

THE NIH PUBLIC ACCESS POLICY¹

WHAT IS THE LAW:

“The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine’s PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after official date of publication: Provided, that the NIH shall implement the public access policy in a manner consistent with copyright law.” (Consolidated Appropriations Act, [PL 110-161] enacted December 26, 2007)

WHAT IS AT STAKE UNDER THE PUBLIC ACCESS POLICY:

- Opening up to the public 90,000 new scientific articles each year reporting research that U.S. taxpayers have funded through NIH’s annual 32 billion dollar investment in biomedical research.
- Putting current, quality research in the hands of scientists in industry and academia to accelerate the pace of discovery.
- Creating a central repository of biomedical information that serves multiple audiences from researchers to students, from doctors to entrepreneurs.
- Fostering progress towards the common goal of combating disease and improving health.

HOW IT WORKS:

- The NIH policy honors, and is consistent with, U.S. copyright law. The author, as the creator of the work, holds the copyright in the original paper. The author gives NIH a non-exclusive right to distribute the paper in PMC and may transfer to the publisher the balance of his rights, including an exclusive copyright for the final published version of the paper.
- NIH awards fund institutions to conduct research.
- NIH awards are also used to produce peer-reviewed papers. NIH awards fund salary support to write papers and publications costs, such as page charges and open access fees.
- Authors of papers using NIH funds may publish in any journal they choose, provided they reserve a portion of their copyright to ensure their final peer-reviewed author manuscript is posted to PubMed Central (PMC, a database of full-text journal articles at the National Library of Medicine). Alternatively, authors may make arrangements for the publisher to post the paper to PMC.
- Publishers can choose to not review or publish papers under the provisions of the NIH Public Access Policy.

SUPPORT FROM PUBLISHERS:

- Thousands of journals² voluntarily submit peer-reviewed author manuscripts to PubMed Central (PMC) to assist authors in complying with the Public Access process.
- Several hundred journal publishers³ voluntarily deposit final published versions of articles in PMC automatically on behalf of their authors.
- Publishers representing about 1000 journals³ voluntarily submit the full content of their journals to PMC, regardless of whether the issue contains an article subject to the NIH Public Access Policy.

- The publishers of two of the most prestigious scientific journals, *Science* and *Nature*, recently reaffirmed publicly their support for the NIH Public Access Policy.⁴

NO HARM TO PUBLISHERS IS EVIDENT:

- Publishers retain up to a 12-month embargo on NIH-funded papers before they are made available to the public without charge under fair use principles.
- The Public Access requirement took effect in 2008. While the U.S. economy has suffered a downturn during the time period 2007 to 2011, scientific publishing has grown:
 - The number of journals dedicated to publishing biological sciences/agriculture articles and medicine/health articles increased 15% and 19%, respectively.⁵
 - The average subscription prices of biology journals and health sciences journals increased 26% and 23%, respectively.⁶
 - Publishers forecast increases to the rate of growth of the medical journal market, from 4.5% in 2011 to 6.3% in 2014.⁷

PUBMED CENTRAL (PMC) – Internet Access to NIH-Funded Papers and More:

- PMC is a full text archive of life sciences journals. PMC provides access without charge in keeping with the National Library of Medicine legislative mandate to collect, preserve and disseminate the world's biomedical literature.
- PMC advances scientific discovery and the public's access to information about developments in biomedical research and clinical care. PMC is an extensively linked repository that integrates the biomedical literature with other resources (e.g., the National Center for Biotechnology Information's data bases on molecular biology and genetics).

KEY FACTS ABOUT PMC:

- Over 2.4 million articles are now in PMC. In addition to the NIH-funded papers deposited into PMC, publishers voluntarily deposit more than 100,000 papers per year.
- Every weekday, 700,000 users access the database, retrieving over 1.5 million articles.
- Based on internet addresses, an estimated 25% of users are from universities, 17% are from companies, and 40% from the general public.

¹ <http://publicaccess.nih.gov/>

² These publishers are listed under Method D at http://publicaccess.nih.gov/select_deposit_publishers.htm

³ See http://publicaccess.nih.gov/submit_process_journals.htm for a full list

⁴ See <http://www.aaas.org/news/releases/2012/0118rwa.shtml>; *Nature* 481, 409 (26 January 2012) doi:10.1038/481409a <http://www.nature.com/nature/journal/v481/n7382/full/481409a.html>

⁵ <http://ulrichsweb.serialssolutions.com/>. Data accessed 11/18/11. Therefore, 2011 data may be undercounted.

⁶ Library Journal Periodicals Price Surveys, 2009-2011. <http://www.libraryjournal.com/article/CA6651248.html>; <http://www.libraryjournal.com/article/CA6725256.html>; http://www.libraryjournal.com/lj/ljinprintcurrentissue/890009-403/periodicals_price_survey_2011_.html.csp

⁷ <http://www.stm-assoc.org/industry-statistics/stm-subsegment-forecast-2011-2014/>