



Policy

Open Access

Stand: 30. März 2020

This directive is drawn up in German. The English translation is provided for convenience only. Only the German version is mandatory.

About Open Access

Open Access is the practice of making peer-reviewed research articles available online for free and without restrictions, coupled with the rights to use these articles fully in the digital environment.

Research publications can be accessed via the Library of St. Pölten University of Applied Sciences. These publications are either purchased individually or made available as part of journal subscriptions. Both of these purchasing models come with continuous yearly price increases, resulting in very high purchasing costs for research publications and leading to what is commonly referred to as "double-dipping" for publications which have been funded with public money.

The Open Access publishing model not only benefits users, who can access content for free, requiring merely internet access, but also holds advantages for authors, increasing their potential readership and consequently their citation count. Open Access publications allow for greater public engagement and the advancement of research in the respective research domains.

There are two main types of Open Access:

1. *Gold Open Access* refers to publishing the final version of an article in an Open Access journal, making the research output immediately and freely available upon publication.
2. *Green Open Access*, which is also referred to as self-archiving, is the depositing of an author's version of a manuscript into an institutional or subject-specific repository after an agreed embargo period. Policies and conditions for the secondary publication of pre- or postprints can be checked via SHERPA/RoMEO (<http://www.sherpa.ac.uk/romeo/index.php>).

Policy

St. Pölten University of Applied Sciences is committed to making its research output and data visible and freely accessible via its electronic institutional repository. In accordance with this guiding principle, the following policy has been defined:

- The St. Pölten University of Applied Sciences expects its employees to upload a complete

version of each publication onto the university's institutional repository (Phaidra¹) and to make these publications freely accessible (with CC-BY attribution, whenever possible), provided there are no legal or contractual impediments to doing so.

- The St. Pölten University of Applied Sciences advises its employees to publish their scientific findings increasingly in Open Access journals, particularly those journals that are listed in the Directory of Open Access Journals (<https://doaj.org/>).

Supporting measures:

- The St. Pölten University of Applied Sciences provides, services and continuously develops the infrastructure necessary for electronic publishing and (self-)archiving (Phaidra).
- The St. Pölten University of Applied Sciences aims to assist its employees both administratively as well as financially with publishing in Open Access journals. It is intended to find a central solution for additional fees for articles in subscription journals (Hybrid Open Access) (e.g. the Springer Compact Consortium, which has been in place since January 2016).
- The St. Pölten University of Applied Sciences provides assistance with publishing in Open Access journals as well as legal advice concerning rights and licences relevant to Open Access publishing to its employees.

Grants and financial support

The FWF Austrian Science Fund and the Austrian Research Promotion Agency (FFG) offer financial support for peer-reviewed Open Access research publications. Further information on the application process and requirements can be found under the following links:

- <https://www.fwf.ac.at/en/research-funding/open-access-policy/>
- https://www.ffg.at/europa/recht-finanzen/h2020-open_access (only available in German)

Institutional Repository

Our institutional repository Phaidra contains research output created at St. Pölten University of Applied Sciences, ranging from student theses to peer-reviewed publications and accompanying research

¹ cf. institutional repository Phaidra

data. In addition to serving the purposes of digital preservation, the institutional repository can be used to make material freely accessible on an Open Access basis, whenever applicable.

Phaidra

Phaidra is the institutional repository of St. Pölten University of Applied Sciences, preserving digital research output created at the university and its affiliated institutes. Faculty and staff can deposit their digitized or born-digital research materials, including multimedia material such as photographs, audio or video data, both for the purposes of digital preservation as well as for self-archiving purposes (Green Open Access).

Legal Issues

Regarding Open Access, different legal matters in connection with copyright law² can appear. Because of that a short summary of the crucial points is provided.

Author according to Copyright is the creator of the work. The author has to be a natural person.³ A legal entity (f.e. GmbH or association) can never be a creator of the work, a legal entity can only acquire licences of the work. Copyright arises automatically with the creation of the work and does not have to be claimed or applied by the creator.

Work in terms of the copyright law is defined as „...*peculiar, intellectual creations in the fields of literature, music, fine arts, and film art.*“⁴ In order for a work to be qualified as a peculiar⁵, intellectual creation⁶, it must have a certain individuality and design height and it has to be the result of a thought process.

A work can be exploited by third persons in two ways. Either the utilization takes place within the framework of the free use of the work⁷ or by copyright licensing agreements⁸. If the use is carried out without observing the legal requirements, the copyright holder may demand damages and injunctions from the illegal user.

² BGBl 111/1936

³ *Kucsko*, urheber.recht (2008) § 10 UrhG 3.

⁴ § 1 Abs 1 UrhG.

⁵ *Kucsko*, urheber.recht (2008) § 1 UrhG 2.3.

⁶ *Kucsko*, urheber.recht (2008) § 1 UrhG 2.2.

⁷ articles 41- 59c copyright law

⁸ F.e. copyright work (Werknutzungsbeilligungen) and right to use the work (Werknutzungsrechte) according to article 24 copyright law

With the copyright novelty 2015 the secondary exploitation right was introduced in article 37a copyright law⁹. If a contribution, which has been funded at least half by public funds, has already been published in a magazine (the magazine must be published at least twice a year), the contribution can be made available without restrictions by granting of a right of use of the publisher in the course of Open Access.

In the sense of Open Access, the author grants other persons free licenses. One of the most popular model is Creative Commons licenses. Creative Commons licenses are standardized licenses. These allow each legal owner to determine rules under which the content of the license is free of charge and can be used under a simple modular principle.

Creative Commons licenses consist of four modules:

- Attribution (BY): the name of the author must be mentioned
- Non-commercial (NC): the work may not be used for commercial purposes.
- No processing (ND): the work must not be changed.
- Distribution under the same conditions (SA): the work must be passed on under the same license.

The following licenses can be used with these modules:

- CC-BY (The user of the work must name the name of the licensor in connection with the work in the specified manner.)
- CC-BY-NC (The user of the work must name the licensor in connection with the work in a fixed manner and may not use the work for commercial purposes.)
- CC-BY-NC-ND (The user of the work must name the licensor in connection with the work in a fixed manner, he/she may not use the work for commercial purposes nor modify or edit it.)
- CC-BY-NC-SA (The user of the work must name the licensor in connection with the work in a fixed manner and may not use the work for commercial purposes.) If the user modifies or modifies the work, licenses may only be granted if the same conditions apply to the actual work.)
- CC-BY-ND (The user of the work must name the name of the licensor in connection with the work in a fixed manner and may neither modify nor edit the work.)
- CC-BY-SA (The user of the work must state the name of the licensor in connection with the work in a fixed manner.) If the user modifies or modifies the work, licenses may only be passed on if the same conditions apply, to which the actual work is subject.)

The St Pölten University of Applied Sciences recommends its employees to use a CC-BY license. For further information, please refer to the FH Knowledge Translator's Guide.

⁹ Höhne in *Höhne/Jung/Koukal/Streit*, Urheberrecht für die Praxis², S. 188 ff.

Further information

For legal issues and advice, please contact: kathrin.kogler@fhstp.ac.at

For information on grants from the FWF Austrian Science Fund and the Austrian Research Promotion Agency (FFG), please contact: wolfgang.rhomberg@fhstp.ac.at

For all other aspects, please contact: maja.gusavac@fhstp.ac.at