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February 4, 2009

The Honorable John Conyers
Chairman
House Judiciary Committee
2138 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Conyers:

On behalf of a diverse group of not-for-profit scholarly and scientific societies and commercial publishers who are members of the Professional and Scholarly Publishing Division of the Association of American Publishers and the DC Principles Coalition for Free Access to Science, we are writing to thank you for introducing *The Fair Copyright in Research Works Act*. Collectively, we represent hundreds of thousands of publishing employees and professional members across our nation, and publish millions of peer-reviewed scholarly and scientific journal articles in a multitude of disciplines.

As you know, this bill will help ensure that the federal government does not undermine scientific and scholarly publishers' incentives to invest in publishing peer reviewed scientific, technical and medical articles and the unique publications in which they appear. Both are the result of significant value-added contributions from private-sector publishers.

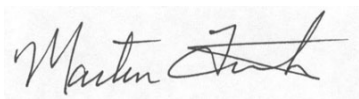
Not-for-profit and commercial publishers together invest hundreds of millions of dollars every year in the peer review, editing, publishing, disseminating, and archiving of scientific and scholarly journal articles. Peer review, which ensures the quality and integrity of research articles, is at the heart of this process and the scientific research communication enterprise. Copyright protections for these journal articles provide the essential incentives for publishers to continue to invest in peer review and other quality assurance publishing processes that help ensure the reliability and widespread dissemination of the public record of scientific research.

The Fair Copyright in Research Works Act is necessary to address serious copyright concerns raised by a recent government mandate that allows the National Institutes of Health to make the content of publishers' value-added, peer-reviewed journal articles freely available online within 12 months of publication. This important legislation will allow the government to disseminate research results, while ensuring that copyright protections in journal articles are not diminished. We do not oppose reasonable efforts by the Federal Government to make the results of publicly-funded research as widely available as possible in the United States. For example, we strongly support the statutory

directive to ensure broad access to the results of publicly-funded research as enacted by Congress two years ago in the America Competes Act. Under that law, the National Science Foundation will provide meaningful public access to the results of NSF-funded research in a way that does not diminish copyright protection for private-sector works explaining such results.

The Fair Copyright in Research Works Act will ensure that a healthy private publishing sector will continue to complement the research enterprise by providing the services that are essential to advance science and knowledge. Again, we thank you for co-sponsoring *The Fair Copyright in Research Works Act* to protect the quality and integrity of scientific research and preserve the incentives for investment in peer-reviewed journal publishing.

Sincerely,

A handwritten signature in black ink that reads "Martin Frank". The signature is written in a cursive style with a large, stylized "M" and "F".

Martin Frank, Ph.D.
Executive Director
American Physiological Society

A handwritten signature in blue ink that reads "Allan R. Adler". The signature is written in a cursive style with a large, stylized "A" and "A".

Allan Adler
VP, Legal & Governmental Affairs
Association of American Publisher, Inc.