

Scholarly Publications: Self-Archiving and Copyright Statement

The University of Bath is committed to open research and scholarship and to ensuring that the benefits of its research are made as widely accessible as possible in order to make a positive contribution to research culture, to maximise opportunities for engagement and impact amongst local, regional and international communities, and to support the reproducibility and quality of its research.

The University has implemented a self-archiving and copyright approach for articles (“rights retention”), which supports the right of staff members to retain copyright over their author accepted article manuscripts whilst publishing in their preferred journal, and which enables the University of Bath to openly share these manuscripts on their behalf via the institutional repository (Pure), without an embargo and under a licence that supports reuse.

The University of Bath Intellectual Property Policyⁱ does not claim ownership of copyright in scholarly outputs produced by members of staff, in consideration of which members of staff normally grant to the University a non-exclusive, irrevocable, worldwide, royalty-free licence to make accepted manuscripts of articles publicly available under the terms of a Creative Commons Attribution (CC-BYⁱⁱ) licence.

Applying the University self-archiving approach:

This approach applies to peer reviewed research articles and conference papers submitted after **January 1st 2025** and authored by University of Bath employed or contracted staff.

Where a publisher has been notified by the institution of its copyright and self-archiving position, then all article manuscripts submitted to that publisher are automatically covered by a prior grant of licence from the University of Bath author to the institution. Unless the author explicitly withdraws this consent for their article submission, the University of Bath will make any subsequent author accepted manuscript immediately open access under a CC-BY licence via the Institutional repository, Pure.

In instances where publishers *have not been notified in advance* of the University of Bath’s copyright and self-archiving position, University of Bath authors who wish to retain copyright in their author accepted manuscript, and enable the University to share it on their behalf, can do so by notifying the publisher of their intent.

In such instances, authors need to add the following copyright retention statement to the covering letter and acknowledgements section of submitted manuscripts,

'For the purpose of open access, the author has applied a Creative Commons Attribution (CC BY) licence to any Author Accepted Manuscript version arising from this submission'

Staff acting as lead or corresponding authors are encouraged as standard practice to try and seek agreement from co-authors to add this statement to submitted manuscripts.

Authors may consider applying the statement to other research outputs (e.g. monographs, chapters, scholarly editions, collections of essays, working papers, etc.) if they wish.

Deposit of manuscripts

In accordance with the *University of Bath Open Access Deposit Mandate*ⁱⁱⁱ, authors are expected to provide an electronic copy of the subsequent author accepted manuscript by depositing it in Pure.

Opting out of the self-archiving approach

Authors are free to opt-out on a case-by-case basis and wherever they are unable to retain copyright in submitted and author accepted article manuscripts^{iv}. In these instances, they may act in line with their publisher's standard self-archiving policy, and apply an embargo or a different licence to the manuscript deposited in Pure. However, they should be aware of their funder and REF policies on open access^v, and ensure that where necessary these criteria are being met before doing so.

Roles and responsibilities:

University of Bath Lead or Corresponding Authors

University of Bath authors are encouraged to raise the University copyright and self-archiving approach with their co-authors, and to try and agree retention of copyright for the author accepted manuscript of their articles with them^{vi}.

Authors who wish to retain their copyright over accepted manuscripts, must apply the statement above to the acknowledgements section of submitted manuscripts and any covering letter if the publisher has not already been notified by the University.

Authors are asked to deposit an electronic (PDF) copy of their author accepted manuscript in Pure no later than the date of first online publication (c.f. the *University Open Access Deposit Mandate*).

Authors opting out of applying the University agreed copyright retention approach must indicate this in Pure at the deposit stage.

Library

The Library will notify publishers of the University position on copyright and self-archiving.

On behalf of the University, the Library will check deposited manuscripts, associated metadata, and licences, make the article record discoverable via the repository, and release the file for the author accepted manuscript by the date of first online publication (or conference end date) so that it is openly available under a CC-BY licence.

Where authors have opted out, then the Library will deposit their output under the journal's standard self-archiving policy.

The Library Open Access Team will provide support and guidance for authors on the process (how to apply it, or opt-out), and where necessary, in liaising with publishers.

The Library will investigate any challenges made to the application of the University position on retaining author copyright and sharing author accepted manuscripts. Where a challenge is upheld, the Library will apply the journal's standard self-archiving policy to the deposit.

Publishers

Publishers are expected to respect the University position on retention of copyright in author accepted manuscripts, and to support University of Bath authors in their choice to apply a Creative Commons licence to their accepted manuscripts.

Many publishers will have been notified of the University’s copyright retention position and the assignment of a prior licence to deposit from the Author to the institution.

The terms of this provision are enacted wherever the publisher has been notified by the University that it has been granted a prior licence by authors to share the accepted manuscript under a CC-BY licence, or wherever the author has applied the University copyright (“rights retention”) statement to their submitted manuscript ^{vii}.

Version	Notes	Contributors	Date
V 0.1	Initial draft for sharing	JLH	13/06/24
V 0.2	Amended draft for circulation to ADRs	JLH, CB, HLS	14/06/24
V 0.3	First redraft based upon ADR feedback. Changed from “policy” to “statement”	JLH	15/07/2024
V 0.04	Incorporating further feedback from ADRs	JLH	13/08/2024
V 1.0	Draft circulated to URKEC 24 th September 2024	JLH	12/09/2024
V 1.1	Start date added	JLH	20/10/2024
V 1.2	Approved by Senate	JLH	06/11/2024

ⁱ Statute 22.3 e) of the *Ordinances*, University of Bath. Accessible from: <https://www.bath.ac.uk/publications/university-ordinances/attachments/ordinances-revised-november-2024.pdf> [accessed 27th November 2024]

ⁱⁱ Creative Commons. *CC-BY4.0 Attribution 4 International Deed*. Available from: <https://creativecommons.org/licenses/by/4.0/> [accessed 10th June 2024]

ⁱⁱⁱ *University of Bath Open Access Deposit Mandate*. Available from: <https://library.bath.ac.uk/open-access/whatisopenaccess> [accessed 15th July 2024]

^{iv} Eligible reasons for opting out of the policy include,

- The publisher rejects the article submission because of the copyright statement, and the author(s) cannot publish the article in another journal
- Co-authors (including commercial partners) do not agree to make the AAM immediately available via the University repository and / or under a CC-BY licence
- There are commercial / other intellectual property considerations that preclude making the author accepted manuscript immediately open access
- It would be unlawful to make the article immediately accessible under a CC-BY licence (e.g. third party content is included in the manuscript which cannot be reproduced under a CC-BY licence, and it is not possible to redact this content from the text)

^v Making research outputs immediately available under a CC-BY licence can be a condition of funding^v. Applying a “rights retention statement” is an aspect that must be considered by the authorship group if it is necessary to ensure compliance. Funders (e.g. UKRI Councils, Wellcome etc.) may have a different version of this wording. The University wording is intended to cover their requirements, although authors should check their funder’s preferred format and if necessary, use it in place of the University text:

- UKRI - <https://www.ukri.org/manage-your-award/publishing-your-research-findings/making-your-research-article-open-access/>
- Wellcome Institute - <https://wellcome.org/grant-funding/guidance/open-access-guidance/complying-with-our-open-access-policy>
- Horizon Europe - <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/support/faq/22153>

^{vi} A [template email for contacting co-authors](#) is available from the Library. See [guidance](#).

^{vii} In either scenario, any subsequent publishing agreement that includes copyright transfer from the author to the publisher for the accepted manuscript could see the publisher guilty of “the tort of procuring breach of contract.” Lynette Owen (2022). *Clark’s Publishing Agreements: A Book of Precedents*. 11th edition, Bloomsbury