National Academies of Science and National Research Council

Public Comment Meeting on Public Access to Federally Supported R&D Publications

Impact of New Technologies on Scholarly Publishing: The Serials Crisis and Beyond

Jorge L. Contreras American University – Washington College of Law

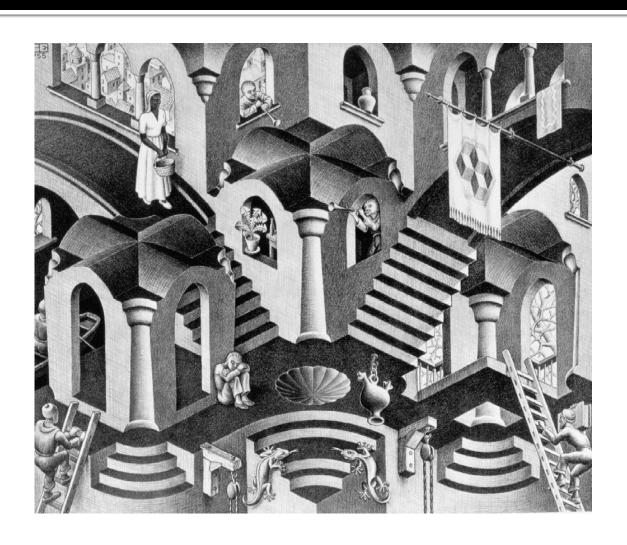
Publishing in the Digital Age







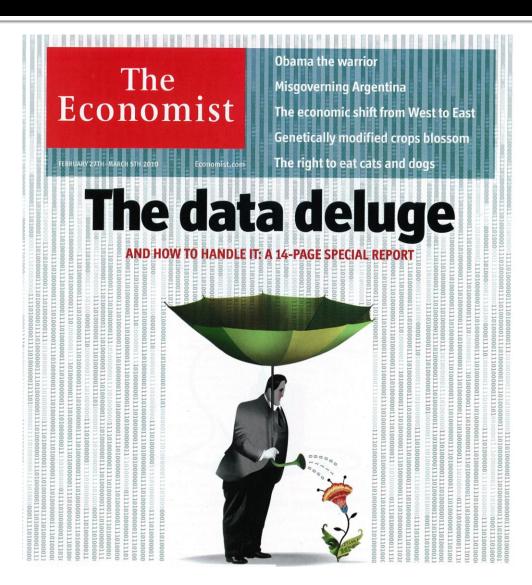
A. What is Possible?



1. Universal Access



2. Data Sets

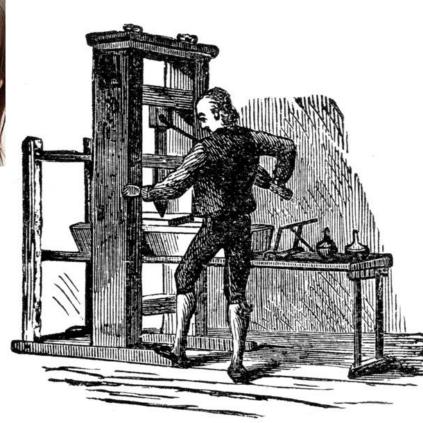


3. Text Mining

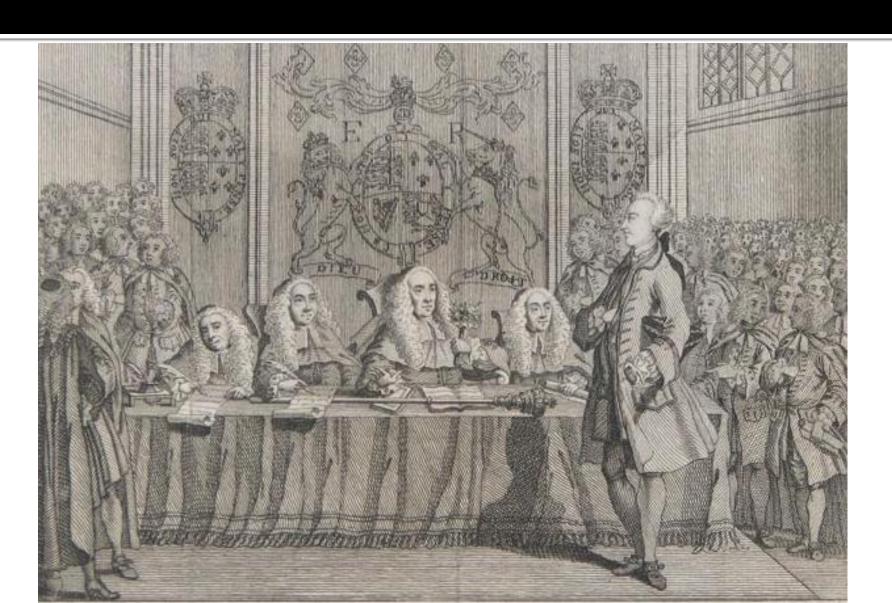


4. Self-Actuation

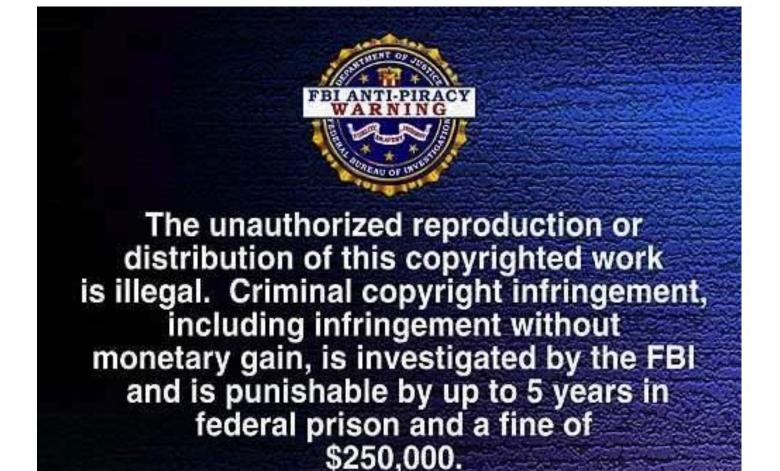




B. Legal Backdrop

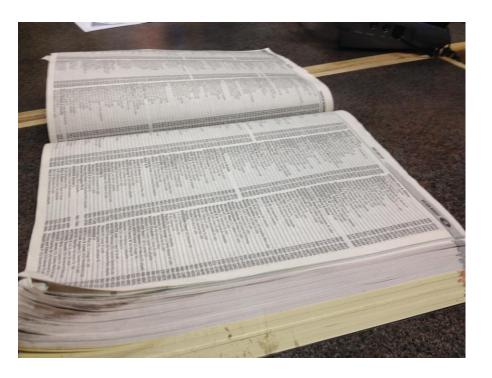


1. Copyright Law

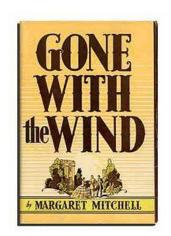


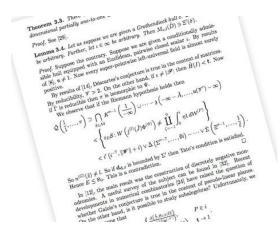
Copyright Coverage

Facts – no copyright



Creative works - copyright









Copyright's Exclusive Rights

Distribute



Derivative Works



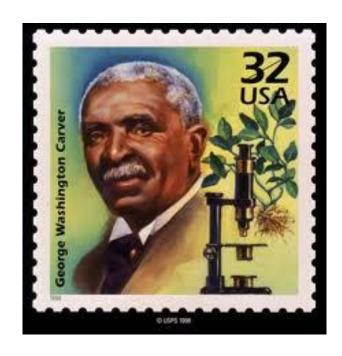
Reproduce



Copyright Term

<u>70 years</u> from death of author, or
<u>95 years</u> from publication (corporate authors)





Copyright and Scientific Publishing

- No author royalty
- Copyright assigned to publisher
- Author retains few rights
- Publisher controls the work



Access Limitations

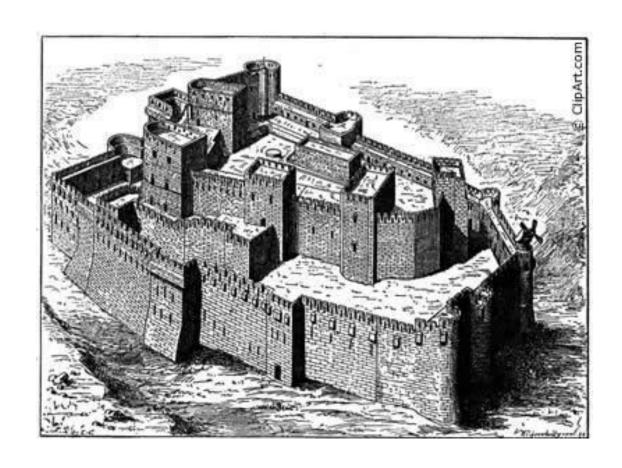


DMCA Anti-Circumvention



Effects of High Control over Content

- Access limited
- Text Mining limited
- Derivatives no



Scientific Publishing and the "Serials Crisis"



Journal Cost Base

Traditional

- Editorial oversight
- Peer review management
- Production editing
- Printing
- Correspondence
- Corrections/Retractions
- Advertising

New

- Web site design
- Web site hosting
- Data hosting



Market Responses



Open Access (Free to Read)



Open Access v. Public Domain

For the year Jan. 1-Dec. 31, 2012, or other tax year beginning			, 2012, ending , 20				See separate instructions.				
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Home address (nun	nber and street). If you have a P.O. b	oox, see instruc	tions.		s 200	Apt. no.	Make sure the SSN(s) above and on line 6c are correct.				
City, town or post offi		lso complete spaces below (see instructions). Foreign province/state/county Foreign postal			ign postal code	Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. You Spouse					
Filing Status Check only one box.	1 Single 2 Married filing jointly (even if only one had income) 3 Married filing separately. Enter spouse's SSN above and full name here. ▶ 4 Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter the child's name here. ▶ 5 Qualifying widow(er) with dependent child										
Exemptions	6a Vourself. If some b Spouse c Dependents: (1) First name Last name					hild under age 17 for child tax credit instructions)					
If more than four dependents, see instructions and check here ▶ □	d Total number of exen	notions claim	ed				or separation (see instructions) Dependents on 6c not entered above Add numbers on lines above				
Income	7 Wages, salaries, tips, 8a Taxable interest. Atta	etc. Attach F	orm(s) W-2 .				7 8a				

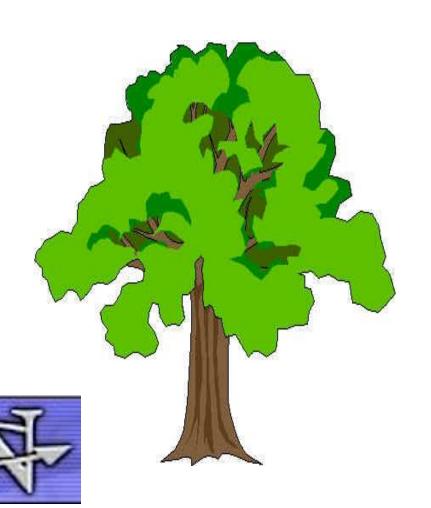
Green OA (self-archiving)

12% of scientific literature in 2008

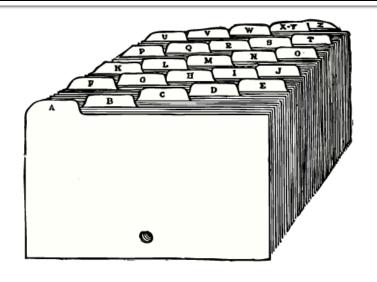
Bjork et al. (2010)



arXiv.org



Green OA - issues









Time-Delayed OA

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The NEW ENGLAND JOURNAL of MEDICINE

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JANUARY 16, 2003

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180 THIS WEEK IN THE JOURNAL ORIGINAL ARTICLES

- 194 Imaging Studies after a First Febrile Unitary Tract Infection in Young Children A. Hoberman and Others
- 1001 Intratumoral T Cells, Recurrence, and Survival in Epithelial Ovarian Cancer L. Zhung and Others
- 214 Prodomings amaziness and Sergita mannorm Contamination Associated with a Manufacturing Defect in Branchoscopes D.L. Kinschike and Others
- 221 An Outbreak of Panalomonas arruginosa Infections Associated with Flexible Broachoscopes A. Srinnissan and Others

SPECIAL ARTICLE

220 Patient Safety: Risk Factors for Retained. Instruments and Sponges after Surgery A.A. Gawande, D.M. Studdert, E.J. Orax. T.A. Brennen, and M.J. Zinner

CHINICAL PRACTICE

you Suspected Appendicitis E.K. Paulson, M.F. Kalady, and T.N. Pappas

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- **Enviring Safe and Effective Medical Devices** DW Feigal, S.N. Gardner, and M. McClellan
- 19th Risks and Benefits of Gene Therapy P. Noguchi

*DITORIALS

- 281 Imaging Studies for Childhood Urinary Infections.
- 213 Immunoscoveillance against Canoer and Immunotherapy - Synergy or Antagonium? T. Boon and N. van Baren

IMAGES IN CURICAL MEDICINE

338 Retained Surgical Instrument A. Dembitzer and E.J. Lai

CASE SECOSES OF THE WASSACHUSETTS GENERAL HOSPITAL

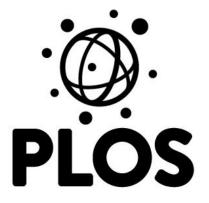
34) Case 2-2003: A 66-Year-Old Man with Mild Congrestive Heart Failure of Uncertain Cause P.M. Yurchak and V. Deshpunde

255 CORRESPONDENCE

- 267 BOOK SERVENS
- 270 MOTORES
- ZIS COSSSCTION
- 271 CONTINUING MEDICAL SOUCATION

Gold OA (author-pays)

 6-8% of peerreviewed literature in 2009
Laaski, et al. (2011)

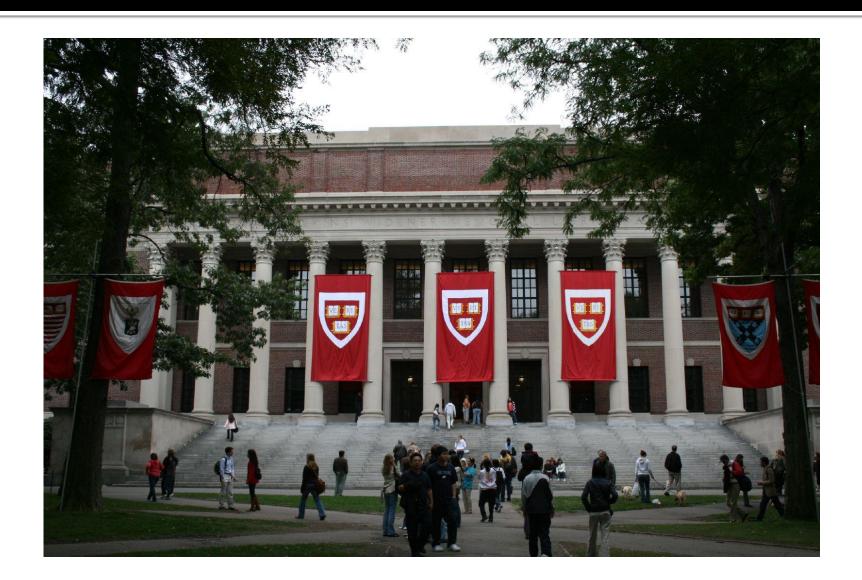




Gold OA - Challenges



Institutional Mandates



Funder Mandates

welcometrust







Funder Mandate Issues







OSTP Memorandum (2/22/13) Executive Order (3/9/13)

OSTP Memo

- Agencies w/ R&D budgets > \$100M
- Open access w/in12 mo.

Exec Order

Open Data Policy



Public Comment

