

Copyright Utopia: Alternative Visions, Methods, and Policies

Panel Discussion on Open Access Initiatives

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Publisher Outreach and Messages

- Communicate the importance of preserving research integrity through peer-review, and the risks posed by unfunded government mandates that would expropriate publishers' investments in the many facets of scholarly publishing
- Educate stakeholders about publisher investments in peer-review and range of added value, as well as publishers' own initiatives to broaden information access
- Engage in outreach to Congress, funding agencies, university administrators, and researchers/faculty/students
- Develop allies to generate "win-win" solutions to the shared goal of ensuring an informed public, and enabling widespread access to reliable scientific information
- Oppose unfunded government mandates and unwarranted government intervention in the marketplace for scientific information

PUBLIC ACCESS UPDATE

AREAS OF AAP/PSP ACTIVITY IN 2006

- Supported open access initiatives via public-private partnerships
 - *patientInform.org*
 - *HINARI*
 - *AGORA*
- Offered to help successfully implement the NIH public access policy by facilitating author manuscript deposits
 - Publishers sought engagement with NIH
 - Also worked legislatively to keep NIH public access policy voluntary and timing of open availability at 12 months
- Advised against the spread of mandatory public access policies to other federal agencies as being premature and unwarranted

Publishers Seek to Facilitate Author Participation

in NIH PubMed Central

- July 31, 2006: AAP Professional & Scholarly Publishing Division letter to NIH Director Elias Zerhouni, accompanied by proposed Publisher Principles, offered to assist in accelerating deposits
- Offer declined by NIH more than 2 months later:
 - *"We are concerned that under a voluntary policy, any approach that relies on author involvement may not result in full deposition...given our concerns, we feel that the wisest course of action is to observe what the actual deposition rate will be through this approach before discussing broader implementation"* (Elias Zerhouni to AAP, October 12, 2006)
- Status:
 - AAP/PSP engaged in educational outreach to generate Congressional support to encourage NIH to work with publishing community to facilitate current NIH Public Access Policy. Change would be premature and is not warranted
 - Invoking House NIH Reauthorization language to create role for journal publishing community

House FY 2007 LHHS Appropriations Bill

H.R. 5647 - Section 220:

"The Director of the National Institutes of Health (NIH) shall require that all investigators funded by the NIH submit an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication to the NIH National Library of Medicine's PubMed Central as soon as practicable but no later than 12 months after the official date of publication."

House FY 2007 LHHS Appropriations Language

- AAP/PSP Action: Executive Council letters to Senate & House Appropriators expressing concern about mandate
- Outreach:
 - Engaged support from individual member publishers
 - Encouraged advocacy by scientific societies
- Results:
 - No similar language in Senate LHHS Bill
- Status:
 - NIH operating under Continuing Resolution in 2007



House NIH Reauthorization

- Amendment during *House Energy & Commerce Committee* mark-up threatened to make NIH public access policy **mandatory** and access open at **6 months**
- AAP/PSP engaged in outreach to urge against adoption of this amendment
- **Result:**
House FY 2007 NIH Reauthorization Bill (Section 5):
"....The Committee has listened to stakeholder concerns about NIH's current open access policy with respect to making published literature available online. The Committee will continue to monitor the open access policies adopted by the NIH, including the management of the program and the participation levels of scientific journals"



Free Lunch?



- The Federal Research Public Access Act (S.2695) was introduced last year by Senator John Cornyn (R-TX) and Senator Joseph Lieberman (I-CT)
- S.2695 outlined the terms of an unfunded government mandate that would expropriate publishers' investments in peer-reviewed scientific publishing in favor of government-run repositories open to the web
- Would have **mandated deposit of peer-reviewed author manuscripts open access at 6 months** for all federal agencies with an annual extramural research expenditure of over \$100 million
- The legislation would make the published results of US taxpayer-funded research available not only to all American citizens, but as a "free lunch" to the world
- Open Access advocates claim this will help US competitiveness in science



S. 2695 - Federal Research Public Access Act of 2006 (Cornyn-Lieberman)

- **AAP/PSP actions:**
 - Enlisted support of more than 70 member and other scholarly publishers, scientific societies, and trade associations in joint letter(s) communicating adverse unintentional consequences of the bill
 - Engaged in outreach to key Senate offices expressing concerns
- **Status:**
 - Expect bill reintroduction in 110th Congress
 - Senator Lieberman's support not evident

Free Love?

- (Robert Indiana's best known image is the word "LOVE" in a square with a tilted "O". This image, first created for a Christmas card for the Museum of Modern Art in 1964, was included on an 8 cent United States Postal Service postage stamp in 1973, the first of a regular series of "love stamps"
- Indiana failed to register a copyright for the work, and found it difficult to deter unauthorized commercial use. The image has been reproduced in countless times in varying forms, including sculptures, posters, and 3-D desk ornaments (Wikipedia entry)



Pit Bull Attack



- "He's the pit bull of public relations," says Kevin McCauley, an editor at the magazine O'Dwyer's PR Report....Now, *Nature* has learned, a group of big scientific publishers has hired the pit bull to take on the free-information movement....(Jim Giles, reporting in *Nature Online*, January 24, 2007)

Good Pit Bull



- "We assist clients in a wide variety of endeavors and venues. In most cases, the situation is characterized by an urgent business objective, aggressive opposition and intense scrutiny"
- "The role of government in shaping the business climate continues to grow. Dezenhall Resources is an essential and sometimes decisive member of the public affairs team. Frequently working with lobbyists and lawyers, but also on our own, we generate supportive media coverage, recruit allies, mobilize grass-roots support and manage the communications strategy and implementation"

Alleged Bad Dog



- "I'm free to point out that any publisher of scientific research who even begins to entertain the notion that free access to scientific information can or should be equated with government censorship should be mocked mercilessly in every publication, online or off, free or subscription required, evanescent as a blog or solid as a hard-copy Encyclopedia Britannica, from now until they beg forgiveness from every human on this planet for their disingenuous mendacity" (Andrew Leonard in Salon.com)

Did Someone Say Censorship?



- "...In countries which broadly describe themselves as democratic, there have at times been allegations of **scientific censorship**, colloquially known as "**spin**", a form of massaging and censorship of science to ensure conclusions described match the agendas and wishes of non-neutral parties (political agendas, religious bodies or pressure groups' purposes, and the like), and that unfavorable results which undermine or fail to support such agendas are minimized..." (Censorship: Wikipedia entry)

Unfathomable?

- WASHINGTON, January 30, 2007.** Atmosphere of Pressure: An investigative report by the Union of Concerned Scientists (UCS) and the Government Accountability Project (GAP) has uncovered new evidence of **widespread political interference in federal climate science**. The report, which includes a survey of hundreds of federal scientists at seven federal agencies and dozens of in-depth interviews, documents a high regard for climate change research but broad interference in communicating scientific results ("Investigation Reveals Widespread Suppression of Federal Climate Research": <http://www.ucsusa.org>)
- Austin Tribune, June 2005:** "In what has become routine, a high-ranking official in the Bush administration has been spinning [climate change] data. [The] editing is a symbol of the larger issue, too--the administration's disdain for data that doesn't fit its political line...the White House prefers spin to the truth. That's a damning legacy for the president"
- New York Times, February 2004:** "No administration in recent memory has so shamelessly distorted scientific findings for policy reasons or suppressed them when they conflict with political goals. This is the nub of an indictment delivered last week by more than 60 prominent scientists, including 20 Nobel laureates. Collected in one place, this material gives a portrait of government wide insensitivity to scientific standards that, unless corrected, will further undermine the administration's credibility and the morale of its scientists."



National Coalition Against Censorship

<http://www.ncac.org/science/>

- "Recently, the federal government, motivated by a desire to sustain a specific political agenda, has suppressed and/or distorted scientific reports to a degree not previously seen in this country. This incursion on the scientific community has impinged on a wide range of topics, including the environment, climate change, contraception and abstinence education, stem cell research, missile defense, energy sources and evolution. And these attacks have come in various forms...."
- "All of these acts raise serious First Amendment concerns and represent a general assault on the scientific process. Further, they represent an erosion of our constitutional rights to freedom of speech, inquiry and exchange of ideas by creating a "chilling effect" for scientists who now fear repercussions for producing data or advocating positions that are inconsistent with the current political agenda. **This situation is untenable.**"
- The benefits to society of robust and unencumbered scientific research and debate are incalculable, especially considering that government-sponsored research is often the primary means to developing sound public policy."



Where Do Publishers Stand?



Foster Creativity

- Society benefits from the creative output of researchers, clinicians, academics, scholarly publishers and others engaged in the pursuit of scientific discovery and the distribution of accumulated knowledge



Protect Peer Review

- Scientific knowledge is sharpened and refined by the system of quality control known as peer review—a process that has stood the test of time as the rigorous means by which the public's investment and trust in science are assured through demonstrated academic excellence and scientific integrity.
- Publishers invest heavily in this process.



Ensure Intellectual Freedom

- Scientific knowledge should incorporate new research as part of the scholarly record based on merit alone—not tradition, ideology, or political expediency. Society is best served when the pursuit of scientific knowledge takes place in an environment of intellectual freedom—where objectivity and independence are guaranteed, and where published expression is protected from governmental or other controls, and is free of censorship or bias



Archive and Preserve

- Scientific knowledge must be documented and preserved in perpetuity, free of alteration, political or ideological pressures, or the threat of uncertain funding.



Leverage the Private Sector

- Research funding is best spent on new and important research studies, and should leverage rather than duplicate the valuable publishing infrastructure built over decades by private sector publishers working in partnership with the research community



Promote Dissemination

- Research results should be disseminated as broadly as possible, accomplished in a way that safeguards scientific integrity and the sustainability of investments in peer review, dissemination, archiving, and knowledge preservation. Raw research data should be made freely available to other researchers and those who funded the original research



Sustainability = Incentives

- Society is best served by sustainable business models that provide positive incentives for publishers to continue innovating in their distribution of scientific knowledge, investment in peer review, and exploration of preservation technologies



Let Market Forces Prevail

- The free market of scholarly publishing is dynamic and competitive, responsive to the needs of scholars and scientists, and balances the interests of all stakeholders in making research widely available. It encourages publishing innovation and diversity, and should remain free from government mandates that favor particular business models



Oppose Government Intervention

- Government intervention in science and scholarly publishing is contrary to the public interest. Such control is unnecessary, inappropriate, and creates distortions that can undermine the public's trust in science



The Brussels Declaration

www.stm-assoc.org/brussels-declaration/

- **The mission of publishers is to maximise the dissemination of knowledge through economically self-sustaining business models.** We are committed to change and innovation that will make science more effective. We support academic freedom: authors should be free to choose where they publish in a healthy, undistorted free market
- **Publishers organise, manage and financially support the peer review processes of STM journals.** The imprimatur that peer-reviewed journals give to accepted articles (registration, certification, dissemination and editorial improvement) is irreplaceable and fundamental to scholarship
- **Publishers launch, sustain, promote and develop journals for the benefit of the scholarly community**
- **Current publisher licensing models are delivering massive rises in scholarly access to research outputs.** Publishers have invested heavily to meet the challenges of digitalisation and the annual 3% volume growth of the international scholarly literature, yet less than 1% of total R&D is spent on journals
- **Copyright protects the investment of both authors and publishers.** Respect for copyright encourages the flow of information and rewards creators and entrepreneurs
- **Publishers support the creation of rights-protected archives that preserve scholarship in perpetuity**
- **Raw research data should be made freely available to all researchers.** Publishers encourage the public posting of the raw data outputs of research. Sets or sub-sets of data that are submitted with a paper to a journal should wherever possible be made freely accessible to other scholars
- **Publishing in all media has associated costs.** Electronic publishing has costs not found in print publishing. The costs to deliver both are higher than print or electronic only. Publishing costs are the same whether funded by supply-side or demand-side models. If readers or their agents (libraries) don't fund publishing, then someone else (e.g. funding bodies, government) must
- **Open deposit of accepted manuscripts risks destabilising subscription revenues and undermining peer review.** Articles have economic value for a considerable time after publication which embargo periods must reflect. At 12 months, on average, electronic articles still have 40-50% of their lifetime downloads to come. Free availability of significant proportions of a journal's content may result in its cancellation and therefore destroy the peer review system upon which researchers and society depend
- **"One size fits all" solutions will not work.** Download profiles of individual journals vary significantly across subject areas, and from journal to journal
