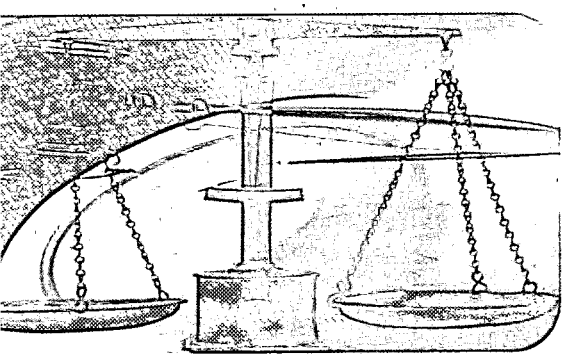

THE SIDEBAR

by Carol Ebbinghouse
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Open Access: Unfinished Business

Hard to believe, but despite its length, last month's Sidebar column did not begin to cover all the ongoing activity in the open access movement. Neither will this month's column, but we will try to give readers the tools to follow it on their own as well as some details on the NIH situation, one of the most exciting and potentially influential developments.

The National Institutes of Health Pursue OA — Carefully

In August 2004, the NIH held public access meetings (or open forums) on open access as applied to federally funded biomedical research. The meetings invited both scientific community representatives and public interest community representatives. John Burklow, director of the NIH Office of Communications and Public Liaison, and Dr. Elias Zerhouni, NIH director, presided. In the background and introduction section of the meeting (summaries at http://www.nih.gov/about/publicaccess/083004meeting.doc and http://www.nih.gov/about/publicaccess/083104meeting.doc), attendees were reminded:

- The mission of the National Institutes of Health (NIH) is to uncover new knowledge that will lead to better health for everyone. The sharing of ideas, data, and research findings is encouraged by the NIH as a primary mechanism for accomplishing this important public mission.
- NIH-funded scientists are expected to share their ideas and discoveries through presentations at scientific meetings and other forums and publications in peer-reviewed journals. To this end, the NIH encourages its researchers and grantees to publish their work in venues that ensure high-quality peer review and the greatest public access to their results.
- The NIH has been considering the wide range of issues raised by public access for some time and has paid close attention to developments both within the United States and abroad. Fundamental changes in the scientific landscape and its quickening pace require easier modes of access to information.

Official notice of the launch of new policy appeared in "Enhanced Public Access to NIH Research Information" (Notice Number NOT-OD-04-064, and see also NOT-OD-04-070) on Sept. 3, 2004:

> to announce and to seek public comments regarding NIH's plans to facilitate enhanced public access to NIH health-related research information. NIH intends to request that its grantees and supported Principal Investigators provide the NIH with electronic copies of all final-version manuscripts upon acceptance for publication if the research was supported in whole or in part by NIH funding.... NIH considers final manuscripts to be an important record of the research funded by the government and will archive these manuscripts and any appropriate supplementary information in PubMed Central (PMC), NIH's digital repository for biomedical research. Six months after an NIH-supported research study's publication—or sooner if the publisher agrees — the manuscript will be made available freely to the public through PMC. If the publisher requests, the author's final version of the publication will be replaced in the PMC archive by the final publisher's copy with an appropriate link to the publisher's electronic database.

Congress supported the move. A Conference Report on the Appropriations Act was passed in November by the House by 344 yeas to 51 nays with the following language:

> The conferees are aware of the draft NIH policy on increasing public access to NIH-funded research. Under this policy, NIH would request investigators to voluntarily submit electronically the final, peer-reviewed author's copy of their scientific manuscripts; 6 months after the publisher's date of publication, NIH would make this copy

publicly available through PubMed Central. The policy is intended to help ensure the permanent preservation of NIH-funded research and make it more readily accessible to scientists, physicians, and the public. The conferees note the comment period for the draft policy ended November 16th; NIH is directed to give full and fair consideration to all comments before publishing its final policy. The conferees request NIH to provide the estimated costs of implementing this policy each year in its annual Justification of Estimates to the House and Senate Appropriations Committees. In addition, the conferees direct NIH to continue to work with the publishers of scientific journals to maintain the integrity of the peer review system.

Commenting on the report, a SPARC newsletter noted:

> ...that the conference committee emphasized that the NIH would "request" grantees to deposit their work, and that grantee deposit would be "voluntary." This is not the mandate originally sketched by the House Appropriations Committee. On the other hand, the draft NIH plan promises to monitor deposits "as part of the annual grant progress review and close-out process," which raises the possibility that non-compliant grantees may lose future funding. The conferees said nothing to discourage that kind of monitoring or that consequence of non-compliance. The conferees instruct the NIH to "continue to work" with journal publishers. But the only concern they mention is "to maintain the integrity of the peer review system." They don't mention maintaining profits, surpluses, or the subscription model for paying the bills. This is welcome precision.

Reactions

Responses to the NIH plan poured in—arguments pro and con. Few organizations did *not* comment, either individually or through professional or trade organizations, to NIH, congressional representatives, or the press. The NIH received so much input that it extended the deadline for responses. [See Jocelyn Kaiser, "NIH Flooded with Comments on Public Access Proposal," *Science*, November 28, 2004, http://www.sciencemag.org/cgi/content/full/306/5701/1451 (accessible only to subscribers) or http://www.earlham.edu/~peters/fos/2004_11_28_fosblogarchive.html#a1101688685148907 80.]

Responses to the NIH plan poured in — arguments pro and con.

Favorable comments on the NIH plan came from the Alliance for Taxpayer Access (ATA), American Library Association (ALA), Association of American Medical Colleges (AAMC), the Association of College and Research Libraries (ACRL), Public Knowledge, and Scholarly Publishing and Academic Resources Coalition (SPARC). Critical comments came from the American Psychology Association (APA), American Physiological Society (APS), Elsevier, The Endocrine Society, and International Association of Scientific, Technical & Medical Publishers (STM), among others. [For a wide-ranging list, with links and other information, go to http://www.earlham.edu/~peters/fos/newsletter/12-02-04.htm.]

And what were some of the criticisms?

> The APS contended that: the NIH proposal will do little to enhance public access to biomedical research while causing disproportionate harm to not-for-profit societies that publish high-quality journals containing a significant amount of NIH-funded research. ... The APS recommends that instead of this proposal, the NIH should enhance the existing MEDLINE/PubMed Web site so that it is possible to search the full text of articles on journals' own Web sites. These searches would yield links to finished articles on those Web sites rather than access to manuscripts.... [H]igh-quality journals that publish a significant proportion of NIH-funded research would still be able to determine their own access policies based upon cost recovery requirements.

That doesn't sound like the "free access to all" plan advocated by NIH.

The APS [http://www.the-aps.org/news/nihaccesscomments.htm] complained that the NIH "plan would infringe on the copyright interests of (a) federal grantees ... and (b) publishers of professional journals that have accepted these articles for publication and to whom copyright interests have been conveyed. ... [I]t fails to recognize the need to obtain copyright permission from authors and/or publishers to distribute or display manuscript copies to the public. ... The plan threatens to undercut the Bayh-Dole Act by interfering with technology transfer." APS goes on to raise patent issues, despite the fact

that the NIH proposal stipulates a default embargo for delaying access in the database until 6 months *after* the date of publication. It throws up the Administrative Procedure Act, the Regulatory Flexibility Act, the Paperwork Reduction Act, and even OMB Circular A-76 and the "just compensation" clause of the Fifth Amendment!

The APS comments spawned a number of responses on the Web. Stevan Harnad wrote a Critique of APS Critique of NIH Proposal [http://www.cogsci.soton.ac.uk/~harnad/Hypermail/Amsci/index.html], where he lambasted the APS, challenging that "[t]here is no legal issue whatsoever. The National Institutes of Health (NIH) are not proposing anything to publishers, they are merely adding another condition to the list of conditions for receiving NIH funding. The further condition, arising with the advent of the Internet, is to make the published findings publicly accessible online for free for all would-be users who (or whose institutions) cannot afford the fee-based published version, so as to maximize the usage, impact, and benefits of the funded research." Harnad cites "Critique of STM Critique of NIH proposal" [http://www.ecs.soton.ac.uk/~harnad/Hypermail/Amsci/4174.html] and "Critique of PSP/AAP Critique of NIH Proposal" [http://www.ecs.soton.ac.uk/~harnad/Hypermail/Amsci/4146.html]]: "Unfortunately, the fact is that all (or most, or even many) journals publishing NIH-funded research are *not* making the full texts of NIH-funded research articles accessible online for free for all would-be users via MEDLINE/PubMed, nor are they planning to do so." For him, it all boils down to what "is being proposed here is not to place conditions on journals but on NIH-funded researchers. The condition is that NIH-funded *researchers* must make their NIH-funded research articles publicly accessible online for free for all would-be users. ..." It is not "tantamount to mandating that journals convert to open access publishing, which is something that NIH cannot do and is not proposing to do. That outcome, on the contrary, is merely being *hypothesized* by APS in the form of a speculative doomsday scenario...."

In response to the APS query "Should NIH operate a manuscript repository?," Harnad responds, "The point is not who operates the repository, nor whether it is central or distributed. The point is that the NIH-funded research articles in it must be publicly accessible online for free by all would-be users who cannot afford the fee-based version." And when APS asked, "Should NIH mandate public access after 6 months?," Harnad answered, "Immediate public access is optimal ... such an embargo is contrary to the interests of research impact, progress, and productivity."

> The APS comments spawned a number of responses on the Web.

As for the copyright issue, Harnad asks:

> Copyright interests? What interests are those? The author seeks and receives no royalties or fees from the sale of his work. All he seeks is as many users as possible, as much research impact as possible. ... This "legal analysis" seems to be based on the mistaken assumption that these are pop music stars, trying to maximize their royalty income interests, rather than researchers, trying to maximize their research impact interests! ... 92 percent of journals have already agreed to author self-archiving. The remaining 8 percent would be well-advised to do so too, or risk losing their NIH-funded authors to the other 92 percent.

As for APS' technology transfer argument, "If anyone would be impeding technology transfer, it would be anyone who tried to impede access to the research by all its would-be users and appliers," said Harnad. To the APS argument about patent dates running against the researchers due to inclusion in the open access database, he responds, "This nonsense is beyond belief! The clock starts when an article is *published*. It has nothing to do with whether access to it is online or on paper, for fee or for free!" Harnad goes on to debunk the Paperwork Reduction Act, Fifth Amendment, and OMB Circular A-76 arguments with similar dispatch. Of course, Harnad is not a lawyer.

Finally, in response to doomsday predictions of journal closures, loss of subscription revenues — both in the U.S. and abroad — and other dire consequences of the NIH proposal, Harnad asserts:

> This is pure speculation as there is no evidence whatsoever for decreased subscription demand for either the journal's paper or online edition in the face of the free public-access online supplement. All evidence to date is for peaceful co-existence between the publisher's subscription version and the author's free-access supplement, even in those fields where the free supplements have already reached

100 percent. There are physics journals whose articles have been made accessible for free online in author-provided supplements since 1991, and for some, 100 percent of their contents have been freely accessible in this way for years now, yet their subscription revenues have not eroded.

As to the ominous questions of the impact of the NIH proposal on academic freedom and whether the plan might encourage censorship or politicization of science, I agree with Harnad that "this is difficult to describe as anything other than nonsense!"

As to the ominous questions of the impact of the NIH proposal on academic freedom and whether the plan might encourage censorship or politicization of science, I agree with Harnad that "this is difficult to describe as anything other than nonsense!" A requirement of funding that the results be published already exists and the proposed policy change simply requires all NIH-funded previously published research results to be publicly accessible online for free after 6 months. No censorship here! Just the opposite.

Due to the flurry of responses, letters to the editors of business journals and newspapers, television news stories, etc., the NIH extended the original period for comment and received permission to have an extended deadline to summarize and respond.

The NIH delayed again the release of its new policy promoting free access to taxpayer-funded medical research. An article in the January 13, 2005, *The Scientist* ("'Open access' announcement scuttled; NIH cancels teleconference with Zerhouni, reportedly over fears of political controversy," Ted Agres, http://www.biomedcentral.com/news/20050112/02) attributed the delay to political concerns over the Senate confirmation hearings for Michael Leavitt for the post of Secretary of Health and Human Services.

Leavitt testified on January 18 before the Senate Health, Education, Labor, and Pensions Committee and on January 19 before the Senate Finance Committee. At the latter, the following exchange occurred:

Sen. Wyden: The second point is the press in the last few days has been reporting that the National Institutes of Health is going to reduce substantially a proposal to make research that the taxpayers have funded available to the country. Now, I'm sure you're just starting to get into this. But I would find it helpful if you could just tell us about your commitment to making sure that the public does get access to this information, because these reports in the last couple of days that come from sources within the department are pretty troubling.

Mr. Leavitt: I know very little about the specifics of this issue, but I can just tell you in principle that I believe that research that's made available by government-funded research ought to add to the knowledge of an informed public generally and ought to be readily and easily available.

Sen. Wyden: I appreciate that. Let's try to get it down to that short turnaround time, the 6 months, because otherwise the taxpayer pays twice. The taxpayer pays first when their tax dollars go for the research, and then they've got to shell out more to a scientific publisher. And those publishers fought the department. There's no question about that. And I appreciate your answer. ...

Mr. Leavitt: Thank you.

[Find this article (along with other current news on the OA front) at http://www.earlham.edu/~peters/fos/2005_01_23_fosblogarchive.html#a110668150900209252. Recordings of the Senate Finance Committee hearings can be found at http://finance.senate.gov/hearings/other/hearing011905.ram. If the Committees have not posted the hearing transcripts online (see Committee on Finance Hearings at http://finance.senate.gov/ and the Health, Education, Labor and Pensions Committee at http://help.senate.gov/) by the time you read this, you can pay to get them at http://www.fnsg.com/.]

In fact, on January 26, 2005, the U.S. Senate confirmed Michael O. Leavitt. The NIH was apparently no longer constrained from releasing its final OA document. So one week later it released "Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research" (February 2, 2005) [http://grants.nih.gov/grants/guide/notice-files/NOT-OD-05-022.html].

In a spate of wishful thinking, the NIH announced "'a new policy designed to accelerate the public's access to published articles resulting from NIH-funded research. The policy — the first of its kind for NIH — calls on scientists to release to the public manuscripts from research supported by NIH as soon as possi-

ble, and within 12 months of publication. ...'With the rapid growth in the public's use of the Internet, NIH must take a leadership role in making available to the public the research that we support,' said NIH Director Elias A. Zerhouni, M.D. 'While this new policy is voluntary, we are strongly encouraging all NIH-supported researchers to release their published manuscripts as soon as possible for the benefit of the public. ...We urge publishers to work closely with authors in implementing this policy. ... Beginning May 2, 2005, ...[t]he policy gives authors the flexibility to designate a specific time frame for public release — ranging from immediate public access after final publication to a 12-month delay."

The universal response from the information communities was disappointment. The NIH had backed off from a 6-month maximum embargo to a 6- to 12-month delay. That, said Stevan Harnad, "is back access (BA) (as in back-issue or back-volume), not open access (OA)," and he continued, "nor is it a satisfactory substitute or compromise for OA, nor is it a policy that helps OA happen sooner." He pointed out that "the meaning of the recently coined term 'open access' is 'immediate, permanent, online access to the full texts of peer-reviewed research journal articles, free for all users, Webwide.'"

"Public Knowledge Disappointed in New Open Access Policy" was the title of another press release in response to the NIH policy. Speaking for the organization's Open Access Project, Peter Suber said, "I regret that the National Institutes of Health has scaled back its open-access policy. It is a retreat from the version the agency first proposed and for which public comment was overwhelmingly favorable. ... This policy is a step backward from the House of Representatives' wishes that NIH require free online access after 6 months. In the end, it looks like the publishers had more clout with NIH than scientists or taxpayers. The policy is better than nothing, but is a lot less then taxpayers deserved." For one thing, among others, the "new rule also creates a difficult dilemma for NIH-funded scientists by forcing them to choose between their funding agency and their publisher. The NIH will ask authors to choose early public release and many publishers will ask authors to choose the late public release." [See http://www.publicknowledge.org/pressroom/releases/pressrelease.2005-02-03.9256951814.]

It will be interesting to see what Congress will say about the policy, since both the House and relevant committees in the Senate had indicated that a 6-month embargo on public access was the outer limit.

Stay tuned. Like they say, "It ain't over till it's over."

It Keeps Growing

Open access continues to spread beyond the publication of article preprints and postprints in a searchable and retrievable system. More drug companies are promising to publish clinical trials and drug research. For example, as reported in the Open Access News [http://www.earlham.edu/~peters/fos/2005_01_23_fosblogarchive.html#a110668150900209252], the Swiss drug company Roche will launch an OA database for its clinical drug trial data. From the company press release (January 21):

> Roche announced today that it is establishing a global clinical trial protocol registry to disclose information about new Phase II to Phase IV studies at or before their start. In addition, the company will create a global clinical trial results database for key results from completed trials. The new registry and results database will enable the coordination of data Roche publishes and ensure that ultimately, there is one global source for all Roche-sponsored clinical trial data. Both the clinical trial registry and results database, which will be hosted by an independent, neutral entity, will be available to the public via a Web site by the end of the

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Tracking the NIH Public Access Controversy

NIH Public Access Background Information
http://www.nih.gov/about/publicaccess/publicaccess_background.htm

The Alliance For Taxpayer Access
http://www.arl.org/ata/NIH.html

SPARC Open Access Working Group
http://www.arl.org/sparc/oa/oawg.html

The SPARC Open Access Newsletter
(formerly, The Free Online Scholarship (FOS) Newsletter)
http://www.earlham.edu/~peters/fos/index.htm

SOME MAJOR PLAYERS

AUTHORS' GROUPS

American Society of Journalists and Authors (ASJA)

http://www.asja.org

Founded in 1948, the American Society of Journalists and Authors is the nation's leading organization of independent nonfiction writers. The membership comprises more than 1,000 outstanding freelance writers of magazine articles, trade books, and many other forms of nonfiction writing, each of whom has met ASJA's exacting standards of professional achievement. ASJA Contracts Watch, a free service from ASJA's Contracts Committee, serves as Contract Information Central for freelance writers, keeping thousands informed about the latest terms and negotiations in the world of periodicals, print, and electronic publishing.

Authors Guild

http://www.authorsguild.org

Since 1919, the Guild has worked on behalf of its members to lobby for free speech, copyrights, and other issues of concern to authors. It povides the latest news in the publishing industry via the Guild Bulletin.

National Writers Union (NWU)

http://www.nwu.org

The National Writers Union is the only labor union that represents freelance writers in all genres, formats, and media. NWU's Publication Rights Clearinghouse is its collective-licensing arm. All writers may join the PRC at no charge. The Copyright Clearance Center (CCC) and the NWU have linked efforts to help freelance writers make their works available for "after market" uses, including photocopying and electronic use. The NWU site includes a long list of author-oriented organizations around the world.

[For more listings of author organizations and links, check out http://www.freelancesuccess.com/resources/writersorgs.shtml.]

PLoS: Public Library of Science (PLoS)

http://www.publiclibraryofscience.org

PLoS is a nonprofit organization of scientists and physicians committed to making the world's scientific and medical literature a public resource. Goals are as follows: To open the doors to the world's library of scientific knowledge by giving any scientist, physician, patient, or student — anywhere in the world — unlimited access to the latest scientific research; to facilitate research, informed medical practice, and education by making it possible to freely search the full text of every published article to locate specific ideas, methods, experimental results, and observations; to enable scientists, librarians, publishers, and entrepreneurs to develop innovative ways to explore and use the world's treasury of scientific ideas and discoveries. PLoS is working with scientists, their societies, funding agencies, and other publishers to pursue the broader goal of ensuring an open-access home for every published article and to develop tools to make the literature useful to scientists and the public.

PUBLISHER AND DATABASE INDUSTRY GROUPS

Association of American Publishers, Inc.

http://www.publishers.org

The Association of American Publishers (AAP) represents publishers of all sizes and types located throughout the U.S., and is the principal trade association of the book publishing industry.

Association of Learned and Professional Society Publishers (ALPSP)

http://www.alpsp.org

Though officially representing not-for-profit publishers, this international trade association has taken a leadership role in representing the interests of scholarly publishers in general. It has an array of information connected to its Hot Topics news sites, including conference presentations, position papers, articles of interest, etc.

Society for Scholarly Publishing (SSP)

http://www.sspnet.org

Founded in 1978, SSP's membership includes a range of players from publishers to authors, librarians to booksellers — anyone interested in advancing technology into the world of scholarly communication. It has an ongoing debate on open access conducted on its SSP General Listserv [ssp-join@lists.sspnet.org].

Software and Information Industry Association (SIIA)

http://www.siia.net

The Software and Information Industry Association is the principal trade association for the software and digital content industry. SIIA provides global services in government relations, business development, corporate education, and intellectual property protection to the leading companies in digital content and software.

NONCOMMERCIAL ARCHIVE SOFTWARE SOURCES

DSpace Foundation (MIT)

http://www.DSpace.org

DSpace is a digital repository created to capture, distribute, and preserve the intellectual output of MIT. A joint project of MIT Libraries and the Hewlett-Packard Company, DSpace provides stable, long-term storage needed to house the digital products of MIT faculty and researchers. *For the user*: DSpace provides access to DSpace content through the Web; *For the contributor*: DSpace offers the advantages of digital distribution and long-term preservation for a variety of formats including text, audio, video, images, data sets, and more. Authors can

store their digital works in collections that are maintained by MIT communities; *For the institution*: DSpace offers the opportunity to provide access to all the research of the institution through one interface.

Content includes preprints, technical reports, working papers, conference papers, images, and more [http://dspace.mit.edu/]. The technology has been adapted at many other educational institutions. Many, if not all, DSpace organizations are linked from OAIster: http://oaister.umdl.umich.edu/o/oaister/viewcolls.html#s.

OPEN ACCESS CONTENT COLLECTIONS

ArXiv

http://www.arxiv.org

ArXiv is an e-print service in the fields of physics, mathematics, nonlinear science, computer science, and quantitative biology. The contents of ArXiv conform to Cornell University academic standards. ArXiv is owned, operated, and funded by Cornell University, a private, not-for-profit educational institution. It also receives partial funding from the National Science Foundation (NSF).

CogPrints:

http://cogprints.ecs.soton.ac.uk/

This is an electronic archive for self-archived papers in psychology, neuroscience, linguistics, many areas of computer science, philosophy, biology, medicine, anthropology, as well as any other of the physical, social, and mathematical sciences pertinent to the study of cognition.

DOAJ Directory of Open Access Journals

http://www.doaj.org

The directory now identifies some 1150 journals of which 316 are searchable on the article level; contains over 58,500 articles.

Eprints' Institutional Archives Registry

http://archives.eprints.org

The Registry covers some 150,000 records in over 80 archives.

OAIster

http://www.oaister.org

A project of the University of Michigan's Digital Library Production Services, this Open Archives Initiative collection was originally funded through a Mellon grant. It aims to create a collection of freely available, difficult-to-access, academically oriented digital resources for easy searching. The collection includes over 3.5 million records from over 320 institutions. Yahoo! Search spiders and harvests OAIster records.

BioMed Central

http://www.biomedcentral.com

BioMed Central is an independent publishing house committed to providing immediate *free* access to peer-reviewed biomedical research. Johns Hopkins is an institutional member of BioMed Central and therefore Hopkins researchers who submit articles to the journals published by BioMed Central do not need to pay individual author fees. BioMed Central features online submission and peer-review technology available without charge for groups of scientists who wish to run open access online journals under their own editorial control. It also allows authors who publish original research articles in journals published by BioMed Central to retain their copyright and shares content with PubMed Central and other digital repositories that encourage self-archiving by authors. BioMed Central also has journal arrangements with a leading open access advocacy group, the Public Library of Science (PLoS). BMC charges authors for placing their articles online, but also offers institutional fee options.

HighWire Press

http://highwire.stanford.edu

The Stanford University Libraries have their own aggregating publishing arm that references close to 15 million articles from over 4,500 MEDLINE journals, including close to 750,000 free full-text articles from over 350 journals hosted on HighWire.

Electronic Information System for International Law

http://www.eisil.org/

EISIL has been developed, with the support of the Andrew W. Mellon Foundation, by the American Society of International Law (ASIL), a scholarly association that has been a leader in the analysis, dissemination, and development of international law since 1906. ASIL's goal is to ensure, through EISIL, that Web searchers can easily locate the highest-quality primary materials, authoritative Web sites, and helpful research guides to international law on the Internet. To this end, EISIL has been designed as an open database of authenticated primary and other materials across the breadth of international law, which until now have been scattered in libraries, archives and specialized Web sites.

ETD Electronic Theses and Dissertations

http://www.ndltd.org/info/index.en.html

To locate searchable collections of electronic theses and dissertations, visit The Guide to Electronic Theses and Dissertations at http://etdguide.org/default.htm and Networked Digital Library of Theses and Dissertations (NDLTD).

Internet Archive

http://www.archive.org

Brewster Kahle's Internet Archive is building a digital library of Internet sites and other cultural artifacts in digital form. Like a paper library, it provides free access to researchers, historians, scholars, and the general public.

OpenCourseWare at MIT

http://ocw.mit.edu/index.html

This free and open collection of MIT course materials is an educational resource for faculty, students, and self-learners around

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SOME MAJOR PLAYERS (continued from page 31)

the world. OCW supports MIT's mission to advance knowledge and education and serve the world in the 21st century. It is true to MIT's values of excellence, innovation, and leadership.

Project Gutenberg

http://www.gutenberg.net/

Project Gutenberg is the oldest producer of free electronic books (e-books or e-texts) on the Internet. Its collection of more than 12,000 e-books was produced by hundreds of volunteers. Most of the Project Gutenberg e-books are older literary works already in the public domain in the U.S. All may be freely downloaded, read, and redistributed for noncommercial use.

Project MUSE

http://muse.jhu.edu/about/index.html

Currently, Project MUSE offers nearly 250 quality journal titles from 40 scholarly publishers. As one of the academic community's primary electronic journals resources, Project MUSE covers the fields of literature and criticism, history, the visual and performing arts, cultural studies, education, political science, gender studies, economics, and many others. Project MUSE is setting the standard for scholarly electronic journals in the humanities and social sciences. At this time, Project MUSE subscriptions are available only to institutions.

PubMed Central

http://www.pubmedcentral.org

PubMed Central (PMC), a digital archive of life sciences journal literature, is developed and managed by the National Center for Biotechnology Information (NCBI) at the U.S. National Library of Medicine (NLM). PubMed Central aims to fill the role of a world-class library in the digital age. It is not a journal publisher. PubMed Central features free and unrestricted access; participation by publishers is voluntary, although participating journals must meet certain editorial standards. All peer-reviewed primary research articles are included by journals participating in PMC. There is flexible public release dates of materials deposited by journals as well as retention of copyright by the journal publisher or the individual author, whichever is applicable.

Wikipedia

http://www.wikipedia.com

An open source collaborative encyclopedia, this copyleft encyclopedia was developed using wiki software. Wikipedia is managed and operated by the nonprofit Wikimedia Foundation. In addition to standard encyclopedic knowledge, Wikipedia includes information more often associated with almanacs and gazetteers, as well as coverage of current events. All original material contributed to Wikipedia is free content under the GNU Free Documentation License, meaning that it may be freely used, freely edited, freely copied, and freely redistributed subject to the restrictions of that license. As of July 2004, Wikipedia contained over 310,000 articles in English and over 530,000 in other languages.

PUBLISHERS PERMITTING SELF-ARCHIVING

For a current list of publishers with "green" policies permitting self-archiving by authors (and sometimes their institutions), check http://www.sherpa.ac.uk/romeo.php and http://www.romeo.eprints.org.

For a few individual examples, check out the Elsevier policies at http://www.elsevier.com, specifically a May 2004 press release [http://www.elsevier.com/wps/find/authored_newsitem.cws_home/companynews05_00145]. Or look at another press release from John Hopkins University Press [openaccess.jhmi.edu/news/details.cfm?news_id=72].

COPYRIGHT AND ARCHIVING COMPLIANCE

U.S. Copyright Office

Library of Congress

http://www.loc.gov/copyright

The U.S. Copyright Office has information about searching copyright records [http://www.copyright.gov/rb.html] and titles such as "How to Investigate the Copyright status of a Work" (Circular 22) [http://www.copyright.gov].

Copyright Clearance Center

http://www.copyright.com

The CCC is the largest licenser of text reproduction rights in the world. It was formed in 1978 to facilitate compliance with U.S. copyright law. The CCC provides licensing systems for the reproduction and distribution of copyrighted materials in print and electronic formats throughout the world. The company currently manages rights relating to over 1.75 million works and represents more than 9,600 publishers and hundreds of thousands of authors and other creators directly or through their representatives. CCC-licensed customers in the U.S. number over 10,000 corporations and subsidiaries (including 92 of the Fortune 100 companies), as well as thousands of government agencies, law firms, document suppliers, libraries, academic institutions, copy shops and bookstores. CCC is a member of the International Federation of Reproduction Rights Organisations (IFRRO) and has bilateral agreements with Reproduction Rights Organizations (RRO) in 13 countries worldwide, under which it repatriates fees for overseas use of U.S. works. CCC also produces guides to copyright compliance for business professionals and others.

LIBRARY AND OTHER ADVOCACY ORGANIZATIONS

Association of College and Research Libraries

Scholarly Communications Initiative

http://www.ala.org/ala/acrl/acrlissues/scholarlycomm/scholarlycommunication.htm

ASSOCIATION OF RESEARCH LIBRARIES

Issues in Scholarly Communication

http://www.arl.org/scomm/

The Center for the Public Domain

http://www.centerpd.org/

A philanthropic foundation based in Durham, North Carolina. the Center seeks, through grant making, original research, conferences, and collaborative programs, to call attention to the importance of the public domain and to spur effective, practical solutions and responses.

Council on Library and Information Resources

http://www.clir.org/

Create Change

http://www.createchange.org

Supporting faculty and librarian action in scholarly communication, Create Change is co-sponsored by the Association of Research Libraries (ARL), Association of College and Research Libraries (ACRL), and SPARC with support from the Gladys Krieble Delmas Foundation. Bibliography — with links — to articles on open access are available [http://www.createchange.org/resources.html], as well as brochures in Adobe [http://www.createchange.org/resources/brochure.html].

Creative Commons

http://creativecommons.org/

Creative Commons is devoted to expanding the range of creative work available for others to build upon and share. Creative Commons was founded in 2001 with the generous support of the Center for the Public Domain. It is led by a board of directors that includes cyberlaw and intellectual property experts James Boyle, Michael Carroll, Molly Shaffer Van Houweling, and Lawrence Lessig; MIT computer science professor Hal Abelson; lawyer-turned-documentary filmmaker-turned-cyberlaw expert Eric Saltzman; renowned documentary filmmaker Davis Guggenheim; noted Japanese entrepreneur Joi Ito; and public domain Web publisher Eric Eldred. Fellows and students at the Berkman Center for Internet & Society at Harvard Law School helped get the project off the ground. Creative Commons is now housed at and receives generous support from Stanford Law School, where Creative Commons shares space, staff, and inspiration with the Stanford Law School Center for Internet and Society. Creative Commons' first project, in December 2002, was the release of a set of copyright licenses free for public use. Taking inspiration in part from the Free Software Foundation's GNU General Public License (GNU GPL), Creative Commons has developed a Web application that helps people dedicate their creative works to the public domain — or retain their copyright while licensing them as free for certain uses, on certain conditions.

Digital Library Federation

http://www.diglib.org/

The Digital Library Federation (DLF) is a consortium of libraries and related agencies pioneering in the use of electronic-information technologies to extend their collections and services. Through its members, the DLF provides leadership for libraries broadly by identifying standards and "best practices" for digital collections and network access; coordinating leading-edge research-and-development in libraries' use of electronic-information technology; and helping start projects and services that libraries need but cannot develop individually. The DLF operates under the administration umbrella of the Council on Library and Information Resources (CLIR) [http://www.clir.org].

The Johns Hopkins Scholarly Communications Group

http://openaccess.jhmi.edu/index.cfm

This group is dedicated to fostering open access to quality information in support of learning, scholarship, research, and patient care. The group promotes increasing awareness among scholars, administrators, and policymakers of the importance of retaining certain rights over their intellectual property; initiatives and practices that encourage competition in the publishing of scholarly information; and supports practices that facilitate free exchange of scholarly information.

National Commission on Libraries and Information Science

http://www.nclis.gov/info/info.cfm

SPARC (Scholarly Publishing and Academic Resources Coalition)

http://www.arl.org/sparc

Launched in 1998 to enhance broad and cost-effective access to peer-reviewed scholarship and promote competition in the scholarly communications market, SPARC now offers an array of services allying research libraries worldwide. The SPARC Europe office, which opened in 2002, has 39 members from 10 countries. SPARC initiatives include:

- *SPARC Alternatives program:* Supports incubation of competitive alternatives to high-priced commercial journals. *Organic Letters*, an alternative to *Tetrahedron Letters*, is published by the American Chemical Society and endorsed by SPARC. In less than 4 years, *Organic Letters* has published over 14,000 pages of original research in organic chemistry, and in 2001 it beat its competitor in impact factors according to the 2001 ISI Journal Citation Reports.
- *SPARC Leading Edge program:* Supports ventures that obtain competitive advantage through technology or innovative business models.
- *SPARC Scientific Communities:* Supports development of nonprofit portals that serve the needs of a discrete scientific community by aggregating peer-reviewed research and other content.

Keeping Up on Open Access

CURRENT AWARENESS SOURCES

American Scientist Open Access Forum
http://www.American-Scientist-Open-Access-Forum@listserver.sigmaxi.org

This is the listserv that sparked my interest in writing this article, run by Stevan Harnad [harnad@ecs.soton.ac.uk]. A complete archive of the discussions about open access to peer-reviewed research literature online (1998-2004) is available at http://american-scientist-open-access-forum.amsci.org/archives/American-Scientist-Open-Access-Forum.html. Subscribe at http://listserver.sigmaxi.org/sc/wa.exe?SUBED1=american-scientist-open-access-forum&A=1.

BioMedCentral Open Access News
http://www.biomedcentral.com/

BMC has a subscription service for regular updates in the upper-right-hand corner of the home page. Subscribe at http://www.biomedcentral.com/openaccess/. Includes a section on key players and technical terms in the open access movement at http://www.biomedcentral.com/openaccess/www/?issue=old.

Open Access News (formerly FOS News)
http://www.earlham.edu/~peters/fos/fosblog.html

Peter Suber's Open Access News Blog. Suber also edits the monthly *SPARC Open Access Newsletter* and Forum. Go to http://www.arl.org/sparc/soa/index.html. To subscribe, send any message to SPARC-OANews-feed@arl.org.

The Information Commons
http://www.info-commons.org/

An American Library Association-sponsored site collecting news, discussion, and commentary related to the information commons in theory and practice, along with announcements of updates to the info-commons.org main site. The commons-blog is edited by Frederick Emrich.

Infotoday.com NewsBreaks
http://www.InfoToday.com/newsbreaks

Information Today, Inc.'s NewsBreaks keep information professionals and end users up-to-date on open access and other breaking news in the field.

Walt Crawford's "Cites & Insights: Crawford at Large"
http://cites.boisestate.edu/

A delightfully personal and relevant "other view" of the issues.

GUIDES, HISTORIES, AND BACKGROUNDERS

The Information Commons: A Public Policy Report
http://www.brennancenter.org/resources/fepp/index.html

Written by Nancy Kranich and published by the Free Expression Policy Project of the Brennan Center for Justice at NYU School of Law, this wonderful report includes many examples of open access initiatives — with URLs. It is issued under a Creative Commons "Attribution — No derives — NonCommercial" license. Highly recommended! The appendix is excellent.

Guide to the Open Access Movement
http://www.earlham.edu/~peters/fos/guide.htm

By Peter Suber, this work (formerly called the Guide to the Free Online Scholarship [FOS] Movement) provides an alphabetical guide to the terminology, acronyms, initiatives, standards, technologies, and

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first quarter 2005. The name of the organisation will be announced in due time. ... The Roche approach is in accord with and even exceeds the information disclosure principles published earlier this year by the European Federation of Pharmaceutical Industry Associations (EFPIA).

Several U.S. pharmaceutical firms have also announced clinical trial databases on their way to the Web. The move should ease tension with the FDA in the wake of several nasty side effect crises.

The Color Wars Continue

Discussion continues on the color system (e.g., green or gold) used to denote publisher's policies toward open access. According to Jean-Claude Guedon ("The 'Green' and 'Gold' Roads to Open Access: The Case for Mixing and Matching," Serials Review, vol. 30, 2004, pp. 315+), "[E]ssentially, 'gold' refers to open access journals; green refers to publishers that allow some form of article 'self-archiving.' Sometimes shades of green have been carefully distinguished: pale green limits 'self-archiving' to preprints only, dotted, or some form of mitigated; green limits 'self-archiving' to postprints; and solid green is reserved for publishers allowing both preprint and postprint 'self-archiving.' Publishers that allow no form of 'self-archiving' are often described as gray publishers." The entire fourth issue of volume 30 is devoted to open access. [Locate the issue through http://www.sciencedirect.com or find the article at http://dx.doi.org/10.1016/j.serrev.2004.09.005 or at http://www.sciencedirect.com/science?_ob=IssueURL&_tockey=%23TOC%236587%232004%23999699995%23551610%23FLA%23Volume_30,_Issue_4,_Pages_257-381_(2004)%2BMEdited_

players in the open-access or free online scholarship movement — the movement to publish scholarly literature on the Internet and to make it available to readers free of charge and free of unnecessary licensing restrictions.

Open Access Overview
http://www.earlham.edu/~peters/fos/overview.htm

Peter Suber's collection of background information and links to the Timeline of the Open Access Movement and the major players.

Andrew Grossman's "Towards Cooperation in Access to Foreign Primary Law"
http://www.llrx.com/features/cooperation.htm

An example of the vast work already done by 2001 in the legal field to liberate the primary law of the world.

OPEN ACCESS INITIATIVES

Reported by Budapest Open Access Initiative
[http://www.soros.org/openaccess/initiatives.shtml].

Association of College & Research Libraries (ACRL) Principles and Strategies for the Reform of Scholarly Communication, August 28, 2003
http://www.ala.org

SPARC initiates The Open Access Working Group (OAWG) in Fall of 2003 "to build a framework for collective advocacy of open access to research"
http://www.arl.org/sparc/core/index.asp?page=o1

Bethesda Statement on Open Access Publishing, June 20, 2003
http://www.earlham.edu/~peters

Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities, October 22, 2003
http://www.zim.mpg.de/openaccess-berlin

U.N. World Summit on the Information Society Declaration of Principles and Plan of Action, December 12, 2003
http://www.itu.int, Document 1; http://www.itu.int, Document 2

Organisation for Economic Co-operation and Development (OECD) Declaration on Access to Research Data from Public Funding, January 30, 2004
http://www.oecd.org

The International Federation of Library Associations and Institutions (IFLA) released the IFLA Statement on Open Access to Scholarly Literature and Research Documentation, February 24, 2004.
http://www.ifla.org

Washington, D.C., Principles for Free Access to Science were adopted March 16, 2004, by 53 not-for-profit publishers, 380 journals with approximately 600,000 members.
http://www.dcprinciples.org/statement.htm

by_David_Goodman&_auth=y&view=c&_acct=C000050221&_version=1&_urlVersion=0&_userid=10&md5=0e5c75e670faf9c4cf614ea98c17d60e.]

The Guedon article received a swift response from Stevan Harnad ("Fast-Forward on the Green Road to Open Access: The Case Against Mixing Up Green and Gold," http://www.ecs.soton.ac.uk/~harnad/Temp/mixcrit.htm), who proclaimed that there "is a complementarity (sic) between the Green and Gold strategies for reaching 100 percent OA today, just as there is a complementarity between access to the OA and non-OA versions of the same non-OA articles today. Whether 100 percent Green OA will or will not eventually lead to 100 percent Gold, however, is a hypothetical question that is best deferred until we have first reached 100 percent OA, which is a direct, practical, reachable, and far more urgent immediate goal — and the optimal inevitable and natural outcome for research in the post-Gutenberg Galaxy."

The differences in their approaches to the same OA ends are laid out in their articles, each of which gives historic insights to the origins and current positions in the open access movement, the strategies, players, and leaders. I commend them to your attention.

Conclusion — For Now

Improving access to information has never come easy — whether the impediments are technological, ethical, legal, economic, or political. These are interesting times with the opportunities at hand to create the greatest revolution in cost-free, public access to scientific, technical, medical, and other fields of information. Open access joins open source software, corporate research disclosures, and other information-monopoly busters. I can't wait to see what comes next! ◆