



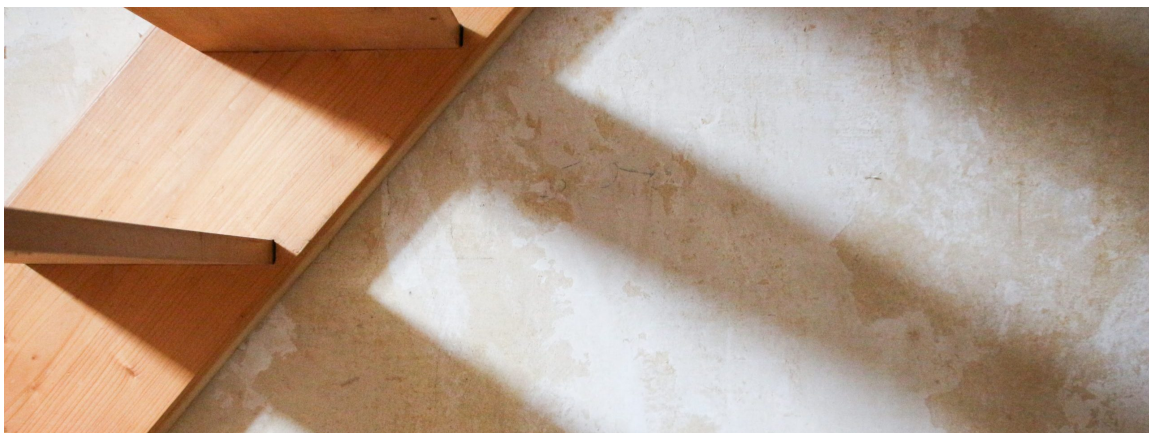
# OSPO

OPEN SCHOLARSHIP POLICY OBSERVATORY



## Open Access Agreements

by Caroline Winter | 25 June 2021 | English, Observations, Observations and Responses | 0 comments



*Lisez-le en français*

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In March 2021, The University of California (UC) announced a “breakthrough” open access (OA) agreement with Elsevier, the world’s largest scientific publisher (2021). Under the agreement, all articles with a lead author based at UC will be OA upon publication, and researchers at UC will have access to read articles in Elsevier journals. Over the past two years, UC has established nine such transformative agreements, including one with Springer Nature—another large publisher—in June 2020 (UC 2021; Brainard 2020).

This read-and-publish agreement between libraries and publishers, which includes provisions for institutional authors as well as institutional access to publications, is a type of transformative agreement,

one of several types of agreements and publishing models intended to further OA.

### Transformative Agreements

The ESAC (Efficiency and Standards for Article Charges Initiative) defines transformative agreements as follows:

“Transformative agreement” is an umbrella term describing those agreements negotiated between institutions (libraries, national and regional consortia) and publishers in which former subscription expenditures are repurposed to support open access publishing, thus transforming the business model underlying scholarly journal publishing, gradually and definitively shifting from one based on toll access (subscription) to one in which publishers are remunerated a fair price for their open access publishing services. (n.d.)

Although there are different types of transformative agreements, they all work towards transforming the publishing ecosystem towards open access. EASC maintains a global [registry of transformative agreements](#) that includes information about the nature of the agreement, the cost, the coverage, and other details.

Lisa Janicke Hinchliffe (2020a) outlines four components of transformative agreements: costs, copyright, transparency, and transition. In addition to redirecting library funds, transitional agreements can make OA publishing more cost effective for researchers, who do not need to pay APCs out of pocket, and they can be more cost effective for libraries, although this is not always the case. In the agreement between CRKN and Sage, for example, the total price will increase 6% over three years (CRKN 2021). Most transformative agreements require that authors retain copyright to their work, which is published under a publisher license or a Creative Commons license. For transparency, contracts are often openly available (see the [EASC registry](#)). Transformative agreements are transitional in the sense that they work towards transitioning away from subscription-based reading altogether (2019; EASC 2020).

### *Read-and-Publish Agreements*

In read-and-publish agreements, library subscription fees and article processing charges (APCs) for publishing OA are bundled together.

In March 2020, Jisc announced that it had negotiated a milestone read-and-publish deal between UK universities and Wiley, one intended to “accelerate” the movement toward OA in the UK (Grove 2020). Another intended outcome was to simplify the OA process for authors and help them to comply with funder mandates and Plan S guidelines (Jisc 2020). In a September 2020 update, Jisc reported that in the nine months since the agreement went into effect, there was an 82% increase in UK articles published OA over 2019 and 91% over 2018, with a 97% uptake, meaning that only 3% of authors opted out of publishing their work in OA (Vernon 2020).

### *Publish-and-Read Agreements*

In publish-and-read agreements, a library’s payments to a publisher cover publishing only (e.g. APCs), but access to read published content is included at no additional cost. The difference between publish-and-read and read-and-publish agreements becomes clear in the case of agreements between publishers and library consortia. As Hinchliffe points out, the cost of a read-and-publish agreement is shared by all members of the library consortium, but under a publish-and-read agreement, the cost is shared by only those libraries at institutions with scholars who publish research.

### Pure Publish Agreements

Pure publish agreements are similar to transformative agreements in that they cover publishing costs, but they are different in that they apply to journals that are already fully OA and so do not redirect funding that would have otherwise paid for subscription access (Hinchliffe 2020b). One example is the 2020

agreement between UC and PLOS, under which UC Libraries pays a portion of the APC for any UC author who publishes in a PLOS journal (Hinchliffe 2020b; PLOS 2020).

#### Subscribe to Open Agreements

Subscribe to open agreements redirect a library's subscription payment from providing read access (for that library) to journal articles to making those articles openly accessible to all readers, regardless of institutional affiliation. These agreements build upon existing subscription agreements: libraries agree to continue subscribing to the journal for access to its content at a discounted rate. If all libraries in the agreement continue to subscribe year after year, the content becomes available to non-subscribers as well, but if some libraries in the agreement withdraw—that is, stop subscribing—the content is once again paywalled to all but the subscribing libraries (Hinchliffe 2020).

This model was developed and piloted by *Annual Reviews*, but Martin Paul Eve has described a similar consortial subscribe to open model with a three-year (rather than one-year) timeframe that includes disincentives for unsubscribing libraries as well as incentives for continuing subscribers (2018).

The directors of *Annual Reviews* note that two advantages of this model are that it does not involve APCs and that it enables libraries to support OA while gaining access to publications of value to their communities at a reduced cost (Michael 2019). Although *Annual Reviews* asks authors to transfer their copyright to the publisher, other licensing arrangements are possible (Hinchliffe 2020a).

□

Source: *Annual Reviews*, <https://www.annualreviews.org/page/subscriptions/subscribe-to-open>

**Berghahn Journals** is piloting a similar subscribe to open model developed with **Libraria** in partnership with **Knowledge Unlatched** (Berghahn 2020). The Berghahn Open Anthro (BOA-S2O) three-year pilot, launched in 2020, includes 13 anthropology journals, and in its second year had 305 subscribers worldwide. In this model, authors retain the copyright to their work, which is distributed under a Creative Commons license.

In March 2020, EDP Sciences announced that it was also **piloting an S2O model for its journal *Mathematical Modelling of Natural Phenomena***, explaining that, in this model, “institutions support journals for the common good of the academic community and demonstrate their commitment to the long-term sustainability of open access” (2020). In November 2020, EDP Sciences announced **a subscribe to open agreement with JISC** involving five additional titles (2020a).

De Gruyter similarly **adopted a pilot subscribe to open model for its journal *Bibliothek Forschung und Praxis*** in September 2020, which is available under a CC-BY licence. The publisher notes that it has plans to adopt this model for other journals, explaining that this model enables journals to be “flipped” to OA “with full transparency, little disruption and no additional costs,” and that because it does not involve APCs, it is “a fair and equal approach to transformation” (De Gruyter 2020).

**EMS Press** has also adopted an S2O model for its entire portfolio of journals, citing numerous benefits to stakeholders, as has **IWA Publishing**.

#### Transformative Agreements and the INKE Partnership

The Canadian Research Knowledge Network's (CRKN-RCDR) **Licensing Program Principles**, revised in 2020, include support for various OA models, including transformative agreements. The Principles for Negotiations include “seek[ing] agreements in which payments for open access publication reduces the subscription fees in Canada and globally” (CRKN n.d., 2). The principles also emphasize equity of access and transparency and state that CRKN will partner with vendors who “Are willing to transition from subscription to fully open access and recognize that transformative agreements are temporary transitional means to achieve open access” (2).

In February 2021, CRKN announced [a read-and-publish agreement with SAGE](#), by which researchers at 69 participating member institutions of CRKN can publish OA articles in SAGE Choice journals without paying APCs, and the articles will be published under a Creative Commons license (CRKN 2021). The license agreement and a list of participating members are available on the [CRKN website](#).

#### Transformative Agreements and the Broader Academic Community

Transformative agreements are becoming increasingly common, and many in the open scholarship community view them as a positive innovation. cOAlitionS, for example, calls them “one of the most promising instruments” for shifting journals to OA (2021), and the agreement between UC and Elsevier has received widespread support, including from the US Association of Research Librarians (ARL), which notes that the agreement is part of a larger shift in how libraries approach journal licensing, marking an “exciting time in scholarly publishing” (Aiwuyor 2021).

Others in the community, however, hesitate to support transformative agreements out of concern that they incorporate APCs and thereby perpetuate existing inequities within the scholarly publishing system. For example, a [position paper by the publishers Copernicus, Frontiers, JMIR, MDPI, and Ubiquity Press](#) voices concerns that, without binding conditions or definite timeframes, transformative agreements are not actually furthering the transition to OA (Frontiers 2020).

In a [post for the LSE Blog](#), for instance, Jefferson Pooley argues that, although these types of deals effectively end publishers’ practice of “double-dipping”—charging institutions and their libraries APCs as well as subscription fees—such deals are only accessible to wealthy, largely Western institutions, such as UC: “Scholarly publishing is already stratified along North-South lines—making read-and-publish an insult to long-standing injury” (2020). In addition, not only do these agreements endorse the use of APCs but they enable large commercial publishers to dominate the OA publishing field.

#### Transformative Agreements and Open Scholarship

As an important element of [Plan S’s implementation guidelines](#), transformative agreements play an important role in the shift to open scholarship in Europe and the UK. UC’s deal with Elsevier signals that they might also become an increasingly important part of the North American scholarly publishing landscape.

In June 2020, UC announced what was then “the biggest open-access (OA) deal in North America,” a read-and-publish agreement with Springer Nature (Brainard 2020). Jeffrey MacKie-Mason, UC Berkeley’s University Librarian, noted that simply gaining a commitment from Springer Nature to explore this kind of agreement was a huge step forward for OA (Brainard 2020).

UC’s decision to walk away from the bargaining table with Elsevier in February 2019 was similarly viewed as an important moment in the shift to OA, particularly in North America, since UC has the size and clout to set the precedent for other licensing negotiations (see [“The University of California’s Split with Elsevier”](#)).

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