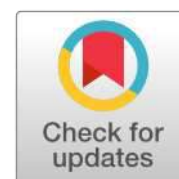


EMBRACING FULL OPENNESS: TRANSITIONING ESNBU FROM CC BY-NC TO CC BY

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Abstract

This editorial explores the rationale behind transitioning the ESNBU journal's content licensing from CC BY-NC (Attribution-NonCommercial) to CC BY (Attribution). For a decade, the journal operated under the CC BY-NC license to restrict commercial use, but this approach has unintentionally limited its reach and visibility. The objective is to address these limitations and promote unrestricted dissemination of scholarly content. The analysis involved a review of the journal's indexing history, feedback from database providers, and usage statistics over the past ten years. We examined cases where the NC clause hindered the journal's inclusion in databases, especially those operated by commercial or for-profit entities. We also reviewed existing literature on licensing impacts in open access publishing to understand broader trends and potential benefits of a transition to CC BY. The study found that the NonCommercial restriction created significant barriers to the journal's visibility and dissemination. Several commercial and academic databases opted not to index the journal's content due to ambiguity around the "commercial use" clause. By transitioning to a CC BY license, we anticipate enhanced indexing opportunities, increased content integration into educational resources, and a broader reach, ultimately leading to higher citation rates and greater impact. Moving to a CC BY license aligns the journal with the principles of Open Science, fostering unrestricted access to knowledge. This change supports wider dissemination, potential for increased collaboration, and enhanced visibility in academic databases. Future analysis will focus on measuring the impact of this transition on the journal's citation metrics, user engagement, and overall accessibility.

Keywords: Diamond Open Access, Creative Commons licensing, NonCommercial restriction, licensing transition, educational content use, Open Science

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In the evolving landscape of scholarly communication, Diamond Open Access (Diamond OA) journals have emerged as a vital player. With no fees for authors or readers, Diamond OA offers an inclusive model, enabling equitable access to knowledge. However, the nuances of content licensing remain a critical consideration in realizing the full potential of open access. One key issue is the choice of Creative Commons licenses.

ESNBU Background

English Studies at NBU (ESNBU) was launched as an Open Access journal in 2015 publishing articles in Language and Linguistics. Since the launch of the journal, published articles have been licensed as CC BY-NC. The justifications for this decision are manifold as ESNBU wished to consider the overall benefits for both the journal and the authors.

Advantages for the journal

The authors retain full copyright so the journal, with the limited resources it operates with, would not be involved in maintaining copyright of the articles, nor would it be involved in expensive litigation for breaches - "It is the author's responsibility to bring an infringement action if so desired by the author", as worded in the ESNBU Policy.

Advantages for the authors

In combination with the full author's rights retention, an article published under an NC license, on the other hand, would not prevent the authors from monetizing their work.

As with all CC licenses, the NC licenses only restrict what a reuser may do under the license and not what the licensor (rights holder) can do. Licensors that make their works available under an NC license are always free to monetize their works. (CreativeCommons, 2017)

For the past decade, *English Studies at NBU*, as a Diamond Open Access journal, has operated under a CC BY-NC (Attribution-NonCommercial) license. This approach was initially chosen to ensure that content remained freely accessible while protecting it from potential commercial exploitation. However, over time, it became evident that this restrictive licensing decision has had unintended consequences on the journal's reach and impact.

While the journal has been indexed in several prominent databases, others have declined to include our content due to the NonCommercial (NC) clause. Some of these are for-profit or commercially managed platforms that were hesitant to engage with material released and labelled as "non-commercial." Additionally, some non-commercial academic databases, confused by the ambiguities surrounding what constitutes a "commercial use," opted not to ingest our articles, fearing potential legal repercussions. This uncertainty limited ESNBU's visibility and the potential for wider dissemination, despite its commitment to Open Access and Open Science.

The Limitation of CC BY-NC

The CC BY-NC license, although well-intentioned, has shown several limitations in practice. The "NonCommercial" restriction creates ambiguity, as there is no clear definition of what constitutes "commercial use". For example, the educational use by for-profit institutions. Universities and schools that operate on a for-profit basis often question whether they can freely use NC-licensed material in their coursework.

Klimpel (2021) discusses that the educational landscape is made up of many small and medium-sized businesses, as well as freelancers and self-employed individuals who need to operate sustainably. It also includes cooperatively organized educational providers and associations that may gain economic advantages through their activities. Even non-profit organizations often receive monetary payments, and if they are not entirely funded by public sources or donations, they must engage in some form of commercial activity to remain viable. Thus, many educational stakeholders, beyond public school and university teachers or civil servants, need to generate income as part of their work.

As already noted, it is challenging to define clearly what qualifies as "commercial use," leading many to avoid NC-licensed content whenever any kind of payment or monetary benefit is involved, even if such use might technically be allowed. This uncertainty creates a strong deterrent, especially for professionals in the educational sector outside of state-run schools, who worry about unintentionally violating the license. In the education and training sector, many institutions rely on their own revenue streams, as they are not fully funded by public sources. Because they depend on course fees, they are often classified as commercial entities, which means they cannot use content licensed

with a CC BY-NC (NonCommercial) clause without obtaining the author's permission. (Wikimedia, 2024)

On the other hand, there are various uses that are desirable from an educational perspective. An example of this would be newspaper reporting and any form of media coverage, where the use of content would be considered commercial even though this reporting is desirable from the perspective of a school or another educational institution, or in our case of reporting scientific results.

By using the NC license, ESNBU has been somewhat incongruent with the definition of Open Access in the Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities, thus:

The author(s) and right holder(s) of such contributions grant(s) **to all users** a free, irrevocable, worldwide, right of access to, and a license to copy, use, distribute, transmit and display the work publicly and to make and distribute derivative works, **in any digital medium for any responsible purpose**, subject to proper attribution of authorship (community standards, will continue to provide the mechanism for enforcement of proper attribution and responsible use of the published work, as they do now), as well as the right to make small numbers of printed copies for their personal use. (emphasis mine) (Open Access Initiatives of the Max Planck Society, 2003)

The NonCommercial clause is restrictive if a reuser of ESNBU's content is a for-profit organisation. "The Berlin Declaration", thus, envisages the most open of the CreativeCommons' licenses, namely the CC BY. Further to that, the restriction to non-commercial use is considered incompatible with the concept of "open content", effectively rendering the ESNBU published content incompatible for inclusion in Open Educational Resources (OER):

[...] ND licenses cannot be combined under any circumstances because editing and thus combining with other materials is excluded. Open educational resources are in any case not compatible with NC or ND licenses. (Klimpel, 2019)

Another hindrance is for commercial academic tools and databases. Platforms that provide access to scholarly content, even if the end users are researchers or students, may

hesitate to include NC-licensed content due to their business model. A very plain example is that “content marked as NC cannot be included in free knowledge databases like Wikipedia, in some kind of open media archives and in open-source projects”. (Wikimedia, 2024)

And still another case is the innovative reuse by startups and commercial entities interested in developing educational tools or analysis platforms – they often avoid NC-licensed materials to mitigate legal risks. For example, ESNBU’s request to be indexed in the research library of a research AI tool, which would have involved ingestion of our full-text articles, was declined even after discussion with the founders of the for-profit start-up.

Similarly, using NC-licensed content on blogs and in podcasts can also become problematic. Many bloggers display ads to cover hosting costs or earn extra income, making their use of the content potentially commercial, or at least ambiguous under the NC terms. This may well be one of the reasons that ESNBU’s content has accrued very few mentions on Altmetric through social media sites, newspapers, policy documents, blogs, Wikipedia and other sources.

In academia, which is the journal’s primary publishing audience, attribution is often more important to authors than commercial gain from the published work. Additionally, authors in the SSH disciplines almost never come up with any patentable or otherwise monetizable outcome, but the published work itself. So, protecting particular content (through a NC license) might have some economic value, sometimes but not always, on the theory that attribution may ultimately lead to greater commercial gain overall, for example by including the work in a collection together with other works. A conflict emerges here for the reusers, like commercial publishers, who wish to create a collection for sale because a NC licensed work cannot be mixed with SA (ShareAlike) licensed content, for example. (CreativeCommons, 2017)

Still another grey area for possible conflict may be if the research for a publication is funded and the NC license conflicts with the funder’s terms and policies. ESNBU has not specified this in its policies, and we are not yet clear how to act in such cases.

The end result is a significant portion of the scholarly ecosystem choosing to steer clear of our content, reducing its impact and reach.

The Benefits of Transitioning to CC BY

Considering these challenges, transitioning to a CC BY license offers more advantages, the first being broader accessibility: by removing the NonCommercial restriction, ESNBU opens itself to a wider array of uses. Content can be seamlessly integrated into educational resources, commercial databases, and digital tools, amplifying its dissemination without barriers.

The second benefit is increased indexing and visibility. Many academic and research databases, especially those operated by commercial entities, are more likely to ingest our content under a CC BY license, especially now that metadata and full texts are offered by ESNBU for automatic harvesting. This can significantly boost the journal's presence in global research platforms, increasing citations and overall impact.

The third one is clarity and ease of use. The CC BY license is straightforward allowing anyone to use, share, adapt, and build upon the work as long as proper credit is given. This simplicity reduces the hesitancy caused by the ambiguous interpretation of the "NonCommercial" clause, making it easier for libraries, educators, and developers to use the ESNBU content without fear of legal complications.

Aligning with the Principles of Open Science

Adopting a CC BY license is also a step towards aligning with broader Open Science initiatives. ESNBU has long advocated for openness – apart from open access, we have also long offered Open Abstracts, Open Citations, Open References, and we are open to text mining and machine readability. Also, ESNBU's metadata is released in the public domain under a CC0 1.0 License. However, the NC part clashes with our Diamond OA status and the principles of full openness. Open Science advocates for transparency, collaboration, and unrestricted access to research. The CC BY license embodies these values by removing unnecessary restrictions on content use, thereby enhancing the journal's alignment with the international movement towards a more open and accessible scholarly ecosystem.

Addressing Concerns About Commercial Use

Yet, a primary concern when moving from CC BY-NC to CC BY is the fear of commercial exploitation. However, it's important to remember that the CC BY license still requires appropriate attribution, protecting our author's rights and ensuring recognition. Moreover, most commercial uses of open access content - such as inclusion in educational resources or data mining for research purposes - serve to enhance the visibility and usability of the work rather than exploit it.

By allowing more flexible use of its content, the journal can reach broader audiences and encourage a variety of innovative applications that would otherwise be hindered by restrictive licensing.

Conclusion

As an excuse, when we launched the journal ten years ago, Creative Commons licensing was still new and not very widely adopted in the locale we operate. We ourselves were not very clear about the licensing and bearing in mind the local culture of the academia, we were attempting to prevent our authors from commercial exploitation of their work, but it inadvertently restricted the journal's reach.

After 10 years of operating under the CC BY-NC license, transitioning to CC BY marks a significant evolution for *English Studies at NBU* (ESNBU) as a Diamond Open Access journal. This change represents a commitment to maximizing the accessibility and impact of the research we publish, eliminating barriers that have limited our growth and visibility.

By embracing a fully open license, we are reaffirming our dedication to the principles of Open Access and setting a new standard for inclusivity and accessibility in scholarly publishing. Now that we are more experienced, we aim to remove these barriers, allowing broader dissemination and ingestion of our articles. We look forward to this new chapter, confident that it will enhance the journal's reach, increase its impact, potentially increasing citations and readership, and better serve the authors we publish and the global academic community.

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