

# Implementing the Global University Publications Licence: a new Open Scholarship Model for advocating change

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## Implementing the Global University Publications Licence: a new Open Scholarship Model for advocating change

### Abstract

Universities want a voluntary non-exclusive licence from authors to disseminate publications. This practitioner case study explores an innovative model to communicate and advance open and equitable scholarship through the implementation of the Global University Publications Licence at the University of Nottingham Ningbo China. The paper explains the licence policy and key influences, including: Copyright Law of the People's Republic of China and the Declaration on Research Assessment (DORA).

The University approved the Global University Publications Licence, with implementation from 1 August 2019. It is available in Chinese and English. Since implementation, the University has retained rights for 74% of research publications submitted; 100% of those publications are available through the University with a CC-BY licence and zero embargo. The Open Scholarship Model provides an equitable approach to versions and citation. The paper concludes by suggesting university libraries can exploit Copyright Law in China to progress open scholarship strategies, including: recognition of employers as authors of works; a priority right to the exploitation of works; and, an embargo protection of two years after the completion of the work. The author's final version of publications can be open, discoverable, cited and preserved through trusted universities with global reputations for high quality research.

**Keywords:** Open Access; Open Scholarship; University Licencing; Research Publications; Citations.

# Implementing the Global University Publications Licence: a new Open Scholarship Model for advocating change

## 1. Introduction

Universities want a voluntary non-exclusive licence from authors to disseminate research publications in open scholarship. This practitioner case study discusses an innovative model to advance open scholarship through the implementation of the Global University Publications Licence (GUPL) at the University of Nottingham Ningbo China (UNNC). Through developing new policy and practice, we have redefined our approach with a greater focus on scholarship. Knowledge Exchange defined open scholarship as ‘opening up the way research is carried out and communicated’, including decision-making processes within research, alongside progress towards greater access to the outputs of more traditional research processes<sup>1</sup>. This paper focusses on access to research outputs through universities, but also decision-making processes, particularly what authors decide to cite in the scholarly record. The paper explains the licence policy and key influences, including: Copyright Law of the People’s Republic of China (PRC)<sup>2</sup>; the Declaration on Research Assessment (DORA)<sup>3</sup>; and, the SPARC ‘equitable foundations’ theme<sup>4</sup>.

## 2. Background

UNNC is the first Sino-foreign University in China. It was established in 2004 as a joint venture partnership between the University of Nottingham and the Zhejiang Wanli Education Group; the University of Nottingham's other overseas campus is in Semenyih, Malaysia<sup>5</sup>. There are shared and separate systems across campuses: the China and Malaysia campuses use ePrints<sup>6</sup>; the UK campuses use the Research Information System<sup>7</sup>. Policy development happens at each campus and across campuses, respecting local contexts, especially where there are legal and compliance issues. The University of Nottingham Open Access Policy, for example, was developed in the United Kingdom, and it is now part of the Code of Research Conduct and Research Ethics, which ‘applies to all members of staff employed by the University at all campuses’<sup>8, 9</sup>. The University commitment ‘to continuing the practice of waiving assertion of its legal ownership of copyright in research publications’ is a University of Nottingham policy<sup>10</sup>.

The Library initiated advocacy for GUPL to align with the anticipated adoption of the UK Scholarly Communication Licence (UK-SCL)<sup>11</sup>. The UK-SCL was a policy and licence to support compliance,<sup>12</sup> and a way to help ‘authors to make their work open access without additional costs or compliance risks’ and ‘without undue restrictions’<sup>13</sup>. Decisions about adopting the UK-SCL were deferred<sup>14</sup>. Librarians in China recognised that the UK-SCL developed from the UK’s legal framework. Any policy development in China needed to consider the UNNC governance processes, leadership priorities, and the Chinese legal and compliance environment. China already had its own open access policies,<sup>15-17</sup> emerging infrastructure,<sup>18, 19</sup> with distinctive approaches to scholarly communication<sup>20</sup> and copyright. Open access moved to become ‘the accepted norm’ in China<sup>21</sup>. Would a licence for the rights to University authored publications work in China?

Policies continued to change in Europe, asserting the retention of copyright by authors and universities. UK Research and Innovation published policy included the recommendation that ‘institutions fully consider the extent to which authors currently retain or transfer the copyright of works published by their researchers,’<sup>22</sup> a key theme which had already been expressed in other UK policy documents<sup>23</sup>. The recent *UKRI Open Access Review* consultation includes consideration of whether to require authors or their institutions to retain copyright and reuse rights<sup>24</sup>. In Europe cOAlition S aims to make immediate open access to research

publications a reality,<sup>25</sup> with their open access manifesto 'Plan S'<sup>26</sup> stating the need for authors or institutions to retain copyright to all types of publications with CC-BY for dissemination. China supported Plan S,<sup>27</sup> including: the Chinese Academy of Sciences,<sup>28</sup> the Natural Science Foundation of China,<sup>29</sup> and, the Ministry of Science and Technology<sup>30</sup>. Change in Europe and support in China strengthened the case for GUPL. The Library wanted a better position to 'collect locally, and share globally'<sup>31</sup>.

The Library also advocated for signing DORA<sup>3</sup> to align with UK recommendations,<sup>32</sup> UK institutional policy developments across universities, and some academic author perceptions of the 'tyranny of metrics'<sup>33</sup>. DORA articulates the need 'to assess research on its own merits rather than on the basis of the journal in which the research is published,' and to make assessments based on content rather than publication metrics. In DORA, the Leiden Manifesto,<sup>34</sup> and the more recent Hong Kong Manifesto,<sup>35</sup> there is a growing focus on the quality of content in research when assessing researchers. Similarly, Plan S commits to assess research on 'the intrinsic merit of the work and not consider the publication channel, its impact factor (or other journal metrics), or the publisher'<sup>36</sup>. People have been pushing for a change in the system for decades with little success. Dissemination of research through the university could democratize assessment by allowing readers to judge<sup>37</sup>. Does the place of publication in a journal still matter? Can the content of an author's final version of a publication available through a university be assessed on its own intrinsic merits? Can university and author practices and preferences evolve to support open scholarship?

### 3. Advocacy and Change

#### 3.1 Global University Publications Licence

The Global University Publications Licence (2.0) is available online in Chinese and English<sup>38</sup>. Publications submitted to the University have GUPL as default, but authors can opt-out. This is the current text:

- The University of Nottingham Ningbo China is committed to producing and disseminating high quality research to global audiences. It supports the principle that research should be free and accessible to the public. It supports open access to research.
- Each Author grants to the University of Nottingham Ningbo China a nonexclusive, irrevocable, worldwide license to exercise all rights under copyright relating to the publication in any medium, provided that it is not sold for a profit.
- The licence applies to all publications authored at the University of Nottingham Ningbo China. Publications completed before the adoption of this policy are excluded.
- Authors have freedom and control in publication strategies. Authors can delay access for a specified period of time when needed. Authors can specify the licence for reuse.
- Each Author will provide an electronic copy of the author's final version at the point of acceptance and no later than the date of publication.
- This copy will become the University Version of Record which is licenced to the University of Nottingham Ningbo China. The publication will be available to the global public through the University.

### 3.2 Advocacy

One of the most challenging areas to write about in this case study is the process of influencing, from informal conversations about ideas to internal governance and decision-making. Colleagues who are also aiming to persuade University senior management, however, often seek insights into these processes, including presentations, committee papers, and diagrams of models used in communication.

To improve the effectiveness of advocacy, Library staff improved understandings of established and emerging issues in open scholarship, including: an overview<sup>39</sup>; specific issues, such as the management of article processing charges<sup>40</sup>; and, the different researcher understandings of openness<sup>41</sup>. Librarians sometimes framed discussion around prominent news stories<sup>42</sup> or recent books<sup>43</sup>. Librarians developed deeper understandings about the circumstances, which led to the UK-SCL,<sup>44</sup> criticism,<sup>45</sup> the opposition of some authors,<sup>46,47</sup> and researchers' attitudes<sup>48,49</sup>. Librarians submitted a paper for the IFLA World Congress in Kuala Lumpur in 2018,<sup>50</sup> with the presentation introducing the idea of a university publications licence to an audience that included representatives from publishing.

We followed internal governance processes. A draft paper was prepared and presented to the Vice-Provost-Research in an informal meeting, including:

- **The Challenge.** UNNC does not retain rights for the research publications created at the University. Authors assign copyright to publishers. The result is that much of the university's research exists within a closed system, without the opportunity to gain the benefits from open access: the higher visibility of research; more opportunities to be cited; and, a greater potential for international collaboration.
- **The Opportunity.** The opportunity is to create a new non-exclusive, bilingual Global University Publications Licence. UNNC authors agree to support the licence on a voluntary basis. The University has the rights to create a University Version.

A formal paper submitted to University leadership in April 2019 approved GUPL (1.0) in principle. The Library provided more information about the current situation, implementation and a communication plan. The Library submitted a second paper to University leadership in June 2019; they approved GUPL (1.0), with an opt-out for authors. There was a mandate for change and an agreed communication, including Faculty Open Access Roadshows an International Open Scholarship Conference for librarians.

Faculty did not vote on the adoption of GUPL, as they had done when a similar model that was adopted at Harvard<sup>51</sup>. Librarians consulted faculty authors through the Roadshow events. Authors generally expressed support for open access and GUPL. Maintaining a positive relationship between author and publisher was a shared concern. The University Version of Record concept was contentious, with one author describing it as a 'terrible idea'; other authors said they had and would cite pre-prints or post-prints, but the papers needed to be suitable for scholarship, including pagination; some authors discussed how each citation was an assessment of merit, and how each author's citation decision formed the scholarly record. The subsequent Open Scholarship Conference focussed on copyright and licencing, and was valuable for developing new understandings about how intellectual property is a legal and social construct that varies by culture<sup>52</sup>. GUPL was a key focus of the conference, with feedback gathered from librarians on the potential adoption in the Sino-foreign university community.

Following the conference, the Library proposed wording for the employment contract. The policy licence

continued to be preferred by the University. The words ‘retain’ and ‘acquire’ are problematic in this context; the University continues to have the rights or keep possession of rights through the signed contract of employment and Copyright Law. In January 2020, University leadership approved the Publication Checklist,<sup>53</sup> including ‘Retain author copyright’; ‘Licence non-exclusive rights’; and, ‘Send the work to be made available open access using the Global University Publications Licence’. Whenever possible authors are encouraged to make non-exclusive agreements, granting rights and remaining copyright owners. In June 2020, University leadership approved GUPL 2.0; the paper submitted to University leadership emphasised global strategic alignment with the Code of Research Conduct and Research Ethics<sup>6</sup>. Policy and procedure will continue to be reviewed and revised.

#### **4. Results**

The Library implemented the policy from 1 August 2019. Between 1 August 2019 and the 31 July 2020, 74% of publications submitted to the University use GUPL; 100% of the GUPL publications use the default CC-BY; and, 100% of the GUPL publications are zero embargo. A further 26% of submitted publications do not use GUPL: one author decided the publisher version would be OA; another did not want to provide the manuscript because they were the eighth author; and, one made a self-deposit, so the Library did not apply GUPL. In our case, 19% of Scopus indexed publications in 2019, the last full calendar year available for analysis, are open access through traditional publishers; 29% of Scopus indexed publications in 2019 are already open access through the University.

#### **5. Discussion**

##### **5.1 Explanations**

GUPL is a shorter version of Shieber’s Harvard model policy and explanatory notes<sup>54</sup>. It is a simple version to fit on one page in Chinese and English to aid communication. GUPL is, however, not the same as the model policy. Librarians consulted academic authors on the model policy and notes, as well as good practice,<sup>55</sup> a published case study,<sup>56</sup> and the arXiv<sup>57</sup> License, finding a balance between brevity, rights retention, author autonomy and scholarship. The arXiv provided a model for perpetual access to maintain the scholarly record; a non-exclusive and irrevocable license is used.

The most important issue for authors consulted was ‘freedom and control in publication strategies,’ and we used this preferred wording. Academic authors often have a ‘fundamental objection’ to policy being imposed on them,<sup>58</sup> and there is a risk that a publisher might refuse publication. Discussion around academic freedom can sometimes lead to ‘morale-draining confrontation’, and this wording acted as a ‘safety valve’ for both authors and librarians<sup>54</sup>. GUPL highlights the two most important points for authors: control to delay access for a specified period when needed; and, the ability to specify the licence for others to reuse. Zero embargo and a CC-BY Licence are the default for all publications. Authors can choose a restrictive licence, such as CC-BY-NC-ND; the anecdotal evidence in our case study indicates that authors do not specify a licence preference for reuse.

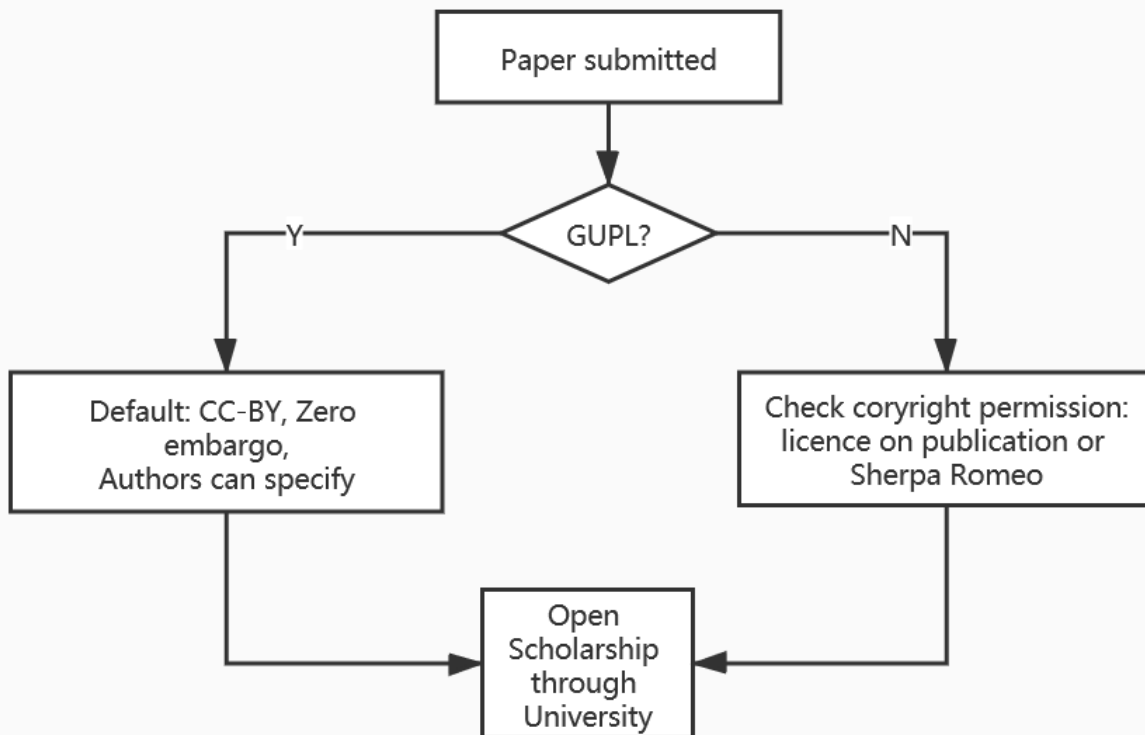


Figure 1. New ways of working

When authors choose not to use GUPL, the University can still make works OA, as illustrated in Figure 1: the author may have retained copyright; a publisher version may be available with a permissive Licence; and, librarians can follow traditional processes and check Sherpa Romeo<sup>59</sup> for permissions and conditions.. One recent report investigates the extent to which ‘publisher copyright, rights retention, self-archiving and open licensing policies’ support change<sup>60</sup>. When universities do exercise rights there are opportunities for open scholarship.

In this case study, there are already benefits to new ways of working:

- **Clarity.** Confusion over depositing the wrong version due to ‘the complexity and diversity of copyright policies’ can be avoided<sup>61</sup>. There is already almost a 75% reduction in checking external policies.
- **Flexibility.** GUPL is flexible. Authors control which of their publications are licenced with GUPL, including monographs and book chapters. ‘A significant amount of book content can be made open access in institutional repositories but the workload and workflows are significantly more complex and onerous than for journal articles’<sup>50</sup>.
- **Inclusivity.** GUPL is inclusive. GUPL can apply to all research, including pre-prints and post-prints, based on author needs. As open scholarship services develop the Library will move towards disseminating ‘the complete oeuvre of a scholar across her or his career at an institution – data, white papers, technical reports, presentations’<sup>62</sup>.



It is the responsibility of authors to provide the 'electronic copy' of the publication<sup>38</sup>. Many authors still do not provide the electronic copy.

Authors decide what final version is available 'through the University'<sup>38</sup>. The National International Information Standards Organization recommended terms and definitions for journal article versions at seven stages through traditional publishing models: Author's Original (AO), Submitted Manuscript Under Review (SMUR), Accepted Manuscript (AM), Proof (P), Version of Record (VoR), Corrected Version of Record (CvOR), and Enhanced Version of Record (EVoR)<sup>63</sup>. Library staff deposit the paper provided by the author and create a University version, including: title page (title of publication; author(s) of publication; and the University logo) and a reverse title page (affiliation information; the GNU GPL licence for University rights; the licence for reuse). This is not a journal article version; it is a University version.

Although cover pages may be harmful,<sup>64</sup> we decided that a title page associates the publication to the reputation of the University and a reverse title page includes copyright and licencing information. The Library uses Google guidance,<sup>65</sup> and aims for more than discoverability and web impact<sup>66</sup>. Works may be replaced or augmented following initial deposit,<sup>67</sup> accepting the content of papers changes 'very little from their pre-print to final published versions,'<sup>68</sup> and that corrected articles may be cited more<sup>69</sup>.

Library staff work with authors to ensure the best possible version of the publication is available, including pagination for citation. Practices will evolve to include Digital Object Identifiers and citations for specific versions and all versions, as we redefine our approach as part of the postdigital challenge<sup>70</sup>. It remains unclear, however, whether we can develop the practices necessary to move beyond access and provide the author's final versions for scholarship. A University version may influence author decision-making processes, particularly what they voluntarily decide to cite in the scholarly record, what universities use for assessment, and what forms the emerging corpus of open scholarship.

## 5.2 Legal

The Library used the Legal Framework model (Figure 2) to explain and facilitate discussion about Copyright Law, the University Contract of employment and non-exclusive rights.

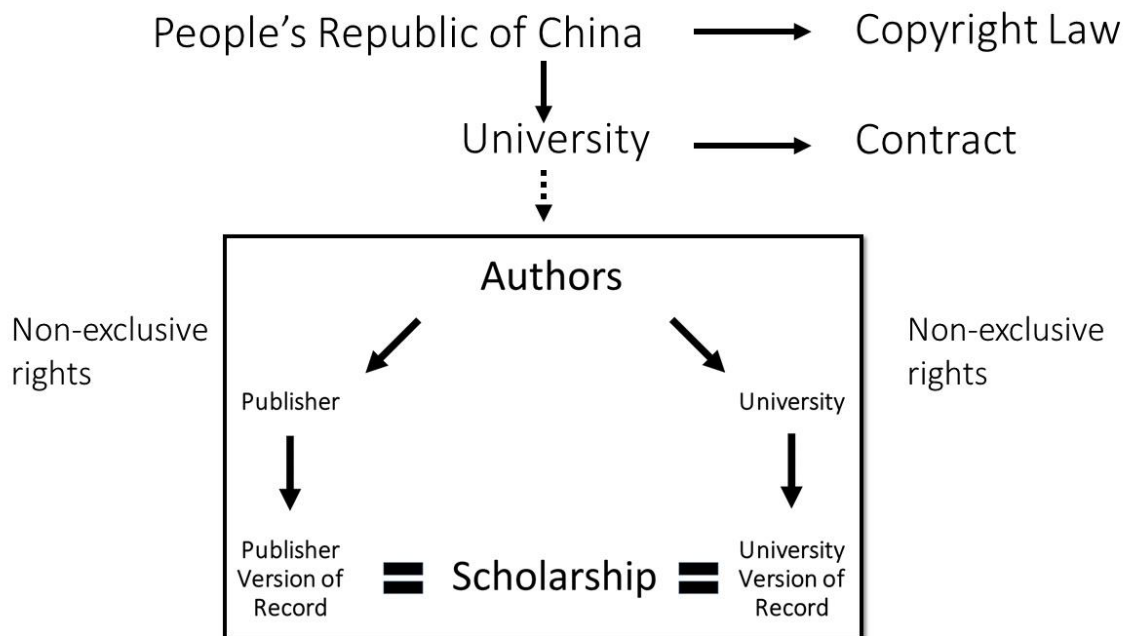


Figure 2. Legal framework

Universities have contracts of employment with authors, which could assert ownership in intellectual property. One argument is that contract law balanced with intellectual property laws ensures economic benefits<sup>71</sup>. Universities have shown little interest in asserting their copyright ownership in research because of academic freedom and the lack of financial incentive,<sup>72</sup> although there is evidence of a move to shared ownership<sup>73</sup>. Ferullo<sup>74</sup> summarised the issue:

'If the university owns the copyright to the work or the faculty has assigned them a licence, which is a requirement of many university open-access policies, then there is no issue. However, many times the owner of the copyright is not the depositor. A typical scenario is when a faculty member wants to deposit his or her work in the IR but has transferred the copyright to a publisher.' (p.87)

The Copyright Law of the PRC<sup>2</sup> protects authors, including non-Chinese citizens working in China, in their works and encourages dissemination. The definition of copyright owners is not limited to authors; it includes organisations, as stated in Article 11:

"Where a work is created according to the intention and under the supervision and responsibility of a legal entity or other organization, such legal entity or organization shall be deemed to be the author of the work. The citizen, legal entity or other organization whose name is mentioned in connection with a work shall, in the absence of proof to the contrary, be deemed to be the author of the work."

Universities can be the authors of works. Article 16 goes further:

"A work created by a citizen in the fulfilment of tasks assigned to him by a legal entity or other organization shall be deemed to be a work created in the course of employment. The copyright in such work shall be enjoyed by the author, subject to the provisions of the second paragraph of this Article, provided that the legal entity or other organization shall have a priority right to exploit the work within

the scope of its professional activities. During the two years after the completion of the work, the author shall not, without the consent of the legal entity or other organization, authorize a third party to exploit the work in the same way as the legal entity or other organization does.”

Chinese Law gives universities a ‘priority right’ to exploit works within the scope of its professional activities, including dissemination. The Law also provides an embargo protection to universities of ‘two years after the completion of the work.’ Chinese Law states that universities must give consent before authors can authorise a third party to exploit works. This indicates that external organisations must ensure that universities have given explicit permission before the assignment of copyright from authors.

Some have argued it is unclear if copyright transfer to external organizations is permissible, with rights ‘wrongfully acquired in many cases’<sup>75</sup>. Article 10 of the Copyright Law of the PRC states the personal and property rights, identifying the rights (5-17) that can be wholly or partially transferred. Authors cannot transfer four rights, including: the right to authorship (2); the right of alteration (3); the right of integrity (4); and, the right of publication (1), the right to decide whether to make a work available to the public.

### 5.3 Open Scholarship Model

The Library introduced the Open Scholarship Model (Figure 3). Librarians used the model to explain the change from open access to open scholarship, where authors assess and trust the University Version in citation practices. Librarians developed the model using the SPARC equitable foundations theme<sup>4</sup>. Authors and scholarship are at the centre of the model, with publishers and universities having equitable roles.

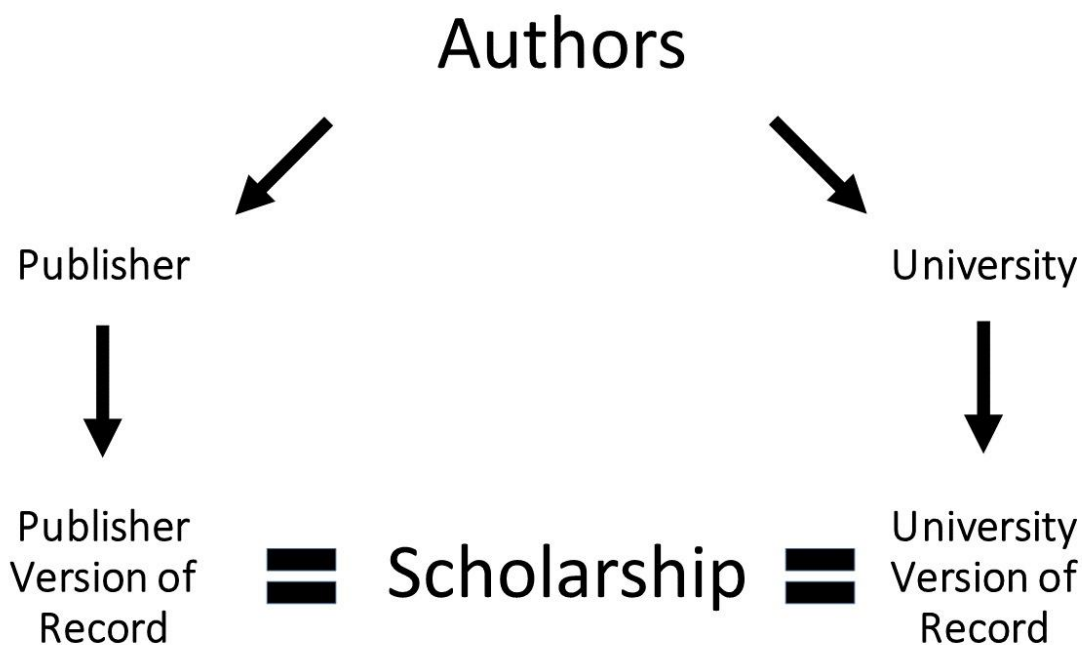


Figure 3. Open scholarship model

In this model, authors retain copyright; they deposit the author’s final version, and licence non-exclusive rights to the University. The Library creates the University version, developed from the author’s final version. Authors make non-exclusive agreements with external organisations whenever possible. Both the university

and external organisations develop a citable work. This is part of an ‘appropriate rebalancing,’<sup>76</sup> and, citation counts for both works can be consolidated as new schemes emerge<sup>77</sup>. In an equitable model, both versions are of equal merit: they have the same content; the same scholarship. Authors and universities may need new terms and definitions as university versions develop through emerging practices in open scholarship.

## **6. Conclusion**

Copyright Law in China supports universities who have paid for the creation of research and related outputs, including: recognition of employers as authors of works; a priority right to the exploitation of works; and, an embargo protection of two years after the completion of the work. There are significant benefits to the implementation of a voluntary non-exclusive licence between authors and universities to clarify legal rights. The author’s final version of publication can be open, discoverable and preserved through trusted universities with global reputations for high quality research. The Open Scholarship Model, moreover, provides an equitable approach to versions and citation. Unique research publications can be open to researchers as a University Version. Authors will decide the future of open scholarship through their decision-making processes, particularly what they decide to cite in the scholarly record.

## **Competing Interests**

The authors are advocates of Open Scholarship through universities.

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