

Different paths to retaining rights in Europe

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Munin Conference on Scholarly Communications
November 2024



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- Headlines from first phase of research
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Overview of Project Retain



Programme Knowledge Rights 21

- “works to bring about changes in legislation and practice across Europe that will strengthen the right of all to access and apply knowledge for the benefit of research, science and society at large”
- Funded by Arcadia Foundation
- Partnership of IFLA, LIBER and SPARC Europe
- Among other copyright issues, focuses on:
 - RR (SPARC Europe)
 - SPR (LIBER)
- Network of national coordinators



Highlights from Retain Phase 1



Wide research into RR policies and open licenses

- Mixed methods
- Targeted:
 - Institutions
 - Publishers
 - Funders
 - Authors
- Attitudes, policies and current practices
- Contextual factors



Definition of RR policies and their “flavours”

- An institutional RR policy is an expressed position setting out the practice of retaining sufficient rights for academic works produced by an institutions’ researchers to make the work openly accessible and reusable immediately.
- **Variations:**
 - Mandates/recommendations
 - Legal basis
 - Opt-in/opt-out
 - Authors & content covered; versions & licenses
 - Approval process
 - Implementation



Results



<https://sparceurope.org/what-we-do/open-access/copyright/project-retain/>

- Report
- Recommendations & Helper
- Campaign
- Position paper



Initial findings from second phase



Phase 2 approach

- The **second phase** of Project Retain will:
- **Conduct research** on rights retention policies across 10 European countries through in-depth case studies
- **Campaign** to stimulate more policy change and raise awareness
- Build a European **Rights Retention Community of Practice** to advance implementation of rights retention policies across Europe.



Initial findings

- Steady progress in UK and Norway
- Uneven elsewhere
- Uncertainty over benefits
- Lack of reaction (for now)
- Open licenses remains a point of negotiation
- Returning to previous reform attempts
- Existing partnerships



Initial findings - continued

- Very helpful but not essential to have
 - Library involvement
 - Legal reform
 - particularly copyright reform
 - Infrastructure



Factors influencing approaches to retaining rights



Copyright of scholarly works

- Initial ownership of copyright
 - For scholarly works under employment
 - No comprehensive European mapping
- Ownership of copyright in practice
 - Tacit, informal practices
- Importance of other legislation
 - Contract laws
 - Labour laws



Secondary publication in laws

- Secondary publication right (SPR)
 - Embargo?
 - Open license (reuse)?
 - Public funding?
 - Protection from contractual override?
 - ...
- Secondary Publication Obligation
 - SPO or an OA mandate
- Placed in different laws!



National policy context

- National OS policy
 - Does it address RR?
- National funder(s)
 - Do they require RR?
 - cOAlition S members?
- Impact of Horizon Europe projects and EC recommendations



Publishing environment and culture

- Read & Publish agreements
- Local or national publishers
 - Non-profit or diamond?
- Repository infrastructure & a culture of green OA
- Importance of academic freedom
- Institutional RR policies



Collaborative initiatives

- Library coalitions
- Institutional grouping
- NGOs dedicated to digital freedom



Case studies

Case studies

- 10 case studies based on interviews, review of policies and existing documentation
- Examples:
 - Legal reform and policy development in Slovenia
 - Universities of the Netherlands working group
 - The N8 research institutions (UK)



Next steps



Next steps

- Community of Practice - 2 Dec 2024

<https://us02web.zoom.us/meeting/register/tZIsduuhpj8jEtwUr6-oRtH8hDQXTiGVpbO-#/registration>

- Report and case studies - launched early 2025
- Ongoing engagement and advocacy



Follow and join Retain



Retain Your Rights campaign

<https://www.knowledgerights21.org/retainyourrights/>



@SPARC_EU #RetainYourRights



SPARC Europe

<https://www.linkedin.com/company/10747116/>



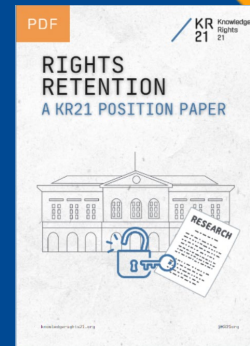
copyright@sparceurope.org



Rights Retention Mailing list

<https://www.jiscmail.ac.uk/cgi-bin/webadmin?SUBED1=KR21RETAIN-SPARCEUROPE&A=1>

KR21 Position paper



Thank you

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