



30 October 2013

Research Policy Team
HEFCE
Northavon House
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Re: Consultation on open access in the post-2014 Research Excellence Framework

Dear Research Policy Team,

Thank you for this opportunity to respond to your consultation on open access in the post-2014 Research Excellence Framework. Elsevier has given our public support for the Finch Report, and have positively engaged in the managed transition to open access which it outlined. There are real opportunities, as well as risks, in this UK policy direction so the implementation detail matters very much for all stakeholders. Sustainable, workable models supported by all stakeholders are crucial for the UK's leadership position in research and publishing, and we remain committed to working closely with HEFCE and other stakeholders.

In addition to our own submission, we would also like to endorse the comments made by The Publishers Association and the International Association of Scientific, Medical, and Technical Publishers.

We respond to each of your policy questions in turn below:

Question 1 - Do you agree that the criteria for open access are appropriate (subject to clarification on whether accessibility should follow immediately on acceptance or on publication)? Do you have any comments on this proposal? The funding bodies propose to treat as 'open access' outputs which fulfil all of the following criteria:

- **accessible through a UK HEI repository, immediately upon either acceptance or publication (to be decided, as outlined in paragraph 29), although the repository may provide access in a way that respects agreed embargo periods**
- **made available as the final peer-reviewed text, though not necessarily identical to the publisher's edited and formatted version**
- **presented in a form allowing the reader to search for and re-use content (including by download and for text-mining), both manually and using automated tools, provided such re-use is subject to proper attribution under appropriate licensing.**



Elsevier welcomes the clarification that it is unnecessary for full-text content to reside in a UK HEI repository and that linking from such a repository to the full-text is sufficient for the post-2014 REF. This will reduce duplication of effort in the scholarly communication system as gold open

access and delayed open access publications are available for search, re-use, and text mining via the publishers' website, and as many researchers and research teams will be funded by a number of sources and may already be mandated to deposit their manuscript in another repository (e.g. PubMed Central).

We would suggest that the policy should explicitly permit linking to delayed open access articles. Elsevier published over 17,000 high-quality delayed open access articles (see <http://www.elsevier.com/about/open-access/open-archives>) last year and at present this open access content would be excluded under the proposed HEFCE policy.

We remain concerned at the lack of flexibility for authors and institutions implicit in paragraph 26 with the requirement that open access must be immediate. Preventing submission to the REF of top quality research made open access after a period of time, rather than immediately, serves no practical purpose and undermines both the principles of the REF with its focus on research excellence and a managed transition to open access. We would suggest that the policy should explicitly require immediate availability of article *metadata* in an HEI repository with links to the full-text as this becomes available: with gold open access this will be immediately upon publication, and with green open access articles and delayed open access articles, this will be after the end of an embargo period.

We would also encourage HEFCE to provide funds for APCs for those UK researchers not funded by RCUK or the Wellcome Trust. In this way more full-text will become immediately available open access.

Finally, we note that all the content we publish - whether open access or subscription - is available for text mining. Therefore the duplication of effort/cost implicit in a requirement for deposit of full-text in a UK HEI repository in order to facilitate text mining is unnecessary.

Question 2 -Do you agree with the role outlined for institutional repositories, subject to further work on technical feasibility? Should the criteria require outputs to be made accessible through institutional repositories at the point of acceptance or the point of publication? Do you have any comments on these proposals?

Metadata and links to outputs can certainly be made available via institutional repositories from the point of acceptance, and we would whole-heartedly encourage this. However the time at



which any full-text might be made available via the repository will vary depending on the business model under which the article was published.

One of the powerful things about the gold OA business model is that institutional repositories can link to or host final versions of articles at the point of publication. The green OA business model relies on subscription sales to fund publication costs, and so the full text of this content could not typically be available via repositories until after an embargo period.

We would encourage HEFCE to rely on the formal date of publication rather than the earliest 'available online' date. This formal publication date is the best available for compliance monitoring and tracking and the use of other dates could introduce unnecessary complexity and confusion.

Publishers, including Elsevier, believe that we can really aid HEFCE with monitoring and facilitating compliance to this element of its policy through existing technical infrastructure. The CHORUS project in the United States provides one tangible example ([seehttp://chorusaccess.org/](http://chorusaccess.org/)). We would encourage HEFCE (and indeed other UK funders) to participate in the FundRef initiative (<http://www.crossref.org/fundref/index.html>) and to encourage the use of this and other appropriate open standards including ORCID (<http://orcid.org/>).

Question 3 - Do you agree that the proposed embargo periods should apply by REF main panel, as outlined above? Do you agree with the proposed requirements for appropriate licences? Do you have any comments on these proposals?

Elsevier strongly encourages HEFCE to align its embargo periods with Government rather than to the Research Councils' policy. To be specific this means that embargo periods of 12 months for STM and 24 months for HSS apply when a publisher has provided a gold open access publishing option but there is no funding made available to an author to pay the gold open access Article Publishing Charge. This will ensure that all parties are working to the same timescales, and avoid unnecessary confusion for researchers.

We note that in general the Research Councils align with Government policy; however the MRC currently deploys a shorter embargo period than Government policy allows. Like most STM publishers, Elsevier does not believe that 6 month embargos work for very many journals. We will continue to work with other publishers to encourage MR to re-consider its policy of 6 month embargos where publishers have provided a gold open access publishing option, and would appreciate HEFCE's support in this.

On licensing, we appreciate HEFCE's acknowledgment that there are a number of issues to be clarified with respect to identifying appropriate licences for open-access research publications.

We also value HEFCE's commitment to working with other key stakeholders to address these issues, and agree that we should all continue to strive for clarity and simplicity.

In this context, the actual HEFCE policy proposal is rather unhelpful. To require a license "allowing the reader to search for and re-use content (including by download and for text-mining), both manually and using automated tools, provided such re-use is subject to proper attribution under appropriate licensing" will add significant additional complexity and confusion into the system. Our legal assessment is that this condition would prevent deployment of a CC-BY-NC-ND license. In our pilot of licensing options so far we have discovered that a majority of authors prefer the CC-BY-NC-ND license for gold open access publishing. A prohibition on the use of CC-BY-NC-ND licenses also might not allow sufficient flexibility for green open access of subscription publications (see the Finch Report paragraphs 8.27-8.32).

As HEFCE clearly states that it does not wish to introduce a requirement for a specific license type (paragraphs 21, 24, and 37) the deletion of this specific requirement would be helpful. Further discussion amongst stakeholders on licensing remains vital, and we look forward to continuing work with HEFCE and other stakeholders.

Question 4 - Do you agree that the criteria for open access should apply only to journal articles and conference proceedings for the post-2014 REF? Do you have any comments on this proposal?

Elsevier agrees that the criteria for open access for the post-2014 REF should only apply if:

- the output is a journal article or conference proceeding
- the output is published after a two year notice period (from 2016 onwards)
- the output lists a UK HEI in the 'address' field

As the consultation document correctly identifies, open access models for other publication types are at a very early stage of development and we agree that it is not appropriate to include these at this time.

We would be very keen to work with HEFCE on sustainable solutions for access to a broad range of data and publication types as we too are very active in these areas.

Question 5 - Do you agree that a notice period of two years from the date of the policy announcement is appropriate to allow for the publication cycle of journal articles and conference proceedings? Do you have any comments on this proposal?

Elsevier believes that the proposed notice period of two years is appropriate.



Question 6 - Do you agree that criteria for open access should apply only to those outputs listing a UK HEI in the output's 'address' field for the post-2014 REF? Do you have any comments on this proposal?

Elsevier agrees that the criteria for open access should apply only to those outputs listing a UK HEI in the output's 'address' field for the post-2014 REF. We support the policy objective of ensuring researcher mobility.

Question 7 - Which approach to allowing exceptions is preferable? If selecting option b: Do you agree that the percentage targets are appropriate? Do you believe the percentage target should apply consistently or vary by REF main panel? Do you have any comments on these proposals?

This is very much a matter for HEFCE and universities, but a percentage-based approach would appear to be much easier to administer than case-by-case exceptions.

In closing please let me once again thank you, on behalf of Elsevier, for this opportunity to comment on the consultation document. We are keen to work closely with HEFCE and other UK stakeholders on any aspect of access to data or publications. Please do not hesitate to contact me at any time if you have questions, if you would like any additional information, or if you would like to discuss issues or areas for collaboration.

Yours respectfully,

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