

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

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

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

A person with long dark hair is covering their face with both hands, suggesting embarrassment or distress. They are wearing a dark t-shirt with some text on it. The background shows a room with a white dresser, a large ornate mirror, and a red poster on the wall.

Why is the NIH mandating this?

(This will take a few slides to explain.)

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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?

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

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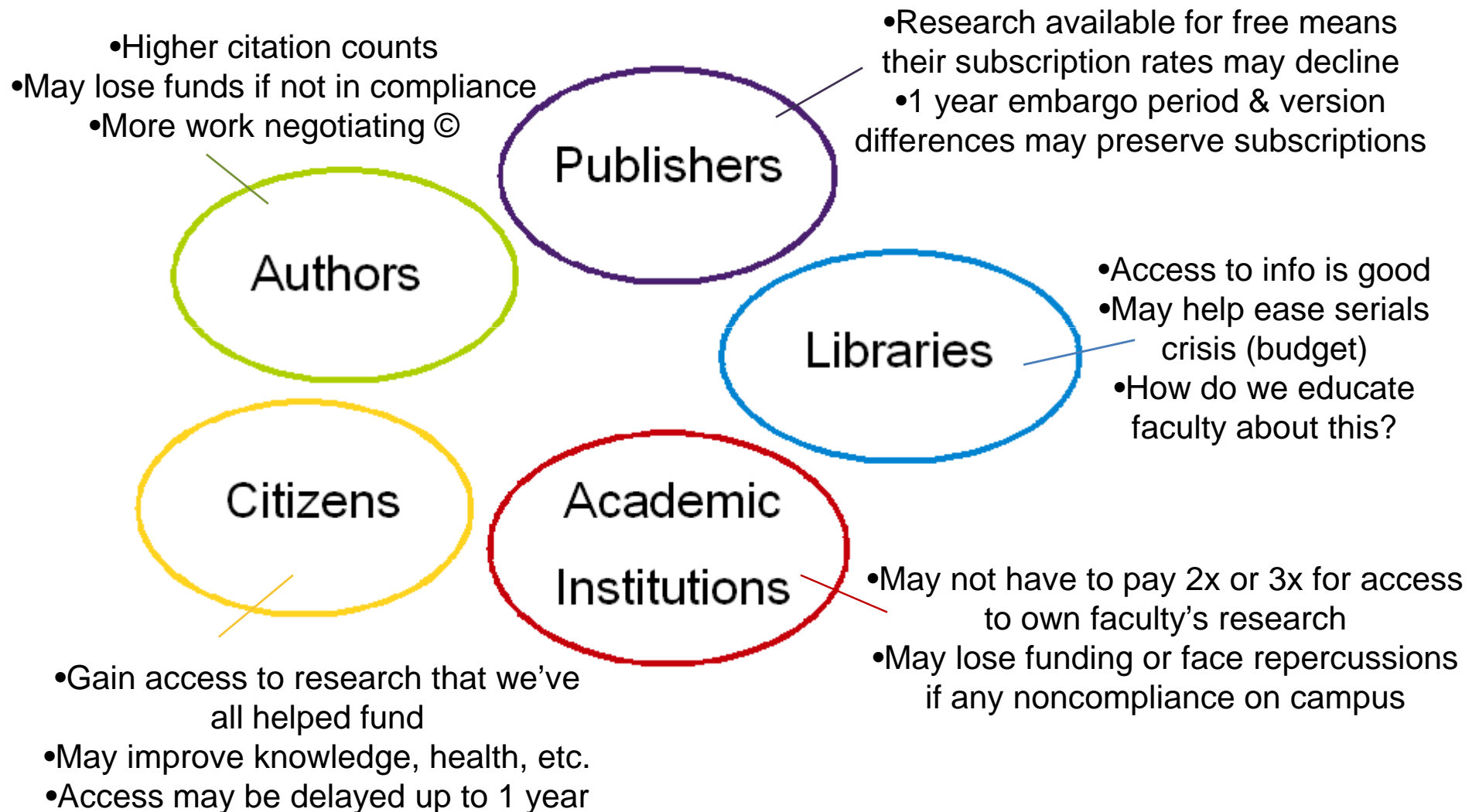
Purpose of the NIH Mandate

- 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

NIH Reprise: Parties & Opinions



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 derivative 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

Home

Journals That Submit All NIH-Funded Final Published Articles to PubMed Central

Submission Methods

Frequently Asked Questions

Communications and Training

Policy Details

For NIH Employees

- For NIH Employee Authors
- For NIH Extramural Staff (NIH Access Only)

Contact Us

Overview

The [NIH Public Access Policy](#) ensures that the public has access to the published results of NIH funded research. It requires scientists to submit final peer-reviewed journal manuscripts that arise from NIH funds to the digital archive [PubMed Central](#) upon acceptance for publication. To help advance science and improve human health, the Policy requires that these manuscripts be accessible to the public on PubMed Central no later than 12 months after publication.

NIH

publicaccess.nih.gov

ORSSP

www.uncw.edu/orssp/index.html

How to Comply

Ask a Librarian

Address Copyright

library.uncw.edu/web/administrative/help.html

Before you sign a publication agreement or similar copyright transfer agreement, make sure that the agreement allows the paper to be submitted to NIH in accordance with the Public Access Policy. See "[Whose approval do I need to submit my final peer-reviewed scientific manuscript?](#)" for more information.

→ **Friday, November 14: Free Lunch & Seminar** ←

Submit Papers

Open Access, Scholarly Publication and You

Education Building, 162

Authors may submit a paper to the journal of their choice for publication. There are four methods to submit your manuscript to PubMed Central in compliance with the NIH Public Access Policy.

Method A: Publish in a [journal](#) that deposits all NIH-funded [final published articles](#) in PubMed Central (PMC) without author involvement.

Sources

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