

25 March 2013

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Re: Open Access and Submissions to the Research Excellence Framework Post-2014

Dear David,

Thank you for this opportunity to pre-consult with HEFCE about its policy on open access and submissions to the 2020 REF. We fully support the submissions made to you by the Publishers Association and the International Association of Scientific, Medical, and Technical Publishers, and agree that complex change is best managed with the active participation of all interested parties.

In response to the questions outlined at the end of your consultation document:

Expectations for open-access publications, as set out at paragraph 11

Greater clarity about the distinctions between 'gold' and 'green' open access would be helpful. The version of the article which is available open access, the time at which it is available open access on the publisher's platform, and whether/how it is surfaced via repositories can vary depending on the approach. When an Article Publishing Charge is paid in gold open access publishing then a final version will appear immediately on the publisher's platform and can also be surfaced on a repository. Where no Article Publishing Charge is paid, and the publishing costs are met via subscription payments, then a sustainable policy would be for a preprint or accepted author manuscript to be deposited and made publicly available after a publisher-set title-specific embargo period.

Repository use and on techniques for institutional repositories to cross-refer to subject and other repositories

The Finch Group conclusions on institutional repositories were very clear: "the infrastructure of subject and institutional repositories should be developed so that they play a valuable role complementary to formal publishing, particularly in providing access to research data and to grey literature, and in digital preservation" (recommendation 3. ix).

It is an unnecessary duplication of effort and resource for an article to appear both open access on a publisher platform and on an institutional repository, and we look forward to working closely with institutional repository managers to enable best practice to interlink content in repositories to published journal articles and vice versa.

Publishers can play a role to incentivise the deposit and reuse of data - just as we help to incentivise academics to publish by enabling them to register their scientific discoveries in widely accessed, cited, and respected journals. We have made data available alongside publications and support initiatives to help researchers to share data (e.g. [Pangaea](#), [CCDC](#) and [DRYAD](#)).

The publishing industry has also developed standards for inter-linking datasets and publications through the International DOI Foundation. DOIs permanently identify and track scholarly items on the web, and are already used to link millions of items from hundreds of publishers and societies. DOIs integrate with the OpenURL and are completely access-model neutral.

Sufficient clarity and reassurance on embargoes and licences will be achieved through the Research Council discussions, we welcome responses which address these issues

Embargos

Green open access is not a business model and therefore has no revenue stream associated with it. Author self-archiving is only sustainable if the costs of publication are covered by a supporting business model. If the business model is gold open access, with funding in place for the costs of publication, then self-archiving can happen immediately and be sustainable. If the aim is to graft green open access on to the existing reader-pays subscription business model, then this requires time to work - and sustainable embargo periods are essential if green open access is not to undermine the journals in which academics choose to publish.

Green open access for subscription content adds additional costs of managing institutional repositories, involves duplication of hosting effort by stakeholders, is operationally complex, and if not done well could undermine the integrity of the scientific record by disseminating draft/multiple versions of articles. Some proponents of green open access have even suggested that articles could be published without any peer review at all, in order to try and minimize or eliminate the costs of publication. We do not believe that any such approach would be sensible if the UK is to maintain its reputation for credible scientific research. There are different forms of pre-publication and post-publication peer review, but overall we would agree with the views of the House of Commons Select Committee on Science & Technology, in its report on '*Peer Review in Scientific Publications*' (July 2011) that "Peer review in scholarly publishing, in one form or another, is crucial to the reputation and reliability of scientific research."

For these reasons we view green open access as a second best to gold open access, although we are not opposed to green open access in principle – particularly if it can be made to work in a properly sustainable fashion.

Although we offer gold open access options for all articles published in Elsevier owned journals, it would appear that the UK Government's objective for immediate open access to work by UK funded authors will not be met in the medium term, due to limited funding for Article Publication Charges (APCs). In this situation, clarification of interim implementation arrangements for green open access policy as an alternative to gold open access is essential, because many journals will still rely heavily on subscription income to meet their costs.

Elsevier has entered into a number of agreements with funders and research universities and institutions for the operation of green open access mandates. These are structured in ways which ensure sustainability for the underlying journals. These agreements, such as the one with the World Bank, enable access to accepted manuscripts via institutional repositories after a title-specific embargo period. Our embargo periods are set on the basis of the evidence provided by comprehensive analysis of article usage data. We calculate a usage half-life and position our embargo periods at the time when 50% of the predicted lifetime usage of a typical article within the journal title has passed. Our embargo periods are generally 12-24 months, although they vary across subject and title as one size does not fit all.

The Finch Group Report concluded that: "Where an appropriate level of dedicated funding is not provided to meet the costs of open access publishing, we believe that it would be unreasonable to require embargo periods of less than twelve months" (Finch Group Report - Executive Summary, section 4, xviii - p.10).

Recognising the need to maintain sustainability of the scholarly publishing system, in his letter to Dame Janet Finch of 16th July 2012, David Willetts commented further:

"Embargo periods allowed by funding bodies for publishers should be short where publishers have chosen not to take up the preferred option of their receiving an Article Processing Charge (which provides payment in full for immediate publication by the 'gold OA' route). Where APC funds are not available to the publisher or learned society, for the publication of publicly-funded research, then publishers could reasonably insist on a longer more equitable embargo period. This could be up to 12 months for science,

technology and engineering publications and longer for publications in those disciplines which require more time to secure payback.”

We therefore very much welcomed the RCUK statement in January during evidence to the House of Lords Science and Technology Committee that it would waive their previously stated requirement, and instead of insisting that research made available via a green open access route be accessible after six months RCUK will now allow embargoes of at least 12 months where a publisher has offered a gold option but this is not taken up.

Licenses

In discussions about the license terms for content published under open access arrangements, some organisations in the UK state firmly that the right of funders ‘trumps’ the right of authors. While it is true that contract law can vary aspects of copyright law, the rights of authors – and the choices they make about how to deploy these – should be taken into account. We would also draw attention to the importance to most authors of their freedom to publish where they choose.

There are two important types of licenses which are defined during the publication process: the agreement between author and publisher and the agreement between author/publisher and those who use the publication.

In order for us to do our job of publishing and disseminating research articles we need publishing rights from the author. For subscription articles Elsevier request a *transfer of copyright* with authors retaining important rights to use their own article for scholarly purposes. For open access articles we are moving to an *exclusive licensing agreement* in which authors retain their copyright.

For open access articles we have experimented with offering a range of end user licenses, both bespoke licenses and different versions of CC license. We are moving to offer authors a selection of user agreements depending on the journal in which they choose to publish. Generally we will offer authors a choice of CC-BY (attribution alone), CC-BY-NC-SA (attribution + non-commercial + share alike) and CC-BY-NC-ND (attribution + non-commercial + no derivatives) licenses.

We have adopted a test-and-learn approach because there are a number of uncertainties including author preferences, clarity of some terms in the Creative Commons licenses, an absence of case law, and the influence on revenue streams of different forms of license.

To resolve some of these uncertainties the International Association of Scientific, Technical, and Medical Publishers is investigating options, for example developing a CC+ license or an industry model license. These would be designed to:

- add clarity to the Creative Commons definition of ‘non-commercial’ to make it more clear that associating content with advertising is classified as a commercial use and requires extra permissions;

- more explicitly permit text and data mining by enabling automated searching, sorting, parsing, addition or removal of linguistic structures; and

- to use NC-ND (non-commercial + no derivatives) provisions to ensure the integrity of the scientific record, and enable publishers to take action to protect authors’ rights.

This is an issue that was not closely evaluated by the Finch Group, and where further reflection and discussion between stakeholders in an implementation forum would be welcome. The Publishers Association has kindly volunteered to host such a forum if helpful.

Advice on the best approach to exceptions and on an appropriate notice period

We have no specific comments on this section.

When it may be thought inappropriate to expect repository deposit of monograph text or alternatively, given the percentage of submitted material which is in monograph form, we ask for advice on whether an expectation of a given percentage of compliance as described above (paragraph 18c) would eliminate the need for a special-case exception for monographs.

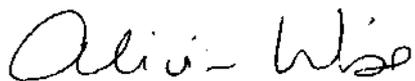
Books have very different business models, costs, and dynamics than journals. The Finch group concluded that “universities, funders, publishers, and learned societies should continue to work together to promote further experimentation in open access publishing for scholarly monographs (recommendation 3. viii)”. It is at present far too early to have an open access policy for monographs submitted to the 2020 REF as there are not yet proven sustainable models for this. We are – along with many other stakeholders – taking a close and active interest in how this space develops.

Has there been sufficient progress to implement a requirement for open data as well. We will consider any representations that such a requirement may reasonably now be developed but would also need advice on how this might be achieved.

We feel that it is highly desirable for data to be deposited in professional digital archiving services where available to facilitate their reuse. The business models and costs for this are, as with monographs, not yet well established in most instances. In some fields – for example Archaeology – it might be possible to insist on this as a condition of the 2020 REF if appropriate arrangements are made, for example with the [Archaeology Data Service](#).

In closing we would again like to thank you for this opportunity to comment on a pre-consultation document. Please do not hesitate to contact me if you have any questions or if you would like any additional information.

Sincerely yours,



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