

Results of the VSNU open access pilot 'You Share, We Take Care' based on article 25fa of the Dutch Copyright Act

In order to make the Taverne amendment (article 25fa of the Copyright Code¹) operational, the National Program Open Science (NPOS) has established concrete principles, including six months of embargo and usage of the published version, i.e. the 'Version of Record' (VOR). The Dutch Universities then tested the workability of these principles in practice during a seven-month pilot². Goal of this pilot was to determine support from researchers to make use of article 25fa and possible workflow issues that needed to be addressed before scaling up. Third objective was to gain insight into the point of view of publishers.

The pilot project was characterized by close cooperation between universities, in terms of knowledge exchange, legal harmonization and promotion, including joint support and participation by all university Rectors. After seven months, the pilot was evaluated on the basis of publications made open access, feedback from the university project leaders and discussions with publishers via the Dutch Publishers Association 'Media voor Vak en Wetenschap' (MVW).

Most universities opted for a broad pilot in terms of participating faculties and publishers, a few focused on one particular faculty or a publisher. Four universities achieved the target of recruiting 5% participating researchers, which resulted in an average of 6% increase in the total number of peer-reviewed articles shared in open access for the year 2018. This shows that there is a potential for further implementation of the amendment.

A total of more than 600 researchers participated and more than 2,800 publications were shared through the repository. In addition to peer-reviewed articles (75%), this included conference proceedings and book chapters from edited collections. The top three publishers were Elsevier (28% of publications), Wiley (12%) and Springer/Nature (10%). Many participating researchers wanted to share both recent publications and older material. Researchers are positive about the extra opportunities to share work and the support from the university. On social media positive messages and only a single question were shared. No negative points of view were signaled or received by mail. The most important reason for researchers not to participate is uncertainty regarding the reactions of publishers and/or their co-authors and the experience of pressure on their position as editor if they deviated from the publisher's policy. That is why it is important to further embed Taverne in the collective labor agreement (CLA) and local policies. Although not necessary, it can be useful to explore with specific publishers if article 25fa, including workflow support, can be part of a transformative deal.

When analyzing the total time investment at libraries, the experience is that the administrative process, harvesting and sharing of material costs on average about 7.50 euro's per publication. Many steps in the process had to be made manually. Greater efficiency can be achieved through digitization of the process. This is certainly worthwhile when scaling up. However, the actions to be taken differ per institution. A short-term alternative is to make more capacity available. With a 0.5 to 1 FTE in the first year (depending on a focus on recent peer-reviewed articles or also sharing older articles, book chapters and conference proceedings) and a few tenths of FTEs in the following years, an average university should be able to facilitate the process. Provided it is actually widely

¹ For more information, check <https://www.openaccess.nl/en/events/amendment-to-copyright-act>

² For more information, check <https://www.openaccess.nl/en/in-the-netherlands/you-share-we-take-care>

implemented, this will lead to a substantial increase in the number of publications shared in open access.

It is important, however, to keep in mind that Taverne doesn't match Plan S compliancy guidelines as a zero months embargo, usage of a CC-BY license and retention of copyrights are demanded. This makes it useful to examine the possibilities regarding the CLA, institutional policies and the planned evaluation of the Dutch Copyright Act to align open access demands from funders with national and institutional policies.

Furthermore, it is essential to maintain focus on the transition to open access within the publication process, as part of the broader open science objective. Article 25fa acts primarily as a safety net because it reduces dependence on international developments and willingness from publishers to establish sustainable agreements.

Publishers are critical of the initial principles used, particularly the usage of the VOR instead of the Author Accepted Manuscript (AAM) and the addition of book chapters. However, no evidence has been presented about the immediate or long term impact of implementing these principles on the publishing business. Although there is no reason to change the used principles, it does make sense to intensify cooperation with publishers towards achieving full open access, and this is already happening in practice by means of new transformative deals with smaller (society) publishers and an NPOS project for open access books.

During the pilot, there were no formal requests for retractions or legal claims from publishers regarding the sharing of publications. However, this does not guarantee that publishers could take formal steps in the future.