Retention of rights for researchers at universities of science & technology and beyond

Mattias Björnmalm (Deputy Secretary General)
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About us
Association at a glance

We unite 57 leading research-intensive specialised and comprehensive universities of science and technology from 27 countries in Europe and beyond.

Over 1,400 volunteers and leaders from our Members are engaged in our association.

Founded in 1990 as a not-for-profit association and hosted by KU Leuven on its science and technology campus.

Acknowledged stakeholder organisation for European Research Area, European Education Area and European Strategy for Universities.
Our Members at a glance

- Our Members educate over 1.1m students of which 200,000 are international students.
- Our Members unite and employ over 96,000 academic staff.
- Under Horizon 2020, our Members have been awarded €5 billion worth of European research funding.
- Including: 1,150 ERC Projects, 2,499 MSCA Fellowships, 9,464 Collaborative Projects.
CESAER position on rights retention
Governments

- Ongoing developments across Europe on copyright laws with open access amendments, such as the Dutch Taverne Amendment and similar efforts in Belgium, Germany, France
- We strongly encourage their further deployment.
- We call on the European Commission to propose EU legislation to give researchers the nonwaivable legal right to share publicly funded and peer-reviewed research findings without embargoes.

Open Access in Horizon Europe

Today, we publish a position expressing our support for further strengthening open science and open access in Horizon Europe.

Recalling our position paper ‘CESAER going towards Open Science’ and ‘Roadmap towards Open Access’, the universities of science and technology united in CESAER are proponents for open science and open access to scientific publications. We support the transition towards making open access the modus operandi in Horizon Europe. We acknowledge the laudable efforts by cOAlition S - a group of national research funding organisations with the support of the European Commission and the European Research Council - to ensure immediate open access to scientific publications and we support Plan S: In line with our previous statements and our mission, aims and values, we herewith present our advanced position on open access in Horizon Europe.

RETENTION OF RIGHTS AND LICENSES

We support the principles behind Plan S stating that researchers (or their universities) should retain full rights to their scholarly works. For example, any 'copyright transfer agreement' where researchers and universities hand over their rights (for their scholarly work or their research data) must be avoided. The retention of rights by researchers and universities is vital as it enables the full utilisation of research outcomes in diverse efforts across all areas of research, education and innovation.

We further note the ongoing developments across Europe on copyright laws with open access amendments, such as the Dutch Taverne Amendment and similar efforts in Belgium, Germany, France and other countries. These developments help safeguard the rights of researchers and universities, and we therefore strongly encourage their further deployment. We call on the European Commission to propose EU legislation to give researchers the nonwaivable legal right to share publicly funded and peer-reviewed research findings without embargoes.

As an association, we have adopted a creative commons license (CC BY) as the default license for our own publications. We endorse the use of licenses for research outputs which are conformant with the principles laid out in the ‘Open Definition’. In short, any researcher who wishes to share the findings contained in their peer-reviewed articles must be able to do so without restrictions or embargoes. This is what publishing is about: to disseminate research findings.

Governments

Objective

● Solve the problem ‘across the board’ by addressing at legal level

Challenge

● Legal amendments and new copyright laws take long time (e.g. new EU-level legislation take many years from conception to implementation)
Publishers

- All publishers must fully respect researchers’ rights by providing clarity and transparency on Open Access
- We urge those publishers to reconsider their position and modernise, ensuring they play their part in providing fair and transparent conditions for authors.
- Researchers who wish to deposit their author-accepted manuscript in a repository with an open license (e.g. CC BY), and without any embargo, must be able to do so.

https://www.cesaer.org/news/all-publishers-must-provide-researchers-with-clarity-and-transparency-on-open-access-920/
Publishers

Objective

● Seamless transition for researchers

Challenge

● We are moving out of ‘awareness-raising phase’, publishers who are okay with researchers retaining rights have largely aligned already

● This avenue therefore largely ‘stuck’

https://www.cesaer.org/news/all-publishers-must-provide-researchers-with-clarity-and-transparency-on-open-access-920/
Universities and their researchers

“The rights belong to the author and they should remain there”

- Marco Tullney (Technische Informationsbibliothek and member of CESAER task force)

‘Particularly inspiring is the adoption by cOAlition S of a similar rights retention policy as espoused by initiatives like the UK Scholarly Communications Licence’

- Pablo De Castro (University of Strathclyde and member of CESAER task force)
Universities and their researchers

Objective

- Universities and their researchers can sort this themselves (does not depend on external players)

Challenges

- Resources (including staff hours) needed to engage and convince researches in technical discussions (e.g. Harvard OA policy adopted by faculty vote which implies need for copyright understanding in broader faculty)

- Potential legal issues (e.g. publisher disputing or taking legal action)

CESAER welcomes rights retention strategy for researchers from cOAlition S

Next steps

Continue pushing for

- change on (EU) legal level, and
- for (all) publishers to modernise

In addition, roll-out institutional approaches and mitigate challenges by

- Reducing need for additional resources by sharing good practices to ‘follow trailblazers’
- Reducing potential for legal problems (from publishers) by open and transparent approach and engagement with publisher community
- Well-resourced open access services at institution (e.g. library) to inform and engage with local community

CESAER welcomes rights retention strategy for researchers from cOAlition S

More information

- **Our website**
- **Our contact details**

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