

3rd United Nations Open Science Conference - *Reforming Scientific Publishing*

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ALLEA STATEMENT ON OPEN ACCESS PUBLICATION UNDER “BIG DEALS” AND THE NEW COPYRIGHT RULES

The increasing costs of publication under the Gold Open Access model and “Big Deals”

The European Federation of Academies of Sciences and Humanities (ALLEA) has for many years supported the move away from proprietary models of scientific publishing towards Open Access (OA).¹ OA publication of publicly funded scientific research bears the triple promise of (1) fostering access to published research and knowledge by researchers, and the general public, all over the world; (2) recognising that outputs derived from publicly funded research are essentially a public good; and (3) reducing the mounting costs of accessing published research for universities and other academic institutions.

ALLEA, therefore, welcomes recent studies showing that OA publication in scientific journals is on the rise.² An important driver of this development are the so-called “Big Deals”; “read and publish agreements” that have been negotiated in recent years between (consortia of) research libraries, institutions, and universities on the one hand, and scientific publishers on the other. These agreements, also known as “transformative agreements”, have replaced the subscription deals that were previously agreed between research libraries and publishers, and which provided for large bundles of subscriptions to proprietary journals to be made available electronically to libraries and their affiliated researchers.³

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“Big Deals” (university&research consortia – publishers) transformed into “read-and-publish” agreements, integrating:

- Access to subscriptions (“read”)
- Gold Open Access (“publish”), subject to APC’s

Concerns over rising (exorbitant) costs of APC’s:

- Lack of transparency of actual costs of publication
- Impediment for non-affiliated sci authors
- Gold OA has become new business model for sci publishers
- Profit margins of sci publishers remain sky-high

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>>> **Big Deals do not adequately reflect rules on copyright in EU** <<<

Big Deals do not fairly remunerate sci authorship

- Art. 18 EU DSM Directive: mandatory obligation to pay “appropriate and proportionate remuneration” to authors

Big Deals grant rights covered by copyright exemptions in many cases:

- Private study/use, quotation
- Library privileges
- Educational copying, online education
- Digital preservation (vd. Art. 6 EU DSM Directive: mandatory rule)
- Text and data mining (vd. Art. 3 EU DSM Directive: mandatory rule)

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Emergence of *Secondary Publication Rights* in national law:

- Non-waivable rights of scientific authors to make sci works available on archives/repositories
- Scientific articles resulting from fully/partially publicly funded research
- Variable statutory rules on windows and versions (AAM or VoR)
- SPR's currently exist (inter alia) in Ger, Fr, Bel, NL, Aut

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RECOMMENDATIONS:

- **Negotiate future deals considering national/EU copyright law**
- **Harmonise/introduce Secondary Publication Rights allowing publication of post-print version without embargo**
- **Depart from rights assignment model**
- **Promote community-driven non-profit publishing ecosystem (Diamond OA)**

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<https://allea.org/portfolio-item/allea-statement-on-open-access-publication-under-big-deals-and-the-new-copyright-rules>

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