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NIH unveils open access draft

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Papers based on NIH-funded research would be freely available 6 months after their publication, according to a [draft National Institutes of Health \(NIH\) policy](#) released in an apparent compromise with journal publishers.

Under the proposed policy, journal peer-review committees would vet papers that report results from NIH-sponsored research. Once the journal has edited and published the articles, editors would upload them to a searchable Web site and NIH would make them publicly available within 6 months.

"Establishing a comprehensive, searchable electronic resource of NIH-funded research results and providing free access to all, is perhaps the most fundamental way to collect and disseminate this information," the draft policy says. "The NIH must balance this need with the ability of journals and publishers to preserve their critical role in the peer review, editing, and scientific quality control process."

Originally, a House Appropriations Committee [report](#) suggested that the NIH require the immediate public release of papers for which the agency pays publication costs, as well as requiring that papers on other NIH-sponsored research be released 6 months after publication.

But during a [July meeting](#) with NIH director Elias Zerhouni, publishers complained that the immediate release of papers would dramatically affect their businesses. Immediate release was not included in the NIH draft, which was released for 60 days of public comment before becoming official policy, in deference to publishers.

The compromise satisfied neither publishers nor open-access advocates, however. "The policy is admirable and a step in the right direction, but it's not open access," said Harold Varmus, chairman, Public Library of Science, and president, Memorial Sloan-Kettering Cancer Center. "The ultimate goal is true open access, with publications available at the time they are issued," Varmus told us.

Marc Kirschner, professor of systems biology at Harvard Medical School, said that the 6-month publication delay is less than ideal because it will prevent scientists from immediately accessing research critical to their own work. "That's going to cause a duplication," said Kirschner, who serves on the board of BioMed Central.

Barbara Meredith, vice president of the Professional/Scholarly Publishing Division of the Association of American Publishers (AAP), said the draft policy still had problems. "We feel that credibility, and protecting research is extremely important," she said. "We don't feel that the way that Dr. Zerhouni has [composed] the policy will protect research."

In a letter to Zerhouni, the AAP's Professional/Scholarly Publishing Division said the policy represented "a clear instance of government interference with the interests of free enterprise," in the absence of documentation of a public need. The letter estimates the value of scientific, technical, and medical information at \$8 billion.

"We are greatly troubled that either NIH policy, or a [Congressional mandate](#) (or both) may be used effectively to constrain the intellectual property rights of (non-US government employee) authors who are now unfettered in their freedom to transfer their copyright or assign exclusive publishing rights when publishing in any journal and with any publisher of their choosing," the AAP's letter said.

The letter also questions whether "author pays" or other alternatives to the journal model, in which readers pay for subscriptions, will be economically viable. AAP will now turn to Congress to lobby for a policy that protects the industry and authors' interests, Meredith said.

Varmus conceded that the policy may immediately produce some loss in profits, but predicted that "good journals" would survive the change. Ultimately, he said, complete open access will reduce production costs. "They will have to change their business plan," he added.

Both Varmus and Kirschner said that though the draft policy did not go far enough, it would promote full open access in the future. "It's a tremendous victory for the principle of open access and for a future of biological information retrieval which will depend on easily accessed databases," said Kirschner. "It puts the interest of science, the scientific community, and the general public first."

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