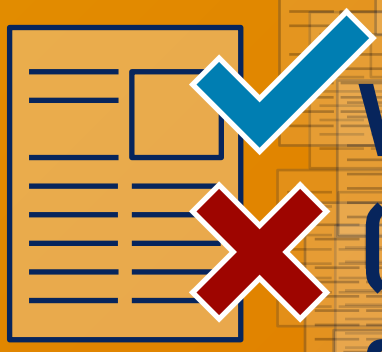


What do we want (or not want) from publishers?

Looking beyond the current Dutch contract with Elsevier

A report from
the conference held in Utrecht,
18 April 2024

Universities *of* *The* Netherlands

NFU NEDERLANDSE FEDERATIE VAN UNIVERSITAIR MEDISCHE CENTRA

NWO

Executive summary

On April 18, 2024 Universities of the Netherlands (UNL), NFU and NWO organised a one-day conference entitled "What do we want (or not want) from publishers? Looking beyond the current Dutch contract with Elsevier".

The conference explored the successes and challenges of 'Read & Publish' deals; cooperation with publishers in the field of research information; and how concepts such as 'digital sovereignty' play out in relationships with commercial publishers. It was conceived as an open forum to discuss what the academic sector wants from the publishing sector in safeguarding academic values in a just, equitable and open scholarly communication landscape.

The first part of the conference saw a series of keynotes and discussion panels, starting with the perspective of Henk Kummeling, the rector magnificus of Utrecht University, on the future role of universities and publisher. This was followed by different perspectives on publishing services from library leadership at Dutch universities and university medical centres. Next, critical views on current publisher contracts (with a focus on the Elsevier contract) were presented by Claudio Aspesi, independent consultant and Juliette Schaafsma, professor at Tilburg University. Finally, publishers got the opportunity to both respond to the challenges raised, and give their perspective on the changing publishing landscape, in a panel with representatives from Elsevier, PLOS, eLife and Peer Community In (PCI).

The second part of the conference consisted of break-out sessions where participants from the public sector (i.e., members of funding or government bodies, or research performing organisations) discussed specific topics. These ranged from the impact of Read & Publish deals, publishers constraints on universities' rights on text- and data mining (TDM), the relation between academic values and open access (including open licences), the future of metadata and open research information, actions around digital sovereignty and the role of artificial intelligence (AI) in publication.

The conference provided a forum for open and direct discussion, between public and private sector representatives, but also between public sector representatives themselves. The themes of 'taking back control' and 'academic sovereignty' resonated throughout the day, as exemplified by rector Henk Kummeling of Utrecht University who stated that publishers provide services, but academia should have ownership. It was also emphasised that publishers should prioritise stakeholders (i.e. the academic community) rather than shareholders, and not make excessive profits based on academic labour and ideas.

However, it also became clear that there are a number of open questions around the role of public parties in organising and financially supporting publishing infrastructure, and the resulting relationships with publishers as service providers. These include:

1. What are our core values? Do we as public sector agree on those? Two examples that came up during the day were: (1) is building public publishing infrastructure only valuable when it would save costs, or also because it would allow greater academic control? (2) Does academic control over (meta)data mean control over the quality of the data, or also control over who can do what with the data?).

2. Do we need a radical break (e.g. building our own publishing infrastructure), or instead more gradual course corrections (e.g. building new elements into deals, and support for a variety of publication models and financial models)?

3. Who should take responsibility and make decisions? Do librarians have responsibility, or should this be devolved to university leadership (as is already the level at which publisher negotiations are held)? What expertise is required for negotiating teams, and how can researcher voices and opinions be included?

4. How are decisions around publishing linked to other aspects of open science, and how is this reflected in various developments and initiatives and funding therefore, e.g. through OpenScienceNL and the UNL Open Science Agenda? Two other relevant developments in this context that were highlighted are the Guiding Principles for Open Research Information and the Open Research Information (ORI) programme currently set up by SURF.

These central questions are important to consider when developing a new national strategy on open access publishing.

Regarding the combination of the Read & Publish deal and the research information pilots in the current Elsevier contract, this was generally felt to be undesirable - either because of principled objections around data analytics and collaboration with commercial players, or because of concerns over vendor lock in. One suggestion made was for Dutch public parties to enter into negotiations for a publishing deal with Elsevier, but not to continue the partnership around research information. Another potential scenario that was suggested was to require (and take responsibility for) open data on research information, and have Elsevier and others build data services on top of that.

Introduction

On April 18, 2024 Universities of the Netherlands (UNL), NFU and NWO organised a one-day conference entitled "What do we want (or not want) from publishers? Looking beyond the current Dutch contract with Elsevier".

While the context of the conference was the current Dutch contract with Elsevier, the theme was broader. The event explored the successes and challenges of 'Read & Publish' deals; cooperation with publishers in the field of research information; and how concepts such as 'digital sovereignty' play out in relationships with commercial publishers. It was conceived as an open forum to discuss what the academic sector wants from the publishing sector in safeguarding academic values in a just, equitable and open scholarly communication landscape.

The programme consisted of two parts. The first part of the conference (during the morning) was a mixture of keynotes and discussion panels, which was open for all. The second part of the conference (during the afternoon) consisted of break-out sessions to discuss specific themes related to the conference overall theme. These sessions were only open to the public sector (i.e., members of funding or government bodies, or research performing organisations).

In total, 130 people registered for the conference, representing both public parties and the private sector, including a selection of publishers). Of this group, 108 attended both the morning and afternoon sessions as representatives of public parties – including researchers, support staff and institutional leadership of Dutch universities, other higher education institutes and research funders, as well as umbrella organisations like UNL and SURF, and some representatives from other European universities.

This conference report summarises the morning and afternoon sessions, and highlights the key take-aways from the conference – including recommendations resulting from the afternoon sessions, and some of the main discussion points that emerged during the day.

This report was prepared by Bianca Kramer (Sesame Open Science), based on attendance of the plenary sessions in the morning and afternoon, and with input from the rapporteurs of the parallel discussion sessions. While every attempt was made to reflect the discussions as they happened, any misrepresentation of statements or opinions are the responsibility of the report author.

Morning session – keynotes and discussion panels

Rector's perspective on "What do we want (or not want) from publishers"

Henk Kummeling (Rector Magnificus, Utrecht University)

To set the scene of the conference, Henk Kummeling, rector magnificus of Utrecht University, gave his perspective on open science, open access and the role of both universities and publishers. He firmly placed developments around open access and publishing in the context of open science – giving the example of his recent co-authored book on 'De universiteit in transitie' ('The university in transition') which was made available in an early stage on an open publication platform for community feedback.

He also mentioned global engagement (for example in the context of the Sustainable Development Goals) as an important goal of open science, referencing the fact that traditionally, collaborations tend to be between universities with similar positions in traditional university rankings, resulting in a clear regional (Global North vs Global South) divide. Open Science (including an evolving view on the value and practice of university rankings) paves the way to more equitable collaborations and valuation of research contributions, as well as greater legitimacy of science for society (including governments), which has the potential to bring in more funding.

Considering open access as an important factor in open science, Kummeling referenced the achievements made in this area in the Netherlands: the 100% target set for 2024 has almost been reached (with close to 90% of recent peer reviewed articles being available in open access), making the Netherlands a world leader, and contributing to Dutch research output being widely read and cited. However, this progress has not come without obstacles: the predominant model of APC (Article Processing Charge)-based OA is not inclusive as it poses significant barriers to publishing for authors for whom APCs are not covered through their funder or institution. Alternative financial models (including taking more control of the publishing process by universities themselves) is not necessarily cheaper (although over the course of the conference, others questioned whether creating a cheaper publishing system should be seen as a goal in itself). Finally, within academia there are still pockets of resistance against open access.

Touching on both alternative financial and publishing models, Kummeling mentioned the diamond journal model (free to read and free to publish) which to a large extent relies on volunteer labour, and is often paid for directly (by direct subsidy) or indirectly (though volunteer labour of researchers) by universities. While the USA, UK and EU rely more on 'traditional' journals, in other regions the diamond model is (much) more prevalent. Globally, collaboration on diamond open access is growing (as witnessed by the recent Global Diamond Open Access summit). Regarding alternative publication models, both preprints and, as an extension, the

publish-review-curate (PRC) model are gaining ground, separating publishing and dissemination from certification (all traditional publishing functions). In this changing landscape, we see a mix of commercial journals, journals that have never been commercial, and journals that have left commercial publishers.

Universities have an important role in shaping developments in scholarly publishing. First, they can increase awareness and knowledge as well as offer support to researchers. Second, universities can exert their negotiation power vis-à-vis publishers, especially when they join forces in negotiation and set clear principles and priorities, pushing for both open access and FAIR (meta)data. Third, universities can support international organisations of researchers and teachers and assist in building and maintaining digital platforms. Finally, through (re)shaping their recognition and rewards policies and practices, universities can influence incentives and disincentives in publishing. Taken together, this calls for universities to make up their mind on what the desired mix of publication and business models is that they would like to pursue, using open science as a guiding principle. For knowledge institutions, it is beneficial to join forces on a national, European and international level.

What role does that leave for publishers? For Kummeling, publishers should be considered as providers of services (which can be disaggregated, for example in the publish, review and curate model), while ownership and control of publishing should belong to academia. In line with this, publishers should no longer make copyright the core of their business model, and allow the direct, without embargo sharing of publications in university repositories and subject repositories. Finally, publishers should ensure much greater transparency of the costs of the services they provide.

Summarising his presentation, Kummeling concluded that the future is open, and that universities should shape it themselves.

He then addressed some questions from the audience on Utrecht University's position on rankings – stating that Utrecht's withdrawal from the Times Higher Education ranking was driven by a conviction that universities have different qualities, and should not strive to converge onto what happens to be central measurements in rankings. In addition, participating in rankings by supplying data costs effort (and thus money), which is better spent elsewhere. Linking to another audience question on international collaboration in shaping publishing, Kummeling also mentioned the influence of rankings as a barrier to e.g. transitioning to other forms of publishing, an area where setting an example can help culture change. Other areas for collaboration Kummeling mentioned were both legal (e.g. GDPR requirements, secondary publishing rights) as well as collaboration on setting up digital platforms and supporting international organisations (e.g. scholarly societies) in doing so. «

Different library perspectives on publishing services

Hubert Krekels (Wageningen University and Research)
Alastair Dunning (Delft University of Technology)
Lieuwe Kool (Amsterdam Medical Centre)

Chair: Hilde van Wijngaarden (Director University Library at VU Amsterdam, and Chair UKB)

In his presentation, Henk Kummeling also acknowledged the recent white paper (not yet publicly available) on the future open access support from university library directors Matthijs van Otegem (Utrecht University) and Kurt De Belder (Leiden University) – highlighting the role of university libraries in shaping this agenda. The next session on the programme was a discussion among representatives from a number of Dutch university and university medical centre libraries on their (sometimes differing) perspectives on publishing services.

In line with the conference theme, the first questions posed to the panel were "What do we want from publishers?" and in relation to that "What do we consider a publisher?". The answers highlighted some key differences in how libraries consider the relation with publishers.

Alastair Dunning mentioned the importance of academic control (e.g. regarding copyright and digital sovereignty) somewhat reluctantly introducing the phrase 'Taking back control', which was to become a central theme of the conference. For Dunning, there were three aspects to the question of what we want in negotiations with publishers: cost control, real transformation beyond converting subscriptions to APC-based open access (also for other publication types), and accommodating new forms of publication and publication processes. This should include speedier peer review to meet the reality that in the time it can cost for a paper to go through peer review, a new version of ChatGPT may have been released.

Hubert Krekels highlighted that the work libraries do in supporting open access and publishing developments is done in order to serve the interests of researchers, and stressed the importance of quality control, cost control and transparency, as well as of shared infrastructure to monitor this. He also mentioned that libraries work with partners both large and small, which can require different approaches. According to Krekels, publishers should invest more in working with stakeholders (such as libraries) rather than prioritising their shareholders. He would like to see less conversations with sales persons, and more focus on researchers, on sharing developments, and on ways of improving the publication process beyond shifting costs from subscriptions to APCs. In turn, libraries also have a responsibility, amongst other things, to make their own costs transparent and explain and justify where money is spent on.

Lieuwe Kool stressed that, according to him, universities and their libraries should be open to collaborate with all parties (both commercial and non-commercial). Both sides (universities/ libraries and publishers) should be flexible and think about how best to move forward together, and have more open discussion on what each party wants to achieve. He asked publishers to be flexible, accommodating developments like preprints and preregistration. Kool also reiterated

Kummeling's earlier view that publishing ourselves (as universities/libraries) would not necessarily be cheaper, to further underline his point that we need to continue to work collaboratively with publishers.The panel also touched on the potential expansion of publisher services, e.g. to include services around research information. Here, Alastair Dunning raised the issue that while publishers do have expertise in dealing with research information, this should not impinge on the core work of libraries, and replace library expertise. e.g. around CRIS systems and repositories. Here, libraries have connections with researchers, and handing over management and control of these systems to publishers would weaken the position of the library.

Hubert Krekels challenged the idea of a shared infrastructure managed by libraries, stating that libraries are not always good at setting up sharing data and infrastructure either. He stressed the importance of serving researchers' interest in investing in quality control, completeness and making discovery better. This is an area where libraries could collaborate, both together and with publishers, e.g. around journal hijacking (where fraudulent journals are set using the names and brand identity of legitimate journals) and around metadata quality. Krekels also stressed the importance of efficiency (including cost-efficiency) for libraries, also in an open science context. However, others did not necessarily see this as a compelling reason to work together with publishers, stating that making things easier (for libraries) is not necessarily the same as making things better.

Regarding research information, an additional point was raised on data ownership, data sharing and control: does giving away data imply loss of control? Here, Lieuwe Kool mentioned that universities have a responsibility as well: according to him, under the current Elsevier contract, CRIS data (at least in Pure) can be shared openly, but universities are themselves sometimes hesitant to share these data, especially with a CC0 public domain dedication.

In summarising the session, Hilde van Wijngaarden emphasised the need to work together, and mentioned that this means we need to be able to trust each other. She also raised that meeting the wishes of our research community could sometimes be seen as competing with the wish to enable and support reform in publishing. This requires continuing dialogue between the library and the research community.

Following the panel discussion, questions from the audience centred around current costs for libraries, and where the biggest costs lie (e.g. in APCs or in services) – touching upon both the need for transparency, also from libraries, and the need to set clear priorities. Here again, it was mentioned as an example that while setting up our own platforms (e.g. for diamond OA, or for sharing all research output via repositories) might not necessarily be cheaper, it would mean that public parties would be in control.

In the discussion, the role of semantics in these discussions also became apparent. For example, transformative deals, where authors of participating institutions can publish open access without direct costs to them, were labelled as diamond OA – a very different conceptualization of diamond OA from that discussed earlier in the day.

The case for looking beyond the contract with Elsevier

Claudio Aspesi (Independent Consultant)

While the panel discussion with library leaders covered relations with publishers in the context of needs and autonomy of libraries and institutions more conceptually, the next presentation zoomed in on what this means in practice in terms of actual publisher contracts and decisions surrounding these, starting from the Elsevier contract as an example.

Claudio Aspesi started out telling the audience that as a strategist and financial analyst, he was not one of them (meaning: not an academic), and also, he was not in the business of making friends. He provided a critical perspective on the decisions made regarding the contract with Elsevier, also stating it was not necessarily his intention to pick on Elsevier, but "this is the contract you have".

According to Aspesi, the main problem with the existing contract is in the part concerning research information to enable data analytics – as data analytics deployment in academia should be used with great caution in general. More specifically, academic institutions should not sign data analytics contracts with Elsevier because of the company's conflicts of interest in both publishing research and providing the data and tools to assess research. And there are additional issues in contracts that link publishing and data analytics: they are potentially anti-competitive, they reinforce the use and development of additional "evaluation algorithms" despite the many problems posed by ones already in use, and that through both mechanisms, they may lead to further loss of diversity in research.

Rather than entering into contracts that reinforce the position of commercial players and extend their influence on academia, Aspesi's recommendation was to prioritise community over commercialization (echoing last year's and this year's theme of Open Access Week). He argued that commercialization has led to a self-reinforcing research/publishing cycle that disfavours historically marginalised communities. In addition, it has led to the usage of terms and conditions (like restrictive licences, lack of access to backfiles, high APCs, restrictions on machine reading and long publication queues) that hinder addressing crises. This became obvious during the COVID-pandemic when exceptions were made to some of these restrictions. Since global emergencies are everywhere (from climate change to loss of biodiversity) and other diseases represent a daily emergency for individuals and communities around the world, the continued use of these restrictive terms and conditions raises major ethical questions. Finally, Aspesi argued that commercialization has led to the deployment and use of metrics and algorithms that distort academic life.

Aspesi acknowledged that publishers are not necessarily to blame for all of this, as many of the issues that affect publishers have roots in mechanisms that plague the academic community. Senior academic leaders and faculty have been involved in many of the decisions that led to the issues outlined earlier.

Ultimately, however, Aspesi's view is that publishers are responsible for the quality of their products and for the impact of their activities. Participating in (and profiting from) an "academic-industrial complex" is a conscious choice publishers make.

As a counter proposal, Aspesi highlighted two sets of principles to prioritise how to allocate money in a way that is responsible and promotes equity. The first is a set of principles for supporting innovative communications models[1], focusing on a) the functions of publishing (registration, certification, dissemination and preservation) being available equitably for all research contributions deemed to be of sufficient quality, b) supporting the idea of a "record of versions" by distinguishing certification and dissemination of articles from their assessment, c) enabling research agendas to be driven by global or regional relevance rather than journal visibility and d) allowing equitable open access to research results without undermining the sustainability of mission-aligned OA publishing initiatives.

The second set of principles is geared towards responsible use of data analytics, including methods that involve the use of AI[2]. This set of principles emphasises the importance of clear areas of application, equity, transparency, strong privacy protection, accountability, human control, customization, governance and avoidance of conflicts of interest.

In conclusion, Aspesi recommended both critical reflection on what to contract out to publishers, and, when the decision is made to contract, to pay close attention to aspects of governance, openness of (meta)data, adequate principles for the deployment of data analytics/ AI and protections for individuals.

In the discussion following this presentation, the role of (commercial) publishers was given further critical examination. While academia might not be able (or need to) do without publishers, publishing models can be questioned. Aspesi stated his conviction that certain sectors should not be profit-driven, and it should be the academic community who is in control at large. He also acknowledged that considering 'commercial publishers' as one type of entity is in itself a generalisation: there are non-profit organisations that de facto operate as 'commercially oriented publishers' and at the same time, privately owned publishers that act responsibly and have a good reputation.

1 Developed by Claudio Aspesi in collaboration with Amy Brand (MIT) and Jean Claude Guedon (Universite de Montreal).

2 Based on *Principled Artificial Intelligence: Mapping Consensus in Ethical and Rights-based Approaches to Principles for AI* published under the auspices of the Berkman Klein Center at Harvard University.

Perspective from a critical researcher

Juliette Schaafsma
(Professor at Tilburg School of Humanities and Digital Sciences, Tilburg University)

In her presentation, Juliette Schaafsma shared her perspective that we are seeing a move from open access to surveillance publishing, and that open access makes us more reliant on publishers, not less.

Schaafsma stated that transformative agreements are problematic since they do not not change the logic of the flawed concept of APCs, but reinforce it. In addition, they do not end the transfer of intellectual property rights to publishers. Public money is still being sent in large amounts to commercial publishers. Finally, due to limitations of publication formats covered and the concept of article number caps, in her opinion they do not end the problem of 'double dipping' (paying twice for publications, once through subscription, and once through APCs). In short, these open access deals heighten global inequities in access to publication and do not make us independent of commercial publishers.

Schaafsma's second thesis was that some publishing companies (including Elsevier) are in fact big data companies. They sell data, structured information based on data, and data analytics. By expanding their offerings to cover the entire research workflow, they sell solutions for the research process, the publishing process and the evaluation process. A big problem Schaafsma sees with this development is that publishing companies collect a lot of data about researchers, their activities and behaviour, which they then sell back to universities and potentially also to other parties (e.g. governments). This reduces researchers to a set of numbers by which they can then be evaluated.

According to Schaafsma, this not only makes academics the product rather than the user, it also puts academics under surveillance – jeopardising academic freedom, privacy and safety. In addition, it creates vendor lock-in that is hard for universities to break free of. She wonders whether universities are sufficiently aware of these problems, given their collaboration with Elsevier on research information pilots as part of the current contract and the stated goals of this partnership[3].

In the final part of her presentation, Schaafsma addressed some potential approaches to remedy the aforementioned developments. For example, open access policies at her own university favour diamond and green (repository-based) open access as well as preprints, and Schaafsma also states that at her university, general principles and values have been specified regarding

3 See https://epdos.nl/

openness, sovereignty and privacy, which are to be taken into consideration when buying or developing digital research infrastructure. She argues that this should happen on a national level as well.[4]

Ultimately, Schaafsma argues that large-scale collaborative efforts are needed to create a community-based scholarly communication system, in line with the recent proposal by cOAlitionS[5]. This proposes that authors are responsible for the dissemination of their findings, all scholarly outputs are shared immediately and openly, quality control processes are community-based and open, all scholarly outputs are eligible for consideration in research assessment, and stakeholders commit to supporting the sustainability and diversity of the scholar-led publishing ecosystem. Is this expensive? Yes, Schaafsma says, but the current system is also expensive – and the question is about what are considered priorities.

Following Schaafsma's presentation, a discussion emerged on actual spending of universities on publishing, including on community-led infrastructures. While in some organisations, there is a stated goal that 2.5% of publishing budget is spent on open, community-led infrastructures, in general there is a lack of transparency (or findability) of public spending. A final remark was that while academics may be trapped in the current system as outlined by Schaafsma in her presentation, they often have other priorities than engaging with changing the system – again raising the question how universities and libraries can best serve their researchers. «

4 See Bijsterbosch, M., Dunning, A., Jansen, D., Haring, M., de Rijcke, S., & Vanderfeesten, M. (2022). *Seven Guiding Principles for Open Research Information (Versie 1).* Zenodo. https://doi.org/10.5281/zenodo.6074944 for a set of principles developed at the national level.

5 https://www.coalition-s.org/towards-responsible-publishing/

Publishers' response

Laura Hassink (Managing Director, STM journals Elsevier)
Agata Morka (Regional Director Publishing Development, PLOS)
Damian Pattinson (Managing Director, eLife)
Denis Bourguet (co-founder, Peer Community In)

Chair: Jeroen Sondervan (Programme Lead, Open Scholarly Communication, NWO)

During the morning session, a number of tensions had been laid bare regarding collaborations between the public sector and (commercial) publishers. The last panel of the morning offered publishers (of various kinds) the chance to respond to the various points raised, and provide their perspective.

Laura Hassink from Elsevier started off by stating that in her view, a lot of what was said is based on misperceptions. In her mind, publishers having a seat at the table reflects progress, as universities and publishers serve the same goal, and listening and collaborating will bring that closer. So in that sense, she is hopeful.

For Damian Pattinson, publishers are still part of the scholarly landscape, but they need to change because that landscape is changing due to researcher behaviour. For example, he considers the rise of preprints a sign that researchers are taking back control. Publishers will have to adapt to these changing realities.

Agata Morka reflected that for PLOS, most of these tensions do not really apply since they have been a full open access publisher from the beginning. However, she also stressed that it is not a case of 'good vs. bad guys' as there are many different kinds of publishers.

Denis Bourguet stated that these tensions do not occur at PCI since they are non-commercial and diamond.

Reflecting on the costs of publishing, different financial models and how publishers approach this question, Hassink reflected that every model has costs, and as a publisher, they see it as their responsibility that all authors can publish and all readers can read. For Elsevier, this is reflected in the Research4Life program, the use of waivers (which she acknowledged are not the way to go), and more recently, a pilot with variable pricing based on region.

PLOS has used the APC model from the outset, but is now transitioning to more equitable models such as Community Action Publishing (CAP). Morka also emphasised it is not only about business models. PLOS also actively participates in community discussions and initiatives, for example the 'How equitable is it' framework – developed as part of a collaboration between cOAlitionS, PLOS and Jisc that analyses different models[6].

6 https://www.coalition-s.org/beyond-article-based-charges-working-group-an-update-on-progress

Bourguet was clear that in his opinion, the best option is diamond open access (where every author can publish regardless of affiliation or financial means), but this needs support from universities – including building reserves to better ensure sustainability (which is the point PCI has currently reached).

The discussion then turned from financial models to publishing models, and what open science practices publishers are implementing. The current eLife model centres around review and curation of preprints, but Pattinson mentioned eLife also publishes for transparency, e.g. with requirements for open data. He also made the point that journals need incentives to implement open practices, and that this is where universities and libraries have an important role.

Further considering the role of preprints and the role of journals, Hassink mentioned that Elsevier always considers new models, including publish review curate (PRC), but one main concern is the increase in submissions in general, and the increase in submissions with research integrity issues in particular. Pattinson pushed back on this, putting forward the thesis that the reward for taking shortcuts with research integrity is getting published in a journal – there is little benefit in putting a paper with research integrity issues on a preprint server. In other words: the traditional model facilitates research integrity challenges. According to Pattinson, we have outsourced quality control to journals and linked it to rewards, so authors will go to any length to publish in a given journal. Morka agreed with this, reiterating that the problem is not with preprints as an entity, but with the publishing system as a whole.

Taking a slightly different perspective, Bourquet explained that PCI adds a validation step to the PRC model. This was also referenced later in the discussion, when concern was raised from the audience about preprints and misinformation, e.g. when bad actors would flood the system. To this, Pattinson responded that it is important to flag bad work as well as good work, and that quality is not a binary construct – peer review in itself does not make a paper 'right'. Regarding hypothetical bad actors, Pattinson acknowledged some checks (e.g. validity checks for authors) could be beneficial for such cases.

Returning to the tensions identified between public parties and universities, the question was then posed what is needed to restore trust. For Hassink, that is understanding what publishers do and don't do, and going by facts rather than perceptions (e.g. around data ownership and usage). Pattinson and Bourquet both named transparency as key (e.g. around peer review and costs). Morka changed her answer from 'more dialogue' to 'more action', also from universities. If you really want to create open scholarship, go with a partner that has openness as core value. She also mentioned concrete steps like the Leiden Ranking Open Edition[7], and the French Open Science Monitor[8] using open data exclusively.

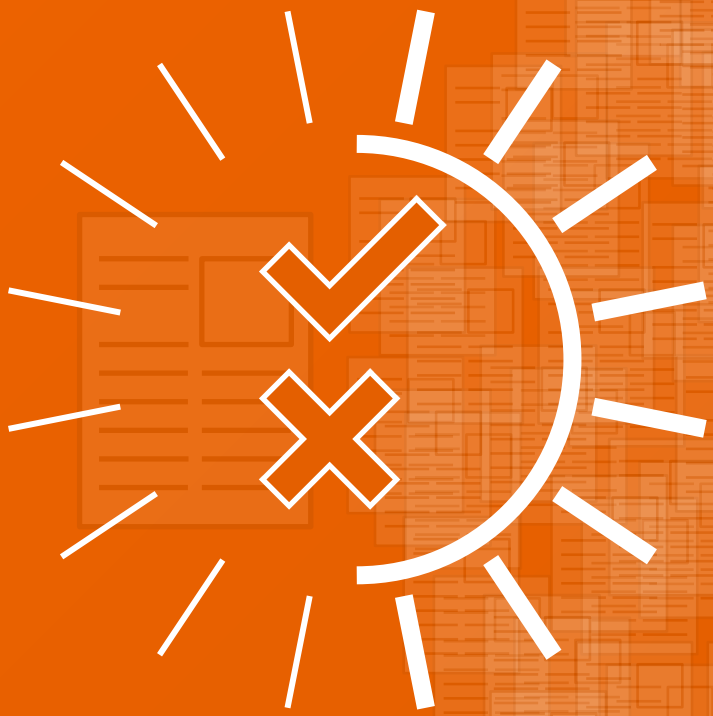
At the end of the session, the chair concluded that if public parties expect publishers to work openly, be flexible and work collaboratively, public parties should exhibit the same behaviour.

7 https://open.leidenranking.com/
8 https://frenchopensciencemonitor.esr.gouv.fr/

Questions from the audience pushed back on the need to build trust and to collaborate with commercial publishers, as they ultimately serve the needs of shareholders, not of the academic community. Opinions differ on the extent to which these two goals are exclusionary, as it was mentioned that making a profit also allows publishers to invest in e.g. research integrity.

The question was then posed to Elsevier what price they would be willing to pay to really address concerns from the academic community. Some suggestions offered to Elsevier were paying reviewers and making payments to editors transparent – giving rise to a lively discussion ensued on whether those suggestions were feasible and desirable, and for whom. One thing that was mentioned was that peer review (and to some extent journal editing) traditionally has been an economy of favours, not an economy of currency – here again, opinions differ on whether this is desirable or not.

It was also mentioned that 'researchers needs' might not be the same for everyone. Many researchers still benefit from the current publishing system, though in response, it was pointed out that there are as many examples of researchers wanting and effecting change. Once again, this raises the question of how universities, libraries and other public parties should position themselves, and what principles should guide their actions. «



Afternoon session – parallel discussion sessions

During the afternoon session, 6 parallel discussion sessions were planned. Each had a rapporteur provide a summary of the outcomes of the session for the benefit of this report. For some sessions, the outcomes were a list of recommendations, for other sessions, more a reflection of the discussion held among participants.

Are R&P deals a good idea? What is their impact on the library, science and society?

Moderators: Alastair Dunning, Just de Leeuwe (rapporteur)

Read & Publish deals originally seemed like a good thing. They removed the 'double dipping', where libraries pay for subscription and publication. They simplified workflow for researchers, reducing the administration in publishing. And they helped the OA movement, increasing the number of articles that are published without paywall.

But it obscures costs (how much are libraries paying for reading as compared to publishing?). It promotes the incentive for scientists to publish even more research in an already overheated, pressured academic environment. And more broadly, it creates inequality in the publishing system, implicitly supporting the APC system that is almost impossible for Global South researchers to pay for.

In this session, participants discussed the pros and cons of Read & Publish deals. How have they made scholarly life better or more difficult for different groups, such as researchers or librarians? In what areas have they had the most impact (positive or negative)? In the second part of the session, participants discussed what principles should be paid more attention to, and formulated actions towards that goal.

Pros of R&P deals

- R&P deals make researchers' lives easier. Researchers do not need to take actions themselves to finance open access publications, because this is taken care of centrally. In addition, publication within the deals aligns with the current evaluation system;
- Institutions benefit because 'APC's in the wild' are reduced through R&P deals;
- Dutch research institutions as a whole benefit because of the negotiation power of a consortium;
- A number of publishers make an actual transition to full OA (such as ACM and RSC).

Cons of R&P deals

- Researchers have little awareness of the costs and business models of open access (especially APCs);
- The R&P model maintains the status quo. Publishers are comfortable and do not move, here is no transition;
- (Too) much money goes to large commercial publishers. Smaller publishers are left out, which forms a threat to pluriformity;
- At a national level, there has been little attention and no contracts so far for other open access models like diamond, S2O en full OA (e.g. PLOS).

Recommended principles / actions

- We should develop our own publishing infrastructure;
- Diamond Open Access is a promising way to achieve this where sustainable financing is central. Allocate money for this within each institution;

- The (commercial) use of data by publishers should be better regulated through contracts;
- Help editors flip their journal to an open access journal;
- Never negotiate with publishers about both publications and other products from that provider within one deal;
- Science and scientific results are a public good, act accordingly!

Publishers' constraint of universities' rights on TDM and academics' rights on open licences

Moderators: Erna Sattler, Heleen Palmen (rapporteur), Femmy Admiraal

Text & Data Mining (TDM) is embedded in EU law and has been implemented into Dutch law. Publishers may not (technically or otherwise) prevent or hinder researchers to do TDM on the content that they provide to universities. What are the experiences of researchers and library support staff? Is the process going smoothly or are there still obstacles to overcome? Which bumps in the road can we identify and can we think of recommendations on how to overcome these?

The session also focused on what happens to research data in publications. Even in open access publications, choices must be made concerning reuse: which Creative Commons licence is the best for my article and for my data presented in the article? Does the choice of licence affect my copyright? Yes it does! What are the pitfalls and how can they be overcome? Are there ways to stay more in control of (part of) my publication? These questions were considered, tips and tricks were shared and legal options were explored.

Recommendations around TDM:

- We recommend that UNL and universities start a stakeholder dialogue with publishers regarding Text & Data Mining, as is encouraged by the EU in article 3.4 of the DSM Directive.
- We demand that publishers remove clauses in their licence agreements stating that TDM is not allowed with the content offered. This is illegal and contrary to European law (article 3 DSM Directive) and Dutch law (art. 15n Aw). To read is to (data)mine.
- We want publishers to remove CAPTCHA's and other checkmarks when accessing licensed content.
- We want researchers and other university staff to be able to download as many publications a day and not be cut off at any time. This should be included in all contracts with publishers. Putting a limit on the number of downloads per day does not prevent illegal websites like SciHub from sharing illegal content, so it is a useless measure that has no effect other than preventing researchers to do TDM or at least make this far more difficult. The measure of publishers to put a limit on the number of downloads is useless and therefore contrary to article 3.3 of the DSM Directive.
- When an API is available for TDM purposes, we request to get access to this API for free. A discussion was had in the workshop whether a reasonable one-off fee to set up this service up would be honoured by the publisher.

- Some publishers provide content that is not downloadable. We demand that publishers only provide content that is at least downloadable as PDFs, as making copies of this content for TDM for the purpose of research is the legal right of universities.
- Publishers add "schedules" to the contract. These schedules must contain only additional information such as contact details, IP addresses, price conditions and a list of journals. Sometimes these schedules contain additional conditions that are contrary to the conditions in the contract. This is unacceptable, conditions are to be included only in the contract and not in the schedules.
- We all agreed that we need to professionalise the consortium negotiation team. We also agreed we should have a longer list of negotiation principles. In our model licences, we should make clear what is negotiable and what is non-negotiable.

Recommendations around protecting data and publications with open licences:

- We want our researchers and universities to keep control of their open access publications, regardless of which Creative Commons licence is chosen by the researcher/university. Therefore, we demand that with any open access publication the copyright remains with the author or university and no exclusive licence is granted to the publisher. Furthermore, we demand that the author is in control of the end-user's licence and not the publisher. In case of a choice for CC BY-NC, CC BY-ND or CC BY-NC-ND publishers get a non-exclusive licence to publish the article in one particular issue of one particular journal in just one language. All other rights remain with the author.
- We want UNL/NFU/NWO to make national, compelling policies to make this happen, and SURF, UKB and University Executive Boards to make this default in their negotiations with publishers.
- When researchers make a choice for a rights retention strategy for their publications, we want universities to protect them in legal proceedings initiated by any publisher and cover their legal fees.

Authors, academic values and Open Access

Moderators: Mireille van Eechoud, Kacper Szkalej, Doris Buijs (rapporteur)

Important normative principles are the academic freedom of (individual) researchers and author control over academic publications (based in copyright). Both are fundamental rights in the EU legal order. The drive towards open access has from the start gone hand in hand with research funders, universities and publishers alike promoting and mandating the use of open licences, especially Creative Commons attribution (CC BY).

Such licences give anyone the freedom to copy, adapt, exploit the publication; all that remains for the author is a claim to recognition of authorship. Do we need safeguards to protect the integrity of academic work? And on the flip side: what role can copyright law play in securing for academic authors the liberty to engage in open access (e.g. through secondary publication rights, which are being considered by the European Commission)?

The panel on authors, academic values and open access consisted of two introductions followed by discussion. The panel was opened up by prof. Mireille van Eechoud, who spoke about academic freedom. She raised the issue of how its nature as a fundamental right (under EU law and the European Convention on Human Rights), and especially as a right of individual academics, can have implications for open access policy.

To date there has been little attention for how funders or institutions imposed obligations to publish open access and to use particular types of licences (e.g., CC BY) restrict academic freedom. The focus of debate has been on rights retention vis-à-vis publishers, but the forced use of licences that effectively mean that academic authors relinquish rights (and therefore an important means of control over what happens with their work) has drawn little attention. What is more, copyright itself is a fundamental right (as part of the right to property), for both copyright and academic freedom, restrictions on the right must meet certain criteria.

The second part of the panel focused on copyright and was presented by dr. Kacper Szkalej. Starting with the insight that copyright protection could also be perceived as a vehicle that promotes freedom of expression interests of authors, particular attention was devoted to different open access models offered by publishers and whether a secondary publication right ("SPR") would be able to solve some of the issues surrounding academic freedom and open access. The European Commission has shown interest in such a right. A number of EU countries have already introduced SPR regimes, but with significant variations in execution. Different aspects of SPR regimes were discussed, including their relevance for potential harmonisation at EU-level (such as embargo periods, which version an SPR should cover, what level of public funding would be required for the right to apply, how differences in publishing practices in different scientific disciplines could or should be taken into account).

During the discussion various issues came up, such as the importance of being clear with the meaning of 'open' as used in open access (e.g., publications in a repository might not be accessible for everyone due to technical or legal restrictions). Another aspect that was mentioned was the importance of open access for educational materials and to be able to use materials or teaching purposes. In this regard, the Dutch SPR (the Taverne amendment) came up, which was generally regarded as useful. But several uncertainties about the exact scope of the provision were also raised. Lastly, the issue of knowledge about and tools for rights management was discussed. If authors are to maintain adequate control over their publications, support systems are crucial as open access can be quite a complex subject (especially as librarians and scholars do not have legal expertise) and awareness should be raised among university staff, as knowledge about it may at this point be (too) limited.

The open future of metadata and research information

Moderators: Ludo Waltman (rapporteur), Bianca Kramer

Research information (including bibliographic metadata, funding information and information on usage and impact of research outputs) is used for research evaluation, strategic decision-making and discovery of research. A large share of this research information is currently locked inside proprietary infrastructures. Moreover, the often selective coverage of these infrastructures results in biases against less privileged languages, geographical regions, and research agendas.

This session discussed the responsibility of public parties to ensure research information is openly available, in order to advance responsible research assessment and open science and to promote unbiased high-quality decision making.

In the session, participants explored the role of public parties by considering the commitments of the Barcelona Declaration on Open Research Information[9]: (1) making openness of research information the default, (2) working with services and systems that support and enable open research information, (3) supporting the sustainability of infrastructures for open research information, and (4) working together to realise the transition from closed to open research information.

Participants reflected on research information workflow in their organisations, either based on closed information, open information or a combination of both. Sharing these workflows brought up several concerns, including the bias in databases such as Web of Science, and the market power of dominant infrastructure players – as innovation requires a level playing field. A point of discussion was whether we need openness of the data or openness of the methods, or both.

Participants were generally supportive of the Barcelona Declaration, but there were also some doubts about the feasibility of the commitments. Regarding including openness of metadata (via Crossref) as a requirement in agreements with publishers, not everyone was convinced this was realistic, and some felt publishers deserve to be paid for preparing the metadata. Some suggestions to move forward on this were a) to publish on publishing platforms that make metadata openly available and b) to negotiate openness of metadata with publishers and be very precise in what we require from publishers – also learning from good practices (like the JISC contract with Taylor & Francis in the UK). It was also concluded that setting high ambitions is often what brings about change, and e.g. the Initiative for Open Citations[10] has shown that change is indeed possible.

Regarding openness of data in CRIS systems, it was recognized that these systems (including Pure) are not as open as they need to be according to the Declaration. It was clarified that not all information in CRIS systems can or should be made open, for instance because of privacy

9 https://barcelona-declaration.org
10 https://i4oc.org

reasons – this is also acknowledged as such in the Barcelona Declaration. The Declaration was seen as a useful starting point to review contracts with system providers upon renewal.

Finally, regarding supporting infrastructures for open research information, it was agreed that universities need to provide financial support for sustainability of infrastructures, but they need to have clear criteria to select infrastructures to support, and need to have a say in governance.

As next steps, organisations are invited to consider signing the Barcelona Declaration and explore collective actions, as well as to follow and get involved in the Open Research Information (ORI) programme[11] currently set up by SURF.

Safeguarding digital sovereignty: action needed?

Moderators: Darco Jansen, Corno Vromans (rapporteur)

This workshop addressed the current and desired situation around digital sovereignty, and the role of private parties in this context. Planned as an interactive session, participants would have been presented with various statements and be invited to take positions related to safeguarding digital sovereignty in academia.

While this workshop did not take place during the conference, the statements prepared to be discussed are presented below:

- Publishers add value to science and education. We will continue to depend on them.
- The contract terms and conditions from publishers affect the independence of science.
- Individual academic freedom has its limitations. One of these is that the university (and not the researcher) decides whether, and under what conditions, scientific work may be transferred to a publisher.
- Reproducibility and verifiable: all metadata, information and analyses about research including the algorithms used must be openly available and reusable.
- Independence of scientific research is sufficiently guaranteed, even though we are dependent on publishers for many services.
- We should invest more in our own (independent public) research services.
- We gave away part of our autonomy. We cannot direct our own data and are dependent on commercial companies.
- We need to make our research information openly available so that any third party can develop services on it.
- Elsevier has evolved from a publisher to a data-driven organisation. We need to make the most of that and just use it.
- We should heavily invest in academic-led publishing.
- We should move away from APC's and focus on pre-prints.

11 https://communities.surf.nl/open-research-information

- With publishers we should have a public-private-partnership (PPS) relation instead of a customer-supplier relationship (talking to sales) as we are the main supplier and main customer.
- Research information should be open and organised as a digital commons.
- We need European law against data-surveillance such that publishers (and big tech) cannot use 'rest data' for predictive software.
- We should perform a DTIA (Data Transfer Impact Assessment) on publisher services to find out which information they collect from us and how it's used.
- We will always be dependent on the strength and scale (organisational and financial) of commercial parties.
- Academic and public values can only be safeguarded by strong European law and regulation.

Exploring new forms of publication and the role of AI in publication

Moderator: Jeroen Sondervan, Frederique Belliard (rapporteur)

The use of Artificial Intelligence (AI) in publishing has surged, offering authors tools for refining their works, structuring content, and even coding software. AI's involvement extends to writing entire articles and possibly even peer reviews. However, this rapid integration into publishing processes raises concerns about research quality and integrity.

Publishers have long utilised AI, but its expanded role raises issues, especially when used for surveillance. This workshop aims to delve into AI's impact on publishing, including open science practices like open peer review. It seeks to understand current AI implementations among publishers and the potential role for public parties (libraries and universities).

Common understanding

Among workshop participants, common understanding was that as public parties, our role and influence on AI in OSC is currently very limited as we have no control at all on how AI tools are developed. Recent developments are accelerating the use, but the (long-term) implications for our work as researchers, librarians and other staff are unknown.

In 5 years' time we expect and wish to have a larger influence on AI in the Open Scholarly Communication landscape. However, to reach this point and to move forward it is essential in very close collaboration with researchers, as universities and libraries we need to:

- claim more ownership;
- work on governance;
- develop rules and guidance.

Needs and wishes

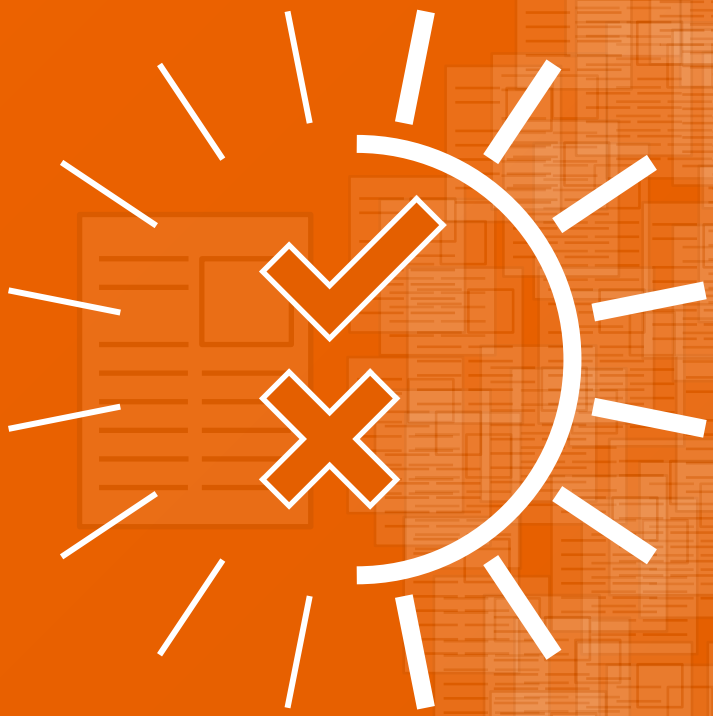
Both from a researcher and institutional perspective, we want transparency of practices (beyond open source AI), as well as procedures and ethical guidelines to foster responsible use of AI.

From an institutional perspective, we also want guiding principles in relation to public and academic values, control over ownership and licensing, more awareness on various aspects of the use of AI (including ethical aspects) and more skills and training.

To achieve this, we need capacity (e.g. through dedicated AI-stewards) to develop skills and training and for raising awareness.

We consider responsible AI as a shared responsibility between universities, researchers and libraries, and propose to address this in the context of team science, e.g through collaborative research conducted with researchers and library staff.

We also need to demand full transparency on the use and development of AI tools as part of publishing agreements.



Concluding remarks and plenary discussion

Concluding remarks and plenary discussion

Moderator: Alastair Dunning

At the closing plenary session, Alastair Dunning summarised what to him were the main conclusions of the day:

- We have to be prepared to walk away from the negotiation table;
- We have to ask whether our behaviour matches our values;
- The time of APC-based open access is over;
- For many researchers, it's not their priority to fix the publication system nor the recognition and rewards system, but the two are very much linked;
- We need a bit of Taylor Swift ("re-record and take back control").

Following these remarks, several attendees reflected on the discussions that happened throughout the day. It was generally appreciated that the discussions were direct and sometimes confrontational, meaning difficult topics were not avoided.

It was noted that although Elsevier had been at the centre (or receiving end) of these discussions (as a direct result of the Elsevier agreement having given rise to the topics of the conference), they were not the only one to be challenged: the power of big publishers has only grown, and the 'Big Five' could now be considered the "Big Eight", including three full open access publishers (MDPI, Frontiers and PLOS).

Reflecting remarks made earlier in the day, it was reiterated that one of the reasons we ended up with the current system was that publishers have noticed what researchers wanted and provided that – and universities and their libraries have paid for this. If we want the system to change, we will need to decide what to invest in instead, and what actions to take.

This gave rise to a discussion on what direction participants felt should be taken regarding publishing deals. Here, opinions clearly differed, ranging from investing more in green open access (including via publisher deals) and open infrastructure (including building our own publication platforms), to other voices explicitly stating that their mission was not to divest from commercial publishers.

Regarding next steps, central questions brought forward by attendees were:

5. What are our core values? Do we as public sector agree on those? Two examples that came up during the day were: (1) is building public publishing infrastructure only valuable when it would save costs, or also because it would allow greater academic control? (2) Does academic control over (meta)data mean control over the quality of the data, or also control over who can do what with the data?).

6. Do we need a radical break (e.g. building our own publishing infrastructure), or instead more gradual course corrections (e.g. building new elements into deals, and support for a variety of publication models and financial models)?

7. Who should take responsibility and make decisions? Do librarians have responsibility, or should this be devolved to university leadership (as is already the level at which publisher negotiations are held)? What expertise is required for negotiating teams, and how can researcher voices and opinions be included?

8. How are decisions around publishing linked to other aspects of open science, and how is this reflected in various developments and initiatives and funding therefore, e.g. through OpenScienceNL and the UNL Open Science Agenda? Two other relevant developments in this context that were highlighted are the Guiding Principles for Open Research Information[12] and the Open Research Information (ORI) programme[13] currently set up by SURF.

Finally, regarding the combination of the Read & Publish deal and the research information pilots in the current Elsevier contract, this was generally felt to be undesirable – either because of principled objections around data analytics and collaboration with commercial players, or because of concerns over vendor lock in. As a hypothetical scenario, the question was even raised whether the EU should demand Elsevier to split up its publishing and data analytics activities. A more directly actionable suggestion was for Dutch public parties to enter into negotiations for a publishing deal with Elsevier, but not to continue the partnership around research information. A final potential scenario that was suggested was to require (and take responsibility for) open data on research information, and have Elsevier and others build data services on top of that.

In conclusion, the conference provided a forum for open and direct discussion, between public and private sector representatives, but also between public sector representatives themselves. While the themes of 'taking back control' and 'academic sovereignty' resonated throughout the day, and there are many building blocks towards this goal, it also became clear that there is no consensus (yet) on what this should translate into regarding the role of public parties in organising and financially supporting publishing infrastructure, and the resulting relationships with publishers as service providers. «

12 Bijsterbosch, M., Dunning, A., Jansen, D., Haring, M., de Rijcke, S., & Vanderfeesten, M. (2022). *Seven Guiding Principles for Open Research Information (Versie 1).* Zenodo. https://doi.org/10.5281/zenodo.6074944

13 https://communities.surf.nl/open-research-information

The event was supported by the Nederlandse Organisatie voor Wetenschappelijk Onderzoek (NWO), Nederlandse Federatie van Universitair Medische Centra (NFU) and Universiteiten van Nederland (UNL).

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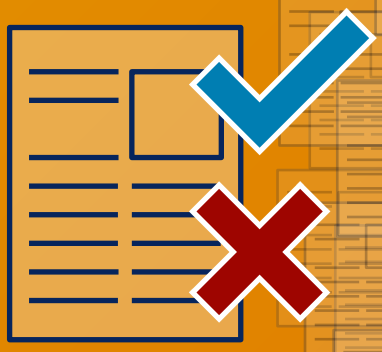
The report was written by Bianca Kramer and published in June 2024.

DOI: 10.5281/zenodo.11384105



Graphic design: Robert van Sluis – OpticNerve.nl