1-4-2023

If not a transformative agreement, then what? Nine questions and answers about an alternative

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Recommended Citation

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Librarians are increasingly coming to agree that the scholarly record should be open and available to anyone who seeks it without financial barriers. But the topic gets murkier when we ask the question: *how*. How do we open the full scholarly record? One of the swiftest ways to get a mass amount of scholarly articles opened up in a short period of time is through Transformative Agreements (TA). TAs can be attractive offerings to institutions with a need or a desire to make their scholarly output open.

It is likely someone in your library has been asked by a commercial publisher if they are interested in signing a TA (sometimes called read-and-publish, publish-and-read, or pure publish deals). In these deals, a library pays a publisher to make some agreed upon number of works open access if the corresponding author is affiliated with the institution. Your library leadership holds probably one of three attitudes on this proposition: pragmatically in favor, ideologically opposed, or simply sort of confused about the whole thing.

When scholars and scientists submit work to a commercial journal, the majority of those articles are going to sit behind a paywall unless an Article Processing Charge (APC) is paid to make it open. As librarians, we can help our faculty deposit their Author Accepted Manuscripts into an OA repository or guide them to a Diamond OA journal to begin with, but these efforts have not, so far, brought about a fully open scholarly record. While TAs do succeed at bringing down a good chunk of paywalls from around the commercially published output of authors at a single institution, not all eligible authors will take up the offer and more importantly, not all authors will be eligible. On balance, any upsides that TAs may present are negated by the normalization of paying-to-publish, posing huge problems for equity.

I'll refrain from giving you the hard-sell against TAs when others have already done quite a good job of writing those arguments.[1,2,3] Suffice to say, this is not the sort of librarianship that I want to play a part in, where we spend vast sums of money to provide knowledge access for a select few in such a way that ends up excluding the many. But actually, that describes one of the primary roles of the academic library: traditional journal collection development. So how do we change *all of our practices* so that we secure participation with knowledge for everyone?

Read & Let Read

While the value of many journals we subscribe to have a weird fluctuating value to them (as some of their articles become open access while others do not), all the articles that remain

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closed will be the reason why our libraries will need to continue to engage in subscriptions. This is why you should consider the Read & Let Read (R&LR) deal.

As I previously proposed in the *Journal of Librarianship and Scholarly Communication*,[4] R&LR is a deal where libraries buy subscription-based reader access for learners both inside and outside the institution. The three main components to the deal are as follows:

Read: A research institution/library will prepay a publisher a base amount each year according to the total number of articles that institutional users downloaded during the previous year, multiplied by two, which covers the base amount (as described) plus any additional downloads made above the base amount during the coverage year.

Let Read: Any downloads unclaimed by the institution during the coverage year are donated in the following year to any user online.

Updated valuation: All subscription-only articles cost $0.50 to download

In practice, imagine you are a very large library system where users can download as many as 11 million articles from a single publisher in one year. In such a case, the library would prepay $11 million dollars to that publisher for the next year. This would ensure that your users have the likely amount of access they are accustomed to, which is something to be expected of the library. The additional benefit of this deal is that you also prepaid 11 million article downloads opportunities for any user on the web.

Instead of having to make a borderline-arbitrary decision (or a more data-informed decision with UnSub) each year about which individual journal titles your library will subscribe to, you subscribe to a publisher's entire catalog of published articles. Your payment each year is based on the number of paywalled articles your community used in the previous year. Each article costs the same flat amount. You prepay for the likely amount of articles your users will use during the next year, *and* you prepay for an equal amount of paywalled article usage outside your institution

The primary function of R&LR is not in making papers open access. The intent of R&LR is to make every article in a publisher portfolio available to users in institutions and outside them at approximately the same rate. Providing the same benefit to well-affiliated and less-affiliated users alike makes this an equitable strategy. And because R&LR is agnostic toward corresponding author affiliation, global readers will gain access to the widest possible scholarly corpus, eliminating citation advantages associated with an author's ability to pay.

This also represents a more efficient access strategy than spending thousands of dollars to open one single article that users may or may not wish to read. However, it is possible that individual articles could be downloaded at such a rate that, through individual uses, the total amount paid could exceed an average APC. Therefore, I recommend a threshold number be established. When the download count on any individual article exceeds this threshold, that article should automatically be made OA from the publisher since the equivalent of an APC has been paid.

If you're in a library of some means hoping to take significant action to provide equitable global readership at scale, then Read & Let Read is designed very much with you in mind.

Asked and answered

This proposal came out in November 2021 and due to its novel (provocative?) nature, it has garnered conversation. In the remainder of this article, I will lay out ten of the most constructive types of questions I've received about the proposal along with my responses.

1. What does a commercial publisher stand to gain from participation R&LR?

If R&LR had been implemented, say, between the University of California (UC) and Elsevier in 2022, UC would have paid Elsevier about $400,000 more than they had the previous year. Year by year, that amount would have the potential to increase *or* decrease, depending on how much UC users decided to download Elsevier-published papers. Publishers have the potential to gain year after year, depending on the apparent market value of their offerings.

Using Sci-Hub involves performing a Google search for the most recent URL to the pirate site in one tab. In another tab, the user has to copy the DOI or title of the article they want and paste that into Sci-Hub. Sci-Hub occasionally posts data on annual usage global rates,[5] and they are always huge (tens of millions). While we may be unable to verify this data, most would agree it is a substantially high number. In any case, commercial publishers would enjoy a plug on data leakage if downloading an article (under R&LR) were simpler than pirating it.

2. Does R&LR keep the "status quo" intact?

Anything short of a library walking away from a commercial publisher forever will technically sustain the status quo. So while R&LR may be properly pegged as a status quo sustainer, it also introduces a direct cause-and-effect relationship between institutional spending and individual authors and readers. If an institution's readers choose to download fewer papers from a publisher, then payment to publishers will correspondingly decrease. R&LR will maintain the status quo only to the extent that readers decide to continue to participate in its furtherance.

3. Why R&LR? Why not advocate for more Library and University-based Diamond OA, further uptake of Green OA, and Subscribe to Open (S2O)?

R&LR is a supplement to all of the preexisting routes toward open access, which are currently insufficient to broadly ensure free global access to the full scholarly record. We can use R&LR while also advocating for Diamond OA, Green OA, and mechanisms like S2O.

I've written more extensively on how R&LR should be contextualized in the broader strategies toward open and equitable access in my April 2022 *The Scholarly Kitchen* guest post titled Open Access and the Direction Moving Forward.[6]

4. R&LR gives permission to read, but none of the enumerated permissions that come with a Creative Commons (CC) license, like machine reusability. From this perspective, how is R&LR better than one of the paid OA options?

Machine reusability is an important function, and a CC license does guarantee permission for reuse by machines. But *sole* reliance on a CC license leaves machines with an incomplete view of the record, since it is a near-impossibility that all papers will ever have a CC license

attached to them. What I suggest here is to look to other initiatives to secure this ability, such as is occurring in the push for open citation data.[7]

5. How does R&LR affect Green Open Access and Gold Open Access?

R&LR does not alter any of the present rules or norms governing an author's choice whether to deposit an accepted manuscript into an open repository or an author's ability to pay a fee to make their article open access on a publisher's site. Downloads of Green OA postprints do not count toward an institution's usage count, nor should downloads of Gold Open Access articles from the publisher's site. Only usage of the publisher's version of papers (behind a paywall) will be part of the usage count.[8]

6. How does R&LR affect funded authors with OA mandates?

R&LR does not alter any arrangement between funders and their authors. Nothing in the R&LR proposal would prevent funded authors from paying to make their articles open access or posting their accepted articles in open repositories.

7. How does R&LR affect copyright transfer agreements?

Nothing about R&LR changes the present system of copyright transfer agreements. Publishers can continue to send out author publishing agreements in the present manner they are accustomed. Authors would continue to have the option to sign these contracts exactly as they receive them, or to send back a contract addendum before signing, or to choose to decline altogether.

8. How can it be ensured that an institution's off-campus users are using the download allotment intended for their use and not the download allotment intended for use outside the institution?

Most publisher websites offer a menu of access options to download articles. One likely pilot solution would involve presenting users with a modified version of the presently-used menu of access options.

Users seeking an Open Access article should see one single option: Download.

Users seeking a Paywalled article should see at least two options, including: Institutional Login and Free Sponsored Download.

Upon clicking "Institutional Login," the usual methods that libraries have in place for user authentication would take place.

Upon clicking "Free Sponsored Download," users would see a menu of free download options, such as Free Download Courtesy of (University Name) Libraries.

Upon selecting one of these options, the article would begin to download a PDF to the user's machine, perhaps with a timestamp that may also indicate the sponsoring institution.

It may be possible to present known institutional users with the "Institutional Login" option one time at the start of each academic year.

9. Who bears the responsibility for building the technology to enable this?

First, you would need to have a publisher agree to partner on this deal. Once on board, the publisher would likely want to assume the greater responsibility for technology distributing their intellectual property. The publisher has the greatest view of usage data, which will be

the basis for what a partnered library will pay, so it will be crucial that the publisher's data is auditable. Partnered libraries should want to regularly audit download data.

Conclusion

We need to rethink our assumptions about the tools we have to make the scholarly record accessible and equitable. Institutionally-backed author-side payments do make more literature free to read, but blunder us toward a complete pay-to-write and pay-to-be-read system. Some authors will fall through the cracks, and their works will not be made open. This will have at least two effects: some works will have less impact for financial reasons (rather than scientific or scholarly ones), and subscriptions will remain necessary. Libraries can deal with both of these effects at once, with Read & Let Read, which allows us to rethink who our subscriptions are meant and able to serve. ✍

Notes

1. Ashley Farley, Allison Langham-Putrow, Elisabeth Shook, Leila Belle Sterman, and Megan Wacha, "Transformative agreements: Six myths, busted," *College & Research Libraries News* 82, no. 7 (July/August 2021), https://doi.org/10.5860/crln.82.7.298.

2. Dave Ghamandi, "'Transformative Agreements' & Library Publishing: A Short Examination" (paper presented at Library Publishing Forum 2021), https://doi.org/10.17613/mba0-ys30.

3. Camille Marcos Noûs, "Message from the Grassroots: Scholarly Communication, Crisis, and Contradictions," *Canadian Journal of Academic Librarianship* 7 (2021), https://doi.org/10.33137/cjalrcbu.v7.36448.

4. A.J. Boston, "Read & Let Read: An Alternative to the Transformative Agreement," *Journal of Librarianship and Scholarly Communication* 9, no. 1 (2021), https://doi.org/10.31274/jlsc.12908

5. Sci-Hub (@sci_hub_), "These are the 20 countries that together account for more than 90% of all Sci_Hub downloads worldwide made in the last month," Twitter, August 3, 2022, https://twitter.com/sci_hub_/status/1554926638189666310.

6. A.J. Boston, "Guest Post: Open Access and the Direction Moving Forward," The Scholarly Kitchen, April 26, 2022, https://scholarlykitchen.sspnet.org/2022/04/26/guest-post-open-access-and-the-direction-moving-forward/.

7. Dalmeet Singh Chawla, "Five-year campaign breaks science's citation paywall," *Nature*, September 13, 2022, https://www.nature.com/articles/d41586-022-02926-y

8. This should not alarm publishers if it is true that readers prefer and seek out the publisher's version of papers, as this Springer Nature report suggests: "Exploring Researcher Preference for the Version of Record," Springer Nature, n.d., https://www.springernature.com/gp/open-research/version-of-record.