

## Submission by Creative Commons to the UKRI Open Access Review

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**Deadline: May 29, 2020**

By survey response: [https://www.surveymonkey.co.uk/r/open\\_access\\_2020](https://www.surveymonkey.co.uk/r/open_access_2020) - ([List of questions](#))

### General comments

[Creative Commons](#) is pleased to provide its submission to the [UKRI Open Access Review](#). We thank UKRI for taking an earnest interest in this important issue and for taking the time to [consult](#) with stakeholders on UKRI's proposed open access (OA) policy for peer-reviewed research articles and academic books that result from research supported by UKRI.

The Creative Commons copyright licenses and tools are free, easy-to-use, simple and standardized licenses that enable creators to share the content they have created with everyone, worldwide, on the conditions that they determine. Our licenses have become the standard in open licensing, and after supporting successful efforts in the creation, adoption and implementation of OA and open research policies with various institutions, Creative Commons is pleased to lend its institutional knowledge to assist UKRI in developing its OA policy.

CC is committed to the goal of ensuring that the public is able to access immediately, free of charge and without restriction the peer-reviewed research articles and academic books resulting from UKRI-supported research and we encourage UKRI to pursue this goal. To that end, we strongly advocate for research articles to be made [openly available](#) under a [Creative Commons Attribution 4.0 International license \(CC BY\)](#), or alternatively a [Creative Commons Attribution ShareAlike 4.0 International license \(CC BY-SA\)](#); we also strongly encourage that the data associated with the research be dedicated to the public domain using the [Creative Commons Public Domain Dedication \(CC0\)](#). For all data resulting from research, CC0 is the well-accepted default. This places all data resulting from research and that is largely considered uncopyrightable, squarely and unequivocally in the public domain worldwide. See our response to Q10, below. The use of CC BY-ND licenses should not be considered an option, because those licenses are not considered acceptable OA licenses due to their restrictions on standard reuses that researchers and the general public need in order to maximize the

benefit of research outputs, such as adaptations for a different readership or translation into other languages. By contrast, CC BY-licensed OA research can be translated into other languages, adapted for use as open educational resources in the classroom, or shared widely on other platforms that champion the spread of knowledge, such as Wikipedia.

## Section A: Research Articles

**Q1. To what extent do you agree or disagree that it is clear what research articles are in-scope of UKRI's proposed OA policy (see paragraph 46 of the consultation document)? **Strongly agree** / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know / No opinion. If anything is unclear, please explain why (1,350 characters maximum, approximately 200 words).**

Instead of “acknowledge funding,” the definition could be rephrased to “benefit from funding” since a research article may inadvertently fail to acknowledge UKRI funding.

**Q2. Are there any additional considerations that the UK HE funding bodies should take into account when defining research articles that will be in-scope of the OA policy for the REF-after-REF 2021? Yes / No / **Don't know** / No opinion. If yes, please expand (1,350 characters maximum, approximately 200 words). Please see paragraphs 29-31 of the consultation document before answering this question.**

**Q3. In setting its policy, should UKRI consider any other venues for peer-reviewed research articles which are not stated in paragraph 47 of the consultation document? Yes / **No** / Don't know / No opinion. If yes, please expand (700 characters maximum, approximately 100 words).**

**Q4. Are there any specific challenges for you, your community or your organisation in terms of complying with the requirement in UKRI's proposed policy for immediate OA of in-scope research articles? Yes / No / Don't know / **No opinion**. Please explain and, where possible, evidence your answer. UKRI notes that there will be a period allowing for implementation before the policy comes into force (see paragraph 70 of the consultation document). (2,650 characters maximum, approximately 400 words.)**

**Q5. Should UKRI's OA policy require a version of all in-scope research articles to be deposited in a repository, irrespective of whether the version of record is made OA via a journal or publishing platform? **Yes** / No / Don't know / No opinion.**

**Please explain your answer (700 characters maximum, approximately 100 words). Please note that some Research Councils already require articles to be deposited in specific repositories, as detailed in the terms and conditions of funding. UKRI does not expect this to change.**

If the Version of Record is not made OA, the Author's Accepted Manuscript version should be deposited in a repository that, at a bare minimum, allows the public access, including to the underlying data.

**Q6. For research articles, are there any additional considerations relating to OA routes, publication venues and embargo periods that the UK HE funding bodies should take into account when developing the OA policy for the REF-after-REF 2021? Yes / No / Don't know / **No opinion**. If yes, please expand (2,000 characters maximum, approximately 300 words). Please see paragraphs 29-31 of the consultation document before answering this question.**

**Q7. To what extent do you agree or disagree that where compliance with UKRI's OA policy is achieved via a repository, a CC BY licence (or Open Government Licence where needed) should be required for the deposited copy? **Strongly agree** / Agree / Neither Agree nor disagree / Disagree / Strongly disagree / Don't Know / No opinion. Please explain your answer (1,350 characters maximum, approximately 200 words).**

Deposited copies need to be immediately available under terms and conditions that allow their full reuse, without any embargo period. Research articles should be licensed under the [Creative Commons Attribution 4.0 International license \(CC BY 4.0\)](https://creativecommons.org/licenses/by/4.0/) to allow for their widest possible access, use and reuse. When articles are openly licensed using CC BY, they can be text and data mined, reused, translated into other languages, downloaded and freely shared with scientists, scholars and students around the world.

**Q8. To what extent do you agree or disagree that UKRI's OA policy should have a case-by-case exception allowing CC BY-ND for the version of record and/or author's accepted manuscript. **Strongly agree** / Agree / Neither agree nor disagree / Disagree / **Strongly disagree** / Don't know / No opinion. Please explain your answer. UKRI particularly welcomes evidence supporting: specific cases where ND is considered necessary; an ND exception not being necessary; any implications an ND exception could have for access and reuse (2,000 characters maximum, approximately 300 words).**

On this point, please see our blog post of April 21, 2020: [Why Sharing Academic Publications Under “No Derivatives” Licenses is Misguided](#).

**Q9. Would the proposed licensing requirements for UKRI’s OA policy, which exclude third-party content (see paragraph 55 of the consultation document), affect your or your organisation’s ability to publish in-scope research articles containing third-party content? Yes / No / Don’t know / **No opinion**. If yes, please explain how (1,350 characters maximum, approximately 200 words).**

**Q10. Are there other considerations UKRI should take into account regarding licensing requirements for research articles in-scope of its proposed OA policy? **Yes** / No / Don’t know / **No opinion**. If yes, please expand (1,350 characters maximum, approximately 200 words).**

To enable other researchers and the public to validate, replicate and put to new uses the data underlying research articles, said data should be made immediately available (0 embargo period) upon the article’s publication and dedicated to the public domain using the [Creative Commons Public Domain Dedication \(CC0\)](#). Data should be released under the FAIR (Findable, Accessible, Interoperable, Reusable) Principles.

It is also important for all research outputs (article text, images, charts, graphs, data, etc.) to be made available in machine-readable form in order to take advantage of new computational technologies, including text and data mining, machine learning and AI. Research articles should be made available without any further barriers, including technical ones, to the exercise of users’ rights as determined by the application of CC licenses on such research articles. All research outputs should be made available under suitable technical formats that allow for modifications, in open, standard formats, to the highest resolution or quality possible, that allow for reusability in any given context.

We strongly discourage the publication of corresponding software or code under a CC license. Instead, any software or code should be licensed under an [OSI-approved free and open-source software](#).

**Q11. For research articles, are there any additional considerations relating to licensing that the UK HE funding bodies should take into account when developing the OA policy for the REF-after-REF 2021? Yes / No / Don’t know / **No opinion**. If yes, please expand (2,000 characters maximum, approximately 300 words). Please see paragraphs 29-31 of the consultation document before answering this question.**

**Q12. Which statement best reflects your views on whether UKRI's OA policy should require copyright and/or rights retention for in-scope research articles?**

- a. UKRI should require an author or their institution to retain copyright and not exclusively transfer this to a publisher**
- b. UKRI should require an author or their institution to retain specific reuse rights, including rights to deposit the author's accepted manuscript in a repository in line with the deposit and licensing requirements of UKRI's OA policy**
- c. UKRI should require an author or their institution to retain copyright AND specific reuse rights, including rights to deposit the author's accepted manuscript in a repository in line with the deposit and licensing requirements of UKRI's OA policy**
- d. UKRI should not have a requirement for copyright or rights retention**
- e. Don't know**
- f. No opinion**

**Please explain your answer. UKRI particularly welcomes views as to whether it is necessary to require copyright and/or rights retention if its policy were to require a CC BY licence, which enables reuse. If you selected answer b or c, please state what reuse rights you think UKRI's OA policy should require to be retained (2,000 characters maximum, approximately 300 words). Please note that views are not sought on whether institutions should hold the copyright to work produced by their employees as this is subject to Section 11 of the Copyright, Designs and Patents Act 1988 and institutional copyright policies.**

For the avoidance of doubt, our response is in support of authors retaining rights, but not the right to decide not to publish the article under an OA license like CC BY in a repository. That right should not be withheld by the author because the research is publicly funded.

Additionally, there should be no confusion between, on the one hand, an eventual transfer of rights between the author and the publisher, and any reuse license (e.g. CC BY) applied to the research article, on the other hand. Allowing the author to retain copyright is the way to ensure that the author remains the copyright owner in the research article. As such, the author keeps the right to republish the article with another publisher, to translate it, to re-distribute it, or make any other use as they wish regarding their article. The copyright still belongs to the author and is not transferred to the publisher.

It is very important to clarify who the copyright owner is when a research article is published. If the author transfers their copyright to the publisher, they may lose the ability to exclusively decide how they might wish to use their article or allow others to do so, depending on the terms of the transfer.

The CC BY reuse license does not regulate the transfer of rights between the author and the publisher. Instead, it clearly indicates to other researchers and any potential reusers what the copyright owner allows them to do with the research article. Should the copyright be transferred from the author to the publisher, the author would indeed become a reuser and need to comply with the conditions set out in the CC BY license, just like any other user, in addition to any other supplementary restrictions the publisher may apply, including restrictions on posting on websites, self-archiving and depositing in various repositories.

**Q13. Regarding research articles in-scope of UKRI's OA policy, to what extent do you agree or disagree with each of the seven proposed technical standard requirements for journals and OA publishing platforms? For each of the seven standards (see paragraphs 67a-67g of the consultation document): **Strongly agree** / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know / No opinion. For each of the seven standards (see paragraphs 67a-67g of the consultation document), please explain your answer (700 characters maximum, approximately 100 words, per standard).**

- a. persistent digital object identifiers (PIDs) for research outputs must be implemented according to international standards such as DOI, URN or Handle**
- b. article-level metadata must be used according to a defined application profile that supports UKRI's proposed OA policy and is available via a CC0 public domain dedication; the metadata standard must adhere to international best practice such as the Crossref schema and OpenAIRE guidelines**
- c. machine-readable information on the OA status and the licence must be embedded in the article in a standard non-proprietary format**
- d. long-term preservation must be supported via a robust preservation programme such as CLOCKSS, Portico or an equivalent**
- e. openly accessible data on citations must be made available according to the standards set out by the Initiative for Open Citations (I4OC)**
- f. self-archiving policies must be registered in the SHERPA RoMEO database that underpins SHERPA/FACT**
- g. unique PIDs for research management information must be used and must include the use of ORCID to identify all authors and contributors**

All of these elements are essential to the successful sharing of research articles and data that is produced using public funding. The absence of any element undermines the publicly-minded objectives of the funding body, and the repurposing and reusability of the research and underlying data. The goal should be to maximize the opportunities for reuse and removing as many barriers as possible. The list of requirements is appropriate to the objectives of the UKRI.

**Q14. Regarding research articles in-scope of UKRI's OA policy, to what extent do you agree or disagree with each of the five proposed technical standard requirements for institutional and subject repositories? For each of the five standards (see paragraphs 68a-68e of the consultation document): **Strongly agree** / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know / No opinion. For each of the five standards (see paragraphs 68a-68e of the consultation document), please explain your answer (700 characters maximum, approximately 100 words, per standard).**

- a. PIDs for research outputs must be implemented according to international standards such as DOI, URN or Handle**
- b. article-level metadata must be implemented according to a defined application profile that supports the proposed UKRI OA policy and is available via a CC0 public domain dedication; this should include the persistent identifier to both the author's accepted manuscript and the version of record; the metadata standard must adhere to international best practice such as the OpenAIRE guidelines**
- c. machine-readable information on the OA status and the licence must be embedded in the article in a standard non-proprietary format**
- d. unique PIDs for research management information must be used and must include the use of ORCID to identify all authors and contributors**
- e. the repository must be registered in the Directory of Open Access Repositories (OpenDOAR)**

See response to Question 13, above.

**Q15. To support the adoption of technical standards for OA, are there other standards, actions and/or issues UKRI should consider? **Yes** / No / Don't know / No opinion. Please explain your answer (2,650 characters maximum, approximately 400 words).**

As mentioned under Q10, we advise the UKRI to follow the FAIR Principles for releasing data.

**Q16. To support the implementation of UKRI's proposed OA policy requirement for research articles to include an access statement for underlying research materials (see paragraph 69 of the consultation document), are there any technical standards or best practices that UKRI should consider requiring? **Yes / No / Don't know / No opinion.** Please explain your answer (1,350 characters maximum, approximately 200 words).**

UKRI should encourage its grantees to comply with the technical standards and requirements set out by [cOAlition S](#).

More and more private research funders support OA policies and practices. The [Bill and Melinda Gates Foundation](#), for instance, has adopted an OA policy that requires grant recipients to publish their articles with a 0 embargo period, to license the article CC BY, and to make the research data open so anyone in the world can immediately access Gates funded research. The [Wellcome Trust](#) has a similar policy. UKRI should consider the technical standards set out by these funding institutions.

**Q17. UKRI's OA policy is proposed to apply to in-scope research articles accepted for publication on or after 1 January 2022. Which statement best reflects your views on this?**

**a. The policy should apply from 1 January 2022**

**b. The policy should apply earlier than 1 January 2022**

**c. The policy should apply later than 1 January 2022**

**d. Don't know**

**e. No opinion Please explain your answer. UKRI particularly welcomes detailed evidence as to the practical implications of the choice of date. If you selected b or c, please also state what you consider to be a feasible implementation date (2,000 characters maximum, approximately 300 words).**

Making sure the results of UKRI funded research are readily accessible to all citizens speeds up the pace of discovery, spurs innovation, and provides fuel for the creation of jobs across the economy. This conclusion is supported by economic models and direct experience. The longer UKRI waits before implementing its policy, the more it risks lagging behind other organizations that have an OA policy in place and whose funded researchers already benefit from its advantages. Open access to publicly-funded research outputs is becoming the global norm. As more organizations adopt OA policies, UKRI needs to take an early stance in favor of OA. UKRI should adopt its OA policy as soon as possible to provide the public with immediate, comprehensive, and cost-effective access, following the [Budapest Open Access Initiative](#). In times of global



crises that call for the most up-to-date information, OA should be the norm. The present environmental and health crises need a rapid response, and OA is paramount to solving those threats. The race to find a treatment for COVID-19 illustrates the need for speedy and unfettered access to research outputs that can, when promptly shared and built upon, provide researchers with the answers they need to develop solutions to urgent issues. Affected communities, medical patients and their families have particularly acute needs for accessing research outputs in ways that are readily understandable to them. Research outputs should be adaptable to fit different audiences, beyond researchers and the scientific community. Removing barriers to access lays the ground for scientific advancements where time is of the essence. Researchers, scientists, doctors, patients, and the public need to have access in order to be informed on current scientific research, learn about medical innovations, and collaborate to solve problems. UKRI should adopt its OA policy in 2020, as speedily as possible.

**Q18. For research articles, are there any considerations that UKRI and UK HE funding bodies need to take into account regarding the interplay between the implementation dates for UKRI's OA policy and the OA policy for the REF-after-REF 2021? Yes / No / Don't know / No opinion. If yes, please expand (2,000 characters maximum, approximately 300 words).**

Both should be aligned and adopted as soon as possible to limit the risk of confusion and address any uncertainty in the research community regarding compliance with OA policies from various funding schemes.

**Q19. Do you think the proposals outlined in Section A will have any financial cost implications for you or your organisation? Yes / No / Don't Know / No opinion. Please expand, providing evidence to support your view, where possible (2,000 characters maximum, approximately 300 words).**

**Q20. Do you think the proposals outlined in Section A of the consultation document will result in financial benefits for you or your organisation? Yes / No / Don't Know / No opinion. Please expand, providing evidence to support your view, where possible (2,000 characters maximum, approximately 300 words).**

Creative Commons is a non-profit organization whose mission is to promote legal sharing of creative works in the digital environment through free, standard, public licenses.

**Q21. Can you provide any evidence of a changing balance of costs across research organisations arising from an emphasis on publishing costs rather than read costs? Yes / No / Don't know / **No opinion**. Please expand (2,000 characters maximum, approximately 300 words).**

**Q22. Can you provide any evidence on cost increases and/or price rises (including in relation to OA article processing charges (APCs)s and subscriptions) and reasons for these? Yes / No / Don't know / **No opinion**. Please expand (2,000 characters maximum, approximately 300 words).**

**Q23. Do you think there are steps publishers and/or other stakeholders could take to improve the transparency of publication charges? **Yes** / No / Don't know / No opinion. Please expand. Views are also welcome on how greater transparency might inform future funding levels (2,000 characters maximum, approximately 300 words).**

Yes, greater transparency is likely to dispel misconceptions, misunderstandings and any doubts that remain towards OA publishing in the research community and is likely to foster the uptake of OA by researchers and their institutions. Funders like UKRI should clearly provide in their grants to researchers and their institutions a provision for transparency of OA publication-related expenses such as publication charges.

**Q24. Regarding UKRI's consideration about restricting the use of its OA funds for publication in hybrid journals (see paragraph 80 of the consultation document), please select the statement that best reflects your views:**

**a. UKRI OA funds should not be permitted to support OA publication in hybrid journals**

**b. UKRI OA funds should only be permitted to support OA publication in hybrid journals where they are party to a transformative agreement or similar arrangement**

**c. UKRI OA funds should be permitted to support OA publication in hybrid journals**

**d. None of the above**

**e. Don't know**

**f. No opinion Please explain and, where possible, evidence your answer (2,650 characters maximum, approximately 400 words).**

Hybrid journals are not truly OA and while they may share some characteristics with pure OA journals, they still generally impose restrictive conditions on authors.

Additionally, it would be extremely difficult to monitor and enforce “down-the-road” promises by hybrid publishers regarding transformational efforts. This should be viewed as a delay tactic.

**Q25. To what extent do you agree or disagree that UKRI OA funds should be permitted to support OA costs that support institutional repositories? **Strongly agree** / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know / No opinion. Please explain and, where possible, evidence your view (2,650 characters maximum, approximately 400 words).**

Institutional repositories constitute an essential resource for the research community and their creation and maintenance should be financially supported. This is particularly true when it comes to the adoption of the FAIR Principles and the housing of research data, that in some cases can constitute between a significant portion of the budget for long-term preservation purposes of research data. This is an issue that we recommend UKRI to explore further, as long-term sustainability and preservation of data access are crucial components of the long-lasting impact of adopting an OA policy and of ensuring research replicability.

**Q26. To help accelerate policy adoption, should UKRI introduce any other restrictions on how UKRI OA funds can be used? Yes / **No** / Don't know / No opinion. Please explain your answer, including any views on how this could be implemented (1,350 characters maximum, approximately 200 words).**

Not at present. The restrictions already address the majority of concerns and where they do not, we have made specific comments within this questionnaire. We stand willing to revisit this position as next actions unfold.

**Q27. There are many business models that can support OA. A common model for journals is based on APCs, but there are also other models (such as membership models and subscribe to open). Are there changes or alternatives to the present UKRI funding mechanisms that might help support a diversity of OA models? **Yes** / No / Don't know / No opinion. Please expand (2,650 characters maximum, approximately 400 words).**

There should be more transparency in the use of APCs. APCs create a distortion in the North-South scientific exchange and should be avoided at all costs, especially when there is no transparency over the way they operate and the implications they have.

**Q28. As discussed in paragraph 74 of the consultation document, transformative agreements are one way of moving to OA in a more cost-effective way. Are there approaches to managing transformative agreements or other mechanisms and developments that UKRI should consider to help manage the transition to OA in a way that is cost-effective and offers public value to the UK? **Yes** / No / Don't know / No opinion. Please expand (2,650 characters maximum, approximately 400 words).**

Please see our response to Q24.

**Q29. Are there any existing or new infrastructure services that you think UKRI should fund the maintenance and/or development of, to support the implementation of its OA policy for research articles? Yes / No / **Don't know** / No opinion. If yes, please state what these are and explain and, where possible, evidence why UKRI should provide support (2,650 characters maximum, approximately 400 words).**

**Q30. To what extent do you agree or disagree that UKRI should provide or support a national shared repository? **Strongly agree** / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know / No opinion. Please explain and, where possible, evidence your answer (1,350 characters maximum, approximately 200 words).**

National or shared repositories can help empower librarians to explain OA to researchers. This in turn leads to greater acceptance of OA policies, since researchers are the first responders on the ground. This also helps build common ground and encourage adoption of OA policies while at the same time reducing friction. However, support and collaboration with existing repositories should be made a priority, to the extent those are functioning well and openly available.

**Q31. Should UKRI require preprints to be made OA where there is a significant benefit with regard to public emergencies? **Yes** / No / Don't know / No opinion. If yes, is there a recognised definition of 'public emergency' and/or protocols that UKRI should consider if this policy is implemented? (1,350 characters maximum, approximately 200 words.)**

Generally, supporting the preprint ecosystem that is currently thriving on OA terms should be of a high priority and strongly encouraged. Early access to pre-peer reviewed

works can add valuable to ongoing scientific research, especially in times of public health emergencies such as the COVID-19 pandemic.

**Q32. Are there any supporting actions that UKRI could take alongside its OA policy to support the use of preprints in all disciplines? **Yes** / No / Don't know / No opinion. If yes, please expand (1,350 characters maximum, approximately 200 words).**

For more information on preprints, see our blog post [Open In Order To...Accelerate Research and Scientific Discoveries](#) dated October 25, 2017.

### **Section B: Monographs, Book Chapters and Edited Collections**

**Q33. To what extent do you agree or disagree that the types of monograph, book chapter and edited collection defined as in-scope and out-of-scope of UKRI's proposed OA policy (see paragraphs 96-98 of the consultation document) are clear? **Strongly agree** / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know / No opinion. If you disagree, please explain your view (2,000 characters maximum, approximately 300 words).**

**Q34. Should the following outputs be in-scope of UKRI's OA policy when based on UKRI-funded doctoral research?**

a. Academic monographs **Yes** / No / Don't know / No opinion

b. Book chapters **Yes** / No / Don't know / No opinion

c. Edited collections **Yes** / No / Don't know / No opinion

**Please explain your view (1,350 characters maximum, approximately 200 words).**

Any UKRI funded research outputs should be in-scope of the OA policy, whether they are produced by doctoral students or any other staff researchers. Any publicly-funded research, regardless of type or authorship, should be made OA.

**Q35. To what extent do you agree or disagree that UKRI's OA policy should include an exception for in-scope monographs, book chapters and edited collections where the only suitable publisher in the field does not have an OA programme? **Strongly agree** / Agree / **Neither agree nor disagree** / Disagree / Strongly disagree / Don't know / No opinion. Please explain and, where possible, evidence your view (1,350 characters maximum, approximately 200 words).**

For the researchers' sake, we are not inclined to disagree; however we would strongly urge the field to fill the gap with a suitable OA alternative. UKRI should also provide support, assistance and guidelines for researchers that face those situations on how to handle right transfers to publishers, in order to assist researchers in negotiating under fair conditions and potentially offering options that allow for the material to be available elsewhere. Here, proper information and assistance on the use of author addenda (see for example the [SPARC author addendum](#), the [Harvard author addendum](#), and the [Canadian author addendum](#)) would be essential.

**Q36. Are there any other considerations that the UK HE funding bodies should take into account when defining academic monographs, book chapters and edited collections in-scope of the OA policy for the REF-after-REF 2021? Yes / No / Don't know / **No opinion**. If yes, please expand (2,000 characters maximum, approximately 300 words). Please see paragraphs 29-31 of the consultation document before answering this question.**

Our only concern is that carving out exceptions to cater to special needs is dangerous, and creates a pathway to undermining the policy objectives of the UKRI funding bodies. We firmly believe that a default should be in place that requires all research and data to be OA, with only case by case exceptions at most being allowed.

**Q37. Regarding monographs in-scope of UKRI's proposed OA policy, which statement best reflects your view on the maximum embargo requirement of 12 months?**

- a. 12 months is appropriate
- b. A longer embargo period should be allowed
- c. A shorter embargo period should be required**
- d. Different maximum embargo periods should be required for different discipline areas
- e. Don't know
- f. No opinion

**Please explain and, where possible, evidence your answer. If you answered b, c or d please also state what you consider to be (an) appropriate embargo period(s) (1,350 characters maximum, approximately 200 words).**

Any embargo period is an enormous limitation to the effective communication of research outputs. We strongly argue against any embargo period on academic books resulting from UKRI-funded research, and for that matter any publicly funded research.

There should be no embargo period whatsoever, whether the research outputs are published as research articles in journals or as monographs. Creating a separate regime for monographs with regard to embargo periods is at the detriment of the research community and of the public, who are entitled to immediate access to the outputs of publicly-funded research, regardless of the type of publication.

**Q38. Regarding book chapters in-scope of UKRI's proposed OA policy, which statement best reflects your view on the maximum embargo requirement of 12 months?**

- a. 12 months is appropriate
- b. A longer maximum embargo period should be allowed
- c. A shorter maximum embargo period should be required**
- d. Different maximum embargo periods should be required for different discipline areas
- e. Don't know
- f. No opinion

Please explain and, where possible, evidence your answer. If you answered b, c or d please also state what you consider to be (an) appropriate embargo period(s) (1,350 characters maximum, approximately 200 words).

Please refer to our answer to Q37.

**Q39. Regarding edited collections in-scope of UKRI's proposed OA policy, which statement best reflects your view on the maximum embargo requirement of 12 months?** a. 12 months is appropriate b. A longer embargo period should be allowed **c. A shorter embargo period should be required** d. Different maximum embargo periods should be required for different discipline areas e. Don't know f. No opinion Please explain and, where possible, evidence your answer. If you answered b, c or d please also state what you consider to be (an) appropriate embargo period(s) (1,350 characters maximum, approximately 200 words).

Please refer to our answer to Q37.

**Q40. Do you have any specific views and/or evidence regarding different funding implications of publishing monographs, book chapters or edited collections with no embargo, a 12-month embargo or any longer embargo period? Yes / No. If yes, please expand (2,000 characters maximum, approximately 300 words). Please note that funding is further considered under paragraph 110 of the consultation document (question 53).**

We understand that an embargo period is meant to allow publishers to recoup their investment in the publication of research outputs, however this should be addressed through other mechanisms that do not encroach on researchers' and the public's rights to immediately access the research outputs that they themselves have funded through their tax money.

**Q41. To what extent do you agree that self-archiving the post-peer-review author's accepted manuscript should meet the policy requirement? Strongly agree / Agree / Neither agree nor disagree / Disagree / **Strongly disagree** / Don't know / No opinion. Please explain and your view (1,350 characters maximum, approximately 200 words).**

There should be no embargo period.

**Q42. Regarding monographs, book chapters and edited collections, are there any additional considerations relating to OA routes, deposit requirements and delayed OA that the UK HE funding bodies should take into account when developing the OA policy for the REF-after-REF 2021? Yes / **No** / Don't know / No opinion. If yes, please expand (2,650 characters maximum, approximately 400 words). Please see paragraphs 29-31 of the consultation document before answering this question.**

Absent compelling evidence that the policy is harmful and open licensing is ineffective given the protections they offer as described in Q42, there should be no distinction.

**Q43. To what extent do you agree or disagree with CC BY-ND being the minimum licencing requirement for monographs, book chapters and edited collections in-scope of UKRI's proposed OA policy? Strongly agree / Agree / Neither agree nor disagree / **Disagree** / Don't know / No opinion. Please explain and, where possible, evidence your view (1,350 characters maximum, approximately 200 words).**

As publicly-funded research outputs, they should be available under a CC BY license. CC BY-ND licenses are not considered OA under the [Budapest Open Access Initiative](#) which prefers the use of CC BY licenses, save for limited exceptional cases. See our answer to Q8.



**Q44. To what extent do you agree or disagree that UKRI's OA policy should include an exception for in-scope monographs, book chapters and edited collections requiring significant reuse of third-party materials? Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know / No opinion. Please explain your view (1,350 characters maximum, approximately 200 words). Questions 45-46 concern how 'significant reuse' may be defined.**

Publicly funded research should be made available as openly as possible to the public. The significant use of third party material is an issue that needs to be tackled ahead of publication, clearing the rights to enable the monograph, book chapters and edited collections to be licensed as openly as possible, i.e using a CC BY license.

**Q45. To what extent do you agree or disagree that if an image (or other material) were not available for reuse and no other image were suitable, it would be appropriate to redact the image (or material), with a short description and a link to the original? Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know / No opinion. Please explain your view (1,350 characters maximum, approximately 200 words).**

The barriers around knowledge should be removed and if providing a description and a link to the original is the best possible solution, then it should be allowed.

**Q46. Do you have a view on how UKRI should define 'significant use of third party materials' if it includes a relevant exception in its policy? Yes / No / Don't know / No opinion. If yes, please expand (2,000 characters maximum, approximately 300 words).**

Significant use could be determined along the factors established under copyright law to determine similarity in cases regarding the infringement of the reproduction right and weighing in the factors determining whether an exception or limitation (such as fair use) might apply.

**Q47. Do you have any other comments relating to licensing requirements and/or the use of third-party materials, in relation to UKRI's proposed OA policy for academic monographs, book chapters and edited collections? Yes / No. If yes, please expand (1,350 characters maximum, approximately 200 words).**

**Q48. Regarding monographs, book chapters and edited collections, are there any additional considerations relating to licensing requirements and/or third-party**

materials that you think that the UK HE funding bodies should take into account when developing the OA policy for the REF-after-REF 2021? Yes / No / **Don't know** / No opinion. If yes, please expand (2,650 characters maximum, approximately 400 words). Please refer to paragraphs 29-31 of the consultation document before answering this question.

Not at this time.

**Q49. Which statement best reflects your views on whether UKRI's OA policy should require copyright and/or rights retention for in-scope monographs, book chapters and edited collections?**

- a. UKRI should require an author or their institution to retain copyright and not exclusively transfer this to a publisher
- b. UKRI should require an author or their institution to retain specific reuse rights, including rights to deposit the author's accepted manuscript in a repository in line with the deposit and licensing requirements of UKRI's OA policy
- c. UKRI should require an author or their institution to retain copyright AND specific reuse rights, including rights to deposit the author's accepted manuscript in a repository in line with the deposit and licensing requirements of UKRI's OA policy**
- d. UKRI's OA policy should not have a requirement for copyright or rights retention
- e. Don't know
- f. No opinion

Please explain and, where possible, evidence your answer. If you selected answer b or c, please state what reuse rights you think UKRI's OA policy should require to be retained (2,000 characters maximum, approximately 300 words). It is not necessary to repeat here, in full, information provided in response to question 12. Please note that views are not sought on whether institutions should hold the copyright to work produced by their employees as this is subject to Section 11 of the Copyright, Designs and Patents Act 1988 and institutional copyright policies.

Please see our answer to Q12.

**Q50. Regarding the timing of implementation of UKRI's OA policy for monographs, book chapters and edited collections, which statement best reflects your view?**

- a. The policy should apply from 1 January 2024
- b. The policy should apply earlier than 1 January 2024**

**c. The policy should apply later than 1 January 2024**

**d. Don't know**

**e. No opinion Please explain and, where possible, evidence your answer. If you selected b or c, please also state what you consider to be a feasible implementation date (2,000 characters maximum, approximately 300 words).**

Please see our answer to Q17.

**Q51. In order to support authors and institutions with policy implementation UKRI will consider whether advice and guidance can be provided. Do you have any suggestions regarding the type of advice and guidance that might be helpful? **Yes**/ No. If yes, please expand (2,000 characters maximum, approximately 300 words).**

UKRI might develop incentives for research institutions and recipients of funds to go open. Training for potential UKRI funding recipients in order to develop competency in open licensing is a necessary component in this effort. Creative Commons might be able to adapt our licensing training for UKRI. The [Federal Open Policy Playbook](#), drafted in part by Creative Commons, is a good resource for this effort. While the playbook was developed in the U.S context, its principles are easily transferable to the UK context. It provides case studies from U.S. federal agencies applying open policies and also a list of key civil society contacts that can provide support. In addition, CC offers training in the form of certificates on open licensing competency and we could provide assistance in developing an activity specifically geared towards the needs of UKRI and UKRI-funding recipients.

**Q52. Regarding monographs, book chapters and edited collections, are there any other considerations that UKRI and the UK HE funding bodies need to take into account when considering the interplay between the implementation dates for the UKRI OA policy and the OA policy for the REF-after-REF 2021 OA? **Yes** / No / Don't know / No opinion. If yes, please expand (2,650 characters maximum, approximately 400 words).**

Both should be aligned and adopted as soon as possible to limit the risk of confusion and address any uncertainty in the research community regarding compliance with OA policies from various funding schemes.

**Q53. Do you have any views regarding funding levels, mechanisms and eligible costs to inform UKRI's considerations about the provision of funding for OA**

monographs, book chapters and edited collections inscope of its proposed policy? Yes / **No**. If yes, please expand (2,650 characters maximum, approximately 400 words).

**Q54. To support the implementation of UKRI's OA policy, are there any actions (including funding) that you think UKRI and/or other stakeholders should take to maintain and/or develop existing or new infrastructure services for OA monographs, book chapters and edited collections? Yes / No / **Don't know** / No opinion. If yes, please state what these are and, where relevant, explain why UKRI should provide support (2,650 characters maximum, approximately 400 words).**

**Q55. Are there any technical standards that UKRI should consider requiring and/or encouraging in its OA policy to facilitate access, discoverability and reuse of OA monographs, book chapters and edited collections? **Yes** / No / **Don't know** / No opinion. Please expand (2,000 characters maximum, approximately 300 words).**

We wish to bring attention to the problem of link rots, which is widespread across many disciplines and particularly serious in the humanities and social sciences fields. As CC licenses are irrevocable, it is essential to keep long-term accessible records of original publications in order to avoid any potential conflicts from arising, whereby a researcher or publisher would try to change the original conditions in which the work was initially published to avoid having to abide by the original licensing conditions.

**Q56. Do you have any other suggestions regarding UKRI's proposed OA policy and/or supporting actions to facilitate access, discoverability and reuse of OA monographs, book chapters and edited collections? **Yes** / No / **Don't know** / No opinion. If yes, please expand (2,000 characters maximum, approximately 300 words).**

OA policies are increasingly being adopted, as obvious benefits emerge from their application to publicly funded research outputs. UKRI could look at similar initiatives to learn from best practice. For example, in 2019, more than a dozen national research funders across Europe collectively identifying as [cOAlition S](#) introduced "Plan S," an OA policy according to which all their funded scientific works are made freely available upon publication. cOAlition S cites their fiduciary responsibility as funders to provide a strong, functional science system to the taxpayers who fund it.

## **Section C: Monitoring Compliance**

**Q57. Could the manual reporting process currently used for UKRI OA block grants be improved? Yes / No / Don't know / No opinion. If yes, please explain how (2,000 characters maximum, approximately 300 words).**

**Q58. Except for those relating to OA block grant funding assurance, UKRI has in practice not yet applied sanctions for non-compliance with the RCUK Policy on Open Access. Should UKRI apply further sanctions and/or other measures to address non-compliance with its proposed OA policy? Yes / No / Don't know / No opinion. Please explain your answer (2,000 characters maximum, approximately 300 words).**

**Q59. To what extent do you agree or disagree with the example proposed measures to address non-compliance with the proposed UKRI OA policy (see paragraph 119 of the consultation document)? Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know / No opinion. Please explain your answer (2,000 characters maximum, approximately 300 words).**

#### **Section D: Policy Implications and Supporting Actions**

**Q60. Do you foresee any benefits for you, your organisation or your community arising from UKRI's proposed OA policy? Yes / No / Don't know / No opinion. Please expand (2,650 characters maximum, approximately 400 words).**

The policy encourages the use of CC licenses, which we steward.

**Q61. Do you foresee UKRI's proposed OA policy causing and/or contributing to any disadvantages or inequalities? Yes / No / Don't know / No opinion. If yes, please expand, referencing specific policy elements and including any comments on how UKRI could address any issues identified (2,650 characters maximum, approximately 400 words).**

None at present.

**Q62. Do you foresee any positive and/or negative implications of UKRI's proposed OA policy for the research and innovation and scholarly communication sectors in low-and-middle-income countries? Yes / No / Don't know / No opinion. If yes, please expand, referencing specific policy elements**

**and including any comments on how UKRI could address any issues identified (2,650 characters maximum, approximately 400 words).**

Businesses in low-and-middle-income countries (in fact countries the world over), particularly SMEs and startups, struggle to gain quick and unfettered access to scientific research publications, data and code for commercial application. These businesses undeniably stand to benefit from policies making those research outputs openly accessible. Open access will accelerate the creation and making of new, innovative products and increase the competitiveness of income industries at the global level, particularly in low-and-middle-income countries.

Researchers and other professionals from low and middle-income countries face great difficulties in order to get access to prohibitively expensive subscription-based journals. Removing barriers around research outputs make it easier for them to access the information they need to research and further the state of knowledge in their fields.

**Q63. Do you anticipate any barriers or challenges (not identified in previous answers) to you, your organisation or your community practising and/or supporting OA in line with UKRI's proposed policy? **Yes** / No / Don't know / No opinion. If yes, please expand, including any supporting actions you think UKRI could undertake to remove or reduce any barriers identified (2,650 characters maximum, approximately 400 words).**

Outreach, information and training about the policy and the use of Creative Commons will be primordial for a successful implementation of the policy. CC stands ready to lend its support to assist UKRI in providing guidance, advice and specific training on open policies and the application of CC licenses and tools to all relevant stakeholders as well as to offer our CC Certificate programs for researchers and educators.

**Q64. Are there any other supporting actions (not identified in previous answers) that you think UKRI could undertake to incentivise OA? **Yes** / No / Don't know / No opinion. If yes, please expand (2,000 characters maximum, approximately 300 words).**

UKRI could encourage traditional subscription-based publishers to charge for their value-added publishing services. By paying for publishing services rather than paying for the right to read, institutions can use their budgets to pay for publishing rather than for subscriptions, publishers can earn a living and the public can then read taxpayer funded research without paying for the privilege.

**Q65. Do you foresee any other implications (not identified in previous answers) for you, your organisation or your community arising from UKRI's proposed OA policy? Yes / No / Don't know / **No opinion**. If yes, please expand (2,000 characters maximum, approximately 300 words).**

#### **Section E: Further Comments**

**Q66. Do you have any further comments relating to UKRI's proposed OA policy? **Yes** / No. If yes, please expand (2,650 characters maximum, approximately 400 words.)**

The lack of access to research outputs is a real, pressing issue. Simply put, tax-payers should have access to the research outputs that their tax money have funded. As direct funders of publicly funded research, UK taxpayers are entitled to have access to its results in a timely manner and without any legal encumbrance. They also have a right to expect that the distribution and use of these results will be maximized to increase their return on investment. Further, OA policies improve transparency and accountability in organizations' spending. Increasing access to scholarly publications and the underlying research data undeniably advances the quality of scientific research by increasing the pool of resources available to other researchers working in related fields, by allowing greater transparency in the sharing of research outputs and by enriching scientific discussions and exchanges among researchers in an open and prompt manner. Free public access to and long-term preservation of final peer-reviewed articles or published versions and supporting data should be provided via any repository that allows immediate and free access. Many barriers that currently stand in the way of access could be removed with the help of Creative Commons' licenses and tools and thanks to the advice and information we provide to governments and institutions on the creation, adoption and implementation of open policies.

**Q67. Do you have any further comments relating to commonality between UKRI's proposed OA policy for outputs acknowledging UKRI funding and the OA policy for the REF-after-REF 2021? Yes / **No**. If yes, please expand (2,650 characters maximum, approximately 400 words.)**

**Q68. Do you have any further thoughts and/or case studies on costs and/or benefits of OA? **Yes** / No. If yes, please expand (2,650 characters maximum, approximately 400 words)**

To sum up, we commend UKRI for the draft OA policy and we encourage UKRI to further develop, adopt, and implement an OA policy that requires:

- a 0 embargo period on the article and research data upon publication,
- the application of the CC BY license on every article,
- researchers dedicate their research data to the public domain using CC0, and
- openly license corresponding software or code.

This will foster increased access to and progress in scholarly research, science and innovation. Creative Commons is ready to engage with UKRI and interested stakeholders to provide further advice and expertise on these matters to ensure the public's investment in research is maximized for the benefit of researchers, industry and the public as a whole.

In closing, we reiterate our gratitude to UKRI for facilitating a robust discussion of this important issue. We suggest implementing a strong OA policy for the results of UKRI-funded research as soon as possible.

[End of document]