



Open access and retention of ownership rights

Introduction

NHMRC's Open Access Policy (the Policy) requires that all peer-reviewed publications that are supported in whole or in part by NHMRC must be:

- made immediately open access at the time of first online publication and without any embargo period
- published with a Creative Commons Attribution International 'CC BY' licence (see Section 1.3.3 of the Policy). Use of this open licensing ensures that authors retain rights to their publications while providing a broad licence that grants public permission to use their work.

NHMRC recognises the valuable contribution provided by all routes to achieving open access to publications. NHMRC has no preferred route for open access and respects a diversity of approaches.

Researchers may comply with the Policy through one of two routes (see Section 1.3.1 of the Policy).

Route One: Version of Record open access (journal-based open access)

Making the Version of Record immediately open access with a CC BY licence.

This route can be used when an article is being published in an open access journal.

This route may be associated with the payment of a fee or article processing charge (APC). The APC may be paid directly by the author or institution or may be covered by a formal agreement between an institution or group of institutions and a publisher (for example, a 'read and publish' or transformative agreement).

This route may be described as 'gold' or 'diamond' open access depending upon the business model of the journal.

Route Two: Author Accepted Manuscript open access (repository-based open access)

Making the Author Accepted Manuscript immediately open access with a CC BY licence by depositing the Author Accepted Manuscript in an open online repository such as an institutional or other subject-based repository.

This route is sometimes called 'green' open access. There is no fee or APC associated with this route.

This route can be used when an article is being published in a subscription/closed journal with no open access option.

When using this route:

- The author must use the following statement when submitting the manuscript for publication: 'This research was funded in whole or part by the National Health and Medical Research Council [Grant number]. For the purposes of open access, the author has applied a CC BY public copyright licence to any Author Accepted Manuscript version arising from this submission'. This ensures that licensing arrangements are in place prior to any publishing agreement.
- A publisher-requested delay or 'embargo period' for the Author Accepted Manuscript does not meet the requirements of this Policy and should be refused.

Major publishers have been notified of open access through use of a CC BY licence on an Author Accepted Manuscript through [cOAlition S](#), an international consortium of research funders.¹

Potential issues

When seeking to publish an article using this route, authors may be presented with situations where the practices of the publisher or journal appear to prevent their compliance with the Policy. Some scenarios and recommended approaches are outlined below.

Scenario 1:

A journal refuses to accept a manuscript submitted for publication when the author has made it clear that the Author Accepted Manuscript will already be licensed under a prior CC BY licence.

Recommendation:

The author should reconsider where to publish the outcomes of their research.

Scenario 2:

A journal accepts a manuscript submitted for publication with a prior CC BY licence but requires the author to sign an agreement that imposes terms and conditions that prevent the author from complying with the Policy – for example, an embargo period before making the Author Accepted Manuscript open access in a repository.

Recommendation:

In this situation, the prior existing CC BY licence on the Author Accepted Manuscript means that the publication is already available on licence to the public. Once the CC BY licence is applied, there is no longer the option of any exclusive licence arrangements and the Author Accepted Manuscript can be deposited in a repository, as described in Route Two.

Scenario 3:

The author is informed by a subscription/closed journal that the only route available for open access is payment of a fee to publish an open access article in that subscription/closed journal.

Recommendation:

This scenario describes a hybrid journal (that is, a journal that charges an article processing charge for an individual journal article to be made open access in an otherwise subscription/closed journal). Unless these journals are included as part of a formal agreement between an institution or group of institutions and a publisher (for example a 'read and publish' or transformative agreement), hybrid journals do not meet the intent of this Policy.

Scenario 4:

The author is re-routed to an alternative open access journal, which requires payment of an article processing charge (gold open access).

Recommendations:

The author can choose to pay the article processing charge and publish in the open access journal. The author should note that NHMRC funds can be used to support reasonable costs associated with publications and open access such as article processing charges, which are the result of the research activity and which are in accordance with the [Direct Research Costs \(DRC\) Guidelines](#) (see Section 1.3.5 of the Policy).

Alternatively, the author can reconsider where to publish the outcomes of their research.

Additional information

cOAlition S has developed further information for researchers about these issues (Rights Retention Strategy and publisher equivocation: an open letter to researchers).²

¹ cOAlition S: Plan S and the sharing of Author Accepted Manuscripts without embargo and with a public copyright licence (Rights Retention Strategy). Retrieved 20 April 2022 from: www.coalition-s.org/wp-content/uploads/2020/07/Letter_to_publishers_Rights_Retention_Strategy_15July2020.pdf

² cOAlition S: The Rights Retention Strategy and publisher equivocation: an open letter to researchers. Retrieved 20 April 2022 from: www.coalition-s.org/the-rrs-and-publisher-equivocation-an-open-letter-to-researchers