

Jakob Jung (UB JCS, Frankfurt am Main)

Liberating academic work(s)



A workshop on Open Access, 6 March 2024



Introductions

Jakob Jung, M. A., M LIS

- 2012 Magister Artium in Comparative Literature, Frankfurt am Main and Cardiff
- 2018 Master in Library and Information Science, Cologne
- UB JCS since 2009
- 2016-2020 Specialised Information Service Comparative Literature project staff
- Since 2020 Open Access Team, in charge of the repository, publication services, consulting in all things OA

Universitätsbibliothek J. C. Senckenberg

Open Access Team

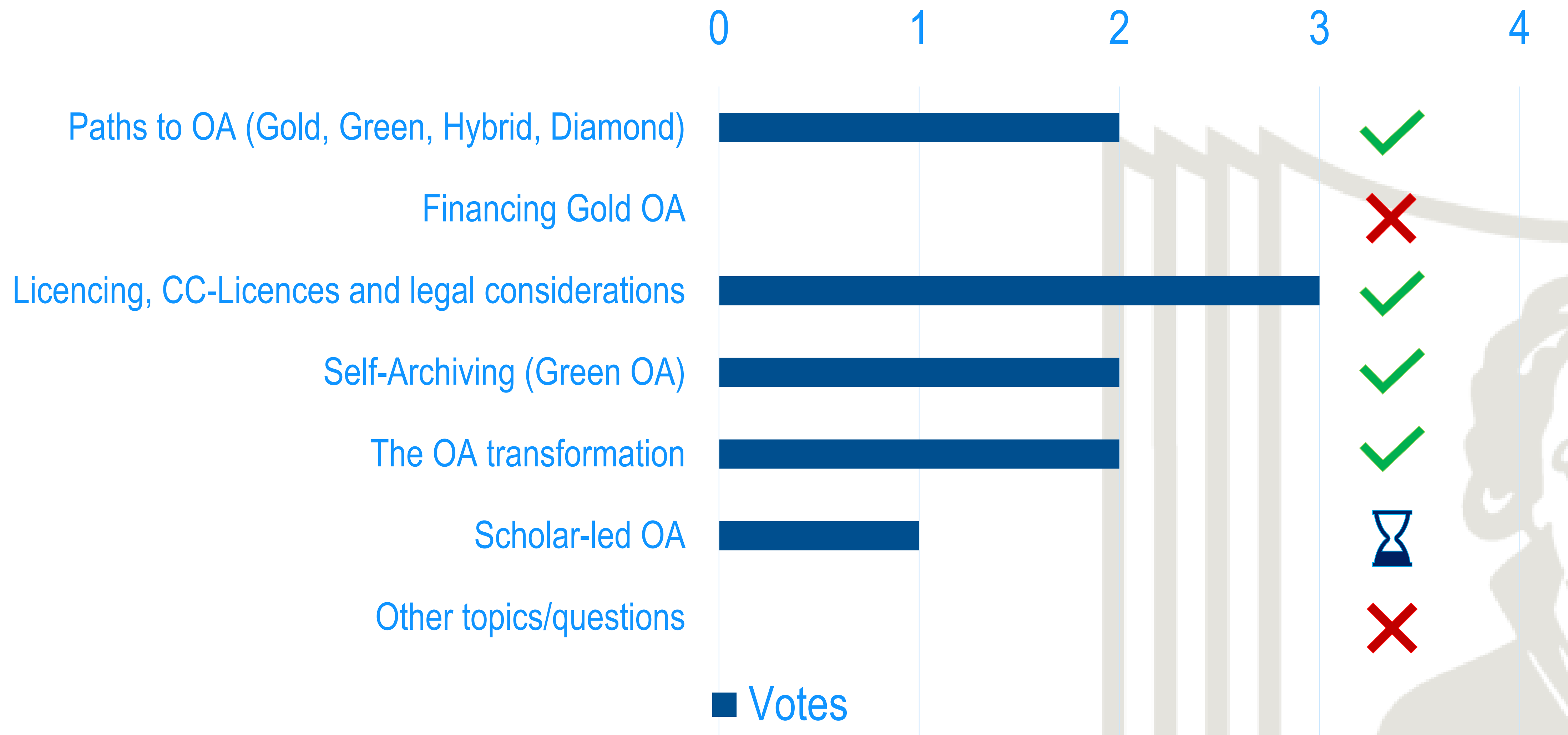
Dpt. Learning Spaces and Academic Support
(LWU)

j.jung@ub.uni-frankfurt.de

<https://www.ub.uni-frankfurt.de/publizieren/home.html>

069 798 39562

Poll: Our topics for today



Schedule

1. Licencing Open Access publications, Creative Commons and legal considerations
2. The different paths to Open Access (Gold, Green, Hybrid, Diamond)
3. Self-Archiving (Green OA): Best practices and services
4. (The Open Access transformation: background, current state (e.g. DEAL) and critical outlook)
5. Open discussion

1. Licencing Open Access publications, Creative Commons and legal considerations

CC licences make publications "truly" open access:

- Internationally recognized standard licence agreements
- Granting authors more rights to their own publication
- Facilitate reuse in the research cycle by the scholarly community
- Protect the authors' copyright
- Maintain scholarly integrity

Academic publishers usually offer authors one or a choice of several CC licences for OA publications.

Research funding institutions [encourage publishing under free licences](#) or [name specific licenses as an obligatory part of their OA mandate](#).



“Truly” Open Access?

The author(s) and right holder(s) of such contributions grant(s) to all users a free, irrevocable, worldwide, right of access to, and a license to copy, use, distribute, transmit and display the work publicly and to make and distribute derivative works, in any digital medium for any responsible purpose, subject to proper attribution of authorship (community standards, will continue to provide the mechanism for enforcement of proper attribution and responsible use of the published work, as they do now), as well as the right to make small numbers of printed copies for their personal use.

Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities, 2003

Online: <https://openaccess.mpg.de/Berlin-Declaration>

... fulfill (given what licence is selected) the requirements set by the Berlin Declaration:

- Blanket permission to ...
 - copy and distribute material,
 - make derivative works,
 - use the material for any responsible purpose
- ... under the condition of proper attribution of authorship ...

... aka “citation”.



What do CC licences legally do?

Usually, copyright on a published work remains with its creator (“all rights reserved”)



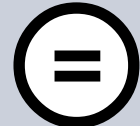



- Only a work’s creator can grant others the right to use or distribute their work
- Creators can contractually transfer copyright to another party (e. g. a publishing house)
 - Exclusive or non-exclusive rights

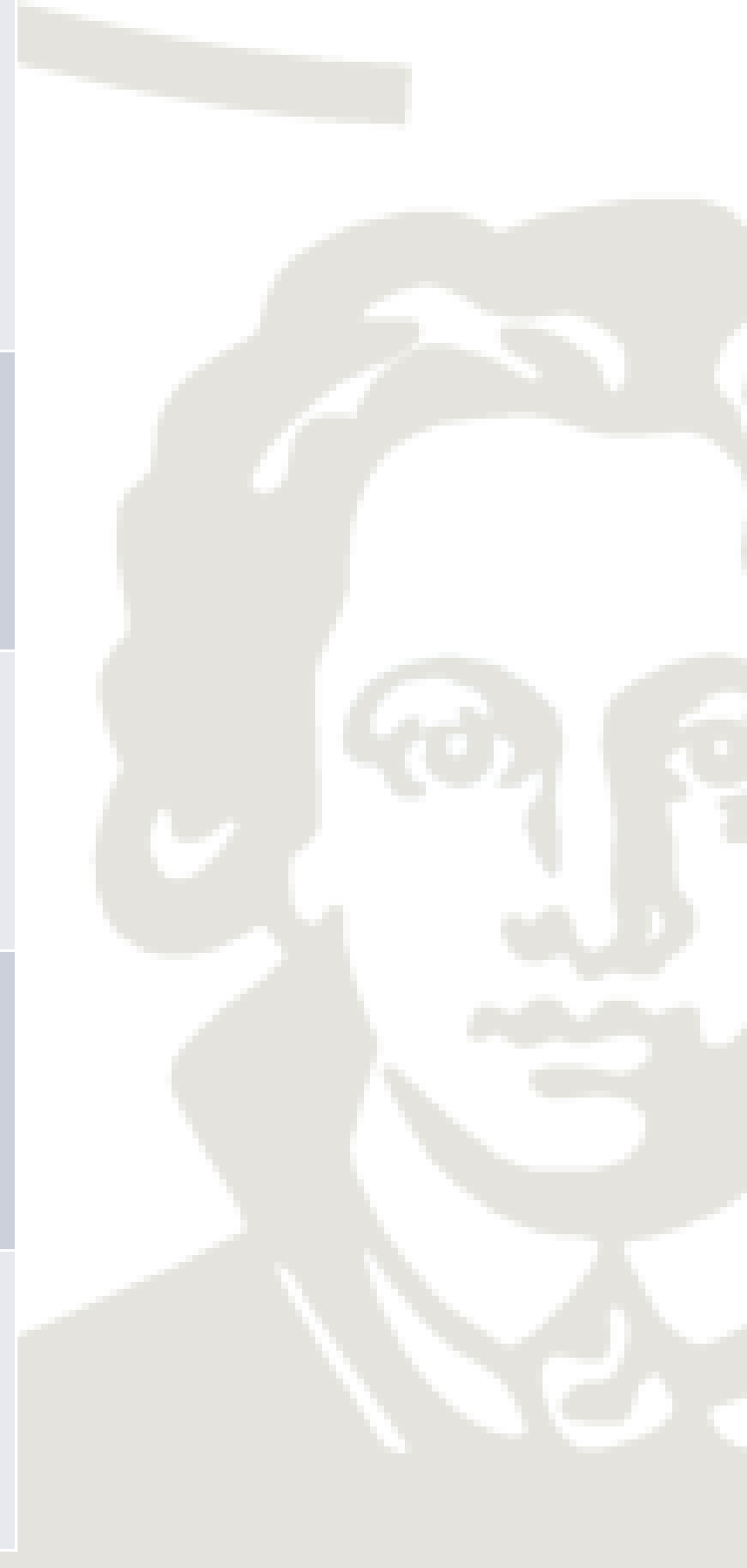
CC licenses blanketly grant rights to use and distribute works to the public (“some rights reserved”)

- Create legal certainty and facilitate re-use and distribution
- Creators determine which rights they grant and which they retain
- Creators must in all cases be attributed


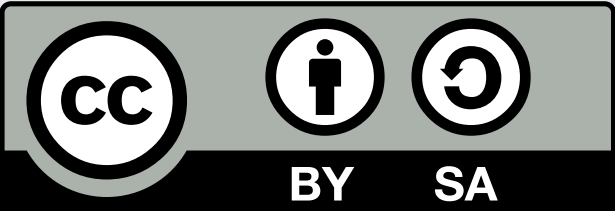
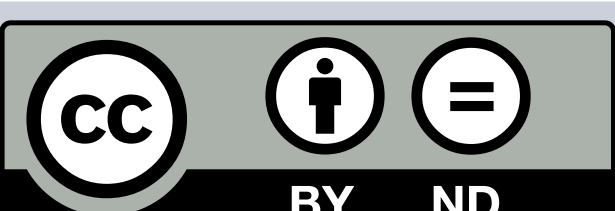


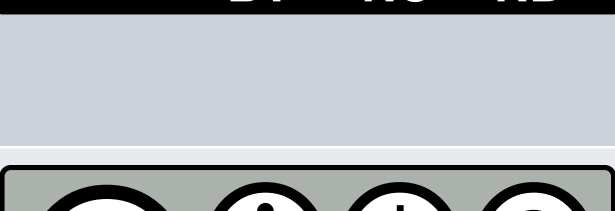

- However: No control over who benefits from these rights

CC licence components

Component	Icon	Purpose
BY		Attribution A work's creator and its original place of publication must be named.
SA		Share alike The work itself and all works derived from it may only be published under the conditions of this licence, keeping them CC-licensed.
ND		No derivatives The work may not be redistributed in a modified/derived form.
NC		Non commercial The work may not be used for commercial purposes.
Zero		Public domain The work's creator waive their rights to the work.
Public Domain		Public domain Works that are public domain to begin with.



The six CC-licences (and CC-0)

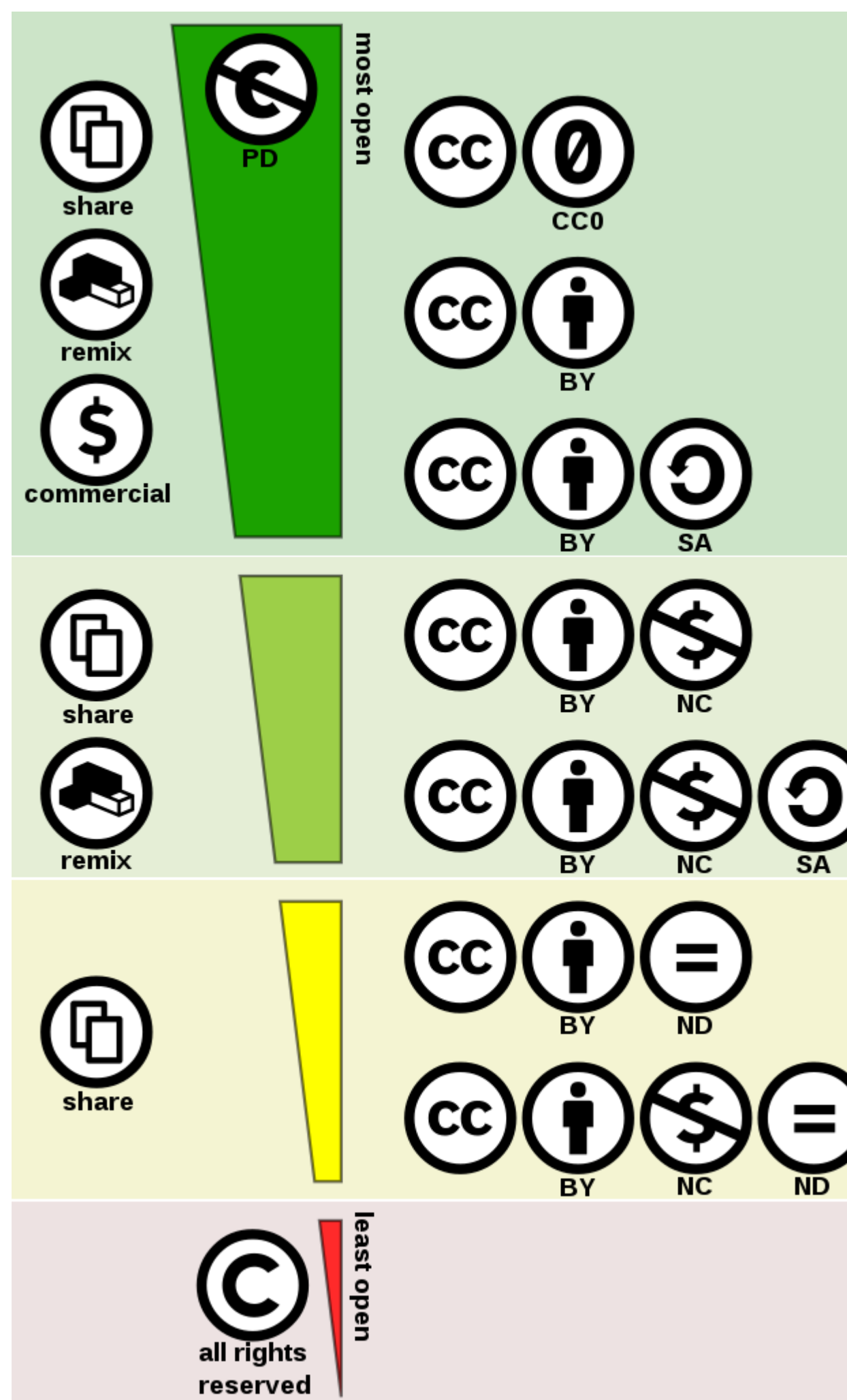
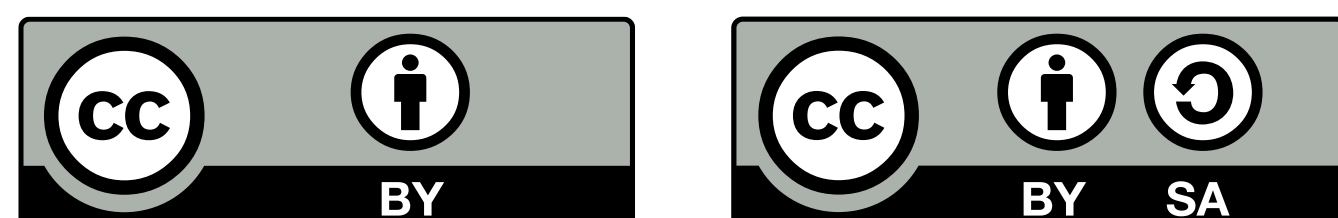
Licence	Icon	Effect
Creative Commons: Attribution (CC BY) 4.0		A work's creator and its original place of publication must be named.
Creative Commons: Attribution - ShareAlike (CC BY SA) 4.0		Attribution + the work and all derived works may only be published under the conditions of this licence (remaining CC-licensed).
Creative Commons: Attribution - NoDerivatives (CC BY ND) 4.0		Attribution + no redistribution in a modified form, e.g. abridged or derived from the original.
Creative Commons: Attribution - NonCommercial (CC BY NC) 4.0		Attribution + the work may not be used for any commercial purposes.
Creative Commons: Attribution - NonCommercial – NoDerivatives (CC BY NC ND) 4.0		Attribution + the work may not be redistributed in a modified form, and not for any commercial purposes.
Creative Commons: Attribution - NonCommercial – ShareAlike (CC BY NC SA) 4.0		Attribution + the work may not be used for any commercial purposes and must be redistributed under the conditions of this licence (remaining CC-licensed).
Creative Commons: Zero (CC 0) 1.0		The work can be used by anyone for any purpose. No attribution is necessary.



CC licences in order of their restrictiveness

If you can choose between CC-licences, choose the “freest” licence available

General recommendation:



(Some) F. A. Q. on CC licences (I)

Can somebody pass of my CC licenced work as their own?

- No. Creators must always be named (due to the Attribution component), the licence specified and a link to the original provided.

Is there a difference between “Attribution” in the sense of CC licences and a normal citation?

- Not really. Proper attribution has always been practiced in academics.

What happens if my work is used in a context that I do not approve of?

- It is not possible to prohibit use of of a CC licenced work. However, you can object to its use in an undesirable context. Contact the responsible party and ask for a note of non-endorsement.
- Legal action is also an option (but should be the last). If a work is used in an extremist context, [licensors do not have to tolerate this.](#)

(Some) F. A. Q. on CC licences (II)

*The NC (Non Commercial) component: Why should I permit someone to earn money with my work by **not** choosing a CC licence with NC?*

- Berlin Declaration: Re-use “in any digital medium for any responsible purpose”
- “Commercial use” as defined here includes re-use in academic blogs that are financed by ads, or use by non-profit organisations. This may be entirely desirable.
- Research results can be included in commercial products (e. g. databases), creating greater benefit for researchers and increasing the reception of the publication.
- No danger that a publication will disappear behind a paywall, as the original is CC-licensed and remains freely available.

(Some) F. A. Q. on CC licences (III)

The ND (No Derivatives) component: Does a modification not damage the academic integrity of my publication?

- Fears: Third parties could manipulate a publication and pass it off as the original; parts could be extracted and incorporated into other publications (aka plagiarism).
- The integrity of the original work is in no way more at risk than it would be under conventional circumstances of publication:
 - Alterations must be clearly indicated, creators and original sources must be stated.
 - Manipulated works or incorporating parts still requires reference to the original.
 - This would expose the deception. Where this does not happen, the licence conditions are violated: a copyright infringement.
- Applying the ND component excludes compiling works in anthologies, databases or metastudies as well as translations.

(Some) F. A. Q. on CC licences (IV)

How do I grant a CC licence?

- Place a licence reference in a suitable position within the document or the metadata.
- A licence reference consists of
 - stating the licence, e. g. "Published under a Creative Commons Attribution (CC BY) 4.0 International License"
 - a link to the Licence Deed (human-readable summary of the licence's conditions), e. g. <https://creativecommons.org/licenses/by/4.0/>
 - the corresponding licence logo, if you want.
- Make sure you are legally able to grant the rights that the CC licence confers.

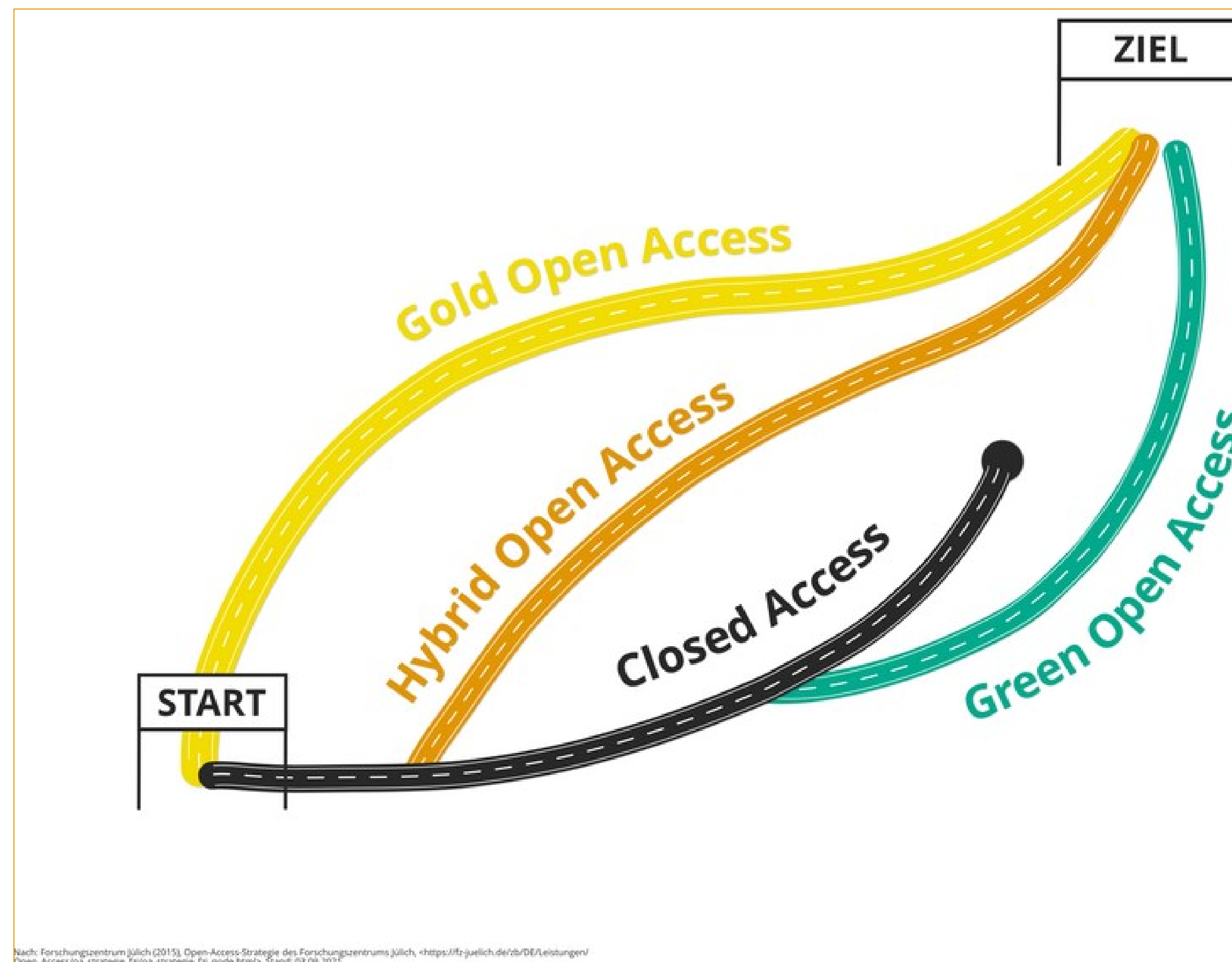
My work contains material without a CC licence or with a different one than selected. What now?

- The right to quote applies, so this has no consequences for your choice of licence.
- State the legal status of cited material and imaged in the reference or list.

Time for questions!



2. The different paths to Open Access



Gold Open Access: Immediate OA publishing

The finished version of a publication (“version of record”) is published immediately in OA

OA is organised by a publishing house or a similar publishing service provider

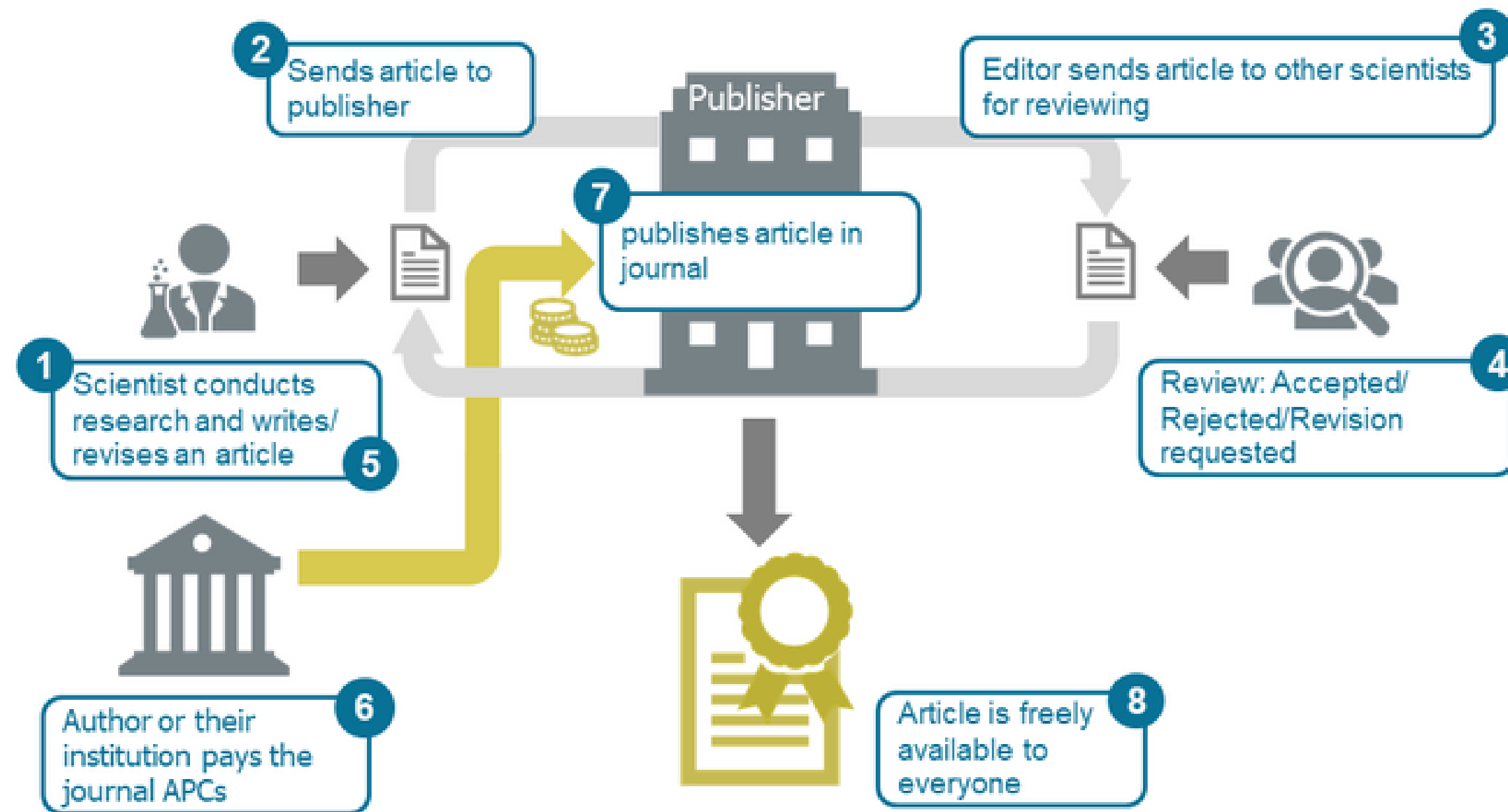
Frequently, authors are charged a publication fee:

- Article Processing Charge (APC)
- Book Processing Charge (BPC)

... however, immediate OA publishing can be free for authors: Diamond OA

Gold Open Access: Immediate OA publishing

Scholarly Publishing: **Gold Open Access**



Source: Based on Oberländer, Anja (2020). Open Access – Es ist nicht alles Gold, was glänzt. In: Open Science. Von Daten zu Publikationen. Zenodo. <http://doi.org/10.5281/zenodo.4018594>



Gold and Hybrid Open Access

Hybrid OA

Open Access in closed access journals by paying APCs

- Problem: often rather high APCs
- publishing house earns money twice (subscription fees + APCs)

Gold and Hybrid Open Access requires budgets that are usually only available in the Global North

- Regardless of if a publishing house is for-profit (e.g. [Springer Nature](#)) or non-profit (e.g. [PLOS](#))
- “Authors pays” – or rather their institutions or their research funding institutions
- Creates new inequities and new paywalls:
 - Paywall is removed for readers, but rebuilt for authors
 - Excludes voices from the Global South from academic discourse
 - Deepens an existing problem (e.g. for Geography)

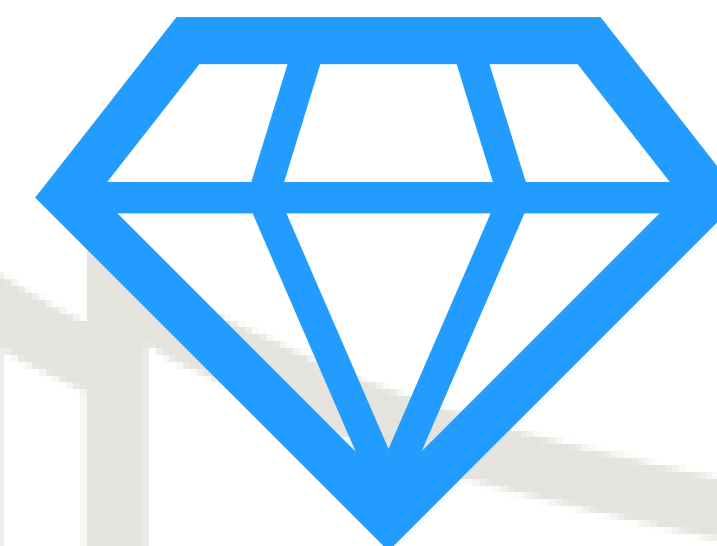
Diamond Open Access (“Fair OA”)

Diamond Open Access is more “pure” than **Gold** OA:
Free of charge not only for readers, but also for authors

- Many different financing models
 - cooperative financing through libraries and/or research institutions
 - sponsoring by research associations
 - As part of infrastructural grants etc.
- More equity and inclusion
 - Sustainable financing for publications
 - Promotes bibliodiversity

Examples: [Open Library of Humanities](#), [Scipost](#), [Geographica Helvetica](#)

→ [Scholar-Led.Network Manifesto](#)



Green Open Access: Self archiving

Before, after (or simultaneous to) publishing the “version of record”, authors make a certain version of their publication freely available

- Usually organised by the authors
- ... observing legal regulations (contracts with publishing houses, copyright law)
- This is free for authors.

Preprint: Manuscript version of a submitted article, *before* peer review

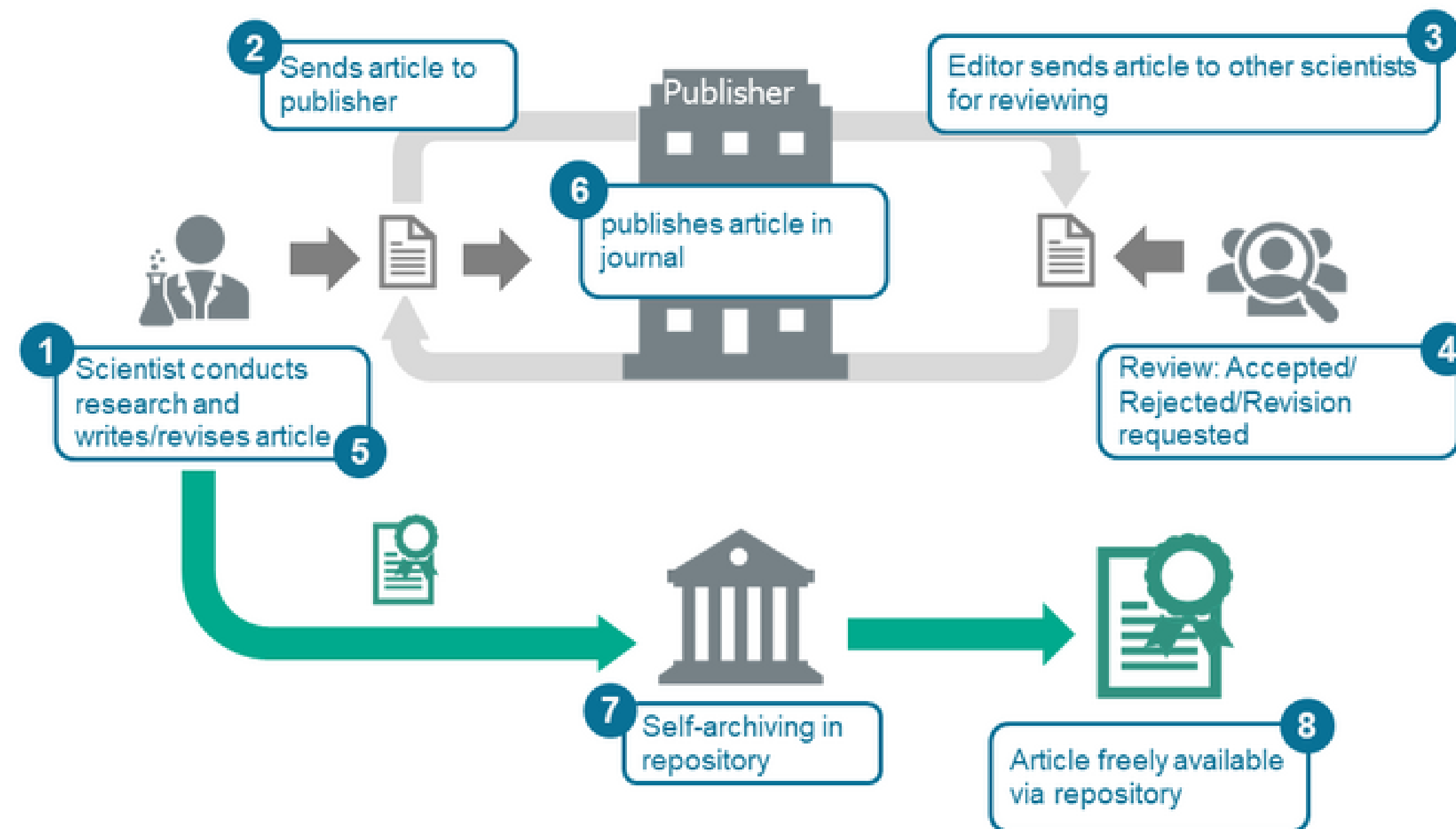
- Not identical to the published/publisher’s version (usually minor differences) ([1](#), [2](#))
- Preprints gained a lot of attention during the [Covid pandemia](#) ([examples](#))

Author Accepted Manuscript (AAM): Manuscript version *after* peer review, only without the publisher’s layout

- Content-wise identical with the publisher’s version
- Not only limited to journal articles, but also relevant for contribution to edited volumes

Green Open Access: Self archiving

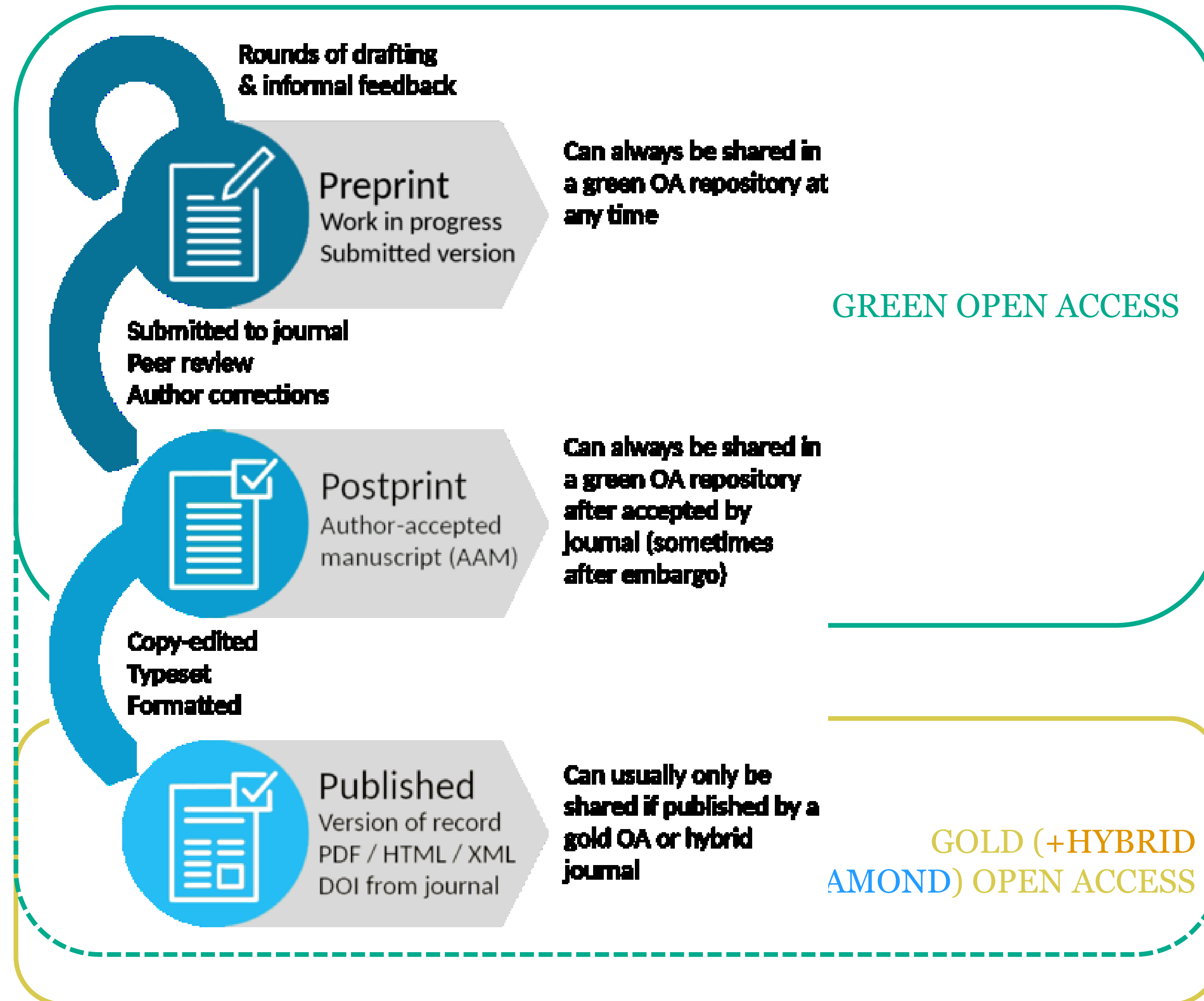
Scholarly Publishing: Green Open Access (Post-Prints)



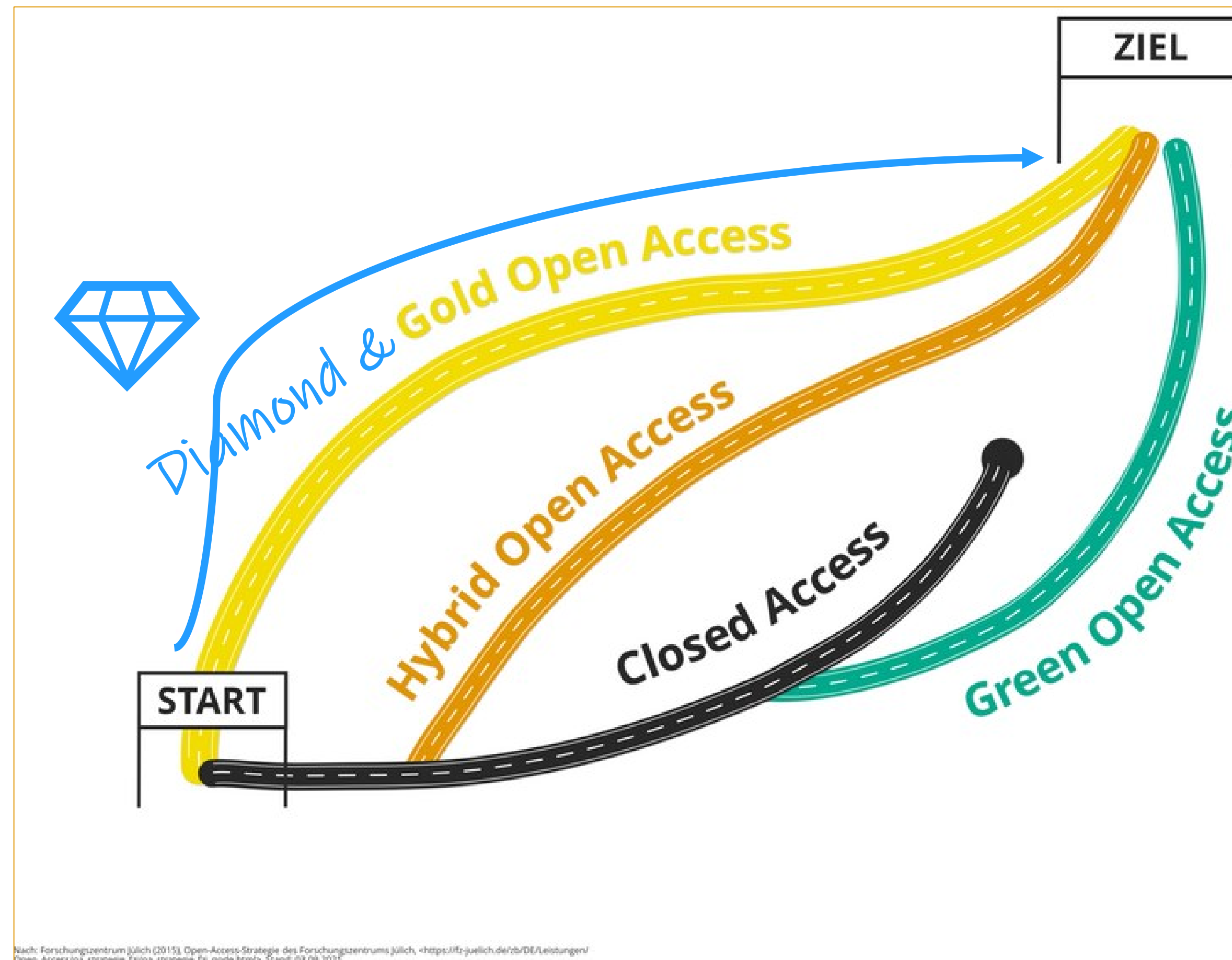
Source: Based on Oberländer, Anja (2020). Open Access – Es ist nicht alles Gold, was glänzt. In: Open Science. Von Daten zu Publikationen. Zenodo. <http://doi.org/10.5281/zenodo.4018594>



Preprint, AAM, VoR and Open Access colours

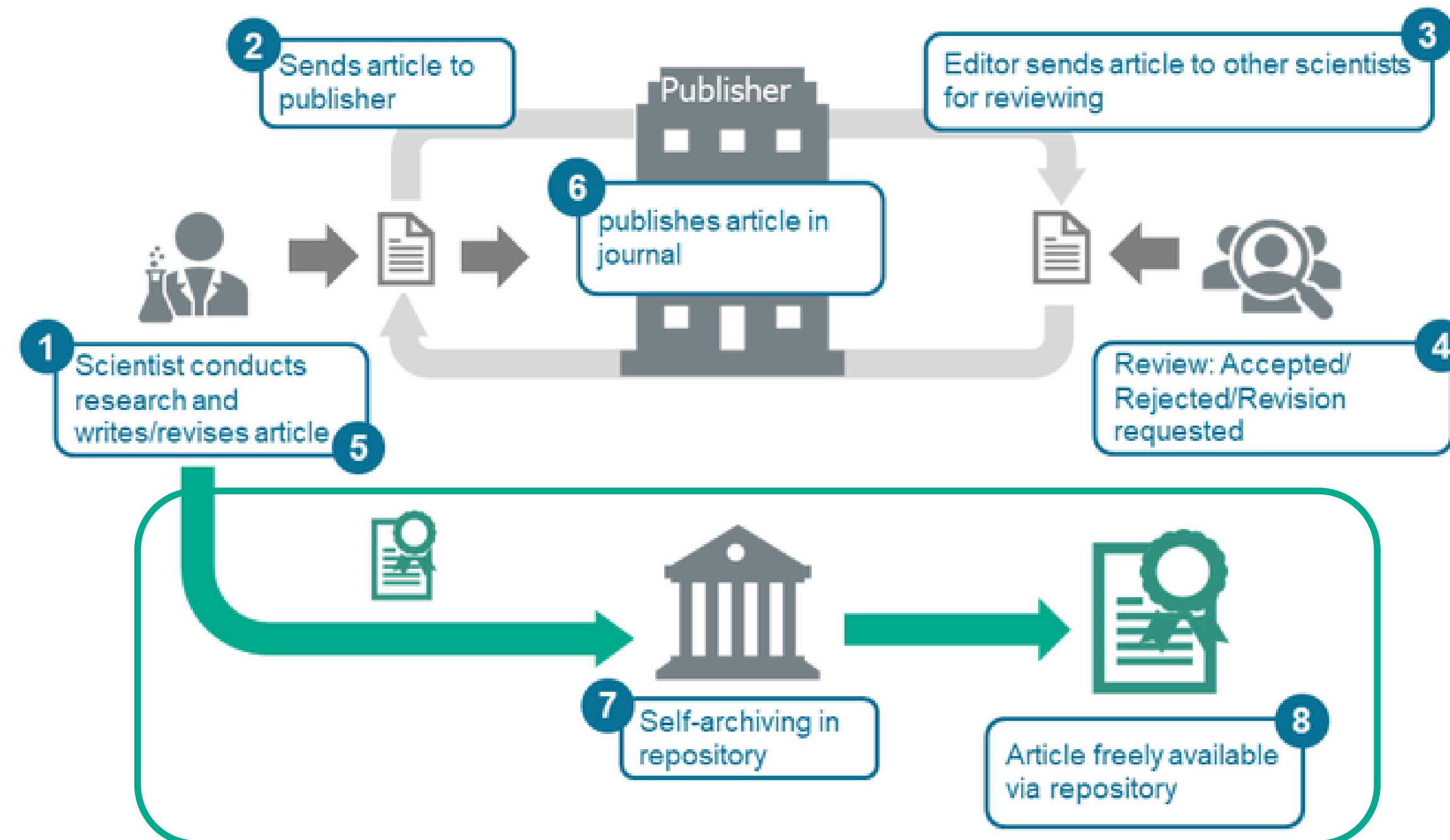


Time for questions!



3. Self-Archiving (Green OA): Best practices and services

Scholarly Publishing: Green Open Access (Post-Prints)



Source: Based on Oberländer, Anja (2020). Open Access – Es ist nicht alles Gold, was glänzt. In: Open Science. Von Daten zu Publikationen. Zenodo. <http://doi.org/10.5281/zenodo.4018594>



A complete version of the work and all supplemental materials, [...] is deposited (and thus published) in at least one online repository using suitable technical standards [...] that is supported and maintained by an academic institution, scholarly society, government agency, or other well-established organization that seeks to enable open access, unrestricted distribution, inter-operability, and long-term archiving.

Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities, 2003

Online: <https://openaccess.mpg.de/Berlin-Declaration>

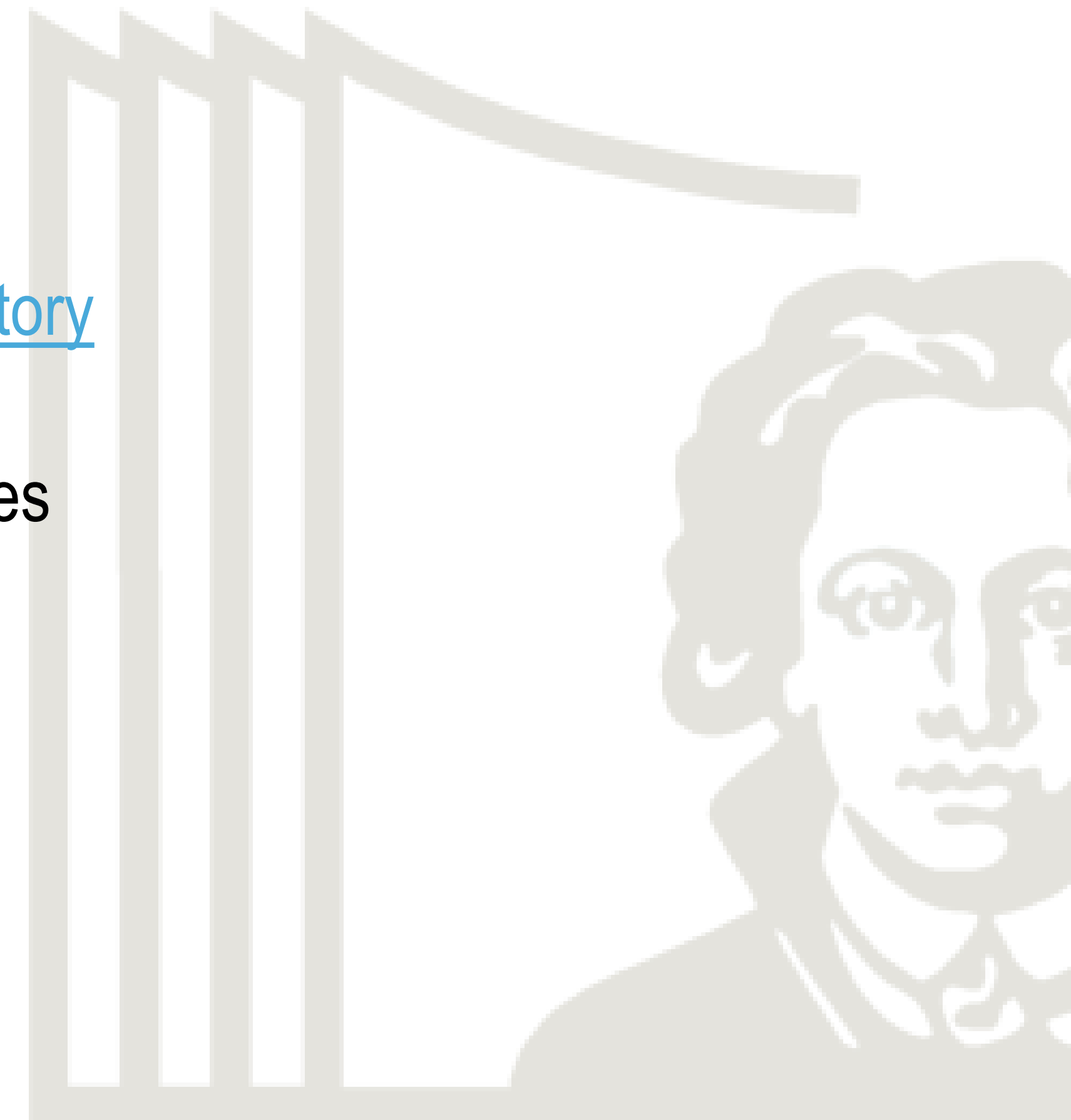
Repositories, Open Access and self-archiving

Researchers self-archive on subject-specific or institutional repositories:

- Examples for subject-specific preprint repositories:
 - [arXiv.org](https://arxiv.org) (physics)
 - [PsyArXiv](https://psyarxiv.com) (psychology)
 - [bioRxiv](https://bioRxiv.org) (biology)
- Example for an institutional repositiorium: [Goethe-University Repository](https://www.gu-frankfurt.de/repository)

Gold, hybrid and Diamond OA publications can be copied to repositories

- CC licences facilitate this
- At GU, this is done by the University Library
- Fulfilling the requirement from the Berlin Declaration



How to self-archive Preprints

Preprints are established in many subjects and [can be cited](#)

- In subjects that are new to OA publishing, check with your publishing house, if they allow preprints (or self-archiving in general).
- Old-fashioned publishers may consider a preprint to be a full publication of the text and refuse to accept the manuscript

Preprints boost a publications [reception](#); there also seems to be a “citation advantage” for the paper that is subsequently published ([1](#), [2](#); [true also](#) for Author Accepted Manuscripts)

- Preprints can be “Open peer reviewd”, basically making journals obsolete (at least according to [research funding institutions](#))

How to self-archive published works (without landing yourself in prison)

What can I do when with my paper, that was published in closed access?

- Many publishers offer a self-archiving policy, granting authors the right to publish
 - a specific version (usually the AAM)
 - at a specific point in time (usually an embargo period of 6-24 months since publication)

Book chapters or contributions can frequently be self-archived, as well (check with the editors/the publisher)

Special situation in Germany:

Copyright law (Urheberrechtsgesetz), [§38](#) (4): 12 months after publication, journal articles can be made publicly accessible in the AAM version even if the contract says somethin else.

How to self-archive published works (without landing yourself in prison)

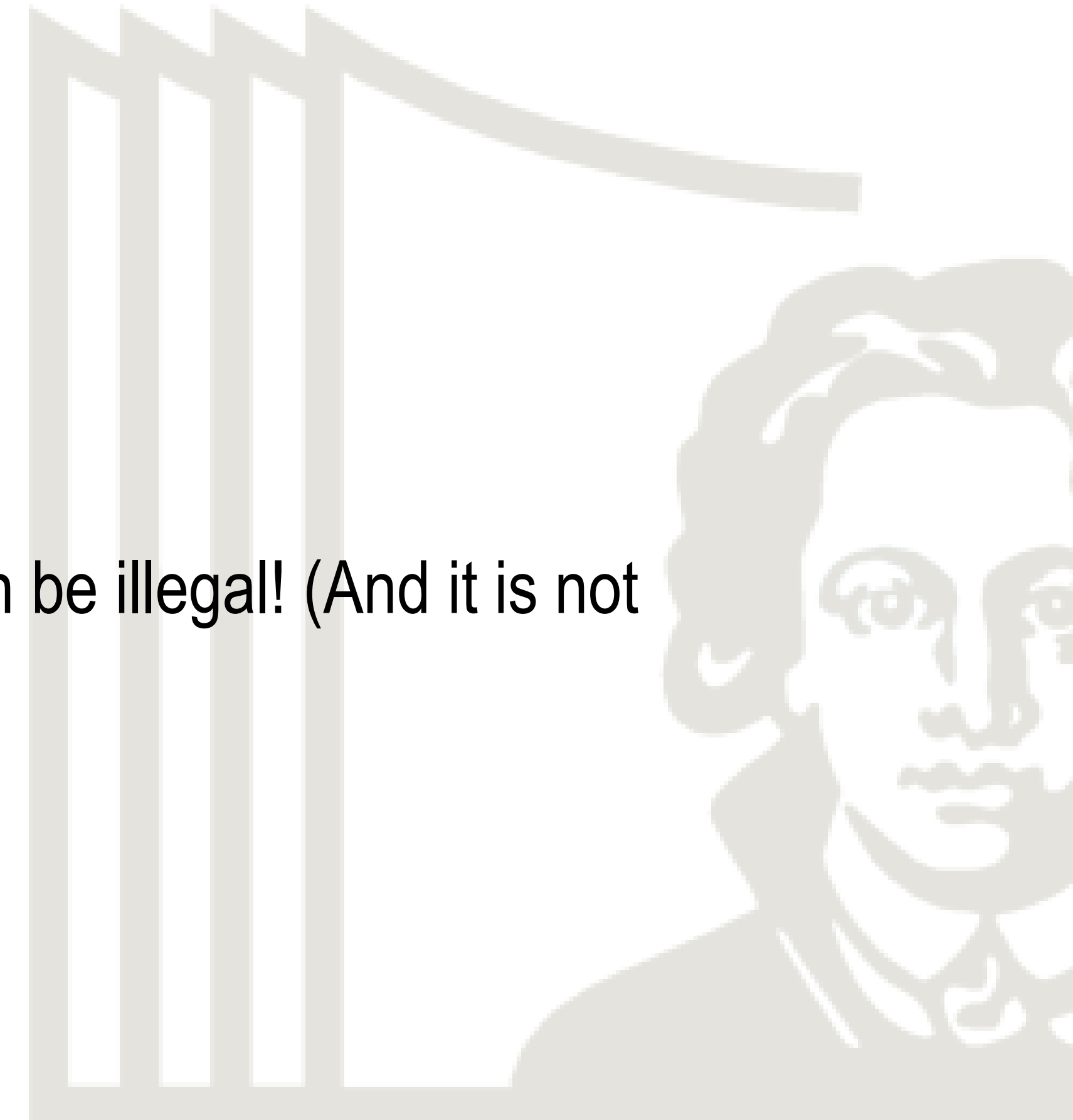
Important resources:

- [Sherpa/Romeo](#)
- [Direct2aam](#)
- [Unpaywall](#)
- [Open Access Button](#)
- Self-archiving services at institutions (e.g. [GU](#))



Publishing AAM or even VoR on ResearchGate and academia.edu can be illegal! (And it is not Open Access, anyway ...)

Not to mention ...



Best practices and strategies for self-archiving

If a hybrid journal has a reasonable self-archiving policy, consider not spending the APC but self-archive later

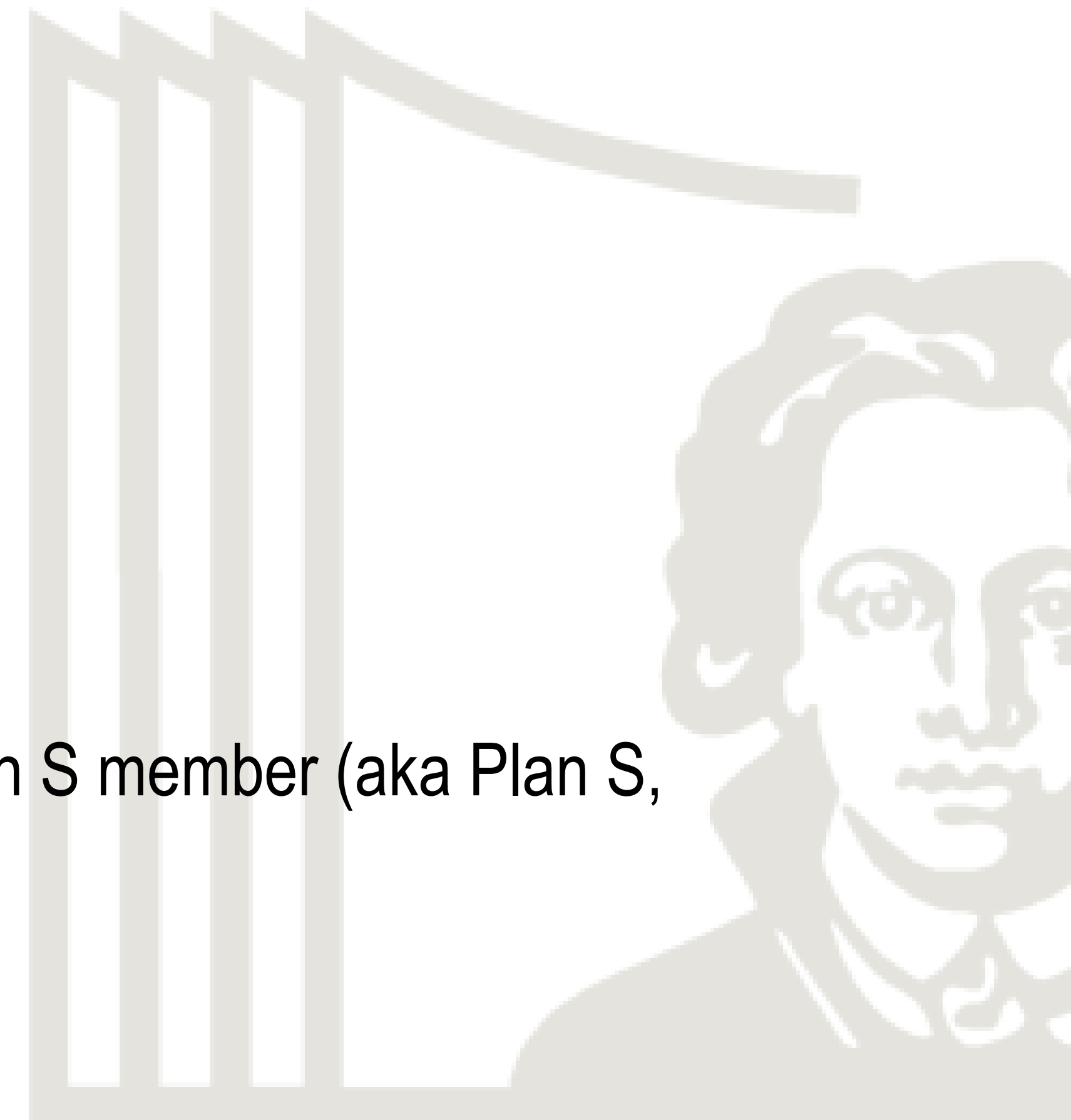
Grant non-exclusive rights only

- Contractual amendments

Refer to institution's requirements:

Green OA helps fulfilling Open Access mandates and policies

- of a researcher's institution
- of research funding institutions
 - e.g. EU council (Horizon 2020; Horizon Europe), BMBF, Coalition S member (aka Plan S, includes Wellcome Trust, Gates-Foundation)
 - DFG: No mandate yet, but clear recommendation



Time for questions!



Ideas for the next workshop

- Open Access transformation: background, current state (e.g. DEAL) and critical outlook
- Origins of the Open Access idea
- Schloar-led Open Access initiatives
- Diamond OA infrastructures
- Open Access in funding programmes



Thank you for your attention!

Kontakt:

Jakob Jung, M. A., M LIS

j.jung@ub.uni-frankfurt.de

<https://www.ub.uni-frankfurt.de/publizieren/home.html>

069 798 39562

This presentation is published under a
Creative Commons Attribution licence (CC-BY 4.0)

<https://creativecommons.org/licenses/by/4.0/>

Adapted from

Wagner, Roland: Open Access an der Goethe-Universität Frankfurt. 24.11.2022.

Published under CC-BY 4.0 <https://creativecommons.org/licenses/by/4.0/>

