

# *Grey Literature supporting the right to knowledge*

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# Outline



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2. CLAKP - Copyright Law and Access to Knowledge Policies Group
3. KR21 - Knowledge Rights 21 Programme
4. The Right2Pub project
5. Our Library in CLAKP and Right2Pub
6. How Rights Retention is approached in some countries
7. Conclusion

# Rights Retention: the context



## Open Science

- Opening
- Sharing
- Transparency



## Access to knowledge

- Basic human right
- Crucial component of the Right to education
- Essential element of a democratic society



## RRM in Italy

- Unawareness of authors and institutions
- Lack of information
- Habits of publication
- Italian copyright law

## Research questions

- *How much do authors and institutions in Italy know about Italian copyright law?*
- *How much do authors and institutions in Italy know about rights retention?*
- *How much do the criteria used in the research evaluation processes influence authors' choice of publication venue?*

# CLAKP



## Copyright Law and Access to Knowledge Policies Group



### What

CLAKP is a national research group, created within IGSG-CNR, aiming to strengthen the right to knowledge as an essential common for education, innovation and cultural participation. This is also implemented through the support for a regulatory reform of copyright for the benefit of library, users and researchers.

### How

CLAKP's topics area the aspects relating to the retention of rights by authors of scientific content, open norms, secondary publishing right, e-books and controlled digital lending.

### Participants

- Institute for Legal Informatics and Judicial Systems (IGSG-CNR)
- The National Coordinator of Programme KR21
- Creative Commons - Italian chapter
- The Library of the Research Area of the CNR of Bologna
- The Library of the Research Area of the CNR of Pisa

# KR21 - Knowledge Rights 21 Programme



*«The programme Knowledge Rights 21 (KR21) is focused on bringing about changes in legislation and practice across Europe that will strengthen the right of all to knowledge. It is built on a conviction that knowledge is essential for education, innovation and cultural participation, and that everyone should have the possibility - in particular, through libraries, archives and digitally - to access and use it.»*

<https://www.knowledgerights21.org/>

## Right2Pub - Balancing Publication Rights. The Authors' Voice from the Italian Research Community



As part of CLAKP, the Library participates in the Right2Pub project, funded under the KR21 programme.

*The project aims to build an awareness of the importance of Secondary Publishing Rights and Rights Retention among the Italian Research Community. It draws on findings of this and broader experience to develop a strategy that supports change in practice in the field and feeds into advance in necessary legislative changes. In such a context, the role of libraries lies in supporting and advising researchers on how to exercise their rights as authors and accompany them during the publishing process. The project's primary objectives are:*

- 1. Advocating for the formal recognition of Secondary Publishing Rights at the legislative level.*
- 2. Directing attention toward the inherent limitations of current national legislation, which does not explicitly confer Secondary Publishing Rights upon authors.*
- 3. Enhancing awareness within the national research community regarding the concept of Rights Retention.*

# Our Library



The Library collects the bibliographic and documentary resources of the Institutes in the Area and supports the informational needs of the scientific community.

The Library staff provide support to the authors during the publication process:

- ✓ Inform authors about the publication venues (e.g., metrics, APCs, editorial policies on self-archiving, etc.)
- ✓ Inform authors about how to deposit their scientific production in the institutional archive
- ✓ Inform authors about compliance with funders and publishers' open-access policies
- ✓ Inform authors about strategies for green OA
- ✓ Inform authors about strategies and good practices for Open Science
- ✓ Support authors in the research evaluation exercises

# Our Library in CLAKP



Our supporting activities require us to be updated about publishers' policies and the strategies authors may adopt to retain their rights.



Our interests in CLAKP principally concern how rights retention strategies are currently applied and how they may be implemented.



Our **contribution** to CLAKP focuses on the collection of policies, strategies, and experiences in the field of Rights Retention, i.e., we mainly rely on grey materials to understand how authors can protect their rights.



So far, a series of videos on the main topics of CLAKP have been realized and a preliminary study has been conducted on grey literature regarding this subject and how it is approached in some European countries.



# How to approach Rights Retention

Examples of initiatives and grey materials that may help authors in the retention of their rights during the publication process



## cOalitionS Rights Retention Strategy

cOAlition S released its Rights Retention Strategy (RRS) to enable authors to retain rights that automatically belong to the author and to enable compliance with their funders' OA policy via dissemination in a repository.



## The Retain Project by Sparc Europe (a KR21 funding program project)

Project Retain, led by SPARC Europe, intends to accelerate the uptake of rights retention and open licensing to enable researchers to share their work openly. It will do this by calling for publisher, institutional, and funder policy change and empowering authors to refuse to cede their intellectual property. They carried out research to provide a solid and informed basis for this change and then campaigned and supported a transformation in copyright policy that embraces OA amongst publishers, funders, and institutions.



## Ouvrir la Science (France)

The rights retention strategy is part of France's Second National Plan for Open Science. The Council of the European Union also supports the strategy's conclusions on the evaluation of research and the implementation of open science. Finally, it enables researchers to align with certain funding agencies' open science policies.



## IARRPs (Institutional Author Rights Retention Policies)

An initiative that produces essential policy instruments to support researchers on a par with examination regulations, employment and career development, and health and safety policies. The first university-level rights-retention OA policy was done by the Harvard Faculty of Arts and Sciences. Other 80 universities followed this model.

In addition, there is also the new UK Research and Innovation (UKRI) OA policy (August 2021), a rights-retention provision on the Plan S model.

# How to approach Rights Retention



Examples of national laws and grey materials that may help authors in the retention of their rights during the publication process

## ALREADY DONE



**THE NETHERLANDS**  
Wet Auteurscontractenrecht  
(Staatsblad 2015, 257)



**GERMANY**  
Gesetz über Urheberrecht und verwandte Schutzrechte  
(Urheberrechtsgesetz)  
G. v. 01.10.2013 (BGBl. I S. 3714), Gesetz zur Nutzung verwaister und vergriffener Werke und einer weiteren Änderung des Urheberrechtsgesetzes  
§ 38 Beiträge zu Sammlungen



**FRANCE**  
LOI n° 2016-1321 du 7  
octobre 2016 pour une  
République numérique



**BELGIUM**  
Bundesgesetz über das Urheberrecht an Werken der  
Literatur und der Kunst und über verwandte Schutzrechte  
(Urheberrechtsgesetz), StF: BGBl. Nr. 111/1936, zuletzt  
geändert durch BGBl. I Nr. 99/2015  
Zweitverwertungsrecht von Urhebern wissenschaftlicher  
Beiträge

## ONGOING



**ITALY**  
A proposal [Art. 42-bis (L. 22 aprile 1941, n. 633, *Protezione del diritto d'autore e di altri diritti connessi al suo esercizio*)] to modify this law: L. 22 aprile 1941, n. 633, *Protezione del diritto d'autore e di altri diritti connessi al suo esercizio*:



**SOUTH AFRICA**  
Copyright Amendment Bill awaiting  
promulgation (pp.23-24)

# How to approach Rights Retention



## Examples of initiatives and grey materials that may help authors in the retention of their rights during the publication process

Some examples of Grey Literature are policy documents or organizational reports. We have already analyzed some policies regarding the Rights Retention Strategy.

Following the University of Harvard policy (the first IARPP), other universities adopted the same approach. In such contexts, grey materials helped authors retain their rights during the publication process.

USA

«On the Harvard model, faculty vote to grant a set of nonexclusive rights to the university, which uses the rights to authorize OA through its institutional repository. At the same time, it grants the same set of nonexclusive rights back to the faculty authors»  
(Peter Suber, *Rights retention and open access*, European Research Council magazine, October 28, 2021)

From the Harvard model, we learned that institutional Rights Retention Policies are more effective than asking authors to retain rights independently. Indeed, institutions have more bargaining power than single authors in negotiations with publishers.

# How to approach Rights Retention



Examples of initiatives and grey materials that may help authors in the retention of their rights during the publication process

EU

A report from the «Retain project» states: *«Different factors have contributed to the rapid adoption and type of policies developed across Europe over the last 3 years. Providing support for researchers is a major (if not the major) element, but other aspects are also important. The context in which the policy is developed, and specifically the legal jurisdiction and publishing culture, are affecting the pace and nature of policies which are developed.»*

(SPARC EUROPE, *Opening Knowledge: Retaining Rights and Open Licensing in Europe* in the RETAIN PROJECT, June 28, 2023)

The same report contrasted between Harvard-style Rights Retention Policies and those developing in Europe.

# How to approach Rights Retention



Examples of initiatives and grey materials that may help authors in the retention of their rights during the publication process

**EU** While in the Harvard model, a non-exclusive license is granted to the university by each faculty, then affirmed in writing and given back to authors, in the European model, every IARPP treated this matter differently.

Coordinated discussions are ongoing in the Netherlands and France. The report explains that «having strong Open Access positions of national research funders and national policy- or lawmakers can both have a decisive influence on the national level.»

(SPARC EUROPE, *Opening Knowledge: Retaining Rights and Open Licensing in Europe* in the RETAIN PROJECT, June 28, 2023, p. 13)

# How to approach Rights Retention



Examples of initiatives and grey materials that may help authors in the retention of their rights during the publication process

 Regarding IARPP, Institutional policies deal with Rights Retention strategies in:

-  Germany (Leibniz: [Open Access Policy at Leibniz University Hannover](#), [here](#) the revised version),
-  Iceland (Bifröst University: [Open Access Policy](#)),
-  Ireland (TU Dublin: [Open Access Policy for Publications & Data for Technological University Dublin](#)),
-  Norway (Tromsø, UiT The Arctic University of Norway: [Principles for open access to academic publications](#); NTNU: Norwegian University of Science and Technology: [Self-archiving and Rights Retention Strategy](#); The University of Bergen: [Policy for Open Science](#)),
-  Sweden (Stockholm University: [Open Science Policy](#); Chalmers University of Technology: [Open Science Policy](#), Lund University: [Open access policy for publications and artistic works](#); University of Skövde: [Guidelines for open access and registration of publications in DiVA](#)),
-  UK (Edinburgh: [Research Publications and Copyright Policy - 2021](#)).

# CLAKP grey outputs



CLAKP already produced some “grey” outputs such as mini videos on some topics:

- *Open Norms* by Thomas Margoni
- *Rights Retention* by Silvia Giannini
- *Secondary Publishing Right* by Roberto Caso
- *Contractual and technological override* by Giorgio Spedicato
- *eBooks* by Giuseppe Vitiello

# Next grey steps



During the Balancing Publication Rights. The Authors' Voice from the Italian Research Community (Right2Pub) project, CLAKP will continue to produce other mini videos to increase authors' awareness.

Other instruments, such as toolkits, leaflets, and infographics, may help authors become more aware of their rights, acting as practical guides for consultation.

Other foreseen grey outputs are the results of a survey about Rights Retention and Secondary Publishing Rights administered to the CNR scientific community.

# Conclusions



Right2Pub project is one of some important initiatives undergoing in Italy to raise interest on the topic, even though there is still a lot of work to do.

As we observed during the presentation, much grey material has been produced on this topic, and much more will likely settle in the future. It would be worthwhile to collect and systematize it so that the international scientific community can easily reuse all the valuable outputs to support the right to knowledge.