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Bypass Embargoes by Providing the World's Scholars With a Rights- Retention Policy

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I thank Peter Suber and members of OADAO for their feedback on this proposal.

Proposal Name

See title of this Pub. Its short name is “Rights-Retention.”

What should the mission of the DAO be?

The DAO’s mission should be to maximize the quantity and quality of open access (“OA”) to research outputs. An obstacle are publisher embargoes (see Supporting Documents #1 and #2). They limit when and where authors may legally share their “postprints,” also known as “Author Accepted Manuscripts.” Embargoes are a social injustice that restrict the spread of research, reducing its impact.

There is a proven solution: authors adopt a rights-retention policy. Here’s how it works: Authors give institutions “a nonexclusive, irrevocable, worldwide license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, provided that the articles are not sold for a profit, and to authorize others to do the same” (see Supporting Document #3). By granting this license, authors make it legal for said institutions to share embargoed articles. This type of license, therefore, contributes to social justice and promotes the spread of research, increasing its impact.

This type of policy has been around since 2004, and it’s used by some of the world’s best funding agencies and universities (see Supporting Documents #4 and #5). However, only a small fraction of the world’s scholars are protected by such a policy. For a rights-retention policy to have maximum effect, everyone must be able to adopt it.

How do we achieve this mission?

OADAO can increase OA to scholarly articles by creating and supporting an opt-in rights retention policy for all scholars. Here’s how it’d work: Authors would “opt-in” to a rights-retention policy that grants OADAO certain nonexclusive rights to their future postprints. By granting this license, authors would make it legal for OADAO to share embargoed articles on a website or websites of its choosing. Also by design, the license would make it easy for authors to “opt-out” on a paper-by-paper basis, ensuring they control how their work is disseminated.

This policy would be based on Harvard's individual license for their non-faculty authors (see Supporting Document #5). It would grant exactly the same set of rights (see Supporting Document #3), for the same purposes (see Supporting Document #7) and the same benefits (see Supporting Document #8). With help from Peter Suber (see Supporting Document #9), I created such a policy for CrimRxiv (see Supporting Document #10).

For voting

My proposal is as follows: OADAO members vote to empower me to create a Rights-Retention Committee, or "RRC," comprised of appropriate experts in copyright, information and library science, and others; the RRC will:

1. Draft the policy language and implementation method (e.g., see Supporting Document #11).
2. Provide a "call for comments" and accordingly respond.
3. Submit a policy and method for OADAO members to accept or reject.
4. If rejected, the RRC would make appropriate revisions.
5. Steps 4 and 5 would repeat until the proposal is accepted or abandoned.
6. Once/if accepted, the RRC would oversee implementation and upkeep.

Link to Supporting Documents

1. "The evidence fails to justify publishers' demand for longer embargo periods...": <https://blogs.lse.ac.uk/impactofsocialsciences/2014/01/14/suber-embargoes-on-publicly-funded-research/>
2. "Submission to the White House OSTP": <https://suber.pubpub.org/pub/apqb1mp4/release/3>
3. The university-based "model policy language" with explanatory notes: https://osc.hul.harvard.edu/assets/files/model-policy-annotated_12_2015.pdf
4. "Rights-retention and open access": <https://erc.europa.eu/news-events/magazine/rights-retention-and-open-access>
5. List of universities that have adopted a rights-retention policy: https://cyber.harvard.edu/hoap/Additional_resources#Policies_of_the_kind_recommended_in_the_guide
6. How an individual OA license works: <https://osc.hul.harvard.edu/authors/faq/#individual-license>
7. Purposes of an individual OA license: <https://osc.hul.harvard.edu/authors/faq/#what-will-harvard-do>

8. Benefits of an individual OA license:
<https://osc.hul.harvard.edu/authors/faq/#advantages>
9. Who Peter Suber is: https://cyber.harvard.edu/~psuber/wiki/Peter_Suber
10. Example of an individual OA license being proposed herein:
<https://www.crimrxiv.com/individual-open-access-license>
11. “Good practices for university open-access policies”:
https://cyber.harvard.edu/hoap/Good_practices_for_university_open-access_policies

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