Institutional Rights Retention Policy

Introduction

The Rights Retention Strategy is a mechanism mainly proposed by European national funders, including the Wellcome Trust and UK Research and Innovation (UKRI), to promote the deposit of full-text Author Accepted Manuscripts (AAM) in institutional systems upon manuscript acceptance. The manuscripts are deposited without any embargo and under a Creative Commons license, supporting the self-archiving route to open access. It allows researchers to publish in a subscription (or hybrid) journal and to make the manuscript available open access through self-deposit.

Purpose

The University of Exeter fully supports the shift to open access and believes that asserting Rights Retention can benefit wider society. The University aims to disseminate research and scholarship widely while complying with funder requirements and allowing researchers to publish in their preferred journals.

Traditionally, researchers signed a Copyright Transfer Agreement, transferring copyright to the publisher. The publisher's ownership of copyright in the article limits researchers' freedom to use their own work as they wish. Restrictions imposed by the publisher may include embargoes on access and limitations on licensing options for the author accepted manuscript deposited in an institutional repository.

The Rights Retention policy at Exeter enables researchers to make a full-version of their peer-reviewed articles available as open access through self-archiving while retaining copyright and granting the University a non-exclusive license for distribution through the institutional repository, Open Research Exeter (ORE). This policy aligns with funder requirements and the University's commitment to enable and promote Open Research.

Scope

1. The policy applies to all authors or co-authors who are staff members or postgraduate research students at the University of Exeter. It specifically covers journal articles and conference proceedings with an ISSN, authored or co-authored while the person is affiliated with the University of Exeter.

2. While the policy doesn't apply to outputs like monographs, scholarly editions, textbooks, book chapters, collections of essays, datasets, or non-scholarly articles, the University encourages researchers to make them openly available.

3. Postgraduate (PGR) students should note that this policy only applies to their contributions to journal articles and conference papers, it does not apply to their PhD thesis. In accordance with the Student Contract, PGR students will generally own intellectual property rights in the works they produce as part of their PhD, unless varied by another contract, most commonly
where a PhD student is funded by an industry partner. This means that PGR students should check what the IP position is in relation to the work, outputs and publications they produce as part of their studentship and ask their supervisor for assistance if unsure. In case it is not possible to apply this policy in certain circumstances, and the opt-out has to be used.

4. This policy only addresses copyright in authored research publications and whilst it doesn't extend to other intellectual property rights covered by the University's IP Policy, researchers should be aware of how this policy is intended to work with University IP commercialization. When publishing work as open access, researchers should consider the potential consequences of a CC-BY or equally permissive licence on any future plans they or a partner may have for commercialisation. Such licences will enable anyone to use published materials, processes and knowhow, that haven’t been already protected by filling a patent for example, for commercial purposes on a royalty-free basis, including in competition with the originators of their research partners. If researchers intend to commercialise their research outputs, they should contact IIB prior to publication for advice; it’s important to note that in many cases, action can be taken to enable publication to proceed whilst still retaining the right to commercialise.

Copyright

5. The University of Exeter waives ownership of and acknowledges that members of staff own the copyright to scholarly works they create, such as academic journal articles, text books, conference papers and related presentations/aide memoires for personal use. For more on this, please refer to the “Ownership of Copyright” section of the University IP policy.

6. In exchange for waiving ownership of copyright, authors grant the University a non-exclusive, irrevocable, worldwide, royalty-free licence to make manuscripts of their scholarly articles publicly available under a Creative Commons Attribution (CC-BY) licence or a similar licence terms – see point 9 below.

7. Authors apply a CC-BY licence to the AAM upon submission, giving precedence over any subsequent publisher's licensing agreement. This enables authors to retain sufficient rights to reuse their work and make a copy of their published article openly available in a repository. Note that once a Creative Commons licence is applied to a piece of copyright, that licence is perpetual, and cannot be revoked, unless the licence breaches the licence terms.

8. The researcher will include the following wording in their submitted article manuscript and any submission cover letter/note: “For the purpose of open access, the author has applied a Creative Commons Attribution (CC BY) licence to any Author Accepted Manuscript version arising from this submission”. An alternative statement with the same intended outcome can be used if required by specific funders.

9. While CC-BY is strongly encouraged, the University recognizes the need for different licences based on funder requirements, such as CC BY NC/ND or the Open Government Licence for research subject to Crown copyright. If, for example, authors have approval from the funder to apply a CC-BY-ND/NC licence by exception, they must inform the Open Research team.

10. The University acknowledges joint copyright ownership with researchers not employed by the University of Exeter. Authors must inform their co-authors about the University's requirements and agree on the license before submission.

11. Researchers must deposit an electronic copy (PDF/A) of the AAM in ORE within 3 months of
acceptance. The AAM is made accessible to the public under a CC-BY licence (or other open access licence terms as agreed) upon deposit.

12. If the article contains third-party copyrighted materials, a more restrictive license may apply or opt-out of the policy may be considered (see below).

**Opt-out**

The University recognizes that complex situations may arise where compliance with the policy is challenging. In such cases, staff members can voluntarily opt out of the requirement for immediate open access or the assignment of a CC BY licence in respect of a specific submission. However, opting out may result in non-compliance with funder policies and render the research output ineligible for submission to a REF exercise. The Open Research team is available to support authors if they are uncertain about the impact opting out may have on meeting funder’s requirements. Authors can select the "opt-out" option in the Symplectic record when depositing and contact the Open Research team to provide publication details.

Examples of situations where authors may request an opt-out include:

- An author lacking permission to share the author accepted manuscript with a CC BY license immediately upon publication due to objections from a co-author.
- The presence of significant third-party content that cannot be licensed as CC-BY, and redaction would compromise the article's integrity.
- Contractual reasons, including confidentiality obligations/commercial sensitivity, particularly in respect of industrial partners on industry funded research.
- IP commercialization plans.

**Related Resources**

- Copyright and Licences
- Open Research training
- Funders’ policies
- Copyright Toolkit for Researchers
- Plan S Rights Retention Strategy
- Jisc - Adopting and managing institutional rights retention policies
- OpenAIRE - A practical guide to implementing RRS for researchers

**Support:**

- Copyright enquiries: [https://exeter-uk.libwizard.com/f/enquiries](https://exeter-uk.libwizard.com/f/enquiries)
- Open Access enquiries: openaccess@exeter.ac.uk
- Research Data Management enquiries: rdm@exeter.ac.uk
- Legal enquiries: legalservices@exeter.ac.uk
- Innovation, Impact and Business (IIB) commercialisation queries: business@exeter.ac.uk
Appendix 1. FAQs for Researchers

1. **As an author, how do I benefit from the University’s Rights Retention approach?**

   Benefits of the University’s Rights Retention approach for authors include the ability to continue to publish in your preferred journals, retaining sufficient rights to share research more widely, simplified publishing processes while complying with funder requirements for immediate open access, and ensuring compliance with future REF exercises. Open access increases the potential for reaching a broader audience, leading to greater societal impact, increased citations, and collaborations for researchers.

2. **How do I inform a publisher of my intention to retain my rights?**

   The Library has notified main publishers through formal letters and notices drafted with the assistance of Legal Services. However, authors should include the given statement and CC BY licence in the submitted manuscript to ensure the publisher is informed of the intention to retain rights.

3. **What if a publisher refuses to publish my manuscript?**

   While a publisher is under no obligation to consider a manuscript containing a rights retention declaration, they should decline to publish such articles at the earliest possible opportunity and allow you to submit to another journal. This is why it is crucial to include the declaration in the cover letter and manuscript from the point of submission.

4. **What if a publisher asks for an article processing charge before publication?**

   If not publishing in a fully open access journal or through a publisher agreement that the University has signed, authors must choose the subscription publication route instead of the open access route as institutional open access funds will not support open access charges in hybrid journals.

5. **What if a publisher requires me to sign a copyright transfer agreement that conflicts with the pre-existing agreement with the University?**

   If you are asked to sign a copyright transfer agreement (sometimes called a copyright assignment), please contact the Open Research team in the first instance. The Rights Retention statement should take precedence, and signing such an agreement will affect your and the University’s use of the copyright.

6. **What if a publisher requests that the article is removed from the repository after publication?**

   The Open Research team will temporarily remove the article from public view while it investigates the basis for this request.

7. **What should I do if my article includes third party copyright?**

   For articles with third-party copyright material, please clearly indicate within the manuscript the terms under which the material is released and state that the CC-BY licence is not applicable to this material. If the article contains significant third-party content which cannot be licensed as CC-BY, and
the redaction of which would compromise the integrity of the article, please consider opting-out. For more information about using third party owned content, see the Libguide at: https://libguides.exeter.ac.uk/copyrightforstaff

8. **At what point in the publishing process should I include the rights retention declaration?**

Please include the declaration at the point of submission and ensure it is not removed before publication.

9. **Do I need to talk to my co-authors before submitting the rights retention statement?**

All authors will need to agree to the CC BY licence, or a similar one as specified in this policy, for each paper published. This should be agreed prior to submission and the rights retention wording included in the submitted manuscript. If agreement is not obtained, please consider opting out of the policy on that occasion.

10. **Do I have to add multiple Rights Retention statements if I am also funded by Wellcome, Gates, UKRI, etc?**

No, please pick one of the standard Rights Retention Statements and check that it meets the requirements of all funders acknowledged on the paper. For more details on funder’s requirements, please consult the Open Research webpage or your funder webpage.

11. **What if I forgot to put the statement in my covering letter/manuscript?**

Please contact the Open Research team to check if the publisher has been contacted in advance. OR consult list here.

If not, you should contact the journal office as soon as possible to let them know of your intentions to retain your copyright. If the publisher does not accept it, you may consider opting out of this policy.

12. **Which other institutions have implemented similar policies?**

UK Institutional Rights Retention Policies
University rights-retention OA policies