

The UK Scholarly Communications Licence and Model Policy (“SCL”) – Response by the Institute of Physics and IOP Publishing Limited –August 2017

The Institute of Physics (the “Institute”) - <http://www.iop.org/> - is a leading scientific society. We are a charitable organisation with a membership, working together to advance physics education, research and application. We engage with policymakers and the general public to develop awareness and understanding of the value of physics. IOP Publishing Limited (“IOPP”) - <http://iopublishing.org/> - is our scientific publishing arm, publishing journals, books, conference proceedings, magazines and science news.

The purpose of this document is to set out a number of concerns with the SCL (version dated 7 June 2017), shared by both the Institute and IOPP, and to summarise the reasons for these concerns. They relate both to the potentially serious effect of the SCL on the rights of UK researchers, with its impact on UK scientific research, and to the effect on learned society publishers such as IOPP.

1. The professed intent behind the SCL is to enable authors to meet funders’ requirements for open access, in particular the ‘green’ open access policies of HEFCE in relation to the REF and of RCUK in relation to articles for which no funding for gold open access publication is available. However, as drafted, it far exceeds these requirements and allows institutions to assert rights in the works of their employees, including the right to make the accepted manuscript version of an article publicly accessible via an institutional repository immediately upon online publication, i.e. with no embargo period. HEFCE’s policy allows for an embargo on public access of twelve months for articles in physics, as does RCUK’s, both in line with Government policy on green open access.
2. The accepted manuscript versions of articles covered by the SCL would be made available via institutional repositories under a Creative Commons Attribution Non-Commercial (CC BY NC) licence. This grants any third party the right to immediate non-commercial use of any part of an article (or conference proceeding), including making changes to it and republishing it in full. As well as being of concern to publishers like IOPP, whose investment in peer review and high-quality journal brands would be appropriated under the SCL, this would also be of concern to authors who would not be able to prevent third parties from immediately republishing their articles.

IOPP enables authors to make the accepted manuscript versions of their articles accessible from their institution’s repository after an embargo period of twelve months and under a CC BY NC ND licence which permits non-derivative re-use of the article.

The science in the article can, of course, be re-used and built upon by others without any requirement for a CC BY NC or CC BY NC ND licence.

3. Some of the justification put forward by the group is that the SCL is similar to a policy and licence implemented at Harvard University and that waivers to that licence are only requested in a small number of cases (5% has been cited). However, the two licences operate very differently. For example, under the Harvard policy, permanent waivers are granted automatically, no re-use licence is imposed on the article and in practice few if any articles are made accessible from the Harvard repository during the embargo period, regardless of whether an author has obtained a waiver or not.
4. The SCL would place a heavy burden on UK authors. They would first need to seek the agreement to the requirements of the SCL of all co-authors who are not at an institution which has adopted it, including all overseas authors. This in itself is likely to be onerous, given the extent of domestic and international collaboration on scientific research. Second, as the great majority of publishers including IOPP would require waivers to the SCL to be granted, to protect their investment in peer review and publication, all UK authors at institutions which have adopted the SCL would need to seek a waiver from them before acceptance of the article for publication. This would be cumbersome and would inevitably delay publication. Furthermore, the SCL states that the grant of a waiver is not automatic and is at the discretion of the institution, which would give the author very little certainty. The imposition of the SCL risks limiting the author's choice of where to publish.

More information on publishers' concerns with the SCL is available on the website of the Publishers Association [here](#).

Summary

Whilst the Institute and IOPP both appreciate the complexities which universities may be experiencing in ensuring that their authors comply with funder mandates, we are very concerned that, as drafted, rather than dealing with this in a measured and appropriate way, the SCL would increase the complexities rather than reducing them. In doing so it would impose an enormous administrative burden on authors, slow down the publication of their research and limit where they can publish, and denigrate the value provided by publishers in the publishing process. It is disappointing that the group behind the SCL did not consult with researchers themselves, their learned societies or their publishers, or indeed with the UUK Open Access Coordination Group which is tasked with facilitating the implementation of open access policies in the UK, before proposing the adoption of the licence to universities. Such discussions would have allowed a coherent evaluation of many of the concerns at an early stage.

Better solutions can be found to the management of compliance with funders' open access policies than the SCL and the Institute of Physics and its publishing arm urge universities not to adopt it and instead for all stakeholders to work together to identify those better solutions.

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