

Research Publications and Rights Retention policy

Introduction

When publishing research outputs, staff exercise an independent right to assign or give away their scholarly works (in addition to the University's right). This has enabled the current process of the corresponding author typically assigning copyright to publishers, which results in many journal articles and scholarly works now being under partial or complete ownership by academic publishers.

This policy empowers researchers to retain the rights to their work. It allows researchers and the University to comply with funder requirements, in particular the requirements of UKRI's [Open Access Policy 2021](#), and other policies including the [National Institute for Health and Care Research](#) and [Wellcome](#). It aligns with Lancaster University's [Principles of Open Research](#), and supports the University's strategic priority to increase the volume and quality of its research income. It enables research and scholarship to be disseminated as widely as possible, whilst allowing researchers to publish their work in a journal of their choice.

Policy

1. This policy aligns with the current practice that members of staff own the copyright to their scholarly works, as outlined in clauses 2.19 to 2.22 of the University's [Intellectual Property Policy](#). It aligns with the existing requirement in clause 2.20 of the Intellectual Property Policy for authors to grant the University a non-exclusive right to use material from scholarly works for teaching and research purposes.
2. Upon acceptance for publication, each Lancaster University author agrees to grant a non-exclusive, irrevocable, worldwide licence to make the author accepted manuscript of their scholarly article publicly available under the terms of a Creative Commons Attribution (CC BY) licence, or a more permissive licence.
3. For outputs arising from UKRI funding, the following text must be included in the funding acknowledgement section of the manuscript and any cover letter/note accompanying the submission: 'For the purpose of open access, the author(s) has applied a Creative Commons Attribution (CC BY) licence to any Author Accepted Manuscript version arising'.
4. After granting the licence, the author will either attach a copy of the Author Accepted Manuscript (AAM) to the appropriate record in Pure (green open access) or will indicate in the record that the publication has been published as gold open access.
5. For green open access, the Library's Open Research team will make the full text of the AAM publicly available on the date of first online publication (or the conference end date for

conference proceedings) under a Creative Commons Attribution (CC BY) licence.

6. This policy applies to all scholarly articles, including conference proceedings (with an ISSN), including any third-party content where rights in that content have been secured. Any articles submitted, or accepted, for publication before the adoption of this policy are exempt.
7. The policy applies to all authors or co-authors who are staff members of Lancaster University. It also applies to postgraduate research students of Lancaster University, subject to the requirements of section 2.11 of the University's [Intellectual Property Policy](#).
8. The policy does not apply to monographs, scholarly editions, textbooks, book chapters, collections of essays, theses, datasets, or other outputs that are not scholarly articles. However, the University strongly encourages researchers to make all of the above as openly available as possible.
9. This policy only applies to first copyright in authored research publications. It does not extend to other intellectual property rights in research, which is already covered in the University's [Intellectual Property Policy](#).
10. This policy does not apply to any materials included within a research article that are provided by third-party copyright holders. Research articles published under a CC BY or CC BY-ND licence can include third-party materials (such as images, photographs or maps) that are subject to a more restrictive licence.
11. The University recognises that there may be cases, for reasons outside of researchers' control, where it is not possible to follow all aspects of this policy. In such cases, authors may request to use the more restrictive Creative Commons Attribution No-derivatives (CC BY-ND) licence, which still supports compliance with UKRI policy via the application of an exception. To request an exception to the UKRI policy, the grant holder should contact openaccess@funding.ukri.org.
12. In recognition of the requirements of its funders, the University will seek to resolve any issues to the satisfaction of the PI, funder and University, but reserves the right to use existing University policies and procedures in order to ensure it can meet its funders' requirements to provide public domain access to relevant outputs. To discuss cases where it is not possible to comply with the policy, and for further help and advice, researchers should contact the Open Research team in the Library.

[Appendix – N8 statement on Rights Retention \(endorsed by the N8 Strategic Executive Group July 2022\)](#)

N8 Research Partnership – Statement on Rights Retention

Universities of Durham, Lancaster, Leeds, Liverpool, Manchester, Newcastle, Sheffield, York

The N8 Research Partnership represents the research-intensive universities of the North of England. 12% of all UK academics work at N8 universities as well as almost 200,000 students. The N8 is one of the strongest regional academic consortia in the UK and believes the time is now right to make a coordinated statement on the rights held by our academics over their research.

- ***The world is changing fast.*** In April 2022, the UKRI made it mandatory for all research published in journals to be made immediately available. This can be via fully OA or transformative Gold journals' APC charges or journals released on a transitional Read & Publish deal without APC charges. It can also be via depositing the author accepted manuscript and making it openly available without embargo.
- ***Researchers need to retain their rights.*** In order to achieve this third route to open access researchers need to be able to apply a CC BY licence and place their accepted manuscript in an institutional or other preferred repository. This must now be done without embargo granted to any publisher.
- ***Some publishers are no longer compliant.*** A number of publishers do not accept that a researcher's original rights should be retained by them. Practically speaking this means that publishers may not accept manuscripts where an application has been made for a CC BY licence and the researcher has clearly stated that they own their research.
- ***Rights Retention is only mandatory for certain publishers but recommended for all.*** Each N8 university will have its own position which may supersede the publisher's requirements, but ultimately if a researcher is able to publish via an APC to a Gold journal or in a journal covered by a Read & Publish deal then researchers do not need to assert their rights. However, it is strongly recommended that researchers do not by default transfer intellectual property rights to publishers and do use a Rights Retention statement as standard practice.
- ***The N8 Statement on Rights Retention supports our researchers.*** In coordinating the N8 universities' position on rights retention we seek to support all our academics if they find themselves caught between funder's and publisher's policies. Each N8 university will have its own policy but this statement aims to support all our researchers in retaining their rights.
- ***It is funders, not publishers who stipulate regulations for grant awards.*** Similarly it is universities, not publishers who provide the environment which allows research to take place.
- ***The N8 fully supports the shift to open access.*** It has never been more important for the world to have access to research and the N8 Research Consortium believes that asserting Rights Retention at an individual or research group level can benefit wider society.

The N8 is working through its PVC's for Research, Research Offices, Legal Departments and Libraries to support our researchers not only in research activity but in global open access to that knowledge.