



Utrecht
University

Open access regulations regarding Short Scientific work at Utrecht University (based on Article 25fa Dutch Copyright Act)

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Chapter I – General

Article 1.1 – Definitions

1. For the purposes of these Regulations, the terms below are defined as follows:
 - Auteurswet: Dutch Copyright Act;
 - cao NU: The collective labour agreement of Dutch Universities;
 - Employer: Utrecht University, legally represented by the President of the Executive Board;
 - Employee: A person who has a current employment contract with the Employer on the grounds of the cao NU;
 - Former employee: A person who has had an employment contact with the Employer on the grounds of the cao NU;
 - UU: Utrecht University;
 - Executive Board: The Executive Board of UU;
 - Repository: Institutional digital archive containing various forms of information (e.g. text, audio, and visual), in which the research output of UU is stored, administered, and saved;
 - Open Access: Free, permanent, online access to reusable scientific information (hereinafter: Short scientific works), which the reader does not have to pay for;
 - Opt-out: The possibility of excluding specific Short scientific works from Open Access on the grounds of these Regulations;
 - Regulations: Open access opt out regulations;
 - Research output: (Scientific) Publications and research activities;
 - Short scientific work: A result of scientific research that is published in short form and is bibliographically traceable, such as to include a selection of the KUOZ publication types¹, including articles, book chapters and conference publication;
 - Tacit non-exclusive licence: consent for the publication of a Short scientific work that is not explicitly granted;
 - UNL: Association of Universities in the Netherlands;
2. Wherever the singular form is used in these Regulations, this may also be interpreted as the plural form and vice versa.
3. These Regulations are not applicable to employees or former employees of the UMCU. UMCU has Regulations of their own.

Chapter II – Recitals

Article 2.1

1. Article 25 fa Auteurswet² entitles researchers to share a Short scientific work without financial consideration following a reasonable period after publication.
2. Pursuant to Article 1.20 cao NU, the Employer can impose reasonable rules in relation to copyright. In that context, rules are set in these Regulations concerning making research output available Open Access.
3. These Regulations facilitate an easy way for the Employee to exercise their rights under Article 25fa Auteurswet.

¹ In accordance with the definition agreements in the Key Indicators for University Research (KUOZ): [Kamer \(universiteitenvannederland.nl\)](http://kamer.universiteitenvannederland.nl)

² Article 25 fa Auteurswet states: The author of a Short scientific work, the research for which has been wholly or partially paid for with Dutch public funding, has the right to make that work available to the public for no financial consideration following a reasonable period of time after the work was first published, provided that clear reference is made to the source of the first publication of the work.



4. These Regulations implement the vision of the Dutch government and the Dutch Code of Conduct for Scientific Integrity³ that publicly funded research should be as accessible as possible, in relation to which agreements⁴ have been made between UNL and the Ministry of Education, Culture and Sciences.

Chapter III – Open Access

Article 3.1

1. The Employer will facilitate the implementation of Article 25fa Auteurswet on the basis of a Tacit non-exclusive licence.
2. The Employee grants the Employer the non-exclusive right to make all Short scientific works, that the Employee has produced and shall produce under employment with Employer, available in Open Access through the Repository following a reasonable period of time after the work was first published and provided that clear reference is made to the source of the first publication of the work, unless the Employee informs the Employer that a particular Short scientific work may not be shared Open Access.
3. Relating to 'a reasonable period', as referred to in paragraph 2, a period of six months after the first publication is considered reasonable. This period can change as a result of changes in the applicable laws and regulations.
4. The Employee shall remain independently authorised to exercise their rights under Article 25fa Auteurswet and to make the work publicly available on their own website and/or to give other parties consent to make the works available to the public without financial consideration.

Chapter IV – Opt-out

Article 4.1

1. The Employee or former employee has the right to exclude each separate Short scientific work from Open Access by opting out. The Employee retains this right also after the reasonable period referred to in article 3.1 has expired.
2. The Employee can inform the Employer which Short scientific work may not be shared Open Access.
3. The Employer can ask the Employee or former employee to explain the reasons for Employee's or former employee's election to opt out.
4. The Employer shall make the Opt-out available on the website of the University Library of the Employer.
5. In case of an Opt-out, UU will process personal data of the employee, including at least surname, initial(s), and faculty/department (see article 8.1).

³ See starting point 11 under the Standards for Good Research Practices (under 3.2 Design) in the Dutch Code for Scientific Integrity: [Netherlands Code of Conduct for Research Integrity 2018.pdf \(universiteitenvanonderland.nl\)](https://www.universiteitenvanonderland.nl)

⁴ <https://www.rijksoverheid.nl/documenten/convenanten/2018/04/09/sectorakkoord-wetenschappelijk-onderwijs-2018>



Chapter V - Retroactive force

Article 5.1

1. These Regulations shall apply with retroactive force for Short scientific works produced during the employment contract of Employees or former employees with the Employer prior to the date that these Regulations take effect.
2. The Opt-out for the Short scientific works referred to in paragraph 1 of this article will be made available on the website of the University Library of the Employer.

Chapter VI – Obligations and indemnities

Article 6.1 - Obligations

1. When a work is deposited in the Repository, the Employer shall in all cases state the source of the first publication of the Short scientific work.
2. The Employer shall not make the short work publicly available prior to the lapse of the period referred to in article 3.1, paragraph 3.
3. The Employer and the Employee shall immediately notify one another of any infringements of the short work or short works, or if a third party makes a claim to the short work or short works, or states that one or more short works constitute an infringement of their rights.

Article 6.2 - Indemnification

1. The Employer shall indemnify the Employee or former employee against all claims of third parties resulting from the publication by the Employer of Short scientific works on the grounds of these Regulations unless the claim is to a significant extent the result of wilful misconduct or deliberate recklessness on the part of the Employee or former employee.
2. The Employer shall likewise indemnify the Employee against any costs, fines, or damages that have to be paid by the Employee or former employee as a result of the publication by the Employer of Short scientific works on the grounds of these Regulations, unless the Open Access opt out Regulations 2024 Utrecht University claim is to a significant extent the result of wilful misconduct or deliberate recklessness on the part of the Employee or former employee.
3. If a situation occurs as described in paragraphs 1 and/or 2, the Employer shall put forward a defence on behalf of the Employee or former employee against such claims, costs, fines or damages, and bear any associated costs.
4. The provisions stated in this article also apply if, at the moment of publication of the Short scientific work on the grounds of these Regulations, a situation occurs where the Employee or former employee is no longer employed by the Employer.

Chapter VII – Scope of application of the Regulations

Article 7.1

1. These Regulations shall remain in force regardless of whether or not further, supplementary or differing agreements are made between the Employee and the Employer and shall also remain in force when the Employer exercises the rights described in article 1.22 cao NU.



Chapter VIII - Final and transitional provisions

Article 8.1 – Handling of personal data

1. The processing of data under these regulations is subject to regulation (EU) 2016/679 (GDPR). For more information on how the UU handles personal data, see UU's 'Privacy statement employees'⁵.

Article 8.2 – Administration of Regulations

1. These Regulations are administered by: Utrecht University Library.

Article 8.3 – Translation

1. If there are any inconsistencies between a translation of these Regulations and the Dutch version, the Dutch version shall prevail.

Article 8.4 – Publication

1. The Executive Board will post these Regulations on the university website.

Article 8.5 – Entry into force

1. After endorsement by the Executive Board, these Regulations will enter into force on 1 January 2024.

Article 8.6 – Short title

1. These Regulations are referred to as: Open Access opt out Regulations.
2. These Regulations are abbreviated as: OAOUR.

Article 8.7 – Applicable law

1. These Regulations are exclusively governed by Dutch law.

⁵ [Privacy statement employees Utrecht University - Organisation - Utrecht University \(uu.nl\)](#)