

How Promising are Institutional Rights Retention Policies as a Route to Open Science?

PUBMET Conference 2025, Zagreb

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About KR21

- Advance legislative reform at the European level
- Support legal and positive change at the national level
- Build communities for change and update institutional policies
- Develop long-term sustainability

The Knowledge Rights 21 Programme is supported by the Arcadia Foundation, in partnership with IFLA, LIBER and SPARC Europe.
Find us at www.knowledgerights21.org

Key Missions

Enabling inclusive and sustainable access to knowledge through libraries:

- Facilitating **fair access to e-books** for users of public, national, educational, and research libraries.
- **Protecting** users' rights under copyright legislation **from contract override and technological protection measures** that undermine statutory exceptions to copyright.

Facilitating R&I more broadly (AI, TDM, etc):

- Making the **interests of researchers heard**.
- Promoting the case for the introduction of **open and flexible copyright norms** in Europe to **aid research, teaching, and learning**.
- Advocating for a legislated scholarly publication / **secondary publishing right** in laws.
- Accelerating the uptake of **author rights retention** activities and open licensing in Europe.



Retain I Project

Project Retain, led by SPARC Europe, set out to accelerate the uptake of rights retention and open licensing to enable researchers to share their work openly.

The first phase of Project Retain (July 2022- December 2023) :

- Conducted research to provide a solid and informed basis for change
- Published a report showcasing progress with institutional rights retention policies in Europe and discussing a variety of policies and options in various contexts.
- Campaigned and supported a transformation in copyright policy that embraces open access amongst publishers, funders and institutions.

<https://doi.org/10.5281/zenodo.8084051>



Retain II Project

The second phase of Project Retain (July 2024-March 2025)

- Conducted research on rights retention policies and strategies in 10 European countries through in-depth case studies, analysing how these policies differ by jurisdiction and affect author-publisher relationships and published the results in a report
- Created a campaign to stimulate more policy change and to raise awareness of the positive effects of rights retention and open licensing.
- Built a European Rights Retention Community of Practice for policymakers, authors, and universities to advance the implementation of rights retention policies across Europe.

<https://doi.org/10.5281/zenodo.15078315>

Understanding Rights Retention

We understand Rights Retention as...

The action to retain sufficient rights for academic works to enable them to be openly accessible and reusable preferably immediately.

Institutional Rights Retention policy means...

An expressed position setting out the practice of retaining sufficient rights for academic works of an institution's employees to make the work immediately openly accessible and reusable.

What form could a RR policy take?

Policy scope	● May be a standalone policy or incorporated into broader policies covering Open Access, a publishing policy, or Intellectual Property
Nature of mandate	● Some policies establish a right for institutions or authors; some mandate researchers to exercise or retain specific rights; some make recommendations to researchers; some policies only offer guidance for researchers seeking to meet a funder's mandate. ● Researchers may be able to opt out of the policy if they deem that they are unable to publish their research effectively.
Content covered	● May cover only journal articles, a wider range of written scholarly output, or non-written outputs from research including data and software. ● May require an Author Accepted Manuscript or Version of Record.
Authors covered	● May cover just faculty employed conducting research only, or extended to non-faculty, including postgraduate students
Open licensing	● May require CC BY, some other combination of CC licences, or may not require any specific licence type.

Bulgaria

A network of **non-governmental organisations and librarian groups** has taken a structured approach to seeking **reform through legislation and institutional policy change**. The initial reform was driven by **Members of Parliament** with backgrounds in research, Open Science, and **civil society**. The result has been a pioneering staged introduction of **Secondary Publishing Rights and Obligations**. The focus has now moved to **developing institutional rights retention policies** and accompanying **support mechanisms for researchers**; such policies are essential to ensure that the legislative reform can have its desired effects.

Slovenia

Slovenia has adopted a **comprehensive strategic and political framework** for Open Science. In 2021, the Scientific Research and Innovation Activities Act introduced **legal obligations about retention of rights**, which was extended by a governmental Decree on Open Science. As part of the Action Plan for Open Science, the SPOZNAJ project aims to **align research activities** at the institutional level with **principles embedded in Slovenian law**. **Different institutions** are taking **different approaches**; notably, the **University of Ljubljana**, Slovenia's largest research institution, adopted an **institutional policy that mandates authors** to apply **Open Science obligations in full**. Further work to **train and educate researchers**, and **legislative reform** that would introduce **Secondary Publishing Rights**, are currently under consideration.

The United Kingdom

The **N8 partnership of research-intensive institutions** in the North of England was the first coalition of organisations to **introduce rights retention policies** in the UK, **alongside other institutions** that did it individually in 2022 and 2023. The collaboration was **rooted in existing structures** that **facilitated coordination** of policies and activities **across libraries**. This **collaboration allowed** institutions to move quickly when they may not have done so individually, **to move at different speeds where necessary**, and to pool support resources. **Publisher reaction has been minimal** and **researcher adoption has been smooth** due to the **preparatory work done** by the institutions.

Norway

Now research **institutions in Norway** have **rights retention policies** and are beginning to see their impact. At the University of Tromsø - the Arctic University of Norway (UiT), **around 96% of its researchers' journal articles are Open Access**. Rights retention policy **has been instrumental** to reach this percentage, and it has covered the 10-15% of researchers for whom **other routes were not viable**. UiT's **policy has been well received** by the research community and forms one strand of the institution's active pursuit of its **strategy of being the Open Access pioneer** of the North.

France

A **Secondary Publishing Right** is already established in **French legislation**, and **institutional policies** have been adopted with **recommendations around rights retention**. However, there has not been widespread adoption of policies which mandate the retention of rights by authors or asking them to adopt specific behaviours. **Attempts to bring in policies** of this type have proved **controversial**. As such, further reform efforts are **focused on training and awareness-raising** - seeking to **ensure researchers and librarians understand** that **rights retention will not infringe academics' freedom** to choose where they publish.

Serbia

Under **Serbia's copyright** legislation, **institutions hold exploitation rights** over outputs of publicly-funded research **for five years**. Many institutions have adopted **policies emphasising this situation** and encouraging the **use of author addenda** to achieve Open Access. However, **researchers often transfer rights** to publishers, **undermining this provision**. Legislation is under consideration to **introduce a Secondary Publishing Right** for researchers, but **progress is slow**, and **support is not yet widespread**. Attention is also focused on **strengthening the national Open Science policy** by requiring authors **to act in accordance with copyright law**.

The Community of Practice

The **European Rights Retention Community of Practice** is an online space to share expert-backed insights and practical guidance to advance implementation of rights retention policies across Europe with these goals:

- Accelerate rights retention institutional policy uptake across Europe
- Reduce the rights retention advocacy / policy / support setup burden
- Support individuals and institutions involved in rights retention by creating a space for sharing knowledge, including on good and bad practices, and providing guidance
- Empower stakeholders to navigate and support rights retention practices within varied institutional and national settings, providing them with options

The Community of Practice

Actions identified from the first four meetings:

- Address resource limitations by sharing knowledge and solutions
- Motivate legal departments and align RR with broader Open Access goals
- Raise awareness and simplify RR processes for authors
- Use collective action to influence publishers and advocate for fair practices
- Facilitate discussions on global trends and harmonized action
- Foster international collaboration and establish clear frameworks for co-ordinated Rights Retention efforts

Subscribe to the mailing list: <https://tinylink.info/11XVy>

Thanks

<https://sparceurope.org/what-we-do/open-access/copyright/project-retain/>

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