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The International Association of Scientific, Technical & Medical Publishers (“STM”) thanks your Committee for taking on the important task of protecting the work done by the many thousands of journal editors, publishers and publishing staff, in providing high-quality peer-reviewed and edited academic and scholarly journals through the introduction of the Fair Copyright in Research Works Act (H.R. 6845). The print and web-based journals that our members publish (our members publish nearly 64% of the peer-reviewed literature or over 14,000 journals and include 50 US members or members with significant US operations) convey the most important scientific and medical breakthroughs of our time in ways that add value, enable discovery, provide context, foster dialog, and deepen the intellectual impact of researchers and academics globally.

Scientific and medical journals are not just repositories of articles but are animated with an editorial point of view, a style of presentation, unique organizational formatting, and, especially for the highest quality journals, rigorous editing. Your bill will protect the workers who ensure that electronic journals are engineered to capitalize on the rich capabilities of the Internet to foster interaction and enable discovery, who embed links to the references in the text through the CrossRef system for further context, who animate illustrations, and produce and edit videos, blogs, and more. Government research funding does not pay for these significant investments in quality and connectivity, and ultimately it is the quality and power to make connections that matters most to researchers.

The Fair Copyright in Research Works Act would fairly balance the contributions of funding agencies with those of publishers (including scientific editors and publishing staff). It would allow a US governmental funding agency to require the publication or posting, for example, through a governmental mechanism, of the data resulting from the research as well as technical reports from the investigators. It would ensure that the added-value contributions (such as the peer review and editing process) of other parties could not be mandated to be included in funding agency deposits.

STM supports all business models – all models that ensure continuity and sustainability of the journal model that have brought such significant insight and information to the scientific community. Law and policy must support sustainable business models for copyright works and we believe that evidence of sustainability is lacking in the current policy of the Federal Government’s National Institutes of Health. As we noted in a January 2008 press release in connection with the current NIH mandatory deposit policy:

STM believes that (the NIH policy) establishes an unfunded government mandate with an unknown impact on the advancement of science and puts at risk a system which has enabled more research to be available to more scientists in more countries than at any point in the history of science.

For this reason, we believe that NIH’s current policy is unwise and H.R. 6845 is necessary to remedy this flawed policy.

NIH’s mandatory deposit policy is unique with respect to government funding agency policies internationally. Issues concerning public funding and the dissemination of research results have been raised in numerous countries. To our knowledge, the proposals and policies of

government agencies and private research institutions abroad do, in contrast to the NIH policy, support publishers and copyright models and recognize the importance of the investment and support both peer review and the need for high quality. Most of the research agencies that have adopted public access policies have flexible rather than mandated policies and exceptions are provided with respect to periods for postings, depending on the policies of individual journals. In addition, other agencies facilitate publisher compensation by allowing authors to include public access charges in their grants or charge back to the agency for public access.

STM is working with the European Commission in preparing a study on embargo periods and public access¹, to determine the potential for harm to scholarly communication. STM believes further careful study and analysis would benefit the US as well.

Representatives from our association attended the hearing on H.R. 6845 which took place on 11 September 2008, and some comments were made by two of the witnesses, Dr Zerhouni of the NIH and Heather Joseph of ARL/SPARC, which we feel must be addressed.

The first concerns peer review. The sense of community and obligation on the part of the reviewers is a key factor in the unquestioned success of this system. However, the significant investments that publishers make in integrated and efficient systems for enabling, managing, and facilitating the submission, peer review, editing, web-posting, and interrelating of manuscripts are an integral part of this process and just as vital to the foundation of scholarly communication as peer review itself. The process of peer review is not "free" to anyone, but rests on a system of interdependent activities and value-given-for-value-received relationships that includes financial investments made by publishers.

The second issue we wish to address is interconnectivity and the use of the Internet. We agree with Dr Zerhouni's statement that "...the connectivity of all available electronic sources of scientific information and their efficient exploitation with the new powerful engines of software that are used in the modern search engine technologies... is what 21st century science and health require..." The information that apparently was not shared at the hearing is that scholarly publishers have likely invested more money, more time, and more resources on web-related platforms, databases and projects that enable greater linking and connectivity than any other industry or Federal agency of which we are aware. As a result of these investments, more content is available to more people in more ways than at any time in human history – and we continue to invest in innovations. STM estimates that there are more than 1.8 billion full text downloads and more than 20 million unique users using STM publisher information at publisher online sites, every year. STM members would welcome the opportunity to demonstrate to the Committee the work we have done in this regard. Please have your staff contact me personally and we will arrange a demonstration at your convenience.

In closing, thank you again for your work supporting the intellectual property of the United States, and indeed the world. We would be very pleased to provide any further information you request and look forward to working with you to advance the Fair Copyright in Research Works Act.

Very truly yours,



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¹ Press release 14 October 2008 on the launch of the PEER Project
http://www.stm-processing.org/PEER_press.php