



ASSOCIATION OF
AMERICAN PUBLISHERS, INC.

50 F Street, NW, 4th Floor
Washington, D.C. 20001
Telephone 202 347-3375
Fax 202 347-3690

FOR IMMEDIATE RELEASE

**Contact: Allan Adler
(202) 220-4544**

**Publishers urge more consultation on implementation of NIH public access
policy**

Cite threats to key copyright protections

March 20, 2008, Washington, DC, – In comments submitted for a public hearing on March 20, professional and scholarly publisher members of the Association of American Publishers (AAP) raised concerns that implementation of the National Institute of Health (NIH) mandate on private-sector journal articles will undermine copyright protection for scientific works and urged more effective consultations before the policy is implemented. The NIH is currently holding a public hearing and is soliciting comments from interested parties, but plans to move ahead with the implementation of the mandate on April 7th as written, before considering all the comments it will receive.

“Publishers have a lot of experience in creating sustainable models of free, delayed, and open access to journal articles, so we hope the NIH will be willing to consult with us substantively so we can avoid undermining copyright and help them implement an effective public access policy” said Allan Adler, AAP’s Vice President for Legal and Government Affairs. .

“We feel strongly that there are numerous copyright concerns that were never examined by Congress and that must be addressed before the policy can go into effect,” Mr. Adler continued. “The statutory authority for the NIH mandate was included in a provision in an appropriations bill without scrutiny from the Congressional committees that have jurisdiction over intellectual property rights, and Congress was not aware of some of the things that the NIH actually does with the final, peer reviewed manuscripts once they have been submitted to NIH”

In its March 17 response to NIH’s request for comments (NOT-OD-08-057) on the implementation of the new public access policy, the AAP/PSP outlined some of its specific copyright concerns, including the piracy of U.S. government-funded research abroad, and urged the NIH to develop specific safeguards and best practices to ensure that the day-to-day implementation of the policy adheres to its stated objectives and does not undermine copyright or the incentives for publishers to invest in the peer-reviewing, publishing, distribution and archiving of scientific articles.

“We believe Congress intended the NIH mandatory policy to be implemented consistent not only with the letter of copyright law, but also consistent with the spirit and policies underlying that law and the publishing community’s reliance upon it,” said Adler. “To achieve this objective, it’s critical that NIH undertake a more formal process to address all the concerns of all stakeholders in the research community and delay implementation until these concerns have been fully considered. Publishers look forward to partnering with NIH to get this policy right.”

###