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Directive of the Presidency

The President of the Oswaldo Cruz Foundation, in the use of his attributions and of the competency delegated by Directive of MS/nr 938, dated 22.07.1999,

DECIDES:

1.0 – PURPOSE

To establish the Policy on Open Access to Knowledge, with the aim of ensuring free, public, and open access to society of the integral contents of all intellectual work produced by Fiocruz.

2.0 – OBJECTIVE

Considering information as a public good and one of the social determinants in health, the principles of the Brazilian Constitution, the Universal Declaration of Human Rights, the global access to knowledge movement, as well as the guidelines of the Federal Government for its promotion, which include the integrity of the accomplished and published research, the Oswaldo Cruz Foundation (Fiocruz) by means of this Directive establishes its Policy on Open Access to Knowledge.

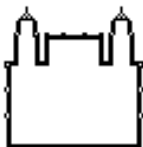
2.1. GENERAL PRINCIPLES

Democratization and universalization of the access to knowledge in sciences and humanities is a fundamental condition to the egalitarian and sustainable development of nations. Its establishment aims at ensuring free, public and open access to society of the integral contents of the intellectual work developed by Fiocruz. This Policy is aligned to and enhances the international initiatives to support the Open Access and Research Integrity.

The Policy will contribute to strengthen the mechanisms of preservation of the institutional memory and increase the access and the impact of the intellectual output of Fiocruz, consisting of an important instrument that shall promote, in an organized and gathered manner, dissemination, accessibility and, consequently, visibility of the knowledge generated in the Institution.

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Fiocruz recognizes and respects copyrights, whether moral or patrimonial, and other intellectual property rights regarding the produced knowledge and also recognizes that public institutions must ensure that the society has access to the knowledge produced by it, grounded on the Universal Declaration of Human Rights, Article XXVII.

The access to the intellectual works deposited in the Institutional Repository Arca shall comply with the legal hypothesis of compulsory confidentiality in force, especially those in the following laws:

- Nr. 9.279/96 (regulates rights and obligations regarding industrial property)
- Nr. 9.609/98 (regulates the protection of intellectual property of computer software)
- Nr. 10.973/2004 (regulates innovation and scientific and technological research)
- Nr. 12.527/2011 (regulates the access to information).

Thus, every intellectual work will only be considered of open access when it is not subject to any form of legal confidentiality or restrictions for its availability to the general public. The intellectual work, for the purposes of the institutional policy on open access of Fiocruz, is understood as every scientific, technical, technological, cultural and educational output of Fiocruz.

The Policy has a mandatory character initially regarding the deposit in the Institutional Repository Arca of the dissertations and thesis defended at the Post-Graduate Programmes of Fiocruz and of the scientific articles published in journals. The moral rights and commercial use of the author's works are protected. The mandatory deposit and availability of dissertations and thesis are based and regulated by the normatives and recommendations of Capes. The embargo period established by the journals shall be respected. Once the embargo period has elapsed, the scientific articles deposited in the Institutional Repository Arca will be made available in open access.

The Policy on Open Access to Knowledge of Fiocruz and the Institutional Repository Arca will have different mechanisms to ensure its implementation and operation.

The Policy will contemplate different incentives to Open Access, such as institutional funding aiming at the publication of articles in Open Access Scientific Journals.

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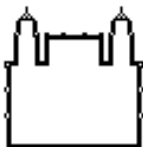
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2.2. POLICY ON OPEN ACCESS TO KNOWLEDGE

Chapter 1. Definitions and Objectives

Art. 1. The Policy on Open Access to Knowledge, which is an integral part of the Policy on Information and Communication of Fiocruz, seeks to ensure free, public and open access to society of the integral contents of all intellectual work produced by Fiocruz.

Sole Paragraph – The objectives of the Policy on Open Access to Knowledge of Fiocruz are:

- I. Support the public and free access to the knowledge produced by the institution;
- II. Preserve the institutional memory;
- III. Give visibility and disseminate the intellectual output;
- IV. Support the planning and management of research;
- V. Establish directives for the registration and publicization of the intellectual output.

Art. 2. The Institutional Repository Arca is the main instrument of the realization of the Open Access established by the Policy.

Sole Paragraph - The Institutional Repository Arca is maintained by the Institute of Scientific and Technological Communication and Information on Health (Icict) of Fiocruz. Its function is to host, make available and give visibility to the intellectual output of the Institution, gathering it in a unique access point, and stimulate the most ample circulation of knowledge, in order to strengthen the institutional commitment to free access on scientific information on health, besides conferring transparency and stimulating scientific communication among researchers, educators, scholars, managers, postgraduate students and civil society.

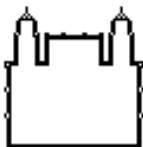
Art. 3. For the purposes of this Policy the intellectual work is defined as all scientific, technical, technological, cultural, didactic and educational output of Fiocruz.

Art. 4. The Policy on Open Access to Knowledge is applicable to every intellectual work:

- I. Of individual authorship, co-authorship or collective authorship of professionals of Fiocruz, and of those others in any way linked to the Institution at the moment of the output.

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II. Developed with physical or financial resources, or involving workers of Fiocruz or produced by the authors in the exercise of their functions, even when in partnership with other public or private legal entity or individual.

Art. 5. For the purposes of this Policy, authors of Fiocruz are considered the employees, teachers and collaborators directly or indirectly commissioned and other individuals in any way bound to Fiocruz.

Art. 6. The Policy on Open Access to Knowledge has a mandatory character. Therefore, it makes obligatory the deposit in the Institutional Repository Arca of the dissertations and thesis defended at the Post-Graduate Programmes of Fiocruz and the articles produced within Fiocruz published in scientific journals.

§ 1 - This Policy is applicable, not exclusively, to the deposit of *postprint* scientific articles, respecting the embargo period defined by the journals which have published them. Once the embargo period has elapsed, the scientific articles deposited in the Institutional Repository Arca will be made available in open access.

§ 2 - The compliance with the deposit in the Institutional Repository Arca will propitiate benefits to the authors regarding the competition in internal edicts or other mechanisms of own resources of Fiocruz.

§ 3 - The stated in the *caput* will depend on the conclusion and implementation of the Operative Plan of the Policy on Open Access.

Art. 7 - The access to the intellectual works deposited in the Institutional Repository Arca shall comply with the legal hypothesis of compulsory confidentiality in force, especially those in the following laws:

- nº 9.279/96 (regulates rights and obligations regarding industrial property)
- nº 9.609/98 (regulates the protection of intellectual property of computer software)
- nº 10.973/2004 (regulates innovation and scientific and technological research)
- nº 12.527/2011 (regulates the access to information).

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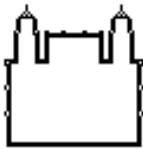
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Chapter 2. Governance Instances and Mechanisms

Art. 8 – The execution of this Policy is shared by the Presidency and the units of Fiocruz.

Art. 9 - The Policy on Open Access to Knowledge of Fiocruz and the Institutional Repository Arca will have the following governance structure: Committee of Regulation of the Policy on Open Access to Knowledge; Management Committee of the Institutional Repository Arca; and Nuclei of Open Access to Knowledge (NAACs).

Sole Paragraph – These three governance instances of the Policy on Open Access to Knowledge will work in an articulated and complementary manner, ensuring integrated work between the units and the Presidency of Fiocruz.

Art. 10 - The Committee of Regulation of the Policy on Open Access to Knowledge is the instance responsible for the supervision and monitoring of the execution of this Policy. This Committee is coordinated by the Vice-Presidency of Education, Information and Communication (VPEIC) and is composed of:

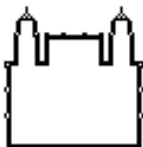
- I. One representative of the Library Network of Fiocruz;
- II. One representative of the Institute of Scientific and Technological Communication and Information in Health (Icict);
- III. One representative of the Gestec-NIT System;
- IV. One representative of the Committee of Integrity in Research of Fiocruz appointed by the Vice-Presidency of Research and Reference Laboratories (VPPLR);
- V. One representative of each of the following Units: Gonçalo Moniz Research Center (CPqGM); Oswaldo Cruz Institute (IOC); Sergio Arouca National School of Public Health (ENSP); Oswaldo Cruz House (COC); Evandro Chagas National Institute of Infectology (INI), and Joaquim Venâncio Polytechnic School of Health (EPSJV).

Sole Paragraph - The representation of the units and their surrogates will be made by the Deliberative Council of Fiocruz and will have a two-year mandate. A representative of a regional unit shall necessarily take part in this composition.

Art. 11 – The Management Committee of the Institutional Repository Arca is the instance responsible for the coordination, management, operation, participation and adhesion to the Repository in articulation with the NAACs. Its objective is to define the action lines, work plan, and operation of the Institutional Repository Arca and ensure the operative alignment between the units.

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Sole Paragraph – This Committee is coordinated by the Institute of Scientific and Technological Communication and Information in Health (Icict) and is constituted by a technical coordination and by the executive team of the Institutional Repository Arca located in that institute.

Art. 12 – It is the responsibility of the Committee of Regulation of the Policy and of the Management Committee to annually promote the presentation and the analysis of the conduction and performance of the Institutional Repository Arca within the Technical Chambers of Information and Communication, of Education, and of Research, with the aim of ensuring the ample debate regarding its operation and its adequacy and alignment to the Policy of Information and Communication of Fiocruz.

Art. 13 – The Nucleus of Open Access to Knowledge (NAAC) is the instance responsible within each unity for the coordination, management, operation, participation, promotion, and monitoring of the adherence to the Institutional Repository Arca. Among these actions are the gathering, the input, and the forwarding of the intellectual output of the unities. The NAAC shall be coordinated by a Directory instance of each unity, in accordance with the specificity of its organizational structure (Vice-Director of Research, Education, Institutional Development, Technological Development, or Information and Communication) and its composition should ensure the participation of a representative of the research advisory, the academic secretariat, professionals of the information area (preferably a librarian), the unity's reference library, management of documents or a representation of the service or nucleus of management of documents of the unity when there is one, information technology and a representation of the Nucleus of Technological Innovation (NIT) of the unity when there is one.

§ 1 - It is the responsibility of each NAAC to ensure the quality and the authenticity of the data and the material deposited in the Institutional Repository Arca;

§ 2 - The NAAC will be responsible for the management of the scientific output during the embargo period;

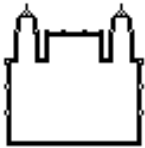
§ 3 - The activities of the NAAC will be detailed in the Operative Plan of the Institutional Repository Arca.

Art. 14 – The financial management of the Institutional Repository Arca will be made with resources of Fiocruz specifically allocated for this purpose.

§ 1 – The Presidency of Fiocruz is responsible for the provision of resources for the information retrieval of the institutional scientific output previous to the implementation of this policy;

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§ 2 - The Iclit is responsible for the technological and methodological development for the operation and maintenance of the Institutional Repository Arca.

Chapter 3. Guidelines for the Operation of the Institutional Repository Arca

Art. 15 – The digital objects of the Institutional Repository Arca may contain text, image and audio.

Art. 16 – The operational management of the Institutional Repository Arca is under the responsibility of Iclit in a shared manner with all units.

Art. 17 - The Institutional Repository Arca is structured in communities for the organization of the information and the scientific output of each unit. Each community represents a unity of Fiocruz and the manager of each community shall be necessarily one of the components of NAAC.

Art. 18 - The Management Committee, composed of the technical coordination and the executive team of the Institutional Repository Arca, is the instance responsible for the definition of technical guidelines, production of reports, management and creation of new communities and collections of all the technical and scientific units of Fiocruz.

Art. 19 - The Institutional Repository Arca shall have the capacity to integrate with national and international systems thus allowing for automatic inclusion and collection of pertinent intellectual output, observing in particular the protocols and standards defined in the model Open Archives Initiative (OAI).

Art. 20 - The capture of scientific output records will be executed by means of a set of differentiated strategies that will be applied according to the needs of each unit with the support of the Managing Committee.

Sole Paragraph – Preferably, self-archiving will be adopted, when the authors will fill in the metadata and deposit the digital object. Libraries and community managers will be facilitators for self-archiving.

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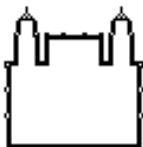
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Chapter 4. Authors' Rights and Obligations

Art. 21 - The authors shall transfer to Fiocruz, freely and not exclusively, the rights of non-commercial use of intellectual works, during the copyright term, in any medium or vehicle including and primarily digital medium, in all countries and languages, with the purpose of making it available, publicly, freely, and for non-commercial use, reserving to the authors the moral rights and the commercial use of intellectual works of the authors or holders.

§ 1 - The transfer of use to Fiocruz by the authors will allow the non-commercial, free, and not exclusive, on a permanent and irrevocable character, of the work available in the Institutional Repository Arca, by any individual or legal entity.

§ 2 - The permission to use includes the rights to reproduce, exhibit, execute, recite, expose, archive, insert in a database, disseminate, distribute, propagate, make available, lend, translate, include in new works or collections, or any manner of using the available material, as long as there is no commercial purpose and the moral rights be respected giving the due credit to the original authors.

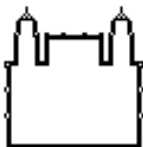
§ 3 - It is possible, as long as requested by the author and defined in its assignment of copyrights, to make the intellectual work available in the Institutional Repository Arca with a broader cession that includes, for instance, the commercial use.

§ 4 - The intellectual works deposited in open access in the Institutional Repository Arca may be freely used by any individual or legal entity for purposes such as private, personal, educational, research, scientific, informative, archiving, preservation, dissemination, propagation, demonstration, availability or any other non-commercial purposes.

Art. 22 – The requests for invention and utility model patent, industrial design registration and trademark registration shall be deposited in open access in the Institutional Repository Arca following its publication by the National Institute of Industrial Propriety.

Art. 23 – The scientific articles published in journals with restriction of access shall be deposited in the Institutional Repository Arca and will be under embargo for the length of time established by the journal in the contract. Once the embargo period has elapsed, the scientific articles deposited in the Institutional Repository Arca will be made available in open access.

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Art. 24 - The edicts, agreements, contracts, internal bylaws of the units and its post-graduate programmes and any other legal instrument published by Fiocruz shall be adjusted to this Policy, where it may concern, except for the hypothesis of confidentiality of information specified by law.

Art. 25 – All moral rights are reserved to the authors, as well as the commercial uses of works of their authorship, unless there are exceptions specified by law or in contractual instruments.

Chapter 5. On Incentive and Funding

Art. 26 – The authors shall preferably publish in open access journals or in those that include in their publishing contracts the need to deposit and make available the articles published (*postprint*) in open access repositories.

Art. 27 – The aims of the adhesion to the Policy on Open Access to Knowledge of Fiocruz are:

§ 1 - Promote the public and free access to the knowledge produced by the institution;

§ 2 - Enlarge the visibility and citations of scientific works produced in Fiocruz;

§ 3 - Stimulate greater participation of Fiocruz authors in competitions of foment agencies in which the deposit in institutional repository is a precondition for the enrollment;

§ 4 - Optimize the digital and authorial management, safeguard, and preservation of Fiocruz production;

§ 5 - Consolidate the Institutional Repository Arca as the instrument of scientific information management of the Institution. Arca is the reference for all institutional processes which need information on the scientific output, such as performance assessment, post-graduate programmes evaluation, planning, among others.

Art. 28 – The institutional funding aiming at the publication of intellectual work of Fiocruz in Open Access Scientific Journals which require the payment of financial values for the processing of articles, both on the national and on the international scope, will be established in specific regulation.

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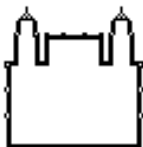
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Art. 29 – The editorial policy of Fiocruz, adopted by Fiocruz Publishing House and by the Scientific Journals and Scientific Dissemination, shall be aligned with the directives established in this Policy.

Art. 30 - The Committee of Regulation of the Policy on Open Access to Knowledge is the instance responsible for defining other mechanisms to stimulate and promote this Policy.

Chapter 6 – Final Provisions

Art. 31 – The cases not included in this Directive will be appreciated by the Committee of Regulation of the Policy on Open Access to Knowledge of this Policy.

Art. 32 - This Policy will enter into force upon its publication.

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