

---

# RLUK/SCONUL digest of scholarly communication news

Frederick J. Friend  
Honorary Director, Scholarly  
Communication, University College London  
JISC Scholarly Communication Consultant  
Tel: 01494 563168  
E-mail: [ucylfjf@ucl.ac.uk](mailto:ucylfjf@ucl.ac.uk)

---

*This is taken from the RLUK/SCONUL Digest of Scholarly Communication News of February and April 2008. This online newsletter (supplied to SCONUL representatives in member libraries) is a service provided by the RLUK/SCONUL Group on Scholarly Communication for internal distribution to staff of library and information services in SCONUL institutions.*

*The group also encourages the use of the digest to inform academic staff within universities in the UK and Ireland of developments in scholarly publishing.*

## **NATIONAL INSTITUTES OF HEALTH RECEIVES GO-AHEAD FOR MANDATORY OPEN ACCESS**

The long struggle for open access to US taxpayer-funded biomedical research achieved statutory success in December 2007 with the President's signature to the Consolidated Appropriations Act 2008. The text reads: '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 the official date of publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law.' This immediate deposit / later release model will encourage a high level of deposit, as authors are less likely to forget to deposit, and the 'no later than 12 months' wording for open access will in practice encourage release of the text closer to the 'six months

after publication' being adopted in policies from many European agencies. The NIH policy would not have been achieved without the actions of the US library community, working with other public interest groups, in gaining support within Congress for open access to publicly funded research. The Association of Research Libraries has for many years had an 'Executive Director Federal Relations and Information Policy', whose office keeps a close eye on what is happening in the corridors of power in Washington DC, countering the effect of publisher lobbying.

#### **EUROPEAN RESEARCH COUNCIL ALSO MANDATES OPEN ACCESS**

Also in December 2007 the European Research Council finalised the wording of its policy on open access. The ERC text begins: 'The ERC requires that all peer-reviewed publications from ERC-funded research projects be deposited on publication into an appropriate research repository where available, such as PubMed Central, ArXiv or an institutional repository, and subsequently made Open Access within 6 months of publication.' This text adopts the same early deposit / later release model as NIH, although with a slightly later time for deposit (on publication rather than on acceptance for publication) and an earlier deadline for release – that is, six months after publication rather than twelve. Research funded by the ERC accounts for about 15% of all research funded by the European Commission, and discussions are ongoing with the Commission regarding open access to research funded through other EU agencies. The Commission's policies have been strongly influenced by large numbers of signatures from researchers and academic institutions to the petition presented to the Commission on 15 February 2007. As in the US, if further progress is to be achieved, action by librarians will be necessary, to speak or write to members of the European or UK parliaments.

#### **GROWING SUPPORT FOR CERN GOLD OA INITIATIVE**

The CERN-led initiative to work with publishers to convert the high energy physics journals from a subscription to a consortium-led gold open access model has now received letters of support from the relevant funding agencies and libraries in Germany, France, Italy, Sweden, Greece, Slovakia, Denmark, Norway and Austria. Other countries with high energy physics research are currently considering the initiative. Meetings have been arranged by STFC (Science and Technology Facilities Council), JISC (Joint Information Systems Committee) and RLUK (Research Libraries UK)

(6 February at the Institute of Physics in London) and by the California Digital Library (29 February) for UK and US physicists and librarians to consider the opportunity this initiative presents. The new consortium will be called SCOAP3 (Sponsoring Consortium for Open Access Publishing in Particle Physics) and full information can be found on the web-site: <http://www.scoap3.org/>.

#### **GROWING SUCCESS FOR CALIFORNIA DIGITAL LIBRARY**

The University of California has announced that its eScholarship Repository has passed the 5 million mark for full-text downloads of its open access scholarly content. The eScholarship Repository, a service of the California Digital Library founded in 2002, provides a robust full-spectrum, open access publishing platform for pre-prints, post-prints, peer-reviewed articles, edited volumes and peer-reviewed journals. The repository houses a broad range of scholarly content from disciplines across the humanities, social sciences, mathematics and sciences, currently holding over 20,000 papers and other academic works. Part of a suite of publishing services developed by the CDL in recent years, the eScholarship Repository serves the scholarly publishing needs of individual faculty and academic departments, laboratories and research units across the University of California system. It is also a central mechanism in the collaborative publishing efforts between the CDL and the University of California Press.

#### **SCIENCE REJOINS JSTOR**

Pressure from the world-wide library community, largely expressed through the ICOLC (the International Coalition of Library Consortia) has led to AAAS, the owner of the journal *Science*, reversing an earlier decision to end the agreement for the deposit of *Science* volumes in JSTOR. Commercial confidentiality prevents release of the changes to the pricing and licensing conditions JSTOR had to agree in order to satisfy AAAS, but the incident does illustrate the power of the library community to influence publishers' policies when librarians are truly united. An influential figure in the UK publishing industry has said on a number of occasions that the UK library community could have more influence upon journal pricing if the community were united in its negotiations with publishers.

#### **NEW STUDY ON PEER REVIEW**

A study on 'Peer review in scholarly journals' by Mark Ware Consulting has been published by the

Publishing Research Consortium. The full report (80 pages) and a summary report (22 pages) are both available through <http://www.publishingresearch.net/PeerReview.htm>. Like the British Academy report on peer review last year, the report is fairly conservative in its finding that authors support the need for peer review and believe that peer review improves the quality of the published paper. However, the report also identifies authors' concerns about the way the current system operates, particularly that the system is too slow and that peer reviewers are overloaded. Of the various forms of peer review, authors voted double-blind peer review the most effective and open peer review the least effective.

#### **DRIVER SUMMIT**

The DRIVER Project (Digital Repository Infrastructure Vision for European Research) has held a summit to discuss the way forward from the achievements of the first EU-funded DRIVER Project into the start of DRIVER II. Around 100 invited representatives from organisations participating in the project, as well as experts from the US, Canada and South Africa, came together to discuss future actions in establishing repository infrastructures which cross national borders. A report on the summit is available at <http://www.driver-support.eu/multi/news.php>. In an international scholarly communication environment, added value can be provided to researchers and learners through access to content held in institutional repositories in a number of European countries. The European Commission has a policy commitment to experiment with cross-border infrastructures to improve access to and preservation of scientific information, and DRIVER is a key project in fulfilling this commitment.

#### **EUROPEAN UNIVERSITY ASSOCIATION AGREES OPEN ACCESS RECOMMENDATIONS**

The Council of the European University Association has endorsed open access recommendations drafted by the Association's Open Access Working Group. The recommendations are divided into three sections: those for 'university leadership' (primarily recommending the self-archiving of all research publications in an institutional repository), those for National Rectors' Conferences (urging these bodies to work with other agencies to achieve mandated self-archiving) and those for the EUA itself, pledging continued dialogue with other organisations to promote self-archiving. It is to be hoped that individual institutions in membership of the EUA will take action upon this

very strong support for open access to research papers through institutional repositories. One unfortunate feature of the EUA recommendations is that they take no cognizance of the preference in some academic communities for alternative open access strategies, that is, through deposit in subject repositories or through publication in 'gold' open access journals.

#### **CAPE TOWN OPEN EDUCATION DECLARATION**

Manifestos and declarations have been a feature of the movement to effect open access to publicly funded research, and a new declaration has been launched by the Open Society Institute and the Shuttleworth Foundation to promote the sharing of educational resources across the internet. Although the declaration is inspired by the needs of poorer countries, the three strategies listed in the declaration – for participation in the open education movement, for the release of educational resources and for policy changes at national and local levels – are designed to be applicable in all educational situations. The declaration – which already has over 1,000 individual and organisational signatures – can be read at <http://www.capetowndeclaration.org/>.

#### **SURVEY OF LIBRARY DATABASE LICENSING PRACTICES**

A new survey of library database publishing practices has been published by a commercial market research company, Research and Markets. A summary of the report is available at [http://www.researchandmarkets.com/product/b36547/the\\_survey\\_of\\_library\\_database\\_licensing](http://www.researchandmarkets.com/product/b36547/the_survey_of_library_database_licensing). The survey contains data from 90 libraries, half in the US but also some from Canada, Australia and the UK, and it is claimed to provide information on a wide variety of issues, including various contractual terms and consortial purchasing arrangements. Your editor did not feel able to spend 96 euros to obtain a PDF of the report in order to review it, but the topic is one on which very little comparative information is publicly available, due to restrictive confidentiality clauses.

#### **OPEN ACCESS MANDATE AT HARVARD**

On 12 February Harvard University's Faculty of Arts and Sciences became the first US university to adopt an open access mandate for its faculty members. The text of the resolution adopted by the faculty is available at [http://www.fas.harvard.edu/~secfas/February\\_2008\\_Agenda.pdf](http://www.fas.harvard.edu/~secfas/February_2008_Agenda.pdf) and includes the following statement: 'Each Faculty member grants to the President and Fellows of

Harvard College permission to make available his or her scholarly articles and to exercise the copyright in those articles. In legal terms, the permission granted by each Faculty member is a non-exclusive, irrevocable, paid-up, worldwide license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, and to authorize others to do the same, provided that the articles are not sold for a profit ... To assist the University in distributing the articles, each Faculty member will provide an electronic copy of the final version of the article at no charge to the appropriate representative of the Provost's Office in an appropriate format (such as PDF) specified by the Provost's Office. The Provost's Office may make the article available to the public in an open-access repository.' Because of the prestige attached to Harvard University, this mandate attracted considerable attention from the world's press and also from heads of other universities. Time will tell whether Harvard's decision is followed by other universities but combined with the new NIH policy the decision is likely to effect a major growth in the deposit of journal articles in US repositories.

### **TWO US CONSORTIA JOIN SCOAP3**

Two major US consortia have pledged support for the open access physics publishing initiative SCOAP3 (see above; [www.scoap3.org](http://www.scoap3.org)). The California Digital Library – representing all the libraries in the University of California – joined SCOAP3 on 25 February 2008 and OhioLink, a consortium of 86 Ohio colleges and universities, joined on 25 March. The RLUK/SCONUL Scholarly Communication Group has supported an invitation to libraries in the UK and Ireland to pledge support for SCOAP3 subject to satisfactory negotiations with the publishers of high energy physics journals on pricing and licensing terms. The UK participation in SCOAP3 will be managed by JISC Collections.

### **MAX PLANCK AND SPRINGER COMBINE SUBSCRIPTION WITH OPEN ACCESS**

The Max Planck Society and Springer have reached an agreement which allows the scientists working at the 78 Max Planck Institutes and research facilities across Germany access to all content on SpringerLink, and which also includes Open Choice, Springer's open access scheme, for all researchers affiliated with a Max Planck Institute publishing in Springer's journals, allowing full and immediate open access for articles that are accepted for publication. The new

agreement is based on combining the subscription model with open access, and is set up as a two-year experiment to investigate whether this is a more sustainable business model for scholarly publication than either subscription or open access alone. During the period of the agreement, Springer and the Max Planck Society will evaluate the effects of open access on both authors and users.

### **WIPO: AN ONGOING SAGA**

In a meeting in mid-March, member states of the World Intellectual Property Organization (WIPO) agreed on elements of a programme of work for the Standing Committee on Copyright and Related Rights (SCCR). The SCCR decided that it would continue to address issues such as the protection of broadcasting organisations and the protection of audiovisual performances, as well as exceptions and limitations. The broadcasting initiative has been controversial and the SCCR agreed that, while progress was made towards a better understanding of the positions of the various stakeholders, further work is needed to achieve agreement on objectives and the specific scope and object of protection before convening a diplomatic conference. The SCCR also considered a proposal from Brazil, Chile, Nicaragua and Uruguay on limitations and exceptions. This was an elaborated version of a proposal originally submitted to the SCCR by Chile in 2005, which called for an analysis of limitations and exceptions as they relate to education, libraries and access to protected works by the visually impaired. The SCCR called for the organisation of an information meeting on existing and forthcoming studies on exceptions and limitations at its next session, with a view to preparing a comprehensive work plan on the issue. To further enhance understanding of the issue, the SCCR requested that a study be undertaken by the secretariat on exceptions and limitations in relation to educational activities and distance education. WIPO has already undertaken three studies on exceptions and limitations and a fourth study on exceptions and limitations for libraries will also be published shortly, but commercial lobbying and political stalemate at WIPO are likely to prevent any relaxation of international copyright legislation.

### **EUROPEAN COMMISSIONER'S PROPOSAL FOR COPYRIGHT EXTENSION**

The European Commissioner for the Internal Market, Charlie McCreevy, announced on 14 February that he will be seeking an extension

of the term of copyright protection for performers from 50 to 95 years. If adopted by the EC this would run counter to the UK's position, as expressed through the Gowers Review, that there is no case for an extension of the term. It is not known how far Mr McCreevy consulted with the member states before making his announcement. His speech at the press conference on 14 February related entirely to the music industry but unfortunately experience shows that politicians are unable to distinguish between the needs of the music or film industries and the needs of users of academic content. Contact by librarians with MEPs may be necessary if this proposal proceeds.

#### **STM / PSP / ALPSP STATEMENT ON COPYRIGHT AGREEMENTS**

The International Association of Scientific, Technical & Medical Publishers (STM), the Professional/Scholarly Publishing Division of the Association of American Publishers (PSP) and the Association of Learned and Professional Society Publishers (ALPSP) have released a 'Statement on Journal Publishing Agreements and Copyright Agreement Addenda', available at <http://www.stm-assoc.org/documents-statements-public-co/>. The statement is a response to increasing awareness by authors of the restrictions upon re-use of their work and the calls for greater use of a licence to publish in place of a copyright transfer agreement. The publishers' viewpoint, as expressed in the press release accompanying the statement, is that 'STM publishers invariably allow the authors of journal articles to use their published papers in their own teaching and for educational purposes generally within their institutions. Most journals have policies that permit authors to provide copies of their papers to research colleagues, and to re-use portions of their papers in further works or books.'

#### **UK LEGISLATION TO COUNTER COPYRIGHT INFRINGEMENT?**

A meeting was held recently in London at which a civil servant from BERR (the Department for Business, Enterprise and Regulatory Reform) outlined the UK's position on measures to counter copyright infringement through ISPs. If voluntary agreement between ISPs and rights-holders proves impossible, the government will begin consultation on the introduction of legislation. It is believed that the UK government favours the French proposal for 'three strikes and you are cut off': that is, a warning letter would be sent, then temporary suspension and finally termination of the ISP account.

#### **SURF FOUNDATION PUBLISHER SURVEY**

As part of its ongoing work on copyright, in particular supporting the use of a licence to publish in place of a copyright transfer agreement, the SURF Foundation has undertaken a survey of publishers to discover the extent to which publishers will accept the 'Copyright Principles and Licence to Publish' drafted by SURF and JISC. The number of publishers surveyed was 47, and the results show that 16 of the 47 will offer their authors the option of using a licence to publish. The same number of publishers (although not a complete overlap of names) have a repository policy in place which is compatible with the SURF/JISC principles. The Knowledge Exchange Group (to which both SURF and JISC belong) is currently considering how to make this information more widely available to authors. The SURF report is available at <http://www.surffoundation.nl/download/LtP-final-report-dec07.pdf>.

#### **JULIET UP-GRADED**

SHERPA has now upgraded JULIET to include information on requirements for the open access archiving of data as part of funding agreements. JULIET was first set up in 2006 to provide clear summaries of the requirements for academics to archive research outputs in open access repositories. As part of its redevelopment, JULIET now also separately summarises open access publication policies. These deal with some funders' requirements for their research to be published in open access journals. JULIET gives summaries of all of these policies so that academic researchers and others can clearly see what is required by each funder. The service allows comparison of policies across funders, and evaluates the policies against open access ideals. The web-site is <http://www.sherpa.ac.uk/juliet/>.

#### **REVIEW OF NHS LIBRARY SERVICES**

The National Review of NHS Health Library Services in England has now been officially published by the NHS and is available at <http://www.library.nhs.uk/aboutnlh/review>. The review makes a number of suggestions with regard to future policy development across the NHS/Higher Education boundaries. These relate to the possible joint procurement of electronic content between the two sectors, work on copyright issues where – for example – individuals from one sector are using the partner sector's resources and the introduction of open access repositories to disseminate NHS-funded research.

## **AND FINALLY ...**

Not an unusual news item to finish this digest, but a comment from your editor on changing publisher attitudes towards open access. Concern about the future still dominates publishers' thinking, and in particular deep worries about the cancellation of journals as a result of growing repository content. There is no indication that these worries will lead publishers to reduce journal prices. Publicly publishers still oppose open access, but privately there is a level of acceptance that repositories are here to stay. In recent months a more positive attitude has developed towards 'gold' open access, which some publishers are embracing as a good way forward for their industry, even if it does reduce their profit margins. It is noticeable that there is little discussion amongst publishers of the two unmentionable 'elephants in the room': the heavy use of Google by learners (which could threaten publishers by reducing the use of formal published content) and the huge growth in research data (which could transform scientific publishing whatever happens, or does not happen, about open access to published text).