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la science !

Implementing the rights retention strategy for scientific publications

GUIDE FOR RESEARCHERS



The rights retention strategy is a tool for researchers to retain sufficient rights on their scientific articles so that they can make them available in immediate open access, regardless of the distribution model of the journal in which they are published. This strategy allows the unrestricted dissemination of knowledge within the scientific community and beyond.

It represents a new approach for researchers. The French Committee for Open Science hopes that this guide will help you to apply the rights retention strategy in the French context. It provides practical suggestions for that purpose, and solutions to overcome any difficulties you may encounter.

1. What is the rights retention strategy?

As a researcher, you are the original owner of the **intellectual property rights** on the manuscripts you write. The traditional scientific journal publishing model was based on researchers transferring their proprietary rights exclusively to publishers so they could publish and distribute the manuscripts and make commercial use of them.

The rights retention strategy (RRS) encourages you to no longer transfer exclusive copyright to the publishers of scientific journals. This procedure allows you to retain **control over the dissemination of your manuscripts** before, during and after the peer review process. The RRS does not involve any additional costs for you or your institution.

The [rights retention strategy](#) is put forward by [cOAlition S](#), a group of 28 research funding organisations that initiated [Plan S](#). The French National Research Agency (ANR) and the European Commission, which is responsible for the Horizon Europe calls for projects, are among them. These organisations have decided to require that all research articles originating from the projects they fund be made available under open access and with an open licence at the time of publication. The rights retention strategy is in line with the open science policy of these institutions.

The **27 EU Member States** have supported this strategy in the [Council Conclusions on Research assessment and implementation of Open Science](#), arguing that "the authors of research publications or their institutions should retain sufficient intellectual property rights to ensure open access, leading to broader dissemination, valorisation and reuse of results improving the fair balance of the publishing business models".

France has included the rights retention strategy in its second [National Plan for Open Science](#), launched in 2021. Several universities in Europe, including Cambridge University, Edinburgh University and the Arctic University of Norway (UiT) have already declared their support for it.

Implementing this strategy involves notifying the publisher that an **open licence** (usually a Creative Commons CC-BY licence) is applied to the submitted manuscript and will be applied to **all its subsequent versions** up to the Author Accepted Manuscript (AAM), i.e. the version accepted for publication after peer-review. Thus, this final version of the manuscript can be **uploaded and distributed immediately in an open archive**, such as [the French national archive HAL](#).

2. Why use it?

- **To allow immediate open access to your scientific publications.** By licensing your manuscript under a CC-BY licence, you remain in control of its distribution and can immediately share it and make it available for open access regardless of the journal in which it is published. The rights retention strategy thus offers more extensive and immediate open access than [Article 30 of the French Digital Republic Law](#), which still allows for an “embargo” period of 6 to 12 months maximum, depending on the subject area.
- **In this way, your publications are immediately shareable, citable, reusable and archived permanently.** Applying a CC-BY licence to a scientific paper allows it to be deposited in an open archive immediately after publication. Long-term archiving is then guaranteed, even in the event that the journal you have published in should disappear. The attribution of a permanent identifier enables the immediate citation of results and protects against plagiarism. The CC-BY licence opens up sharing and reuse rights, provided that the authors are properly credited (this is the meaning of “BY”, which refers to attribution, citation).
- **In order to align with the open science policy of financing institutions.** cOAlition S partners are committed to full and immediate open access, under an open licence, from the date of publication. The ANR requires this for awarded projects from the [Action Plan 2022](#) onwards. In France, applying the rights retention strategy and depositing your AAM in an open archive allows you to meet this commitment, regardless of the journal's distribution model, even when it is a subscription-based journal.

3. How can I implement it?

Implementing the rights retention strategy involves four steps:

— Applying a CC-BY licence to the different versions of a manuscript upon submission:

- add the text "CC-BY 4.0" (or, if applicable, a more recent version of this licence);
- link to the URL describing the CC-BY 4.0 licence on the Creative Commons.org website: <https://creativecommons.org/licenses/by/4.0/>

As an example, the publications under CC-BY licence in HAL are accompanied by these words: [Distributed under a Creative Commons Attribution | 4.0 International licence](#)

To give more visibility to this text, it is also possible to add the [CC-BY licence logo](#):



This licence is to be added to **all successive versions of the manuscript**, up to the last version, which is the one accepted for publication by the publisher.

— **Inform your publisher that you are applying a CC-BY licence to all successive versions of your manuscript up to the version that will be accepted for publication, by adding the following text:**

If you are funded by a member of cOAlition S:

"This research was funded, in whole or in part, by [Organisation name, Grant #]. A CC-BY public copyright licence has been applied by the authors to the present document and will be applied to all subsequent versions up to the Author Accepted Manuscript arising from this submission, in accordance with the grant's open access conditions."

In French, for ANR projects:

"Cette recherche a été financée, en tout ou partie, par l'Agence nationale de la recherche (ANR) au titre du projet ANR-nn-XXXX-nnnn. À des fins de libre accès, une licence CC-BY a été appliquée par les auteurs au présent document et le sera à toute version ultérieure jusqu'au manuscrit auteur accepté pour publication résultant de cette soumission."

If you are not funded by a member of cOAlition S:

"For the purpose of Open Access, a CC-BY public copyright licence has been applied by the authors to the present document and will be applied to all subsequent versions up to the Author Accepted Manuscript arising from this submission."

In French:

"À des fins de diffusion en accès ouvert, une licence CC-BY a été appliquée par les auteurs au présent document et le sera à toute version ultérieure jusqu'au manuscrit auteur accepté pour publication résultant de cette soumission."

In both cases (projects funded or not by a cOAlition S member), this text should be added visibly in the manuscript, e.g.:

- on the first page;
- or in the acknowledgements section of the article;

in each version of the manuscript sent to the publisher, from the initial submission up to the final version, which will be the one accepted for publication.

You can also add it in the message to the editor accompanying your article (cover letter).

Do make sure to keep a copy of the successive versions of your manuscript with the licence notice, and archive your discussions with the publisher so as to be able to testify, if necessary, to the retention of your rights.

— At the time of signing the contract with your publisher

The publisher of the journal to which you have submitted your manuscript may ask you to sign an exclusive copyright transfer agreement. If you are in a position to discuss this with your publisher, you can ask that the terms of the agreement state that the various versions of your article, up to the version accepted for publication, will be freely licenced, and that your intellectual property rights will only be assigned to the final version published by the publisher.

If you are not in a position to amend the agreement, be reassured that applying the CC-BY licence to the manuscript at the submission stage guarantees its legal precedence over any conditions that may later be set by the publisher. If you are funded by a member of cOAlition S, the funding agreement you have signed will further strengthen your position.

— Depositing your manuscript in an open archive as soon as it is published

As soon as your article is published in the journal, you deposit the AAM in an open archive such as HAL, citing the CC-BY 4.0 licence. When depositing in HAL, the licence must be added at the "Complete the document's metadata" step.

Although the funders only require open access at the time of publication, it is possible to submit your manuscript in its preprint version, on submission or even beforehand. If the manuscript is changed during the peer review process, simply update the version deposited in the archive, so that the AAM is available at the time of publication.

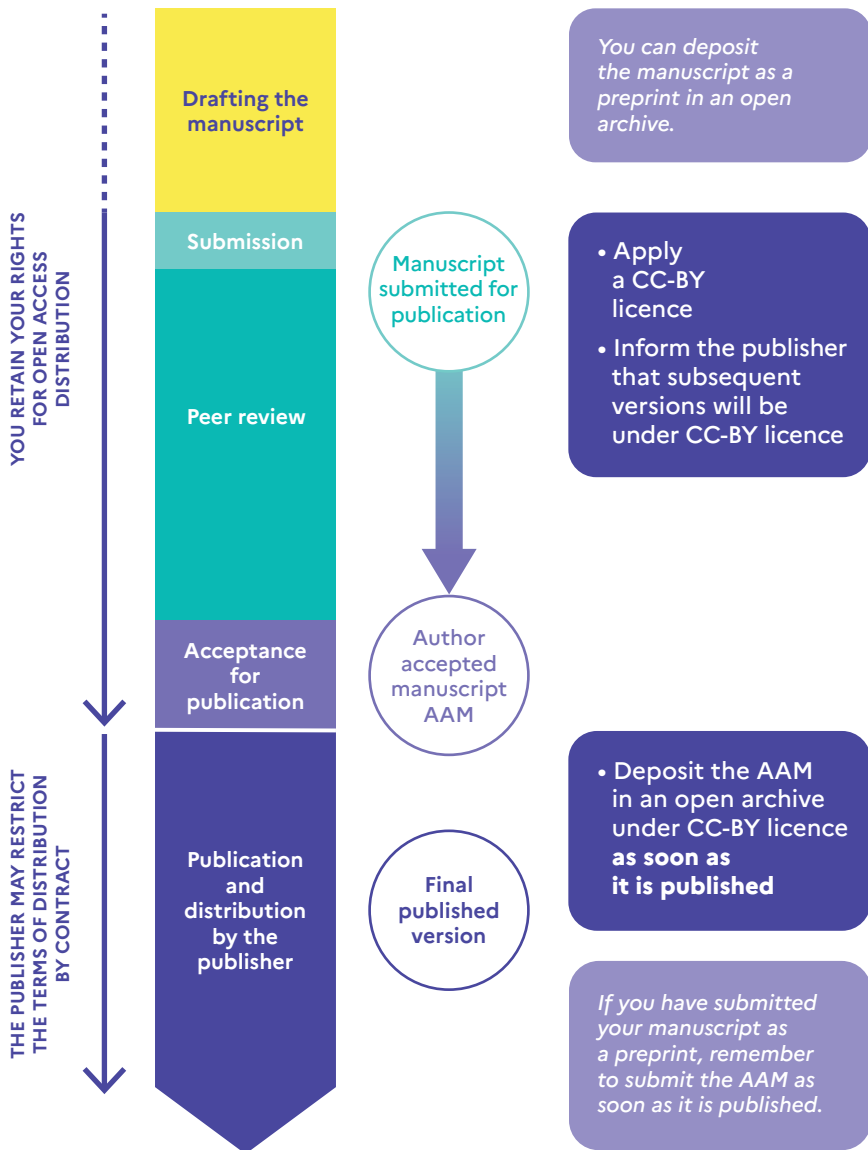
4. If you have problems

You are not alone! The rights retention strategy is supported by many institutions.

- In the event of a disagreement with a publisher, you can contact your project's cOAlition S member organisation:
 - [Contact ANR](#) or scienceouverte@anr.fr
 - info@coalition-s.org
- If you are not funded by a cOAlition S member, you can contact the library, the documentation centre or the open science contact person at your institution, or the HAL contact person at your laboratory.

You can also consult the FAQ (frequently asked questions).

The rights retention strategy: main steps of implementation



FAQ Rights retention strategy

— General questions

1. What is Plan S?

Plan S is led by cOAlition S, a coalition of research funders which ANR is member of. Plan S calls for all publicly funded publications to be fully and immediately open-access. Researchers have three options:

- to publish in a subscription journal or in a [hybrid journal](#) (without selecting the "open" option with publication fees) and deposit the accepted author manuscript in an open archive from the date of publication, as made possible by the rights retention strategy;
- to publish in a fully open-access journal with or without publication fees;
- to publish under open access in a journal that participates in a so-called ["transformative" agreement](#).

cOAlition S does not support the use of the hybrid route, i.e. publishing an article in a subscription journal by paying APCs (article publication charges) for it to be in open access with the publisher. The National Open Science Plan also rejects the hybrid route.

To find out which option is best suited to your publication project, cOAlition S is developing a service called the [Journal Checker Tool](#): by entering the title of the journal in which you wish to publish, the name of your funder and, if applicable, the name of your institution, you will be shown how to meet the open access requirements.

2. What is the difference between a preprint, an article submitted for publication, an accepted author manuscript, and a final published version?

The **article submitted for publication** is the first version of an article sent by authors to a journal for publication, prior to the peer review process. If the authors wish, the manuscript can be distributed beforehand or in parallel as a **preprint** on an open archive or a preprint server.

The **author accepted manuscript (AAM)**, sometimes also called **postprint** is the version produced by the authors that has been peer reviewed and validated, and accepted for publication in the journal.

The **final published version** (or **version of record**, VoR, or also **publisher's version**) is the AAM typeset by the publisher. The publisher's version is posted on the journal's website or the publisher's publishing platform. The distribution of this version may be restricted by the publisher, depending on the terms of the publishing contract.

Here is an example to illustrate the difference between an author accepted manuscript and a publisher's version:

https://hal-univ-paris.archives-ouvertes.fr/public/difference_manuscrit_editeur_V4.pdf

3. Can I apply the rights retention strategy if my research is not funded by a cOAlition S member?

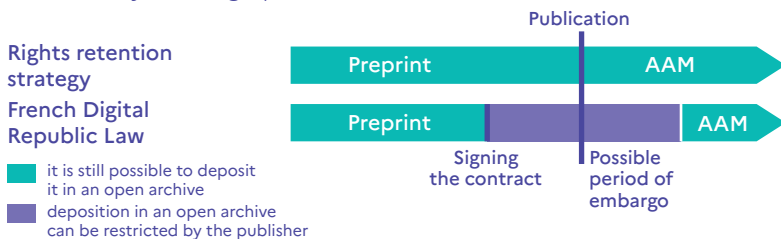
You can make use of the rights retention strategy even if your research is not funded by one of the cOAlition S members. This is recommended and supported by the second [National Plan for Open Science](#).

4. What type of publication can the rights retention strategy be applied to?

The rights retention strategy can be applied to any type of scientific document. However, in the context of funding by cOAlition S members, the rights retention strategy is only recommended for articles published in scientific journals.

5. What are the benefits of the rights retention strategy in the context of the French Digital Republic Law?

[Article L. 533-4 of the Research Code](#), introduced by the French [Digital Republic Law](#) of 2016, authorises deposition of manuscripts of articles accepted for publication in an open archive, but allows the publisher to delay such a deposit (embargo) for a period not exceeding 6 months in science, technology and medicine (STM) and 12 months in humanities and social sciences (SHS). The rights retention strategy goes further as it makes it possible to **immediately** deposit Author Accepted Manuscripts (AAMs) in an open archive, without any embargo period.



6. If I intend to publish in open access with the publisher (possibly paying an article publication charge - APC), my article will be accessible anyway once it is published. Should the rights retention strategy still be applied and the rights retention standard text be included?

cOAlition S asks that the standard text be added when sending the manuscript to the publisher and to deposit the author accepted manuscript in an open archive at the latest at the time of publication - even if the publisher's version will also be open access. For projects funded by Horizon Europe and by the ANR, the deposit of the author accepted manuscript in an open archive is mandated (the [HAL national open archive](#) in the case of the ANR), regardless of the journal's dissemination arrangements.

Sometimes the open access version published by the publisher is not licenced under CC-BY, which may limit its distribution. Moreover, depositing the author accepted manuscript in an open archive guarantees its long-term preservation and availability, even if the journal in which the article was published were to disappear.

7. Do I have to pay APC to apply the rights retention strategy?

No, the rights retention strategy does not involve any costs for the author or its institution. If you publish the article in an open access journal with payment of APC, the charges apply to the publisher's version and not to the author accepted manuscript that you have deposited on an open archive.

— Licences

8. What is the point of applying an open licence to an open access publication?

Some publications available in open access do not have a licence, even when deposited in an open archive. But this means that it is necessary to ask the authors' permission to reuse them.

A free licence, such as the Creative Commons licence, specifies the conditions that apply to the publication: typically the right to share and reuse it, provided the authors are duly credited. Furthermore, a CC-BY licence guarantees open access to the publication in the future and prevents third parties from restricting access at a later date.

Therefore, in order to secure the long-term open access to their publications, authors must apply an appropriate licence to their manuscript. For more information on types of licences, go to the Creative Commons website: <https://creativecommons.org/about/cclicenses>.

9. Why choose a CC-BY 4.0 licence?

The CC-BY 4.0 licence (or a later version if applicable) is the most appropriate licence to implement the rights retention strategy as it allows authors to retain their rights while enabling free distribution and free reuse of the manuscript.

Nevertheless, cOAlition S does not exclude the use of other Creative Commons licences. The [CC-BY-ND](#) 4.0 licence can exceptionally be applied, with your funder's agreement. It stipulates that no changes can be made to the publication when it is reused. If you are in doubt as to which licence to apply, refer to your funding agreement, which mentions the licence to be applied to your manuscript.

For more information on the types of licence, see the Creative Commons website: <https://creativecommons.org/about/cclicenses/> and the documents [How to apply or use a Creative Commons licence?](#) and [Guide to Creative Commons for Scholarly Publications and Educational Resources](#).

10. Can I apply a CC-BY-SA licence instead of a CC-BY licence?

The CC-BY-SA licence states that if the publication is adapted or transformed, the new version must be shared under the same licence conditions as the ones you originally applied. If the article is submitted to a subscription-based journal, it is therefore not possible to apply the CC-BY-SA licence to your manuscript, as this would prevent the publisher from distributing the final published version by subscription or in any other form.

11. Do I also have to apply a CC-BY licence to the publisher's version of my publication?

The rights retention strategy only concerns the versions produced by the authors, from the submitted manuscript to the version accepted for publication (AAM). An author cannot apply an open licence to a publisher's version on their own initiative. The licence that governs the publisher's version of a publication is independent of the rights retention strategy and depends on the journal's editorial policy.

— Before submitting the manuscript to the publisher

12. If I deposit my manuscript in HAL with a CC-BY licence before sending it to the publisher, is this sufficient to implement the rights retention strategy?

No, depositing the manuscript in HAL as a preprint with a CC-BY licence before sending it to the publisher is not enough. As a matter of good faith towards the publisher, the licence and the rights retention text must also be added to the submitted document. Indeed, the publisher must be explicitly informed that the authors have applied a CC-BY licence to the manuscript and that they will continue to apply it to subsequent versions, up to the one accepted for publication.

13. If my document is already online as a preprint in an open archive or on a dedicated platform such as arXiv, is it sufficient to put a CC-BY licence on it?

It is not enough to only apply a CC-BY licence to the preprint, you must also use one of the standard texts proposed in this guide. Indeed, without this text the licence will only apply to the current version, which has yet to be peer-reviewed and validated. Just because a preprint is posted online with an open licence on a dedicated platform does not mean that subsequent versions (including the peer-reviewed version accepted for publication) will be openly licenced and therefore depositable in an open archive.

14. How do I know if the journal I plan to publish in accepts the rights retention strategy?

The [Journal Checker Tool](#) has been developed by cOAlition S to provide information on the publishers' policies. All you have to do is fill in at least two of the three fields: name of the journal, name of the funder, name of your institution. You can also consult the list of publishers who have explicitly accepted or refused the rights retention strategy: <https://journalcheckertool.org/self-archiving-exceptions>. At the time of publishing this guide, only two journals have stated that they do not accept the rights retention strategy.

— During the peer-review process carried out by the journal

15. Why do I have to state that I am applying the CC-BY licence when I initially submit my manuscript to the journal? Can't I just apply the licence to my manuscript once it has been accepted?

For the sake of transparency, it is best to inform your publisher that you are applying the rights retention strategy by including the standard text and by applying a CC-BY licence to the manuscript when you first submit it. However, this is not strictly necessary: you could apply the rights retention strategy only to the peer-reviewed version of your manuscript. In that case, however, be careful not to transfer your distribution rights during the submission phase before the manuscript is accepted. Once the rights have been transferred, it is no longer possible to apply a CC-BY licence to the manuscript. The rights retention strategy must therefore be applied before this stage.

16. I want to submit my manuscript to the publisher via an online platform that does not give me the option to apply a CC-BY licence at the time of submission. What should I do?

The fact that the publisher's platform does not allow you to apply a CC-BY licence is not a problem, because you can add a CC-BY licence yourself, together with the standard rights retention text in the body of your manuscript, either at the beginning or in the acknowledgements section, when you send the manuscript to the publisher.

17. In line with the rights retention strategy, I did apply a CC-BY license to the manuscript submitted to the publisher, but peer review corrections are applied directly to the document already type-set by the publisher. How can I deposit my AAM in an open archive?

Since the rights retention strategy only applies to author-produced versions, in this case authors must reproduce the corrections and changes made during the article's review phase in their own copy of the manuscript. Thus you will produce an author accepted version which is identical to the published version and which can be immediately deposited in an open archive.

18. Do I have to wait for an answer from the publisher before depositing my CC-BY licenced manuscript on an open archive?

No, as part of the rights retention strategy, you can deposit the manuscript in an open archive at any time, as long as the publisher has been informed of this by means of the recommended standard text.

— Relationship with the publisher

19. I have chosen to add a rights retention statement when sending my manuscript to the publisher, is there a risk of my manuscript being rejected?

The publisher is always at liberty to reject a manuscript. Some publishers have explicitly accepted or opposed the rights retention strategy. This list can be found at the following address: <https://journalcheckertool.org/exception-lists/>. At the time of publishing this guide, only two journals have stated that they do not accept the rights retention strategy.

When the reason for rejecting your manuscript explicitly mentions the rights retention strategy, we recommend you report this to scienceouverte@anr.fr and/or to info@coalition-s.org if your publication has been funded by the ANR or another cOAlition S funder. If your research is not funded by a member of cOAlition S, we recommend you report this situation to your institution's library, documentation centre, or open science contact person, or to the HAL contact person at your laboratory.

20. As an author, I applied a CC-BY licence to my manuscript but afterwards my publisher asked me to sign a standard exclusive copyright transfer agreement. What should I do?

cOAlition S has written [a letter](#) to the relevant publishers to inform them that it has developed the rights retention strategy and that their funded researchers are working under a mandate to distribute their manuscripts accepted for publication under an open licence as of the publication date. It states that the open licence applied to the manuscript, as well as the obligations that bind researchers to their funders under the terms of the funding agreement, legally override any publication licence or copyright transfer agreement that the publisher may later ask the author to sign (see the [rights retention strategy presentation page](#)).

If you have applied the rights retention strategy and informed the publisher of this using the standard rights retention text, the CC-BY licence on the versions of the manuscript cannot be challenged. Signing a traditional copyright transfer agreement at a later stage does not prevent authors from depositing their file in an open archive.

21. The publisher has agreed that I can use the rights retention strategy, provided that I observe an embargo period before depositing my author accepted manuscript in an open archive.

If you have applied the rights retention strategy, the author manuscript is licenced under a CC-BY licence which gives you the right to distribute it at any time. The publisher cannot therefore impose a delay or embargo on depositing it in an open archive.

22. I wanted to apply the rights retention strategy but the publisher told me that my manuscript does not belong to me.

As long as no exclusive rights assignment agreement has been signed, the manuscript belongs to the author. Thus, it is important to apply the CC-BY licence to the manuscript as soon as it is submitted, and in any case before any contract is signed with the publisher.

23. The publisher tells me that they agree to me applying a CC-BY licence to my manuscript, but they refuse to let me put it on an open archive.

A document with a CC-BY licence is protected against exclusive appropriation - a publisher cannot therefore prohibit its distribution, nor its deposit in an open archive.

24. The publisher agrees to let me deposit my accepted author manuscript in an open archive, but refuses to let me apply a CC-BY licence to it.

To ensure that the open access to the document cannot be challenged later, it must be governed by an open licence (typically CC-BY). Thus, it is important that you apply the CC-BY licence to the manuscript as soon as possible. This licence cannot be revoked by third parties.

25. The publisher tells me that depositing in an open archive is not compatible with the requirements of cOAlition S or Plan S. Is this true?

No, this is not true. Depositing in an open archive, also called self-archiving or green route or green open access, is indeed one of the ways to meet the requirements of Plan S. This is explained in the second part of the [Principles and implementation of Plan S](#) on the cOAlition S website.

26. My publisher is asking me to remove my author accepted manuscript from the open archive, telling me I am not allowed to deposit it in the open archive.

If the manuscript has a CC-BY licence, the right to deposit it in an open archive cannot be challenged.

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