree to:
 - a. A transfer or assignment of copyright?
 - b. An exclusive publishing licence (where authors are unable to exercise publishing rights)? or
 - c. A non-exclusive licence (whereby authors do retain publishing rights)?
3. What type of Creative Commons licences are allowed for academic articles?
4. How accessible and consistent is the policy information publishers communicate to authors?

3.3 Methodology

The study was primarily desk research-based with one verification exercise. Two different strategies were used to collect data from large journal publishers operating in Europe. Firstly, information from the websites of a subset of 10 large legacy journal publishers was captured and analysed, then inviting publishers to verify the findings. Secondly, policy information relating to OA journals – that is journals which only publish OA - was taken from the Directory of Open Access Journals (DOAJ).

Ten large journal publisher policy positions

Ten large key legacy journal publishers were chosen for the analysis. The purpose of this data collection was to identify the positions of the major publishing companies on copyright and open licensing. These publishers were: Elsevier, Springer Nature, Taylor and Francis, John Wiley and Sons, Sage Publications, De Gruyter, Inderscience Publishers, Cambridge University Press, Oxford University Press and Emerald.

Desk research was undertaken to identify publisher policies relating to copyright ownership and the licensing of academic articles. This involved a search of publishers' public facing websites to identify their policies and statements on:

- Author agreements, author rights and the publication process
- Copyright and licensing
- OA policies including self-archiving and Gold OA
- Use of Creative Commons licences.

The policies and statements were downloaded from publisher websites and documented in a spreadsheet to record specific publisher policies. The data related to each of the 10 publishers was then extracted into a document and sent to policy contacts at each of the publishers to ask them to verify the data. The letter and verification survey template are included in Appendix A. Publishers were given 3 weeks to reply and were informed that they only needed to respond if edits were required. Publishers were also asked to supply the policy data at title level where possible, as in many cases it was noted that copyright and licensing agreements varied according to individual journal titles; one reason being that some publishers publish journals on behalf of learned societies who set their own policies.

Eight out of ten publishers replied to the survey frequently adding information on journal level policies. In some cases, their response to the survey revealed differences to the policy on the website. These differences are noted in the findings section. Two publishers did not reply to the verification survey and we worked on the basis that this information was correct.

Open Access journal publications in DOAJ

Desk research was undertaken to identify publisher policies in the European indexed articles in DOAJ relating to copyright retention and open licensing downloaded on 10th May 2020. A total of 14 475 OA journals were indexed in the Directory of Open Access Journals (DOAJ) at the time of the investigation (May 2020), of which 7106 were indexed as coming from European countries. Note that DOAJ only includes pure OA journals, i.e. no hybrid. Journal publishers submit their data for inclusion, which is checked by an editorial team before titles are added to the directory. Each title is required to answer a series of questions related to copyright and licensing when submitting data to DOAJ. Because this database can be interrogated using an API to extract data on all listed journals published in Europe, it is relatively straightforward to undertake a comprehensive title level analysis. The data was interrogated to investigate:¹⁴

¹⁴ Note that this also includes legacy publisher data if journals are OA, but not hybrid.

- Number of journals where authors hold copyright of article with no restrictions
- Number of journals where authors do not hold copyright of article with no restrictions
- Number of journals where authors retain publication right of article with no restrictions
- Number of journals where authors do not retain publication right of article with no restrictions
- The use of different Creative Commons licences by journal.

The research also explored whether there were any significant differences in answer to the above questions from the 20 publishers based in Europe with the most OA titles in DOAJ. This was done since the majority of OA journals are published by an organisation that publishes just one title. These 20 publishers were calculated by sorting the 2986 publishers by the number of titles they published. The list of the top 20 as in May 2020 are listed in Table 1 and accounted for 33% of the journal titles listed. The top 20 therefore provided a noticeable ‘fat head’ to compare to the ‘long tail’.

DOAJ title ranking	Publisher Name	Number of journal titles
1	BioMed Central	321
2	Sciendo	313
3	Hindawi Limited	238
4	Elsevier	230
5	MDPI AG	200
6	SpringerOpen	187
7	Taylor & Francis Group	152
8	SAGE Publishing	103
9	Dove Medical Press	101
10	Frontiers Media S.A.	64
11	De Gruyter	61
12	PAGEPress Publications	50
13	Wiley	49
14	Oxford University Press	47
15	Universidad Complutense de Madrid	44
16	Ubiquity Press	43
17	Copernicus Publications	38
18	Nature Publishing Group	37
19	Consejo Superior de Investigaciones Científicas	36
20	University of Bologna	34

Table 1: Top 20 DOAJ publishers in Europe ranked by number of titles

Methodological limitations

The research was conducted based on what was in scope of the research questions and on the data available and on what was verified by large publishers. The study therefore had a number of methodological limitations. One significant challenge for the investigation was that not all of the 10 large publishers have a consistent policy in relation to copyright and licensing across all their titles available on their websites. Furthermore, title level data received from legacy publishers later in the project was not in a consistent format with the same level of information which also made analysis problematic in some cases. This made title-level analysis impossible for these publishers whereas DOAJ indexes journal titles and records this data, which supported a more granular analysis on a title level.

Note also that the analysis of journal title positions did not take into account the numbers of articles published by each journal.

It is also possible that there are discrepancies between the reported DOAJ-registered publisher policy and the detail of the policies and contractual documentation of some publishers. Furthermore, although we assume that those who provide policy data have a sufficient understanding of open licensing and copyright, this may not always be the case resulting in imprecise data. Note also that DOAJ data reports the most restrictive DOAJ licence in the case that more licences are used.

4. Findings from Analysis of 10 Large Legacy Journal Publishers in Europe

The study analysed the following 10 legacy publishers

- Elsevier
- Springer Nature
- Taylor & Francis
- Wiley
- Sage Publications
- De Gruyter
- Inderscience Publishers
- Cambridge University Press
- Oxford University Press (OUP)
- Emerald

4.1 Policy analysis findings

Each of the 10 large journal legacy publishers provided a variety of documents and policies on their public facing website which were downloaded, analysed and summarised in a spreadsheet. All links to policy documents are listed in Appendix C and a detailed key listing all policy statements extracted from the documents is provided in Appendix D. The policy documents addressed the following broad categories:

- Author agreements, copyright and licensing FAQs and author rights statements
- OA policies related to self-archiving
- Documents related to article sharing and re-use by authors
- OA policies related to the Gold OA publication route
- Statements or downloadable data relating to journal embargo periods
- Documents relating to the use of Creative Commons licences on both self-archived and Gold OA articles.

Some publishers stated that their policies in some of the above areas varied by journal title. This is partly because several publishers such as Wiley and Oxford University Press have a mixture of journals that they own and other journals that they publish on behalf of organisations such as learned societies, who set their own policies. Where this did vary by title, publishers were asked to provide additional information at title level during the verification process. The research investigated the differences between the Green (or self-archived) and Gold OA publishing routes.

It was not always immediately self-evident and easily understandable as to what publisher positions were based on a reading of their publicly accessible policy information. It was for example observed that:

- The number of different web pages that often exist on different parts of the website and the potential confusion that this might cause to authors and institutional research support staff looking for information on copyright policy

- Confusing, and in some cases contradictory, statements in publisher policies on issues such as whether authors retain copyright or publishing rights in journal articles and whether Creative Commons Licences can be used. In some cases, this was due to the policy at the top level for the publisher differing from the journal title level policy (sometimes set by a learned society for example). The responses to the verification survey revealed that the research team’s analysis of publisher policy positions based on publicly available information were in many cases not the same as those provided by the publishers (see sections 4.7 and 4.8).
- There is a variation in terminology used by different publishers around OA publishing, e.g. use of the terms such as Author Accepted Manuscript (AAM), Author Manuscript (AM) and Author Original Manuscript (AOM) by different publishers, which can confuse authors due to a lack of alignment.

4.2 Numbers of titles published under different publishing models

The research investigated how many titles were published under each of the specified publishing models (see Appendix D for key to data captured). Seven out of the 10 publishers provided verified numbers of titles within each of these models and these are presented in Table 2 and Figure 1 below.

The majority of titles (82.4% of the total) were reported as being hybrid titles. Only 12.7% of titles were available on an OA basis – 11.5% APC gold and 1.2% non-APC gold.

	Subscription ¹⁵	APC Gold OA	Non-APC Gold OA	Hybrid	Total
Elsevier	165 (6.6%)	372 (15%)	0	1945 (78.4%)	2482
Taylor & Francis	81 (3.1%)	231 (8.8%)	44 (1.7%)	2258 (86.4%)	2614
Wiley	115 (6.7%)	159 (9.3%)	7 (0.4%)	1424 (83.5%)	1705
Sage	12 (1%)	195 (16.6%)	0	968 (82.4%)	1175
Cambridge University Press	44 (10.6%)	29 (7%)	7 (1.7%)	335 (80.7%)	415
Oxford University Press	26 (6%)	72 (16.7%)	1 (0.2%)	333 (77.1%)	432
Emerald	0	3 (0.8%)	54 (14.7%)	310 (84.5%)	367
Total	443 (4.8%)	1061 (11.5%)	113 (1.2%)	7573 (82.4%)	9190

Table 2 Number of titles by different publishing model and verified by publishers

¹⁵ Subscription” refers to journals where no hybrid, Gold OA or non-APC Gold OA option is provided.

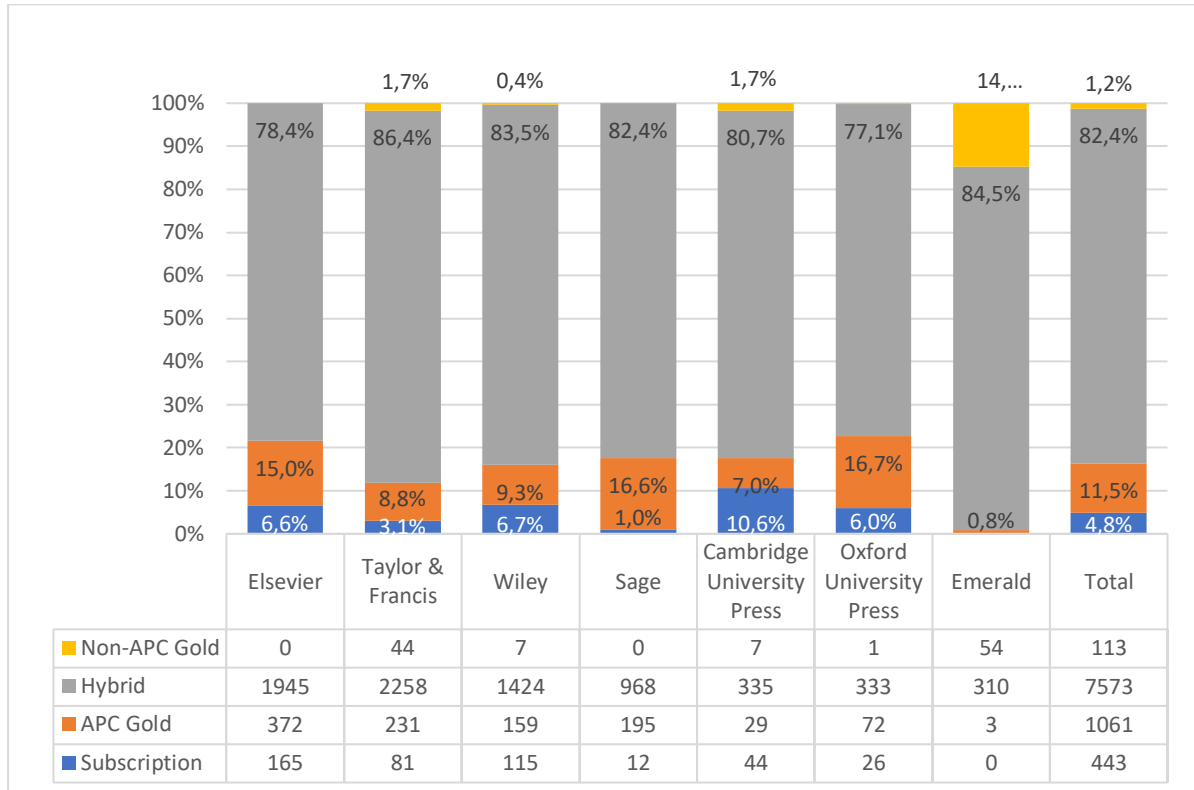


Figure 1: Distribution of publishing models by title as verified by publishers

4.3 Retention or transfer of author copyright for subscription journals and hybrid

The research investigated whether authors retain the copyright for hybrid or subscription journals or if they are required to sign a copyright transfer agreement. Table 3 below shows that half of the publishers do require copyright for articles in these journals to be assigned to them as part of the publication process. Four publishers stated that this varies by title. One publisher (Sage) confirmed that authors retain copyright for all titles although authors are required to transfer the *publishing* rights to the publisher. Oxford University Press confirmed that while authors retained copyright for articles in the majority of titles, there were still some where they were required to assign copyright.

Author Copyright Ownership Status	Number	Publisher
Author holds copyright	1	Sage
Author does not hold copyright	5	Elsevier, Wiley, De Gruyter, Inderscience, Emerald ¹⁶
Author copyright ownership varies by title	4	Cambridge University Press, Taylor and Francis, Springer Nature, Oxford University Press

Table 3: Author copyright ownership for subscription journals

¹⁶ Note that some exceptions may apply.

In the case of Sage, where the author retains copyright, the published policy states:

Before publication, SAGE requires the author as the rights holder to sign a Journal Contributor's Publishing Agreement. SAGE's Journal Contributor's Publishing Agreement for traditional subscription journals is an exclusive licence agreement which means that the author retains copyright in the work but grants SAGE the sole and exclusive right and licence to publish for the full legal term of copyright.

[SG1 - Manuscript submission guidelines]

Note that despite authors still owning the copyright in the submission, they are required to transfer the publishing rights to the publisher.

Meanwhile in the case of Elsevier, where the author does not retain copyright, the policy states:

Authors transfer copyright to the publisher as part of a journal publishing agreement, but have the right to:

- *Share their article for Personal Use, Internal Institutional Use and Scholarly Sharing purposes, with a DOI link to the version of record on ScienceDirect (and with the Creative Commons CC-BY-NC- ND license for author manuscript versions)*
- *Retain patent, trademark and other intellectual property rights (including research data).*
- *Proper attribution and credit for the published work.*

[EL1 - Copyright]

A number of publishers provided explanations as to why they required an assignment of copyright to publish in subscription journals. The majority of publishers cited two main justifications:

- To simplify the lives of academic authors by removing responsibilities such as managing requests for the re-use of articles
- To provide protection to the author against possible plagiarism or copyright infringement of their work.

For example:

"It is our standard policy to acquire copyright of articles that are published in our journals. Ownership of copyright by one central organisation offers the best international protection against unauthorised use by a third party. This approach also ensures that requests by third parties to reprint or reproduce an article, or part of it, are handled efficiently"

[C1 – Cambridge University Press, Publishing an accepted paper]

And:

“This relieves authors of a time-consuming and costly administrative burden. It also enable us to defend and enforce authors' rights against plagiarism, copyright infringement, unauthorised use and, most important for authors' professional reputation, breach of authors' moral rights.”

[13 – Inderscience, Open Access at Inderscience]

4.4 Author self-archiving permitted for non OA articles (Y/N)

All the publishers allowed self-archiving for non OA articles and in most cases it is specified that this should be the Author Accepted Manuscript (AAM) rather than the Version of Record (VoR). Cambridge University Press, Wiley and De Gruyter were the exceptions to this. For De Gruyter self-archiving of the VoR is permitted (except NIH funded research which only allows the AAM for PubMed Central).¹⁷ For Wiley the AAM is usually specified with some variation for society-owned journals which allow the use of the VoR.

For example, Taylor and Francis states:

After assigning copyright, you will still retain the right to:

- *Post the AOM/AM on a departmental, personal website or institutional repositories depending on embargo period. To find the embargo period for any Taylor & Francis journal, please use the Open Access Options Finder.*

[T1 – Copyright and you]

4.5 Embargo period

Embargo periods for self-archiving also tended to vary, often at journal title level and in relation to discipline. Some publishers provided title lists including embargo period information in response to the verification survey. However, this was not provided in a consistent format that allowed title level analysis. Table 4 below provides a summary of the embargo periods as verified by publishers. Few publishers allowed zero month embargoes with the exception of Emerald and Sage who confirmed that all their titles allowed self-archiving in institutional repositories at the point of publication and Taylor and Francis and Cambridge University Press offering a zero month embargo in some cases.

¹⁷ <https://www.degruyter.com/page/repository-policy>

Publisher	Embargo period summary
Springer Nature	Nature: 6 months Palgrave Macmillan & Springer: 12 months
Elsevier	6-36 months
Taylor & Francis	0-18 months
Wiley	12 months for STM 24 months for SSH With some variation for society journals
Sage	0 months with some variation
De Gruyter	12 months
Inderscience Publishers	6 months for VoR where funder requires it 12 months for the AAM
Cambridge University Press	6 months for science, technical and medical 0 months for humanities and social sciences (some journals have more liberal policies)
Oxford University Press	12 months for medical and scientific 24 months for academic, trade and other Some titles vary from the above
Emerald	No embargo

Table 4: Summary of publisher self-archiving embargo periods as reported by publishers

4.6 Creative Commons licences for self-archived material

There was some variation as to whether a Creative Commons (CC) licence was allowed to be applied to the self-archived article. In five cases this was not stated on the public facing website and in five cases it was. Following the verification survey, three publishers confirmed that CC Licences could not be used on the self-archived article. Three publishers also require the most restrictive CC licence: CC BY-NC-ND which allows access but limited re-use in practise.

In response to this question, Oxford University Press stated that an article could be made available according to the terms of their self-archiving policy and under the same terms as it was published in the journal. However, they did not confirm that the article could be used under the terms of a CC BY or equivalent licence as required by Plan S. Table 5 lists this in more detail:

Licence Status	Number of Publishers	Publishers using Licence
Not permitted	3	Taylor & Francis, Wiley, Springer Nature
Creative Commons licence not stated	2	Oxford University Press, De Gruyter
CC BY-NC-ND	3	Elsevier, Sage, Cambridge University Press
CC BY-NC	1	Emerald
CC BY-ND (where manuscript funded by either RCUK or Wellcome Trust)	1	Inderscience

Table 5: Creative Commons Licences allowed for self-archived articles

In summary, none of the ten publishers currently state allowing CC BY for self-archiving. Those who do have CC licences, use restricted licences that limit the re-use of the self-archived article, for example building on the work of authors by derivative works.

4.7 Author retains copyright for Gold OA

Publisher policies relating to copyright ownership in Gold OA differ from the self-archiving route. Following the verification survey, in all cases publishers stated that the author retains copyright for Gold OA. It was noted that this contrasts with most publisher requirements to receive an assignment of copyright for subscription articles.

Although publishers provided clarification in response to the verification survey, it was not clear from a number of publishers' websites whether authors retained copyright in Gold OA articles. This was the case for Emerald, Cambridge University Press and one of the Springer Nature imprints Palgrave Macmillan.

Cambridge University Press's policy stated:

It is our standard policy to acquire copyright of articles that are published in our journals.

[C1 - Publishing an accepted paper]

In the case of Emerald, the policy on their website states:

Where possible, we obtain copyright for the material we publish, without you as the author giving up your moral or scholarly rights to reuse your work.

[EM1 - Author rights]

It was also observed from a brief analysis of individual articles that authors retained copyright even when the publisher website stated that the publisher sought to obtain copyright where possible.^{18 19}

4.8 Author retains publishing right for Gold OA

To further analyse the copyright transfer in the 10 large publishers for Gold OA, the research investigated whether the publisher or the author retained the publishing rights to the article (for example through exclusive licence agreements). In 5 cases this was not stated on the publisher’s website, in 4 cases the author did not appear to retain these rights. See Table 6 for more details. It seems unlikely that authors would retain a publishing right for subscription journals given that they are required in most cases to assign copyright.

While Oxford University Press confirmed that that authors retained copyright for ‘the majority of journals’, they stated that the author granted them an exclusive licence to publish the work, which means that even in the case of Gold OA, authors do not have the freedom to share their own work as they wish.

However, Taylor and Francis takes another approach by not asking for any exclusivity when publishing OA but rather asks for a non-exclusive right to publish the VoR with an explicit statement on this matter:

When you publish an open access article, you will retain the copyright in your work. We will ask you to sign an author contract which gives us the non-exclusive right to publish the Version of Record of your article.

[T1 - Copyright and you]²⁰

Table 6 provides a summary of publisher positions on publishing rights retention for Gold OA.

Publishing Rights Retention Status for Gold OA	Number	Publisher
Author retains publishing right	1	Taylor and Francis
Author does not retain publishing right	4	Elsevier, Cambridge University Press, Oxford University Press, Emerald
Author publishing rights not stated	5	Springer Nature, Wiley, Sage, De Gruyter, Inderscience

Table 6: Author publishing rights retention status for Gold OA according to publisher’s website

¹⁸ Liang, C. and Liu, B. (2020), "Challenge or opportunity of climate financial fragmentation: Evidence from China-initiated cooperation with emerging multilateral institutions", *International Journal of Climate Change Strategies and Management*, Vol. 12 No. 3, pp. 289-303. <https://doi.org/10.1108/IJCCSM-07-2019-0048>

¹⁹ Serrano, J. and Myro, R. (2019), "Management, productivity and firm heterogeneity in international trade", *Applied Economic Analysis*, Vol. 28 No. 82, pp. 1-18. <https://doi.org/10.1108/AEA-10-2019-0041>

²⁰ Copyright and You, Author Services, Taylor & Francis: <https://authorservices.taylorandfrancis.com/copyright-and-you/#%20> (retrieved 13 June 2020)

Following the verification exercise, publishers reported their interpretation of their policies *differed* from that captured by the first stage of the analysis of publisher websites as shown in Table 6:

- Three publishers reported that authors did retain publication rights by way of the CC BY licence. They were Elsevier, Emerald and Sage.
- Wiley stated that the author retained publishing rights because they were incorporated in the copyright ownership.
- Cambridge University Press stated that authors retained publishing rights in the majority of cases although some of the journals were still transitioning to this.

This indicates that publisher policies on publishing rights for Gold OA are not clear. An example of this is Elsevier’s Copyright Information [EL1 – Copyright] which states that they require publishing rights, but doesn’t make reference to authors retaining these rights via a CC BY licence.²¹ Unless academic authors are familiar with Creative Commons licences they might reasonably assume that they do not retain publishing rights. Another example is Emerald’s Author Rights Information [EM1 – Author right] which states “Where possible, we obtain copyright for the material we publish, without you as the author giving up your moral or scholarly rights to reuse your work”.²² This does not make clear reference to publishing rights and does not define the term “scholarly rights”.

4.9 Type of Creative Common Licences permitted for Gold OA

All 10 of the publishers permitted Creative Commons Attribution (CC BY) Licences to be used on their Gold OA articles. However, a variety of other more restrictive CC licences were reported as being applied by different publishers (see Table 7):

Publisher name	CC BY	CC BY-ND	CC BY-NC	CC BY-SA	CC BY-NC-ND	CC BY-NC-SA
Springer Nature (including Nature Journals, Palgrave Macmillan, BMC and Springer Verlag)	Y	N	Y	N	N	N
Elsevier	Y	N	N	N	Y	N
Taylor & Francis	Y	N	Y	N	Y	N
Wiley	Y	N	Y	N	Y	N
Sage	Y	N	Y	N	N	N
De Gruyter	Y	N	N	N	Y	N
Inderscience Publishers	Y	N	N	N	Y	N
Cambridge University Press	Y	Y	Y	N	Y	Y
Oxford University Press	Y	N	Y	N	Y	N
Emerald	Y	N	N	N	N	N

Table 7: Types of Creative Commons licences permitted by Gold OA

²¹Copyright, Elsevier, <https://www.elsevier.com/about/policies/copyright> (retrieved 22 Sept 2020)

²²Author rights, Emerald Publishing, <https://www.emeraldgrouppublishing.com/our-services/authors/author-policies/author-rights> (retrieved 22 Sept 2020)

The table represents the main licences that publishers use, although some publishers reported that certain licences could be used in certain circumstances. Although this shows that publishers use the CC BY licence, it also shows that publishers also use a range of more restrictive licences. Seven publishers supplied title lists, but these were not provided in a consistent format that allowed for further analysis of Creative Commons licences used at journal title level and to show the extent to which each licence is used by publishers at the present time.

4.10 Future Policy Plans

Publishers were asked to provide details of their future plans for OA to see if any imminent changes might be being considered in light of the Plan S requirements that come into force in January 2021.

Of the 8 publishers who replied to the survey, 6 said that they planned to make changes to their policy over the next year. The responses can be categorised into three broad approaches, set out in Table 8:

Publisher future policy changes	Publisher
We have no plans to change	Taylor & Francis, Sage
We are reviewing our policy and will be making changes as appropriate	Springer, Cambridge University Press, Oxford University Press, Emerald
We are reviewing our policy and will be making changes as appropriate but already do a lot to support Open Access and open science	Elsevier, Wiley

Table 8: Publishers Future Policy Plans

Springer responded specifically on plans to change their policy on whether authors hold copyright in their articles, stating:

Author retains copyright: Springer Nature supports the principle of authors retaining copyright in their research articles. While our Springer and Palgrave portfolios currently employ copyright transfer for subscription articles, we will be transitioning to authors retaining copyright over the next 6-12 months, in conjunction with a system solution being implemented.

Emerald made a similar statement, as follows:

We are reviewing our policy on copyright assignment; as standard, we currently offer a range of licences to our authors which they are free to choose from. However, we recognise that whilst we do not receive complaints from authors about copyright assignment (due to our liberal reuse policies and zero embargo position), their funders and institutions may require them to give us an exclusive licence.

Meanwhile, Cambridge University Press responded:

CUP's goal is for all journals to become hybrid in the near future, and full OA as soon as possible.

** A few individual journals (particularly those owned by societies and other third parties) are still in the processes of transitioning to CUP's standard, Plan S compliant-policy around author copyright retention.*

Oxford University Press simply stated:

OUP regularly reviews policy surrounding open access and open data. For the most up-to-date information on OUP policy, please see our website.

Meanwhile Elsevier stated they planned to make changes but also highlighted their work in the OA field, as follows:

Please find below further information on our work/ support for Open Science.

- *90% of our 2,500+ titles offer a Gold OA option. Elsevier published over 49,000 Gold OA articles in 2019, a double-digit growth on the previous year.*
- *Elsevier now publishes over 370 Pure Gold OA journals, and has launched 100 new Gold OA titles in 2019 alone. 30,000 Gold OA articles were published in Elsevier's Pure Gold OA journals in 2019.*
- *Over the past 18 months, Elsevier has formed numerous pilot agreements around the world that support the open science and open access research ambitions of institutions and university consortia.*

Finally, Wiley similarly stated:

Our licensing workflows are currently configured to offer authors a choice of the licenses offered by each journal. Where funder mandates are in place authors are offered a license (e.g. CC-BY) to allow them to comply with that mandate.As a responsible publishing partner to over 600 learned societies around the world, one of our key areas of focus is on ensuring that those partners make informed decisions about the licenses that their journals offer in response to evolving funder and institutional mandates and preferences.

In summary, it's clear that most publishers are reviewing their copyright and licensing policies and further changes are likely in view of Plan S requirements. The findings from this study may be helpful to inform this work.

5. Findings from analysis of European OA journals listed in DOAJ

The DOAJ data extract was taken for analysis on 10 May 2020 and contained data from 2986 publishers in 41 European countries that in total publish 7106 OA journals; this set includes legacy publishers when they provide pure OA titles, not hybrid. The mean number of titles published by each publisher was 2.4 and the median number of titles published was one.

A list of the number of journal titles by country is provided in Appendix B. The full dataset including journal titles can be found here: <http://doi.org/10.5281/zenodo.4047001>

The findings presented here show the following journal policy information:

- Whether the journal allows the author to hold copyright without restrictions
- Whether the journal allows the author to retain publishing rights
- Which Creative Commons licence the journal uses to publish articles

The number of journal titles which are compliant with Plan S is then presented, based on the author copyright ownership status and the type of Creative Commons licence used.

In the case that a journal uses various licences, the CC licence recorded in DOAJ is the journal's most restrictive licence. So this data confirms the journals that do comply but not those that do not.

5.1 Author copyright ownership and publishing rights retention

According to the data, the author holds copyright without restrictions in the majority of journals, i.e. in 4254 journals (59.8%). However, a large percentage of OA publishers record that authors do not hold copyright without restrictions in 2829 journals (39.8%) with no copyright ownership status recorded for 23 journals (0.3%). See Table 9 and Figure 2 for more details below.

Author copyright ownership status	Number of European journal titles in DOAJ	Percentage
Author holds copyright without restrictions	4254	59.8%
Author does not hold copyright without restrictions	2829	39.8%
No status recorded	23	0.3%
Total	7106	100%

Table 9: European DOAJ Journals: Author copyright ownership status

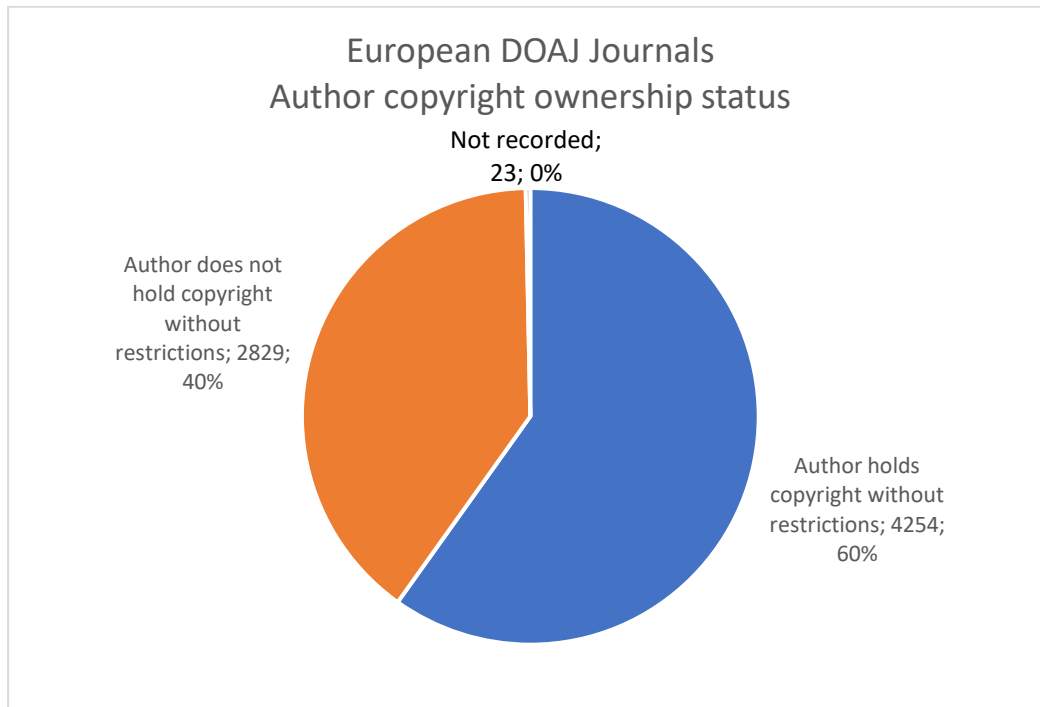


Figure 2: European DOAJ Journals: Author Copyright Ownership Status (n = 7106)

According to the data, 3189 journals (44.9%) allow the author to retain publishing rights for their articles (see Table 10 and Figure 3). Note that this figure is 15% lower than that on the copyright ownership status in Table 11. Fifty-five per cent, i.e. 3894 journal titles, do not allow authors to retain publishing rights without restrictions and no publishing rights information were recorded for 23 journal titles (0.3%) (see Table 11 and Figure 3):

Author publishing rights retention status	Number of European journal titles in DOAJ	Percentage
Author retains publishing rights without restrictions	3189	44.9%
Author does not retain publishing rights without restrictions	3894	54.8%
No status recorded	23	0.3%
Total	7106	100%

Table 10: European DOAJ Journals: Author publishing rights retention status

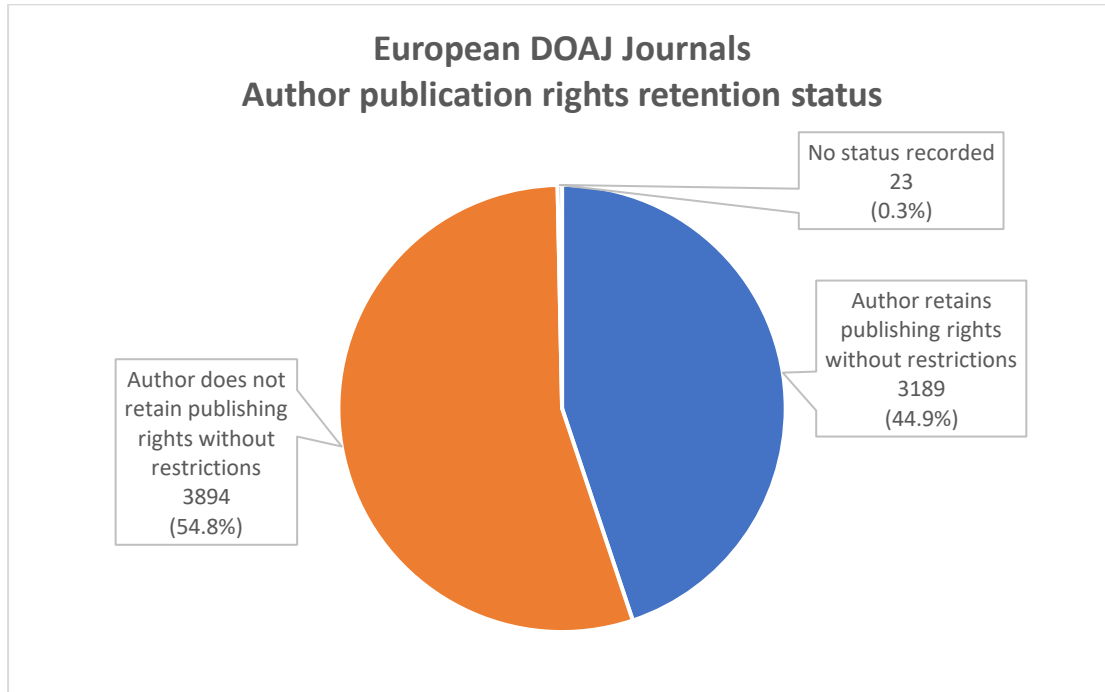


Figure 3: European DOAJ Journals: Author publishing rights retention status (n = 7016)

The copyright ownership and publishing right retention status were then cross-referenced to identify the relationship between the two policy positions (see Table 11 and Figure 4). Authors held copyright and retained their publishing rights in 2805 journals (39.5%).

Authors held copyright but did not retain publishing rights in 24 journals (0.3%). Authors did not hold copyright but did retain publishing rights in 384 journals (5.4%). Authors did not hold copyright and did not retain publishing rights in 3870 journals (54.5%). As previously stated, 23 journals (0.3%) did not record their policy positions on author copyright ownership or publishing rights retention. It is noteworthy to see that publishers of OA journals do not grant them the right to publish despite 98% of them reporting using a CC licence which, by default, allows everyone the right to publish (except when more limiting CC licences are used like CC BY-NC, ND or SA).

Copyright ownership and publishing right retention status	Number of European journal titles in DOAJ	Percentage
Author holds copyright and retains publishing right	2805	39.5%
Author holds copyright but does not retain publishing right	24	0.3%
Author does not hold copyright but retains publishing right	384	5.4%
Author does not hold copyright and does not retain publishing right	3870	54.5%
Author copyright and publishing status not recorded	23	0.3%
Total	7106	100%

Table 11: European DOAJ Journals: Author copyright ownership and publishing right retention status

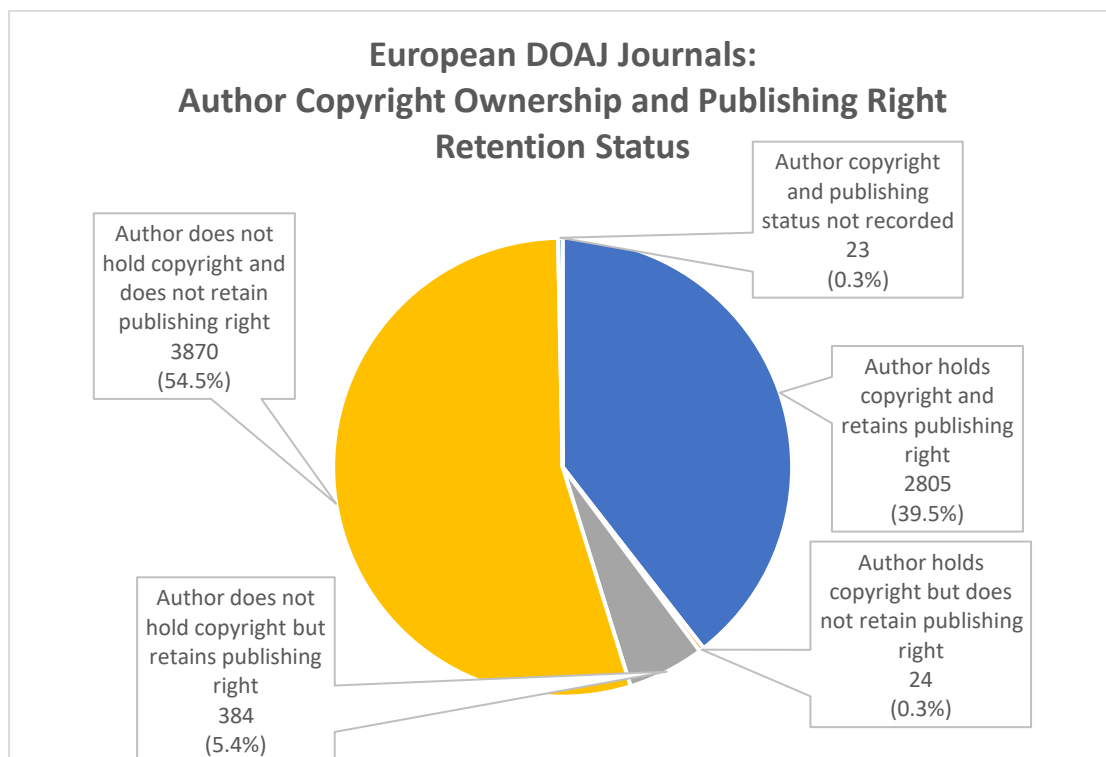


Figure 4: European DOAJ journal author copyright ownership and publishing right retention status (n = 7106)

5.2 Creative Commons licences used by journals in DOAJ

Table 12 provides an overview of the CC licences reported as being used by journals in DOAJ. In summary: Ninety-eight per cent of European DOAJ journals had some form of Creative Commons licence. Creative Commons Attribution (CC BY) was the most common type of licence used by 46%. The second most common licence was

the most restrictive Creative Commons Attribution-NonCommercial-NoDerivatives (CC BY-NC-ND): used by 27%. The Creative Commons Attribution-NonCommercial licence (CC BY-NC) was used by 16%. The Creative Commons Attribution-NonCommercial-ShareAlike licence (CC BY-NC-SA) was used by 4% and the Creative Commons Attribution-ShareAlike (CC BY-SA) licence was used by 3%. Publishers used their own licence in 166 journals (2.3%). The least common licence was the Creative Commons Attribution-NoDerivatives licence used by 166 journals (2.3%).

This shows that although almost half of all OA journals recorded in DOAJ that use a CC licence, use CC BY, but more than half use a more restrictive CC licence – with over 25% using the CC BY-NC-ND licence – limiting how authors may share their openly licensed work.

Licence Type	Number of European journal titles in DOAJ	Percentage
CC BY	3232	45.5%
CC BY-NC-ND	1949	27.4%
CC BY-NC	1163	16.4%
CC BY-NC-SA	261	3.7%
CC BY-SA	231	3.3%
Publisher's own licence	166	2.3%
CC BY-ND	94	1.3%
(blank)	10	0.1%
Total	7106	100%

Table 12: European DOAJ Journals: Distribution of Creative Commons licence type, n = 7106

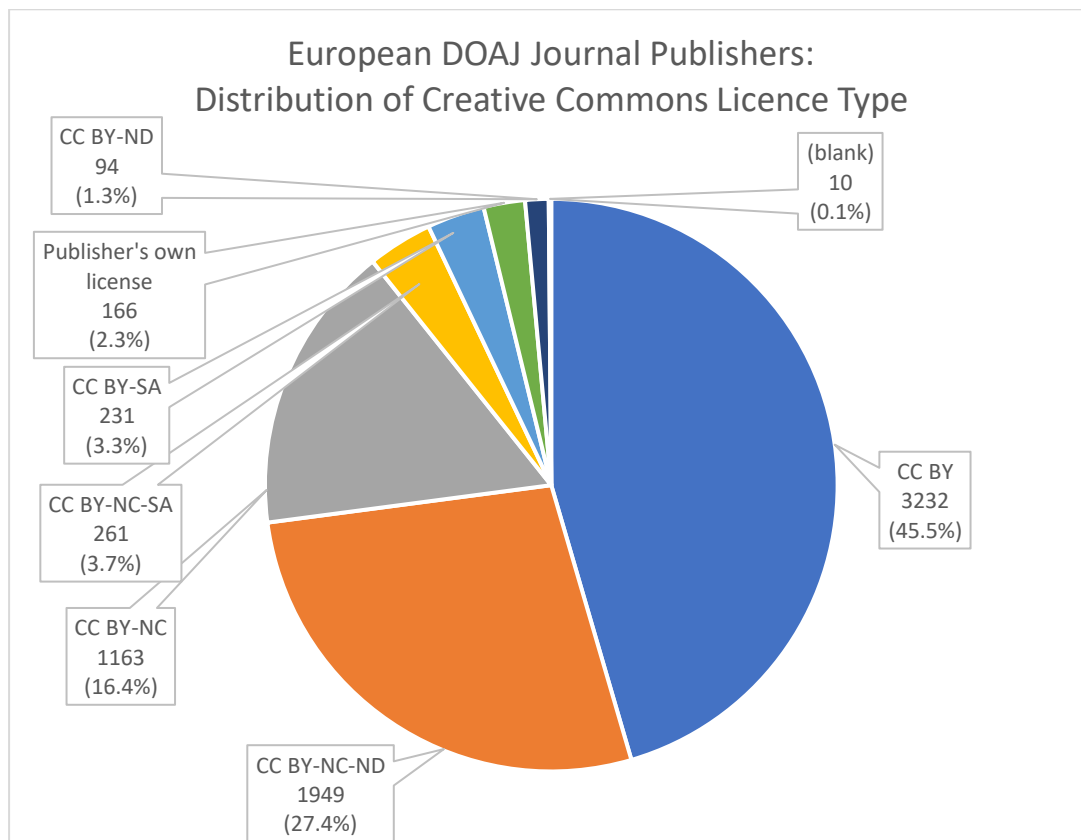


Figure 5: European DOAJ Journal Publishers: Distribution of Creative Commons Licence Type, n = 7106

In order to determine whether the licences selected varied between larger and smaller publishers, a subset of 20 publishers was created who published the most OA journals in June 2020, including BioMed Central (BMC), Sciendo, Hindawi, Elsevier, MDPI AG, SpringerOpen, Taylor & Francis Group, SAGE Publications, Dove Medical Press, Frontiers, De Gruyter, PAGEPress Publications, Wiley, Oxford University Press, Universidad Complutense de Madrid, Ubiquity Press, Copernicus Publications, Nature Publishing Group, Consejo Superior de Investigaciones Científicas and the University of Bologna. These publishers accounted for less than one percent of the publishers but published 33% of the titles listed in the data sample.

The data presented in Table 13 and Figure 6 shows that the top 20 publishers are more likely to only use CC BY licences (1315 titles or 56% use this licence type, compared to 609 titles of 45.5% of all publishers). A comparison of the data from the top 20 publishers with that from all publishers is presented in Figure 7 to highlight the differences. This figure also shows that the top 20 publishers are slightly more likely to use the most restrictive CC licence CC BY-NC-ND (418 titles or 17.8% use CC BY-NC-ND compared to 1949 or 16.4% of all publishers). None of the top 20 publishers reported using their own licence compared to 166 or 3% of all publishers. This indicates that smaller publishers are more likely to use their own licences than larger ones.

Licence Type	Number of European journal titles in DOAJ	Percentage
CC BY	1315	56.0%
CC BY-NC-ND	609	25.9%
CC BY-NC	418	17.8%
CC BY-NC-SA	2	0.1%
CC BY-SA	3	0.1%
CC BY-ND	1	0.0%
Grand Total	2348	

Table 13: Top 20 European DOAJ Publishers: Distribution of Creative Commons licence type, n = 2348 (33% of total)

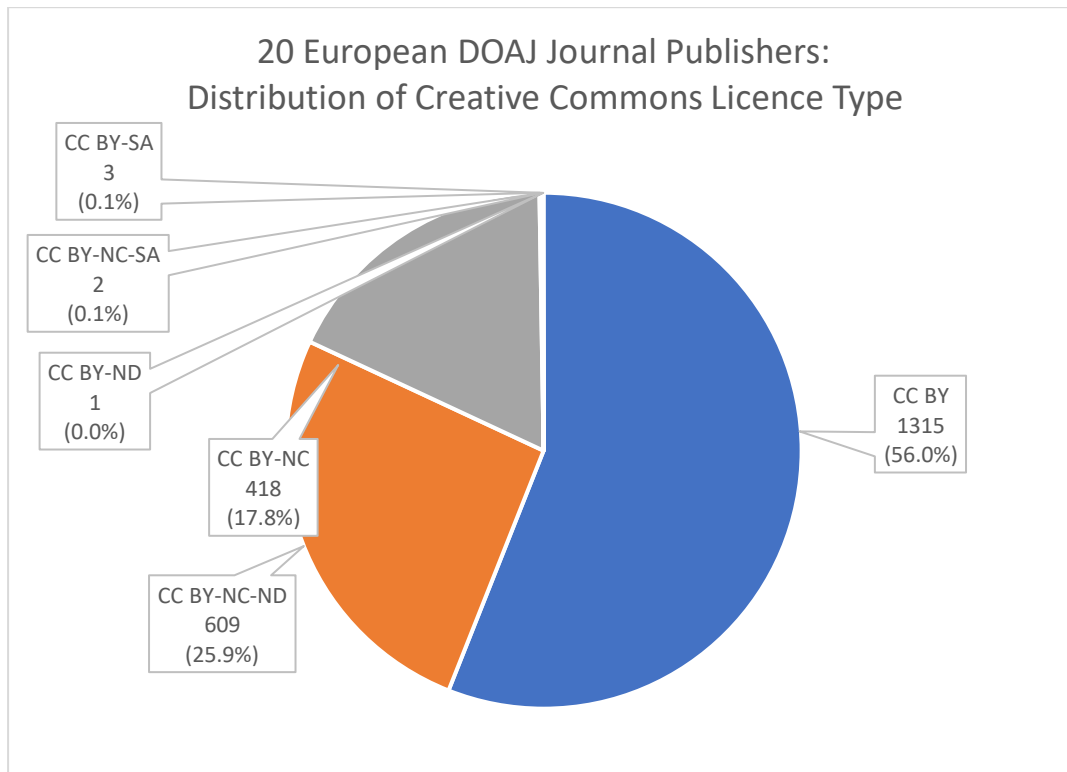


Figure 6: 20 European DOAJ Journal Publishers: Distribution of Creative Commons licence type, n = 2348 (33% of total)

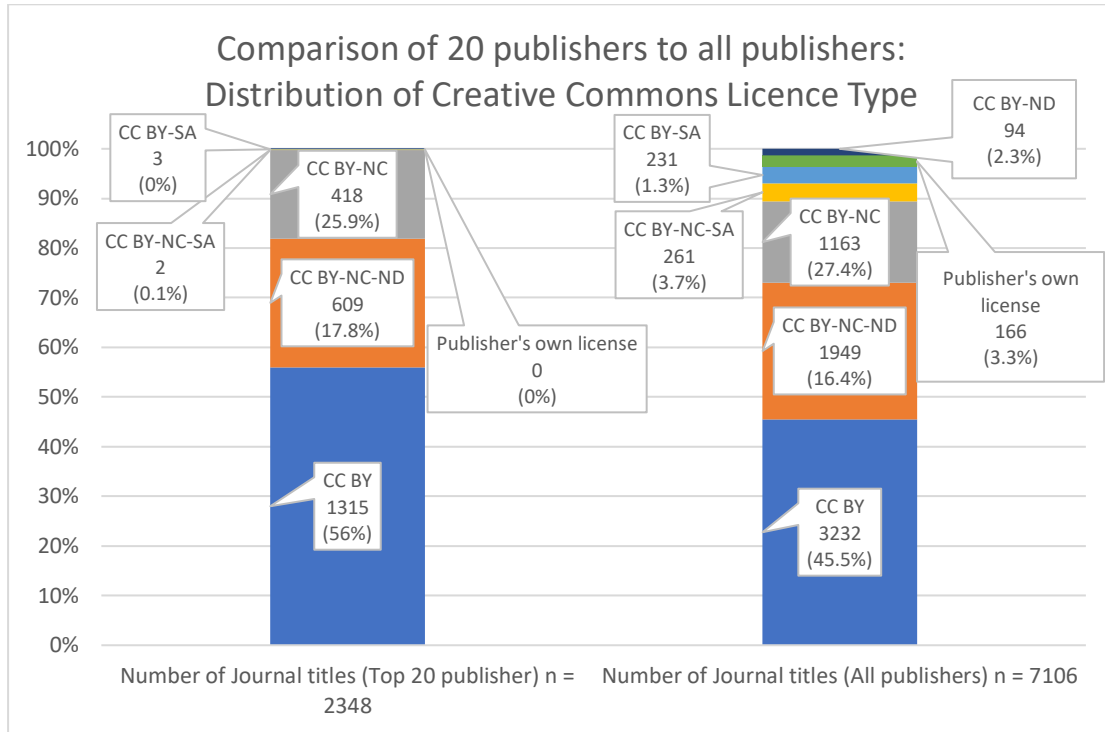


Figure 7: Comparison of Top 20 publishers to all publishers: Distribution of Creative Commons licence type

5.3 Analysis of how many DOAJ-listed European journals are Plan S ready

Plan S requires authors or institutions to retain copyright.²³ It makes the CC BY 4.0 licence its default licence. It also accepts the following exceptions: CC BY-SA and CC0; CC BY-ND may be approved by cOAlition S organisations, provided that this is explicitly requested and justified by the grantee.²⁴ Table 14 and Figure 8 show that of the DOAJ indexed journals, 2885 titles (40.6%) are Plan S compliant for copyright retention and licensing as the author holds copyright and the articles are licensed under CC BY or CC BY-SA. Meanwhile the data shows that 4221 titles (59.4%) are currently not Plan S ready according to data in DOAJ provided by the publisher unless that title applies a range of licences, including CC BY.

²³ The Plan S Principles: https://www.coalition-s.org/plan_s_principles/

²⁴ Guidance on the Implementation of Plan S: <https://www.coalition-s.org/guidance-on-the-implementation-of-plan-s/>

Plan S compliance status	Number of European journal titles in DOAJ
Plan S compliant (author holds copyright and articles licensed CC BY or CC BY-SA)	2885
Not Plan S compliant (either by copyright status, CC licence used, or both)	4221

Table 14: High-level Plan S Compliance Status by number of journals

Table 15 shows a greater breakdown of the data provided in Table 14.

	CC BY	CC BY-SA	CC BY-NC	CC BY-NC-ND	CC BY-NC-SA	CC BY-ND	Publisher's own licence	(blank)	Total
Author does not hold copyright without restrictions	494	72	757	1236	114	45	111		2829
Author holds copyright without restrictions	2726	159	405	713	147	49	55		4254
(blank)	12		1					10	23
Total	3232	231	1163	1949	261	94	166	10	7106

Table 15: Plan S Compliance Status by author copyright ownership and journal article CC licences and number of journals

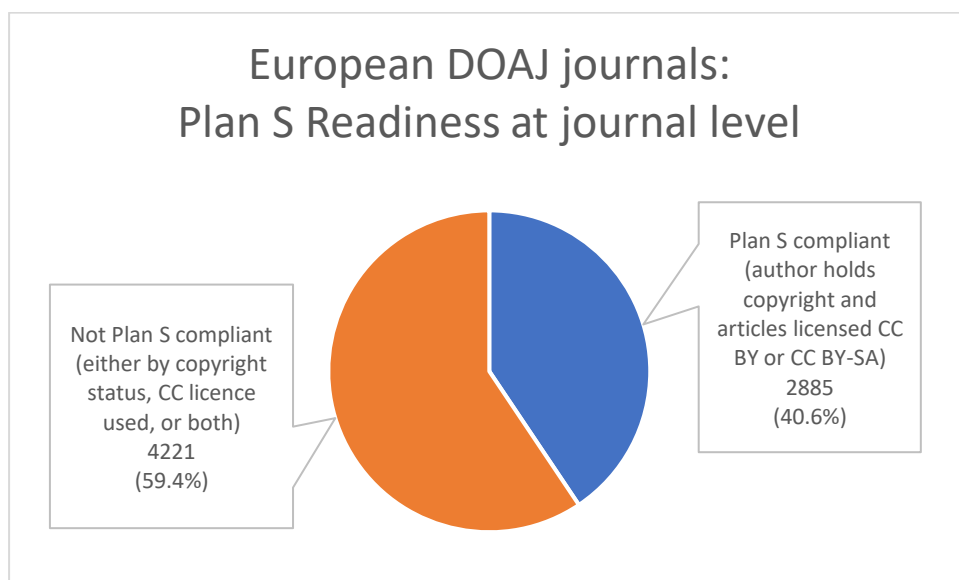


Figure 8: European DOAJ journals: Plan S Readiness at journal level, n = 7106

5.4 Synergies with Plan S principles

The findings from the analysis of the 10 large academic legacy publishers and the European journals listed in DOAJ show that current publisher policy positions on copyright ownership and licensing are largely not yet aligned with the Plan S principles.

Although it was not possible to determine an exact figure for the number of titles aligned to Plan S principles for the 10 largest legacy publishers:

- 87.2% of the titles published by the 10 large publishers of subscription journals are either hybrid or subscription titles. This means a significant number of articles are not available in OA only journals. However, some hybrid titles provide OA articles that fulfil the Plan S requirements, especially ones published under the umbrella of transformative agreements (TA), which were not part of this research. A further study could analyse the effect of the TA on the future compliance of Plan S requirements.
- Although it is possible to comply with Plan S principles via the Green OA route and all publishers currently allow authors to self-archive, only one of the 10 large publishers allows a zero month embargo across all titles, with another reporting this with some variation, 1 publisher has a 0 embargo for the HSS, and another mentioning this in a range of embargo from 0-18 months.
- Only one of these 10 publishers currently allows authors to retain copyright for articles across all titles, and in this case, publishing rights need to be transferred via an exclusive licence.
- Less than half of European OA journals listed in DOAJ (40.6%) currently comply with the Plan S principles relating to copyright ownership and end-user licensing.

Plan S has been developed in order to accelerate full and immediate OA to research publications resulting from funding awarded by cOAlition S organisations. Given the timeframe of 1 January 2021 when the principles will be adopted by cOAlition S organisations, publishers will review their policies accordingly if they want to continue to publish research outputs funded by cOAlition S organisations. Many of the 10 large publishers have indicated that they are planning to review these in the coming period, which is opportune.

The analysis of publicly available publisher policy data demonstrates that copyright policy information is not yet consistently available in a form that allows funders, researchers and those in research institutions to assess alignment with Plan S principles. The new Plan S Journal Checker Tool will be essential here.²⁵

²⁵ Development of Plan S Checker Tool: tender results <https://www.coalition-s.org/development-of-plan-s-journal-checker-tool-tender-results/> (retrieved 10 July 2020)

6. Recommendations

While some positive policies have been recorded that support Open Access, these recommendations provide guidance to those who are contributing to the dissemination of research and are yet to strengthen their policies or practice to enable immediate OA.

The report includes recommendations for the following groups:

- Publishers,
- Research funders,
- Research institutions (including universities and university libraries),
- Academic authors.

6.1 Publishers

Publishers should consider the following to support their authors in maximising their research reach and impact by enabling OA:

- Simplify and align copyright policies with clear OA-supportive principles as defined in Plan S as per invitation to the publishers in the RRS, across journal portfolios and across publishers.
- Provide more succinct information with as little jargon as possible on copyright ownership, embargo policies and licensing of journal articles in a consistent format at title level on publisher websites.
- Consistently provide machine-readable and up-to-date policy data to support policy compliance workflows, including providing that information to Sherpa Romeo²⁶
- Work with other publishers, funders, researchers, research institutions and OA advocacy bodies to promote and adopt standardised language when describing publisher policy positions on copyright and licensing.
- In future, choose to replace the exclusive licence assignment to publish, only asking for a non-exclusive licence to publish the Version of Record of the article to enable authors further publishing rights in online venues that bring them greater visibility.
- Decide to set zero embargoes for all self-archived journal articles.
- Use existing licensing frameworks such as Creative Commons rather than new licensing schemes or versions of record to simplify an already complex landscape.
- When publishing OA, license material with CC BY making this licence the default to all authors, regardless who funds their work; requiring a more restrictive licence in exceptional circumstances rather than making this the preferred choice.
- Institutional / university presses require researchers/authors to
 - retain copyright and
 - to apply a CC BY copyright licence to all their future Versions of Records (VoR) by default.

²⁶ Sherpa Romeo: <https://v2.sherpa.ac.uk/romeo/>

6.2 Research funders

Research funding bodies should consider the following to support their authors in maximising their research reach and impact by enabling OA:

- Communicate and discuss your policy regarding rights retention and open licensing with all stakeholders.
- Seek policy alignment with allies who support OA copyright policy such as that specified in Plan S.
- Plan for research grant conditions to require for all peer-reviewed publications supported in whole or in part by the funding they receive
 - researchers/authors to retain copyright and the publishing rights
 - apply, from the date of the grant agreement, an open licence, preferably CC BY, to those publications, and
 - make them publicly available in open repositories, preferably the VoR, or else the AAM version

This will enshrine OA to published research as a fundamental part of the award, notwithstanding any contradictory language in journal publishing agreement.

- Work with publishers, researchers and their institutions and OA advocacy bodies to adopt standardised language when describing policy positions on copyright ownership and licensing.

6.3 Research Institutions including university libraries

Research institutions are advised to consider the following to support their authors in maximising their research reach and impact by enabling OA:

- Seek institutional Open Access, intellectual property or publishing policy alignment with allies to support rights retention and open licensing such as that specified in Plan S.
- Review guidance provided to academic colleagues on copyright and licensing to ensure this is consistent with standardised terms. These should be as simple as possible.
- When entering into new or renewing employment contracts
 - ensure that copyright remains with the authors and/or the institution
 - to apply, from the date of employment, a CC BY copyright licence to all their future Versions of Records (VoR) by default or else the AAM version.

This will enshrine OA to published research as a fundamental part of the employment contract, notwithstanding any contradictory language in journal publishing agreement.

- Work with publishers, funders and OA advocacy bodies to adopt standardised language when describing policy positions on copyright ownership and licensing.

- Ensure standardised language is used by research offices, university libraries and academic schools when advising academic authors on OA copyright retention and reuse licence.
- Follow the Plan S principles for any institutional publication, especially the ones related to research to be coherent/consistent in supporting the OA movement

6.4 Academic authors

To support authors to maximise their research reach and impact by enabling OA, academics/authors are encouraged to:

- Understand the importance of retaining copyright and sufficient rights to publish openly.
- Consider the positive impact of reuse licences on current research and education.
- Familiarise themselves with OA-enabling copyright policy through training or by calling on advice.
- As a journal editor, discuss current journal copyright policies that do not yet enable immediate OA with their publisher.
- Ask publishers to explain their policies on copyright ownership and end-user licensing in terms that authors understand.
- Request the copyright and licensing conditions specified by the funder and/or that they prefer when communicating on their journal article once it has been accepted considering preferably a non-exclusive licence, zero month embargo and CC BY on the Version of Record as providing the most open route to scholarly communication)

6.5 Areas for possible further investigation

This research has also revealed areas that could be worthy of further investigation including:

- Exploring whether differences exist in policy positions according to subject discipline
- Investigating why, and in which instances, publishers use certain CC licences
- Exploring to what extent differences between information provided on publisher websites and that presented to authors at the point of publication exist
- Whether there are any discrepancies between the copyright and licensing information in the DOAJ dataset and the information provided on publisher websites and author contracts
- Analysing publisher copyright policy changes over time
- Study the extent to which Transformative Agreements address Open licensing, i.e. which licences are used, and which are the default?

7. Conclusions

Many academic authors choose to publish their research in scientific journals; this historically has been the most common medium for disseminating research findings. At the same time, authors have long been evaluated and assessed based on where they publish. Increasingly, authors are also being required to make their results publicly available by publishing OA or self-archiving in public repositories to ensure the widest possible reach of research through OA. Governments, research funders and institutions are setting or reviewing their policies to help ensure more immediate OA by calling for change in copyright and licensing practice, one example of this is cOAlition S. This study shows that in terms of improving the framework for rights retention, open licensing and self-archiving, the Plan S rights retention and open licensing policy compass is pointing in the right direction since it pinpoints the key obstacles to immediate OA. However, the evidence so far shows that while certain publishers have OA-friendly policies, e.g. entering into non-exclusive licence agreements rather than exclusive ones, using CC BY or having zero month embargoes or short embargoes for self-archiving; this is far from widespread and does not yet cover the lion's share of the journals in which authors publish. Note, however, due to the limitations of the information available, we are unable to provide a clear picture of exactly how many open licences are provided on a journal level and thus determine the precise proportion of journals that do or do not allow CC-BY, for example. Even on a journal level, policies differ making author compliance difficult hence our appeal to publishers to align, streamline and simplify their policies. What we can determine from the DOAJ data is that CC BY is the licence of choice for many journals.

The majority of publishers have yet to embark on a more OA friendly policy journey although some are preparing for it. If these publishers choose to continue on their current course, their authors will continue to find complying with OA policy requirements problematic unless funders change their grant conditions and/or institutions/authors retain their rights. However, for those publishers that do decide to make their copyright policies more amenable to authors and aligned with the policies of research funders, the research results and concrete recommendations provided in this report may help guide their efforts.

First and foremost, publishers can choose to simplify their policies and align them with clear OA-supportive principles as defined in Plan S. Publishers can also simplify communication on their policies by aligning on the language and terminologies used, by condensing information on their websites related to their policies, by making their websites an authoritative and complete up-to-date source of information on policy change, and by making this information available in machine-readable form to support policy compliance. Publishers are tasked to bring more visibility to their authors' works and can further support OA by allowing all authors to retain copyright – be this for an article published in an OA or a paywalled journal. This action should be paired with the elimination of requirements for exclusive license assignment to publish in future; alternatively, publishers should limit their requests to non-exclusive licence to publish the Version of Record of the article.

By doing so, authors would be free to share their research, simultaneously, via additional platforms and venues, resulting in greater visibility of their work, whether for research or education purposes. In cases where publishers do not allow a non-exclusive licence, they should choose to set zero embargoes for all self-archived journal articles. Importantly, when publishers decide to provide an OA venue (an OA journal or the hybrid option), it is essential that more publishers license material with CC BY making this the default licence; using a more restrictive licence in exceptional circumstances rather than as the preferred choice. When licensing material using a CC BY licence, it is important for publishers not to ask authors to grant an exclusive licence to the publisher which prevents authors from sharing their work since this directly conflicts with the principles behind the CC licence. Furthermore, to simplify an already complex landscape, publishers are strongly advised not to introduce new licensing schemes or versions and to replace these with existing frameworks such as Creative Commons.

Research funders and institutions can also smooth the transition to OA by internally communicating and discussing the Plan S principles related to author rights and open licensing. When developing rights and open licensing policies, it is crucial to seek policy alignment with allies who support OA-supportive copyright policy such as that of Plan S. Funders have the opportunity to accelerate change by adapting research grant conditions to require researchers/authors to retain copyright and to apply a CC BY copyright licence to all of their future author versions of record (VoR). This also goes for institutions which are strongly advised to implement these policies in their employment contracts, to ease compliance with national, funder or institutional OA policies; and to follow these policies when publishing institutional publications, especially related to research.

Finally, researchers and authors need to understand the importance of retaining copyright and the positive personal impact of open licences on research and education on their work. It is strongly recommended that those unfamiliar with open licensing seek support, information, training and advice from copyright support facilities. Researchers and authors, who also fill the role of journal editors, have multiple opportunities to exert influence over publishers. As journal editors, they can engage in discussion with publishers on policies that do not yet enable immediate OA, potentially accelerating the transition to more favourable policies. As authors, they are in a position to ask for copyright policy conditions that support them in their work once an article has been accepted; such conditions include a non-exclusive licence, zero month embargo for self-archiving and CC BY.

Copyright policy has been the thorn in OA's side for many years. However, publishers, funders, institutions and researchers can enable immediate OA rather effortlessly by making policy changes without countries having to introduce complex legislation. In response to the slow change in publisher policies as mentioned above, we are seeing national legislation on the increase in Europe to ensure immediate OA, Transformative Agreements with requirements for open licensing. Some countries are also starting to discuss and review how the ownership of academic output is effectively managed in practise to ensure that rights are not unnecessarily transferred. These are all costly efforts to ensure that publicly funded research

outputs are disseminated as widely as possible. Publishers can eliminate the issue that is necessitating such efforts by adopting more OA-supportive policies. While some publishers claim that their policies provide protection to the author against possible plagiarism or copyright infringement or manage requests for the re-use of their work, other publishers are updating their policies to support the need for OA by taking action to support change, which is commendable. The OA community looks forward to a greater number of publishers adapting their rights retention and licensing policies to support the authors upon whom they depend.

8. Appendices

Appendix A: Publisher letter and verification table template

Subject: SPARC Europe study into journal publisher policies on copyright and licensing

Dear

On behalf of SPARC Europe, we are conducting research on 10 leading academic journal publishers in Europe, looking specifically at copyright and licensing options related to self archiving and open access options. As you are aware, funders, including cOAlition S, are increasingly requiring journal article authors to retain their copyright and to agree to licences that allow them to enable them to exercise those rights. The purpose of this work is to inform the library and research community of the current status of such policies at your publishing house. We want to be sure that we report this accurately, which is why we are reaching out to you to verify our findings.

We have collected data from your public facing website, drawing specifically from the guidance you provide journal authors. We are specifically interested in:

- Whether authors retain copyright and the right to exercise those rights
- The options for authors to publish open access and self-archive in repositories
- The use of Creative Commons licences

We plan to publish a report in the summer of 2020 which will provide recommendations for policymakers, funders, institutions and publishers on how to simplify and align policies where relevant. We will further share how prepared publishers are for Plan S as relates to journal author rights policies and what publisher plans are.

In order to provide an accurate picture of your policy, we invite you to verify a summary of the data we have collected overleaf and ask that you amend any inaccuracies you find in the text by Friday 19th June 2020. A response is only needed if edits are required; no response will be interpreted as a confirmation that the text is correct. We have also provided a space in the summary for you to provide information about any plans to change your policy positions. We look forward to receiving a response from you.

Yours faithfully

Jane Secker and Chris Morrison

How many journal titles are available under each of the following models?	
Subscription only	<i>Please confirm</i>
Gold only	<i>Please confirm</i>
Hybrid	<i>Please confirm</i>
Non-APC Gold OA	<i>Please confirm</i>
Total number of journals	<i>Please confirm</i>
<p>In addition to total numbers please can you provide with an up to date list of all the journal titles you publish with the following information:</p> <ul style="list-style-type: none"> • Open access status (subscription only, gold only, hybrid, non-APC gold or other) • Embargo periods where applicable • Creative Commons licences used where applicable 	
Policy documents consulted	
<p>We consulted the following documents to determine the status of the publisher policy positions:</p>	
Self-archiving policy for paywalled journals	
Author retains copyright (Y/N)	
Author self-archiving permitted (Y/N)	
Version allowed (AAM or VoR)	
Embargo period	
Can a Creative Commons licence be used with article?	
Gold open access policy	
Author retains copyright (Y/N)	
Author retains publication right? (Y/N)	
Type of Creative Commons licence used	
Future policy changes	
<p>Please let us know if you are planning on making any changes to your current stated policy positions</p>	

Appendix B:
European DOAJ journal numbers by country and size (May 2020)

Country	Number of Journal Titles
United Kingdom	1625
Spain	768
Poland	620
Italy	403
Turkey	401
Russian Federation	393
Romania	345
Switzerland	334
Ukraine	316
Germany	264
Netherlands	238
France	231
Serbia	178
Croatia	122
Portugal	111
Norway	106
Lithuania	80
Bulgaria	64
Slovenia	56
Austria	55
Slovakia	46
Belgium	44
Sweden	43
Finland	38
Greece	37
Hungary	36
Denmark	29
Estonia	27
Bosnia and Herzegovina	24
Ireland	16
Belarus	14
Latvia	11
Montenegro	9
Iceland	7
Albania	5
Cyprus	4
Luxembourg	3
Malta	3
Total	7106

Appendix C: List of all large legacy publisher policy websites consulted

The following documents were consulted to extract policy statements in Spring 2020. The full text of the documents has been made available in an accompanying dataset at <https://doi.org/10.5281/zenodo.4047001>

Cambridge University Press

C1 - Publishing an accepted paper

<https://www.cambridge.org/core/services/authors/journals/publishing-an-accepted-paper>

C2 - Social Sharing

<https://www.cambridge.org/core/services/open-access-policies/social-sharing>

C3 - Green open access policy for journals

<https://www.cambridge.org/core/services/open-access-policies/open-access-journals/green-open-access-policy-for-journals>

C4 - Publishing open access policy

<https://www.cambridge.org/core/services/authors/journals/publishing-open-access>

C5 - Gold open access journals

<https://www.cambridge.org/core/services/open-access-policies/open-access-journals/gold-open-access-journals>

C6 - Cambridge Journals APC price list

<https://www.cambridge.org/core/services/aop-file-manager/file/5783738dbd8dfd4e3283c3f2>

De Gruyter

DG1 – Publish your journal article

<https://www.degruyter.com/page/2022>

DG2 - Repository policy

<https://www.degruyter.com/page/repository-policy>

DG3 – Open Access

<https://www.degruyter.com/page/open-access>

Elsevier

EL1 - Copyright

<https://www.elsevier.com/about/policies/copyright>

EL2 - Article Sharing

<https://www.elsevier.com/about/policies/sharing>

EL3 - Open access licenses

<https://www.elsevier.com/about/policies/open-access-licenses>

EL4 - Open access

<https://www.elsevier.com/about/open-science/open-access>

EL5 - Hosting articles

<https://www.elsevier.com/about/policies/hosting>

EL6 - Choice (Select the publishing model that's right for you.)

<https://www.elsevier.com/authors/journal-authors/open-access/choice>

EL7 - Pricing

<https://www.elsevier.com/about/policies/pricing>

EL8 - Open access price list

<https://www.elsevier.com/books-and-journals/journal-pricing/apc-pricelist>

EL9 - Journal Specific Embargo Periods 2019

https://www.elsevier.com/data/promis_misc/Embargos-per-journal.xlsx

Emerald

EM1 - Author rights

<https://www.emeraldgrouppublishing.com/services/authors/author-policies/author-rights>

EM2 - Our open research policies

<https://www.emeraldgrouppublishing.com/products/open-research-emerald/open-research-policies>

EM3 - Publish in an open access journal

<https://www.emeraldgrouppublishing.com/services/authors/publish-us/publish-open-access/journal>

EM4 - Funded article processing charges (APCs)

<https://www.emeraldgrouppublishing.com/products/open-research-emerald/funded-article-processing-charges-apcs>

EM5 - Open research FAQs

<https://www.emeraldgrouppublishing.com/products/open-research-emerald/open-research-faqs>

Inderscience

I1 - Copyright and author entitlement

<https://www.inderscience.com/mobile/inauthors/index.php?pid=74>

I2 - Inderscience: Copyright and Author Rights and Responsibilities

<https://www.inderscience.com/www/dl.php?filename=authorcopyright.pdf>

I3 - Open Access at Inderscience

<https://www.inderscience.com/mobile/inauthors/index.php?pid=75>

I4 - Author Copyright Agreement

<https://www.inderscience.com/www/dl.php?filename=authoragree.pdf>

I5 - Open Access Author Order Form

<https://www.inderscience.com/www/dl.php?filename=authororderform.pdf>

Oxford University Press

O1 - Author Re-Use and Self-Archiving

<https://global.oup.com/academic/rights/permissions/autperm/?cc=gb&lang=en>

O2 - Author self archiving policy

https://academic.oup.com/journals/pages/access_purchase/rights_and_permissions/author_self_archiving_policy

O3 - Open access at Oxford University Press

https://academic.oup.com/journals/pages/open_access

O4 - Copyright, licenses and re-use rights

https://academic.oup.com/journals/pages/authors/production_and_publication/online_licensing

O5 - Publication rights

https://academic.oup.com/journals/pages/access_purchase/rights_and_permissions/publication_rights

O6 - Open access licences at OUP

https://academic.oup.com/journals/pages/open_access/licences

O7 - Accepted Manuscript embargo periods

https://academic.oup.com/journals/pages/access_purchase/rights_and_permissions/embargo_periods

Sage Publications

SG1 - Manuscript submission guidelines

<https://uk.sagepub.com/en-gb/eur/manuscript-submission-guidelines>

SG2 - SAGE's Author Archiving and Re-Use Guidelines

<https://uk.sagepub.com/en-gb/eur/journal-author-archiving-policies-and-re-use>

SG3 - Guidelines for SAGE Authors

https://uk.sagepub.com/sites/default/files/author_sharing_guidelines_2018_0.pdf

SG4 - Open Access Position Statement

<https://uk.sagepub.com/en-gb/eur/open-access-position-statement>

SG5 - Posting to an Institutional Repository (Green Open Access)

<https://uk.sagepub.com/en-gb/eur/posting-to-an-institutional-repository-green-open-access>

SG6 - Pure Gold Open Access

<https://uk.sagepub.com/en-gb/eur/pure-gold-open-access-journals-at-sage>

SG7 - Reusing Open Access and SAGE Choice Content

<https://uk.sagepub.com/en-gb/eur/reusing-open-access-and-sage-choice-content>

Springer Nature

SN1 - Springer Nature Journal Policies

<https://www.springernature.com/gp/open-research/policies/journal-policies>

SN2 - Nature Research Open Access Policies

<https://www.nature.com/nature-research/open-access/open-access-policies#Self-archiving%20and%20manuscript%20deposition%20of%20papers%20published%20open%20access>

SN3 - Springer Publication Policies

<https://www.springer.com/gb/open-access/publication-policies>

SN4 - Palgrave Rights and Permissions

<https://www.palgrave.com/gp/journal-authors/rights-permissions/10052490#Self-archiving-policy>

SN5 - Springer Self-archiving Policy

<https://www.springer.com/gb/open-access/publication-policies/self-archiving-policy>

SN6 - Palgrave Author FAQs

<https://www.palgrave.com/gp/journal-authors/author-copyright-faqs/10093098>

SN7 - Springer Nature Journals List 2020

<https://media.springernature.com/full/springer-cms/rest/v1/content/17278042/data/v24>

SN8 - Nature Research Self archiving and license to publish

<https://www.nature.com/nature-research/editorial-policies/self-archiving-and-license-to-publish>

Taylor and Francis

T1 - Copyright and you

<https://authorservices.taylorandfrancis.com/copyright-and-you/#%20>

T2 - Sharing your work

<https://authorservices.taylorandfrancis.com/sharing-your-work/>

T3 - Publishing your research open access

<https://authorservices.taylorandfrancis.com/publishing-open-access/>

T4 - Open access options

<https://authorservices.taylorandfrancis.com/publishing-open-access/oa-options-finder/>

Wiley

W1 - Understanding copyright and licensing

<https://authorservices.wiley.com/author-resources/Journal-Authors/licensing/index.html>

W2 - Learn about licensing and copyright

<https://authorservices.wiley.com/author-resources/Journal-Authors/licensing/licensing-info-faqs.html>

W3 - Article Sharing Policy

<https://authorservices.wiley.com/author-resources/Journal-Authors/Promotion/article-sharing-policy.html>

W4 - Article Sharing guidelines (PDF)

https://authorservices.wiley.com/asset/Article_Sharing_Guidelines.pdf

W5 - Open Access Policy

<https://authorservices.wiley.com/open-research/open-access/about-wiley-open-access/open-access-policy.html>

W6 - Wiley Article Publication Charges for OnlineOpen Journals

<https://authorservices.wiley.com/asset/Wiley-Journal-APCs-OnlineOpen.xlsx>

W7 - Wiley Copyright-Transfer-Agreement-Sample

<https://authorservices.wiley.com/asset/Copyright-Transfer-Agreement-Sample.pdf>

W8 - Wiley Exclusive-License-Agreement-Sample

<https://authorservices.wiley.com/asset/Exclusive-License-Agreement-Sample.pdf>

Appendix D: Key to policy statements extracted from publicly available policy documents of 10 large publishers

Self-archiving for paywalled journals Author retains copyright (Y/N)	Records whether author retains copyright in self-archived articles in subscription journals
Author re-use allowed (Y/N)	Records whether authors are permitted to use articles in their own teaching or to share with colleagues
Author self-archiving (Y/N)	Records whether authors are permitted to archive articles in institutional repositories
Version (VOR or AAM)	Records whether the author is permitted to archive the Version of Record or the Author's Accepted Manuscript
Embargo period(s)	Lists all embargo periods used by publisher for archiving in institutional and subject repositories
CC licence allowed on self-archived articles	Records whether publisher allows Creative Commons licences to be applied to self-archived articles and which type of licence where specified
Gold OA Author retains copyright (Y/N)	Records whether author retains copyright in gold OA articles
Author retains publication right	Records whether author retains publication right, in contrast to signing an exclusive licence to publish or a transfer of commercial rights
Type of most used CC end-user licence (where CC licence is used) - to be deleted	Records the types of Creative Commons licence the publisher allows for gold OA
CC BY	Y/N whether publisher supports this licence type
CC BY-ND	Y/N whether publisher supports this licence type
CC BY-NC	Y/N whether publisher supports this licence type
CC BY-SA	Y/N whether publisher supports this licence type
CC BY-NC-ND	Y/N whether publisher supports this licence type
CC BY-NC-SA	Y/N whether publisher supports this licence type
Publisher's Own	Records whether a publisher offers their own 'open' licence
Justification wording for copyright ownership	Justification from policy documents where publisher requires assignment of copyright
Other statements to consider	Identification of other information in publisher policy documentation and guidance with relevance to the study
Future Policy Changes (stated by publisher)	Information provided on future policy positions by publishers in verification exercise