



Mrs Yvonne Budden  
Chair, UK Council of Research Repositories (UKCoRR)

[y.c.budden@warwick.ac.uk](mailto:y.c.budden@warwick.ac.uk)

7<sup>th</sup> February 2013

Dear Sir,

Please find attached the written submission of evidence to the House of Commons Business, Innovation and Skills inquiry into the Government's Open Access policy from the United Kingdom Council of Research Repositories (UKCoRR). This evidence is submitted as an organisation and represents the views of our member's and not our member's associated institutions. Please address any correspondence about this evidence to the named individual above.

This evidence is not confidential.

Kind regards,

Mrs Y. C. Budden

## **UKCoRR Submission to Business, Innovation and Skills Committee inquiry into the Government's Open Access policy**

### **Executive Summary**

1 UKCoRR welcomes moves towards OA and recognises that recent action taken by Government and RCUK has done a lot to establish OA as a priority for UK research. However we also feel that the pace of change being enforced by the RCUK policy and the Department of Business, Innovation and Skills (BIS) could be too rapid for researchers and institutions to contend with.

2 Use of the established and mature repository infrastructure already present in the UK to promote green OA and encouraging academic authors to retain more rights (e.g. licence rather than transfer copyright) would be more cost effective at this stage.

3 We strongly recommend that the Government and RCUK demand demonstrable value for money from publishers charging APCs.

4 UKCoRR strongly encourages some leniency and flexibility from the RCUK and the government as a whole, in implementing a change of this nature and scale. Regular reviews and updates will be needed to both policies and practice in response to the reactions of other stakeholders and countries.

### **About UKCoRR**

5 The United Kingdom Council of Research Repositories (hereafter UKCoRR) is an independent membership organisation of repository managers, administrators and staff in the UK. UKCoRR's mission is to:

- Promote repository management as a recognised and respected profession
- Provide a forum for discussion and exchange of experience
- Represent the views and concerns of those who work with repositories in organisational, policy and strategic development.

6 UKCoRR currently has 257 members (5th Feb 2013) which includes representatives from the majority of the UK's Higher Education institutions.

### **UKCoRR's credentials for commenting on these issues**

7 It is our view that the repositories staffed by our members are a vital part of the UK's research infrastructure and have a unique open access (OA) focus. Research repositories collect, curate, preserve and make available open access material using both green and gold models. Furthermore our members have experience and expertise, solidly grounded in practice, in:

- the current scholarly publishing environment,
- making publications open access,
- copyright and licensing in scholarly publications,
- advocating for open access, and

- the cultural change needed in academia for open access to research to become the norm.

8 Many repository staff are currently playing a leading role in shaping their institutions' open access policies and practices. Repository staff are at the forefront of implementing the Government's open access policy.

### **Overview of UKCoRR views on the Government's open access policy**

9 UKCoRR welcomes the Government's clear policy of making OA the norm for research publications, but we are concerned about route set out for achieving this.

### **In the following, we address the four topics highlighted for the Committee's inquiry:**

#### **The Government's acceptance of the recommendations of the Finch Group Report 'Accessibility, sustainability, excellence: how to expand access to research publications', including its preference for the 'gold' over the 'green' open access model;**

10 UKCoRR and its members strongly support OA but are concerned that the Government's acceptance of the Finch Report's preference for gold over green open access means that current Government policy will not be effective in furthering the ideal of full open access to all research outputs.

11 We consider the move to a gold centric model will only bring maximum benefit as part of a coordinated international move; implemented unilaterally it will lead to a disproportionately high cost for the UK in a time of austerity and correspondingly scarce research budgets. The need to effectively disseminate research should not be allowed to impact the process of conducting that research and studies have shown<sup>1</sup> that the "most affordable and cost-effective means of moving towards OA is through green OA, which can be adopted unilaterally at the funder, institutional, sectoral and national levels at relatively little cost."

12 We are concerned that the rapid pace of change in the transition period could impact on the pace of research in the country and damage the reputation of the sector. We also note that other respected parties do not share the Finch reports preference for gold. For example SPARC Europe<sup>2</sup> and the Budapest Open Access Initiative<sup>3</sup> both recommend both green and gold routes to open access.

13 There is a feeling that protection of publishers' revenue has been prioritised over achieving cost effective Open Access. Deprecating green OA is a wasted opportunity, since there is a flourishing ecosystem of institutional and subject repositories that could be further exploited. This infrastructure has been built over the last decade and has had tens of millions of pounds investment from JISC and

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<sup>1</sup> Houghton, J. and Swan, A. (2013) *Planting the Green Seeds for a Golden Harvest: Comments and Clarifications on "Going for Gold"* DLib, 19(1/2). <http://www.dlib.org/dlib/january13/houghton/01houghton.html>

<sup>2</sup> <http://sparceurope.org/open-access/>

<sup>3</sup> <http://www.opensocietyfoundations.org/openaccess/boai-10-recommendations>

individual institutions. Gold OA is channelling scarce resource funding to the publishers in the form of APCs, money that can be ill-afforded by the sector.

14 The Government acceptance of the Finch Report's recommendations was very rapid. Whilst this would seem to suggest a very positive endorsement, there were some key areas of support in name only, but without committing resource or giving an indication of how some of the points might be taken forward. A more considered response following the period since Finch would be welcome with further proposals on supporting and promoting implementation to clarify the Government's response, in particular the value that institutional repositories could bring to supporting OA.

**Rights of use and re-use in relation to open access research publications, including the implications of Creative Commons 'CC-BY' licences;**

15 UKCoRR applaud the aspiration for high standard of openness ('libre' OA allowing re-use rather than 'gratis' OA which is free to read but not to re-use). We welcome the wider use of creative commons licences which provide clarity for both copyright holders and research users. However achieving these aspirations in practice will require substantial change to current publishing practices. These changes will take time and 'read-access' to the research, through a green model, could be seen as an important stepping stone on the route to fully 'libre' OA.

16 RCUK definition of open access states that "a user must be able to ... Search for and re-use ... the content provided that any such re-use is subject to proper attribution."<sup>4</sup> RCUK recognises that "publications may need to amend their copyright conditions if they are to meet this definition of Open Access"<sup>5</sup>.

17 Many publishers offering 'gold' OA options do not currently license material published this way under a CC-BY licence. RCUK's policy of requiring CC-BY licence for Gold OA funded by RCUK block grants provides an incentive for publishers to adopt the more permissive license but only at an inflated cost for researchers and institutions. The additional costs being proposed by some publishers for the use of CC-BY potentially act as a major deterrent towards the aims of Finch, which is enhance access to publications. Whilst looking to protect their business model the publishers are potentially restricting the novel ways in which research can be published and utilised to maximise its value.

18 RCUK's policy also demands high level of openness for green OA: to meet their requirements an author manuscript deposited in a repository must be "without restrictions on non-commercial re-use"<sup>6</sup>.

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<sup>4</sup> [Research Councils UK Policy on Access to Research Outputs](http://www.rcuk.ac.uk/documents/documents/RCUK%20Policy%20on%20Access%20to%20Research%20Outputs.pdf)  
[http://www.rcuk.ac.uk/documents/documents/RCUK%20 Policy on Access to Research Outputs.pdf](http://www.rcuk.ac.uk/documents/documents/RCUK%20Policy%20on%20Access%20to%20Research%20Outputs.pdf)

<sup>5</sup> Ibid

<sup>6</sup> Ibid

Presentations from RCUK staff have suggested use of the CC-BY-NC licence for green content<sup>7</sup>. However, the usual practice of authors transferring or exclusively licensing the copyright in their work to the publisher at the stage of submission or acceptance means that authors may not be in a position to apply a CC-BY-NC licence to the version of their work deposited in a repository. Many publishing agreements that allow green ‘gratis’ OA do not allow green ‘libre’ OA. For example, the IEEE ask authors to attach the following copyright notice to green OA versions of their work:

“© 20xx IEEE. Personal use of this material is permitted. Permission from IEEE must be obtained for all other uses, in any current or future media, including reprinting/republishing this material for advertising or promotional purposes, creating new collective works, for resale or redistribution to servers or lists, or reuse of any copyrighted component of this work in other works”<sup>8</sup>

19 This is clearly not compatible with a CC-BY-NC licence. Thus implementing the RCUK’s policy in full will require publishers to change the terms under which they allow green OA. While there is a clear financial incentive for publishers to make their gold OA option compatible with RCUK’s policy, there is less incentive for them to change their green OA terms. Greater clarity is requested from both the publishers and RCUK on the point at which the copyright transfer is effective and on the terms under which they will accept green OA.

20 In summary, RCUK’s requirement to provide libre OA from April 2013 will be difficult, perhaps even impossible, to meet. UKCoRR strongly encourages some leniency and flexibility from the RCUK and the government as a whole, in implementing a change of this nature and scale.

### **The costs of article processing charges (APCs) and the implications for research funding and for the taxpayer;**

21 UKCoRR recommend that the Government and RCUK, particularly, demand demonstrable value for money from publishers charging APCs, if this is the route to OA they are set on using.

22 Institutions see the APCs as an additional burden on stretched research budgets. Notwithstanding what has been said about the costs of APCs being a fraction of total research funding, this is too simplistic a link, and the impact of the costs will affect different areas of research disproportionately.

23 The calculations also do not take account of the ‘hidden’ costs of administering the APCs, which places an additional burden on institutions. As such, it is difficult to see that the aims of Finch and the RCUK policy will be achieved under the current terms proposed without further support or a change in the way the model is introduced.

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<sup>7</sup> e.g. Mark Thorley’s Open Access Week 2012 presentation at University of Exeter

<http://www.slideshare.net/OpenExeter/exeter-september2012>

<sup>8</sup> IEEE PSPB Operations Manual 8.1.9. B:

[http://www.ieee.org/publications\\_standards/publications/rights/rights\\_policies.html](http://www.ieee.org/publications_standards/publications/rights/rights_policies.html)

24 We are concerned that APCs may be set artificially high, resulting in more taxpayer's money being diverted to the publishing industry. Will this result in a reduction in the journal subscription charges? Evidence is growing that they will but only in proportion to the number of article processing charges (APCs) they receive<sup>9</sup>. So the maximum discounts we could receive under current plans would be equivalent to the proportion of the world's research funded by the RCUK, or put another way, a fraction of 6%. These discounts for most HEIs would also take a number of years to be realised in Library budgets given publishers' continued reliance on 'big deals' as the primary route to journal subscriptions.

### **The level of 'gold' open access uptake in the rest of the world versus the UK, and the ability of UK higher education institutions to remain competitive.**

25 As noted in section 3.1 above we are concerned about the UK's unilateral move toward gold OA. The key point is clearly made by open access economics experts Houghton & Swan "If OA were adopted worldwide, the net benefits of gold OA would exceed those of green OA. However, we are not yet anywhere near having reached an OA world..... Hence, we conclude that the most affordable and cost-effective means of moving towards OA is through green OA, which can be adopted unilaterally at the funder, institutional, sectoral and national levels at relatively little cost."<sup>10</sup>

26 Though there are likely to be some first mover advantages if the UK unilaterally adopts gold OA (e.g. increased citation rates for UK research), Houghton & Swan show the cost of this is likely to be far more expensive (possibly cripplingly so) to make it occur. A change to the RCUK policy to make green and gold equally acceptable seems a good way to remedy the situation in which we find ourselves.

27 Unless there is further internationalisation of gold OA, it will be difficult to manage reductions in journal subscriptions to offset APC costs, as looks to be expected. Clever monitoring of subs over time as APCs come in will no doubt provide some more granular ways of addressing this, but the longer the UK acts alone the harder it will be to justify the case for journal subscription reduction only in the country.

### **Concluding remarks/recommendations**

28 UKCoRR welcomes moves towards OA and recognises that recent action taken by Government and RCUK has done a lot to establish OA as a priority for UK research. However we also feel that the pace of change being enforced by the RCUK policy and the Department of Business, Innovation and Skills (BIS) could be too rapid for researchers and institutions to contend with.

29 Use of the established and mature repository infrastructure already present in the UK to promote green OA and encouraging academic authors to retain more rights (e.g. licence rather than transfer copyright) would be more cost effective at this stage.

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<sup>9</sup> See Elsevier's '[Double Dipping Policy](#)' for an example.

<sup>10</sup> Houghton, J. and Swan, A. (2013) *Planting the Green Seeds for a Golden Harvest: Comments and Clarifications on "Going for Gold"* DLib, 19(1/2). <http://www.dlib.org/dlib/january13/houghton/01houghton.html>

30 We strongly recommend that the Government and RCUK demand demonstrable value for money from publishers charging APCs.

31 We would advocate and welcome moves towards IRs and publishers cooperating towards achieving the RCUK/Government's aims. This interface could be used to build trust and encourage the development new models of dissemination.

32 UKCoRR strongly encourages some leniency and flexibility from the RCUK and the government as a whole, in implementing a change of this nature and scale. Regular reviews and updates will be needed to both policies and practice in response to the reactions of other stakeholders and countries.