

## Key Publisher Concerns with the SCL

### SUMMARY

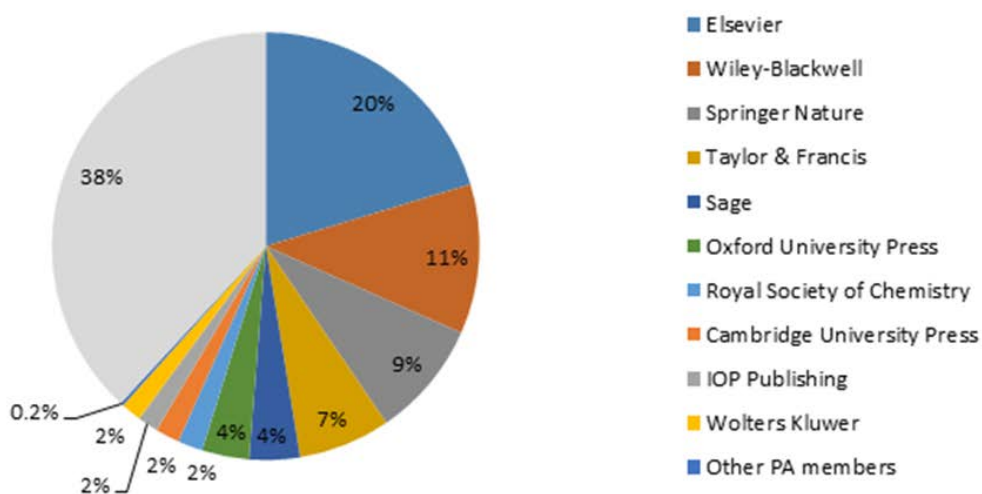
The main concerns publishers have with the SCL is that:-

- 1) It would impose a very significant administrative burden on researchers, their institutions and publishers. Its proponents have assumed that researchers will not seek waivers. This is a profound misconception arising from a lack of consultation with publishers. The PA estimates that waivers would be required for 90,000 – 100,000 journal articles per year, and in many cases multiple waivers would be required for multiple authors at multiple institutions. Publication would be delayed while waivers were sought and granted, delaying publication and affecting the impact of UK research. Substantial additional costs would be incurred by institutions and publishers. We have not even begun to estimate the cost to researchers in their time.
- 2) It conflicts with UK policy on open access, putting green open access before gold, even where funding is available for gold, and undermining the sustainability of green by removing any embargo period. It appears to be based on an assumption that there is no value in publishers' management of peer review, their services to authors and their maintenance of journal brands, as it effectively assumes that this investment be discounted.
- 3) It seeks immediate non-commercial re-use rights for all UK research outputs, again undermining the ability of publishers to earn back their investment in editorial services and journal development.
- 4) It potentially limits the choice of researchers in where they publish their research, again affecting the impact of UK science.

### Waivers

Publishers would have no choice but to require authors to obtain waivers from the SCL. It is estimated that around 120,000 – 140,000 journal articles are published by UK corresponding authors each year. If we assume that 25% of these are published on gold open access basis or do not otherwise require a waiver; that leaves potentially 90,000 – 100,000 requiring waivers. The chart below shows the share of UK-authored articles published by PA member publishers in 2015 and therefore the scale of the likely impact on UK research published by a broad range of publishers.

## Share of 2015 articles published in subscription titles from UK authors - PA members



The cost of administering such a large number of waivers, multiplied in many cases by the need for multiple authors at multiple institutions to seek such waivers, would be enormous, for institutions, for publishers and, in time expended on the task, for researchers. We estimate that this would dwarf the costs incurred at present for manuscript deposit in repositories, which were estimated to be £4-5 million per annum in a 2014 report ([Counting the Costs of Open Access, http://www.ariessys.com/wp-content/uploads/Research-Consulting-Counting-the-Costs-of-OA-Final.pdf](http://www.ariessys.com/wp-content/uploads/Research-Consulting-Counting-the-Costs-of-OA-Final.pdf)) and with the implementation of the HEFCE REF policy have almost certainly increased substantially since then. This runs counter to the sector's focus on efficiency, championed for example by the UUK Open Access Coordination Group.

Furthermore, while the SCL notes the ability of an institution to grant a waiver, it places no obligation on the institution to grant one. This would introduce further uncertainty for authors (and their publishers) and potentially limit their publishing options. This is in stark contrast to the Harvard model licence, which the SCL proponents claim as a model for theirs, which stipulates that waivers will be granted on request of the author. The Harvard licence notes this is 'important for the palatability of the policy' and alleviates concerns around freedom to accommodate publisher policies. The SCL also currently differs from the Harvard model in that the waiver, if granted, would only last for two years; under the Harvard model the waiver is granted indefinitely.

The SCL also makes no attempt to take into account policies in countries other than the UK where, for example, such mandates may not be imposed on researchers. This would add further to the burden on researchers in complying with such a licence.

### UK policy and embargo periods for green open access

The SCL rides roughshod over the Finch recommendations and UK government policy on open access. UK policy expresses a strong preference for gold and RCUK has made substantial funding available for this, yet even where funding is available the SCL proponents appear to favour green.

UK policy also recognises that where funding is not available for gold open access then green open access must be based on reasonable embargo periods to enable publishers to earn back their investment in author services, peer review and journal development and management. The SCL makes the default position one of no embargo whatsoever; rather, immediate access to the Accepted Manuscript under a CC-BY-NC licence which would enable immediate non-commercial re-use.

Publishers have made great efforts to support the Government's pro-gold policy and the UK has seen large growth in the open access publication of its researchers' outputs. This is not the moment to seek to undermine that policy. Publishers also understand the preference of HEFCE and many individual institutions for green open access in relation to the REF and are generally able to work with the one-year embargo that it requires.

### **CC-BY-NC licence**

Many publishers are also concerned about the insistence on a CC-BY-NC licence. Non-commercial re-use and the production of derivatives can have a significant impact on publishers' ability to recoup their investment in journals publishing. For example, existing agreements between publishers and aggregation services are often exclusive; how can these possibly work under the proposed SCL with no embargo period?

### **Protecting author rights**

Current Government policy on open access, and that of individual HEIs, respects the ability of UK researchers to choose the best venue for publication of their research available to them. Without the clear right to be granted a waiver from the SCL, UK researchers would no longer be sure of that freedom to publish where they will get the greatest impact for their research. The proposed CC-BY-NC licence removes a further author right, to choose the licence under which to publish on a subscription basis.

In order to take action against copyright infringement and violation of their authors rights, publishers need clear and exclusive publishing rights. Under the SCL any action would need to be taken jointly between the publisher and the author's institution, which is simply unworkable.