1. Open access overview

The term 'open access' refers to scholarly outputs that are digital, online, free of charge and accessible without registration or other access barriers. Importantly, not all outputs that are free to access online are open access, and this depends on whether there are any copyright restrictions. Open access publications are typically accompanied by one of the Creative Commons public copyright licences. These licenses remove some or all of the usual copyright restrictions and detail to what extent and how the content can be shared, posted online or reused without needing to request permission.

The field of open access is characterised by a wide range of additional terms (e.g. Gold, Green, Hybrid) and acronyms (e.g. APC – Article Processing Charge), which may be unfamiliar and sometimes vary based on whether one is discussing articles or long-form outputs such as books.

To help navigate this complex landscape, we have provided further reading materials on this topic. Definitions in this domain are the subject of ongoing debate, so note that you may encounter varying definitions and language in different contexts.

Further reading:

- What is open access? (OAPEN)
  https://oabooks-toolkit.org/about-oa/15083953-what-is-open-access
- Open access glossary (Open Access Network)
  https://open-access.network/en/information/glossary#c18108

2. Creative Commons licences

Creative Commons licences (often referred to as 'CC') are a set of licences that can be used to:

- grant certain copyright permissions for creative and academic works;
- ensure proper attribution for those works; and
- allow others to copy, distribute, and make use of those works.

The most permissive option is called CC0 and allows any form of commercial and non-commercial reuse without attribution. All other CC options begin with CC BY, indicating licences that require attribution to the original creator. The CC BY option can be followed by a range of additional suffixes – SA, Share Alike; NC, Non-Commercial; and ND, Non-Derivative – each denoting specific additional conditions that may apply to licensing and other reuses. Creative Commons provide a simple online tool to help with licence selection.

In the case of journals, CC licences, and particularly the CC BY variant, are becoming a common requirement for researchers in receipt of public funding.

Further reading:

- About CC Licences (Creative Commons) https://creativecommons.org/about/cclicenses/
- Considerations for licensors and licensees (Creative Commons) https://creativecommons.org/share-your-work/licensing-considerations/version4/
- License Chooser (Creative Commons) https://creativecommons.org/choose/

3. Third-party content

Third-party content refers to material created by others. Exceptions to copyright law may allow limited use of third-party content without the permission of the copyright owner. In other cases, however, authors must obtain any permission required and abide by any licence restrictions set by the copyright holder if they wish to include third-party content in their own work.

When publishing, an author has freedom to choose how to license material they have created. Should they wish to include third-party content within their own publication, separate licensing information for this should be clearly included and highlighted to readers, including the name of the copyright holder. A copyright holder may allow different uses for different output formats: for example, they may allow inclusion of their intellectual property in the print version of an output, but not in electronic copies (e.g. pdf).

Importantly, the fact that a work is publicly available (e.g. via a web search) does not mean that it is free to reuse. Licensing conditions should be carefully checked and, if the work is subject to copyright, permission has to be obtained. In some cases, authors and publishers choose to use Creative Commons licences [link to other definition] to explicitly encourage reuse of their work.

To secure permission to reuse third-party content, tools are typically available to support authors and publishers. Our own solution, PLSclear, is an example of such tools, and can help when seeking to reuse contents from books, journals and magazines.

Further reading:

- UK Copyright FAQs for Publishers (Publishers' Licensing Services) https://www.rightsandlicensing.co.uk/resources/uk-copyright-faq/
- Copyright and Licensing for authors and editors (Think. Check. Submit) https://thinkchecksubmit.org/resources/copyright-and-licensing/
- Marking third party content (Creative Commons) https://wiki.creativecommons.org/wiki/Marking/Creators/Marking_third_party_content
- PLSclear - Request Permission to Reuse Copyright Content (Publishers' Licensing Services) https://plsclear.com/

4. TDM licensing

The term 'text and data mining' (TDM) refers to the electronic analysis of large amounts of materials. In a scholarly context, this generally refers to programmatically analysing a corpus of articles, long-form outputs, datasets or other materials in electronic form.

In practice, using TDM enables the processing and analysis of far greater amounts of text and data than can be achieved with human reading. Inevitably, this involves an extent of copying and processing of text and data, usually in large amounts, which might constitute a breach of copyright in some cases. TDM is permissible under some of the Creative Commons public copyright licences, and copyright law may allow for exceptions around TDM research on other types of content, but the TDM licensing landscape is evolving fast and asymmetrically across the world, alongside technology solutions and developments in open research practices.

As the number of publications and datasets available globally increases, so does the potential for realising impacts from the use of TDM. As a result, this remains a space to watch closely as evolving practices from researchers, publishers and infrastructure providers reach maturity.

Further reading:

- Text & Data Mining (Copyright User)
  https://www.copyrightuser.org/understand/exceptions/text-data-mining/
- Exceptions to copyright (Intellectual Property Office)
  https://www.gov.uk/guidance/exceptions-to-copyright#text-and-data-mining-for-non-commercial-research
- For a range of examples of publisher-provided guidance on TDM, see the following (in alphabetical order): American Society for Microbiology (ASM), BMJ Publishing Group, Elsevier, JSTOR, Oxford University Press (OUP), SAGE, Springer Nature, Taylor & Francis, Wiley.

5. Transformative agreements

Transformative or transitional agreements are contracts negotiated between publishers and institutions (e.g. libraries or national/regional consortia) to gradually shift the business model underlying publishing from subscriptions to a scenario where publishers are remunerated for specific open access publishing services. Where a transformative agreement is in place, authors are able to publish open access using their institution's agreement with the publisher rather than having to pay the article processing charge via invoice.

There are several models for transformative agreements, with the most popular being the 'read and publish' model, whereby an institution's open access publishing requirements are evaluated and the subscription spend is moved to cover these – the 'publish' part – with a smaller proportion of the funding used to maintain access to the journals – the 'read' part. Another popular form of transformative agreement is called 'publish and read', which entails the payment of an agreed amount by institutions to cover all papers published by affiliated authors and includes access to the publisher's content at no additional cost.

Other models also exist, and the way fees are calculated varies widely based on the model chosen. Generally speaking, different elements of a transformative agreement are assigned a dedicated fee (e.g. a fee for the 'read' portion and one for the 'publish' portion), often based on a mix of current subscription spend, recent spend on article processing charges and recent published output. Some agreements cover hybrid journals only and others include hybrid and fully open access journals.

It is broadly recognised that the transition to open access affects publishers differently based on several organisational features, including size, discipline(s) of focus and range of revenue streams. A Toolkit to foster open access agreements has been published by ALPSP and cOAlition S to support publishers in navigating this shifting landscape.

Further reading:

- Transformative agreements (ESAC)
  https://esac-initiative.org/about/transformative-agreements/
- Jisc Collections – Publisher information (Jisc)
  https://subscriptionsmanager.jisc.ac.uk/about/publisher-information
- Toolkit to foster Open Access Agreements (ALPSP and cOAlition S)
  https://www.alpsp.org/OA-agreements

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