

Issues Authors Should Consider Regarding the NIH Enhanced Public Access Policy

Beginning May 2, 2005, investigators funded by the National Institutes of Health (NIH) will be asked to submit electronic versions of their accepted journal manuscripts to the National Library of Medicine's PubMed Central (PMC). Information about the policy, including full text of the policy in the February 3, 2005 NIH Guide to Grants and Contracts, can be found on the [NIH public access website](#).

The 22 not-for-profit member societies of the Federation of American Societies for Experimental Biology (FASEB) collectively publish 59 scientific journals. Much confusion has arisen after the announcement of the policy due to incomplete information and differing *interpretations* of some aspects of the policy. FASEB societies encourage authors to consider the following questions and issues before deciding to submit accepted manuscripts to PMC.

Please contact your [member society](#) to discuss any specific matters. Links to additional society-specific information regarding the NIH policy are provided below. Additional questions or feedback can be submitted to FASEB at publicaccess@faseb.org

Frequently Asked Questions

1. Do FASEB societies support the NIH policy?

No. FASEB supports the principle of increasing public access to the scientific literature. Individual FASEB society journals differ substantially with respect to business models and practices, but all agree to work towards this overall goal. No FASEB society felt that the NIH plan represented the best approach to achieving this goal. The policy is an inferior mechanism compared to innovations for enhanced access and archiving that publishers currently offer. For more information, please see the [FASEB comment on the proposed NIH policy](#).

2. How do FASEB and its societies support public access now?

FASEB societies have made significant investments to be at the forefront of publishing innovations that increase public access and functionality. Scholarly publishers have historically volunteered the content of their journals without cost to individual readers and continue to do so; most publishers make abstracts of articles in their journals available free immediately, and many publishers make their entire journals (including full text articles) available after 12 months or sooner.

3. Is the NIH Enhanced Public Access policy voluntary?

Yes. The NIH public access plan is a voluntary program as indicated in the text of the final policy. NIH officials have repeatedly stressed that NIH investigators are requested, not required, to submit manuscripts to PMC. Since the release of the final policy, questions have arisen about whether or not participation is truly voluntary. It is understandable that a request from a funding agency could be interpreted as a mandate. Many researchers, universities and

some NIH programs have interpreted it as a mandate in their communications to grantees. However, NIH officials responsible for the policy have repeatedly assured the community that it is voluntary.

4. If an author does not submit manuscripts to PMC as requested by NIH, what are the consequences?

NIH has assured the scientific community that there will be no negative consequences or penalties for investigators if they do not wish to comply. Funded investigators can still fulfill their progress report requirements by providing print copies of their publications with their annual progress reports.

5. What role, if any, will the publisher have in the process of submitting manuscripts or articles to PMC?

If an author chooses to participate in the NIH program, the author is responsible for submitting manuscripts to PMC. Some journals may replace the author's manuscript with the final version of the article. Journals archived in PMC may have different procedures. Unless you receive instructions from the journal regarding their participation in PMC, authors should assume they are responsible for submission if they opt to comply with the NIH policy.

6. Are only those manuscripts from research funded by active NIH grants covered under this policy?

The policy only applies to those manuscripts whose research was supported in full or in part by any active NIH grants or previously supported research accepted for publication on or after May 2, 2005.

Issues to Consider

The following are additional questions for authors to consider before deciding to participate in the NIH program. The answers for many of these questions can not be provided by FASEB; authors should contact their institutions, journals, or NIH Office of Extramural Research to discuss them.

a. If an author wishes to submit manuscripts to PMC, what are the copyright issues to consider?

Authors are responsible for abiding by individual journal copyright agreements and should understand what their responsibilities are in regard to each journal. In particular, authors should contact their publisher to find out whether the copyright agreement for a given journal allows them to submit accepted manuscripts to PMC and, if so, whether the journal has established a process for authors to follow.

b. If an author wishes to submit manuscripts to PMC, what are the patent issues to consider?

The American Physiological Society and the [American Association of Immunologists joint legal analysis \(PDF\)](#) discusses how the NIH rule may interfere with the ability of authors to patent

inventions. The discussion of patent issues begins on page 25. Authors may wish to contact their institution to discuss these issues.

c. If an author wishes to submit manuscripts to PMC, what are the liability issues to consider?

Authors may want to ensure how they will be protected from liability if the manuscript contains any patient identification information. If so, has the patient or patient's guardian provided permission for that identifying information to be published on the public PMC web site? Authors should inquire about the liability if information in the manuscript is not converted accurately during the XML conversion process each manuscript will undergo before being posted to PMC. If errors identified in a manuscript submitted to PMC are not corrected, who is responsible for the incorrect information in the article on the PMC site? Authors should also be aware of any liability issues if incorrect clinical information is presented in the PMC manuscript. If any of the material in the author's article is reproduced from other sources, has the author obtained permission for that information to be disseminated via PMC, not just the journal? Authors should contact NIH Office of Extramural Research or their journal to discuss these matters.

d. If an author wishes to submit manuscripts to PMC, what are the conflict of interest issues to consider?

Authors should inquire as to their responsibility in gathering conflict of interest information from all authors before submitting the manuscript to PMC, and whether they are responsible if any relevant conflicts of interest are omitted from the version submitted to PMC. Authors should contact NIH Office of Extramural Research with these issues.

e. How are manuscripts handled if several authors contributed to the manuscript and the research was funded by multiple NIH sources?

It is not clear which investigator is requested to submit the accepted manuscript. Have all authors approved the final version being submitted to PMC, or provided the submitting author written release to submit the manuscript to PMC on their behalf? Authors should contact NIH Office of Extramural Research to discuss this.

f. What is the definition of "author's final manuscript"?

The final NIH policy states that, "the author's final manuscript is defined as the final version accepted for journal publication, and includes all modifications from the publishing peer review process." Authors should verify with their publisher what constitutes the accepted manuscript.

FASEB Member Society Information

American Physiological Society: <http://www.the-aps.org/news/grangerletter.htm>

American Society for Biochemistry and Molecular Biology:

<http://www.asbmb.org/asbmb/site.nsf/News/ASBMBandtheRepositoryforNIHSponsoredResearch?OpenDocument>

American Society for Pharmacology and Experimental Therapeutics:

http://www.aspet.org/public/publications/Enhanced_public_access.htm

The American Society for Bone and Mineral Research:

<http://www.asbmr.org/news/OpenAccessLetter.cfm>

The Endocrine Society:

http://www.endo-society.org/journalspublications/nih_author_policy.cfm

Society for the Study of Reproduction:

<http://www.ssr.org/bor/guides/auinsnih.pdf>

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