

# Plan S: Independent Research Organization Consortium Response

## Overview

This report summarizes concerns raised by members of the Independent Research Organization Consortium (IROC) on Plan S and its potential implications for the publication of scholarly research articles and books by cultural institutions. IROC represents the national galleries, libraries, museums, archives and other heritage organizations which are eligible for UKRI funding.

IROs are fully committed to making their research outputs widely accessible to all. We are committed to the principle of broadening access to outputs for the benefit of both specialist and non-specialist audiences. We therefore welcome initiatives that address the current general lack of access to the knowledge produced by research projects, particularly those funded with public money. However, we believe that Plan S has serious flaws both in its principles and with regards to its proposed implementation, particularly with regards to the short timeframe. Its adoption by funders poses risk to the operations and financial sustainability of research organisations, without proposing clear and viable measures to achieve its objectives.

Several concerns have been identified by IROs regarding the implications of Plan S. The timetable for implementation is extremely short, not allowing for a detailed assessment of the impact Plan S will have on Arts and Humanities publishing. Three main issues are raised that require clarification:

Firstly, Plan S appears to not take into account how researchers publish in the Arts and Humanities. It seeks to impose a one-size-fits-all model to all research publications, regardless of the differences between disciplines and subject areas. For Arts and Humanities journals, relatively few of which are currently available via OA, the timeframe for implementation represents an unrealistic challenge. There is a serious risk that Plan S could damage the overall quality and nature of Arts and Humanities research in the UK.

Secondly, we have yet to see detail on future funding of open access in the light of Plan S. The current model of paying for open access through allocation of funding to particular institutions and not directly tied to where and to whom funding goes to already privileges large HEIs and disproportionately affects smaller research organizations. Will this system change in the future to ensure open access funding goes to all cOAlition S funded researchers, wherever they are based? If cOAlition S is committed to open access, does this commitment extend to paying for the costs of image rights in open access publications? Should central funding be forthcoming, would it be intended to cover non-funded research? Particularly in the arts and humanities, and across IROs, much research is undertaken as 'business as usual' rather than through funded projects.

Finally, Plan S does not take into account the financial importance of image sales to UK National Museums, Galleries, Libraries and Archives; organisations that are UKRI Independent Research Organisations and part of the UK's national research infrastructure. The strict implementation of CC BY licenses at the heart of Plan S will cause considerable problems for these organisations, many of whom allow free use of images by a CC BY ND license to protect their intellectual property, or CC BY NC to protect an important revenue stream. Acceptance by cOAlition S of the use of CC BY ND and CC BY ND NC licenses for images and other material for Open Access would be a preferable option. Organisations that are part of the Crown (UK Government Departments and their Agencies) may not normally release Crown copyright material under any Creative Commons licence. The mandated Open Government Licence is recognized as fully compatible with CC BY by the Open Definitions Council and we hope this can be factored in instead of a blanket insistence on CC BY.

These points are explored in more detail below.

### **One size fits all model: damage to learned societies and smaller publishers**

We believe that Plan S adopts a one-size-fits all approach, which does not consider the differences in publications between disciplines. The single model proposed for research publication applies to some areas of the sciences, but not all research fields. In particular, Plan S appears not to understand how publication routes in many areas of the arts and humanities rely on journals published by learned societies and local/regional organizations. There are concerns that Plan S driving journals down one particular gold open access route will favour larger publishers at the expense of the specialist societies, damaging publishing in the humanities, and financially damaging those learned societies and smaller publishers that depend on journal sales and subscriptions for their funding.

The humanities are not well served for open access journals and it will potentially take several years to move existing titles to OA or to establish new OA journals. The timeframe proposed is too short to allow institutions and journals to adapt and become compliant. There is significant risk that smaller journals will have to make the decision to be 'non-compliant' due to an inability to switch to OA within the timeframe. Museum staff contribute to a high number of these smaller, niche journals, published by learned societies, local natural history and archaeological societies, and specialist groups. There is no support in place to help publishers of special interest groups and local natural history societies make the transition, and this is a matter of grave concern.

We would ask that any implementation of Plan S only take place after the full consequences of this plan on learned societies and wider arts and humanities publishing environment have been assessed. The impacts are unknown, but likely to be significant.

### **Assessing quality of Open Access journals and platforms**

How does Plan S intend to fill any gaps in disciplines where there is a need to increase the coverage of OA journals? UCL assess that over 80% of journals would currently not be Plan S-compliant. What will the incentives be to establish OA titles or move existing journals to OA where gaps have been identified? Researchers will require a mechanism to monitor a journal's transition from hybrid to full OA. Will such a resource be supported by cOAlition S signatories? Many of the most respected titles are published by learned societies and may not be able to or want to flip to an open access mode. This would have a detrimental effect, limiting the options of researchers to publish in the best scholarly journals in their field. Museum curators already feel the pressure of having to peer review large articles in a short-time frame for OA journals and this could increase with an anticipated rise in OA titles.

We believe the work of the Directory of Open Access Journals is integral to the effective implementation of Plan S. However, currently Plan S does not appear to be funding this development. More detail is requested on the mechanism Plan S will use for identifying and signalling whether journals are complying.

### **Funding Open Access - Article Processing Charges**

Plan S threatens to make the Independent Research Organisations (IROs) bear the considerable financial costs of publishing research outputs on 'Open Access' terms. As matters stand, publishing Open Access means paying an Article Processing Charge (APC) to a publisher. APCs average from £700 to £5,000 for one peer-reviewed journal article. Currently, with the exception of projects funded by the European Union, the IROs can choose whether or not to pay the APC. With Plan S, the IROs will be required to publish Open Access, which means paying the APC. This would be financially

sustainable only if the IROs have such costs fully covered by the funding bodies that ask for this. Similarly, Plan S also risks disproportionately affecting independent and non-affiliated researchers. Plan S recommends a cap for APCs, but does not state the level of that cap and hence makes preparing for Plan S challenging for organisations that will have to bear these costs.

Plan S does not guarantee that IROs can recover these additional costs. Principle 4 of the plan states, "where applicable, Open Access publication fees are covered by the Funders or universities, not by individual researchers; it is acknowledged that all scientists should be able to publish their work Open Access even if their institutions have limited means". We would argue that fees should always be covered by the granting body in all instances, and not simply 'where applicable'.

Even if IROs are able to recover the Open Access costs, would this reduce the funding available for other directly incurred costs, which is often already insufficient? We would argue that the funding should come from a separate strand, and should not count towards the total amount of direct or indirect costs that an organisation is entitled to receive.

The initiative's website says: "cOAlition S does not favour any specific business model for Open Access publishing or advocate any particular route to Open Access". The current system, dominated by the Gold Open Access model, helps maintain the status quo, from which some of the publishing houses are excessively profiting. Although it is true that Plan S mentions that it intends to review the costs of the APCs and 'contribute to establishing a fair and reasonable APC level', there is unfortunately no way that this can be enforced within the academic publishing industry nor there is any indication of how Plan S might attempt to do this. No viable alternative is proposed to the current OA publishing system, which seems to favour the interests of major publishers at the expense of those of small publishers, learned societies, research organisations and, ultimately, individual researchers.

Plan S operates on the presumption that releasing an article Open Access (i.e. paying an APC to a publisher) inevitably makes it fully accessible. Although it is true that the paywall constitutes a barrier for most individual researchers and for an increasing number of small and medium research institutions, releasing an article Open Access is just one of many steps that are needed to make a research output truly accessible. For instance, the development of a knowledge infrastructure (e.g. digital repositories for research publication and data) is a more urgent task. If funders choose to support Plan S, it will be for-profit publishers that benefit through increased revenues. If funders choose to support the creation of a solid infrastructure first, it will be the IROs, their researchers and, ultimately, the research community that benefit.

Either we should argue for publishers to always allow Green Open Access on all articles submitted to peer-reviewed journals or we should receive assurance that the funding bodies will cover all the costs associated with publishing Gold Open Access in all instances. These costs should not reduce the grant amount that the organisations are currently entitled to receive, which, at 80% funding, is in itself often not enough to cover the actual project costs.

### **Commercial Publications that are outcomes of cOAlition S funded projects**

Will Plan S apply only to 'academic' publications or all publications that are outcomes of cOAlition S funding?

Some funded research projects in the UK that include exhibitions and other public outcomes may include exhibition books and other publications that are sold to provide revenue to cultural organisations. Equally, some research may result in publications aimed at wider readerships such as

novels, poetry, books to accompany a TV series, or artist books, that are published as commercial publications. A requirement to make the exhibition catalogues resulting from Research Council funded research projects OA at the point of publication would make the business case for their production unviable and would likely result in a decrease in access to the research rather than an increase. How does Plan S relate to UKRI ambitions to support the commercialisation of UKRI-funded research in these cases? The picture is further clouded as the research behind many exhibitions (and their related publications) is often only part-funded by research funders.

More clarity is therefore needed on the timeline for guidance on OA monographs and book chapters. One option would be to exclude such publications as long as the findings of the research are available through alternative OA publications such as research papers. For many such catalogues, the majority of sales are during the run of the exhibitions they are supporting, and so a second option would be to make their contents OA once the exhibition has closed.

### **Creative Commons Attribution licenses**

The proposal under Plan S to only allow open access through a CC BY license and to explicitly reject the use of CC BY ND is a major cause of concern, for several reasons. Plan S fails to understand the complexity of how IROs manage copyrights of their collections, archives and publishing outputs.

A key difference between Arts and Humanities publications and many in STEM subject areas is the essential need to include images of works of art, objects, maps, photographs etc. in them. These images are often the property of other organisations or individuals and their use is restricted by third party rights. Similar issues surround the potential use of film, audio records, words from published novels and poems, and some data sets.

Use of images owned by picture libraries, museums and galleries often requires payment of rights fees and the use is often restricted in terms of the licensing arrangements. Many picture libraries or other organisations providing images and licenses material specifically do not allow their material to be published through a CC BY license, in order to protect their intellectual property and commercial interests. Although there is recognition that third party content is not affected by Plan S requirements, no guidance is provided on how to comply when a CC BY license cannot be applied to the whole article or chapter. Plan S does not engage with copyright beyond Creative Commons licenses. Has cOAlition S taken advice from intellectual property lawyers on how copyrighted materials can be used or incorporated into publications made open access through CC BY licenses? Further detail on how third party material would be licensed and accessed would be required.

There are concerns that many open access journals may not include images, data and other copyrighted material unless it is available under a CC BY licence. This is now certainly the case for some STEM subject open access journals, which means authors cannot use images covered by third party rights. This even applies to authors in organisations that may own those third party rights, as the organisation may not wish to give up its ownership of an image by making it available under a CC BY licence.

Many major cultural organisations do recognise the public benefit of allowing free non-commercial use of images up to a particular image resolution, and many allow the publication of such images in open accessible publications and datasets. However, they would require a CC BY ND license, rather than a CC BY license.

There are good reasons why cultural organisations including national museums, libraries and archives (many UKRI recognized Independent Research Organisations) wish to control the use of

their intellectual property. This is partly because image sales can provide revenue to support the costs of running these organisations. Revenue from images sales is a key income stream for many organizations, and necessary to meet the real costs in creating new images and for the long-term storage of such material. If Plan S were to require IROs to publish the images with a CC BY (or CC BY ND) license, the IROs' ability to generate income from this activity would be severely impaired, thereby threatening the financial stability of the organisation. In addition, some images and materials may be sensitive, such as images of brutality and death or particular culturally sensitive objects. It would be inappropriate to circulate such material under a CC BY license.

A CC BY ND license for images and other third-party content would have to be considered as minimum criteria for compliance to avoid plagiarism. For instance, the CC BY licence allows anyone to cut and paste any section of a text and build upon it to their own non-commercial and commercial advantage, at a loss to the original creator. Some stakeholders (e.g. artists' estates) may actually refuse to license images to research publications because of this type of CC licence.

### **The Public Sector Information Directive**

There is no mention of the restrictions around the use of images and documents from publicly-funded organisations and how these relate to the different ways in which EU members implement the Public Sector Information Directive (PSI). The UK approach restricts how images and other material can be used in publications. This may not be compatible with CC BY licenses – further clarification on how Plan S relates to these requirements would be welcomed.

### **Funding Image Licences for Gold Open Access**

As mentioned above, many arts and humanities publications include images of art works, objects, maps, images etc. sourced from external organisations. The inclusion of these images in publications may often require the payment of a fee. The size of this fee often depends on the number of copies of a book/journal printed and which part of the world rights are being asked for. The highest charges are for the use of images to be used digitally, worldwide, and in perpetuity. Plan S potentially increases the costs of publishing much arts and humanities research, because of the need to pay for digital worldwide image rights. This is on top of any article processing charges.

In the unlikely event that a heritage organisation or even a commercial company permits the inclusion of their content in an article with a CC BY licence, will additional funding be available if there is an increased licence fee for use? Licence fees can be time-limited and will have a recurring cost to ensure perpetual access is maintained to the content.

### **Conclusion**

We strongly recommend that the implementation timetable for Open Access for journals and conference papers be extended to allow IROs and learned society publishers the opportunity to meet compliance requirements without suffering negative consequences. We also request urgent clarity on how IROs will be supported, and what funding structures will be put in place to ensure that research outputs from smaller institutions and non-affiliated researchers have the same opportunities for dissemination as the wealthier organisations receiving funding to cover APCs.

Plan S does not seem to understand how research organisations, in particular IROs, function and fails to acknowledge the complexities of copyrights and licensing of images and texts, and how this affects the ability of an IROs to self-generate income and to publish its own research. Finally, Plan S does not take into account the work conducted on this very topic by researchers and managers from

world-leading research institutions in recent years, such as the FORCE11 Manifesto, which advocates for the adoption of new methodologies of publishing that take full advantage of digital innovations and make possible the establishment of a truly universal network of distributed knowledge.

We would therefore advise national funding bodies against subscribing to Plan S without further consultation with those organisations that would be affected by changes in how Open Access is managed and funded.

## **Independent Research Organization Consortium members**

British Film Institute  
British Library  
British Museum  
English Heritage  
Historic England  
Historic Royal Palaces  
Imperial War Museums  
Royal Botanic Gardens, Kew  
Museum of London Archaeology  
National Galleries Scotland  
National Gallery  
National Museums Scotland  
National Museums Wales  
National Portrait Gallery  
Royal Botanic Garden, Edinburgh  
Royal Museums Greenwich  
Science Museum  
Tate  
The National Archives  
V&A