NIH Mandate: What You Need to Know

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In a Nutshell

If your research is funded in whole or in part by the NIH,

then you must deposit a copy of your final, peer-reviewed research paper in PubMed Central.

The papers will be freely available to the public within one year.

http://www.libraryjournal.com/info/CA6518133.html

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Why Is This a Big Deal?

Author is responsible for compliance (not academic institution or publisher)

Noncompliance → loss or delay of funding

Hurts publishers’ bottom line & conflicts with language in some publishing agreements; new Congressional hearings on mandate began 9/2008

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Details of the Mandate

• Applies to any NIH-funded research resulting in a peer-reviewed article accepted for publication after April 7, 2008
• Authors required to submit a copy of final peer-reviewed article to PubMed Central (PMC not the same as PubMed)
• Noncompliance
  – NIH may delay or prevent awarding of funds
  – Grants may not be renewed if no PMC ID number available
How to Comply

✓ Address copyright
  • Add amendment to publishing agreement stating a copy will be submitted to PubMed Central (PMC)
  • Publishers aware of mandate, but author must reserve right and/or announce license to make copy available in PMC using addenda/amendment

✓ Submit the article to PMC (which version?)
✓ Cite PMC ID # in any grant progress reports or renewal applications
Is Addressing © Easy?

• If you sign a publishing agreement without reading it, you might be signing over your rights, including the right to make a copy of your article freely available on the Net.

• However, if you’ve accepted NIH $, you’ve already given PMC a license to use your article:
  – the agreement you sign with the publisher comes AFTER the PMC license; thus, the publishing agreement is subject to the license, but...
  – author should inform publisher of pre-existing license and...
  – author must determine which version of final copy to submit.

(credit: thefleeg on flickr)
Compliance Overview

1. When submitting article, inform publisher work is subject to NIH public access policy

2. When signing a publishing agreement, add addendum stating that a copy will be submitted to PubMed Central

3. Determine version of article to send to PMC

4. Submit article to PMC
Why is the NIH mandating this?

(This will take a few slides to explain.)
Publishing Agreements

• As author, you are the copyright owner...
  – Copyright owners have control of: copies, distribution, derivatives, public display & public performance of work
  – Anyone wanting to make copies, derivatives, etc. must ask copyright owner’s permission to do so; permission usually involves $ (e.g., book publisher gives $ to author for rights)

• until you sign a publishing agreement in which you may sign over your rights to the publisher. If so...
  – Publisher becomes copyright owner
  – Even you must ask permission to make copies, derivatives, distributions of your own work
Path to Publication

- Submission
- Peer-review (reviewers not paid)
- Edit/Repeat/Accept/Reject. If finally accepted, then...
- Publishing agreement
- Publication in journal
- What happens next?

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Who Reads Your Article?

• Researchers at institutions with access to journal through either:
  – Subscription
  – Interlibrary loan
• Shared among colleagues (listservs, emails)
• Self-archived on author’s web site
  – This may not be allowed by publishing agreement
• For general public, research “locked” in academic collections
Who Doesn’t Have Access?

• Institutions that don’t subscribe to the journal
  – Hospitals
  – NGOs
  – Small colleges or universities

• People unaffiliated with a subscribing library
  – Public library patrons, taxpayers
  – Secondary school teachers and students
  – International practitioners, researchers, students
Purpose of the NIH Mandate

• NIH funded by tax dollars
• Academic institutions partially funded by taxes
• Publicly funded research is published in highly priced journals that not all libraries can afford
  – e.g., *Brain Journal* costs institutions $22,940/year
  – Taxpayers are funding research but can’t access it
  – Authors can’t give access if signed away copyright
  – Mandate aims to remedy this to some degree: public funding in exchange for public access
Open Access

• International Movement
• In the U.S.
  – Alliance for Taxpayer Access
    http://www.taxpayeraccess.org/member.html
  – Publishers fighting this in Congress right now → new legislation introduced September 2008

• How OA affects authors
  – More than just publish, must know rights as © owners
  – You decide what you want to do with your work in future only if you reserve right to do so in publishing agreement

sciencecommons.org
NIH Reprise: Parties & Opinions

Publishers
- Research available for free means their subscription rates may decline
- 1 year embargo period & version differences may preserve subscriptions
- Higher citation counts
- May lose funds if not in compliance
- More work negotiating ©

Libraries
- Access to info is good
- May help ease serials crisis (budget)
- How do we educate faculty about this?
- May not have to pay 2x or 3x for access to own faculty’s research
- May lose funding or face repercussions if any noncompliance on campus

Authors
- Gain access to research that we’ve all helped fund
- May improve knowledge, health, etc.
- Access may be delayed up to 1 year

Institutions
- May improve knowledge, health, etc.
- Access may be delayed up to 1 year

Citizens
- Gain access to research that we’ve all helped fund
- May improve knowledge, health, etc.
Even If You Aren’t NIH Funded

• NIH mandate may just be the beginning, other agencies may follow suit
• PMC not the only repository of research
  – Seahawk DOCKS, other institutional repositories
• Know your rights as authors
  – Do you need to give up © to publisher?
  – Do you want to self-archive? Make derivate works? Allow the library to archive a copy of your research? Then include addenda/amendments to publishing agreements
Addenda Examples

• MIT
  http://info-libraries.mit.edu/scholarly/mit-copyright-amendment-form/

• SPARC & ScienceCommons
  http://scholars.sciencecommons.org/
Help with Compliance

NIH publicaccess.nih.gov
ORSSP www.uncw.edu/orssp/index.html

Ask a Librarian
library.uncw.edu/web/administrative/help.html

Friday, November 14: Free Lunch & Seminar
Open Access, Scholarly Publication and You
Education Building, 162
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