

## Sharpless, Katherine E.

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**From:** public-access-bounces@nist.gov on behalf of Tein, Andrew - Hoboken  
<antein@wiley.com>  
**Sent:** Friday, August 21, 2015 2:45 PM  
**To:** public-access  
**Subject:** [Public-Access] Comment on NIST Public Access Plan  
**Attachments:** Wiley NIST Submission 082115.pdf; ATT00001.txt

Hi Katherine

Hope that you have been well. Please find attached comments from John Wiley and Sons (Wiley) on the NIST Public Access Plan. Please let me know if you have any questions. We look forward to working with NIST to advance public access to publications and data.

Thanks very much,

Andrew

**Andrew Tein**  
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**WILEY**



August 21, 2015

Katherine Sharpless  
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**RE: National Institute of Standards and Technology Plan for Providing Public Access to the Results of Federally Funded Research**

I am writing on behalf of John Wiley & Sons, the leading American publisher of scientific research. Wiley was founded in 1807 and has 2,600 employees across the country. We publish over 1,600 journals across all major scholarly disciplines and partner with over 1,200 non-profit professional and scholarly societies which represent nearly 15 million researchers around the world.

Wiley is committed to working with funders, researchers and other stakeholders to expand access to high-quality, peer-reviewed articles. Together we can develop sustainable models that expand access and strengthen the system of scholarly communication, recognizing the investments publishers make in managing peer-review, publishing and disseminating articles, and preserving research for the future.

We appreciate the opportunity to provide comments on the *NIST Plan for Providing Public Access to the Results of Federally Funded Research* in response to the Federal Register notice on July 7, 2015.

**What are the best practices (from academia, industry, and other stakeholder communities) in managing public access of data?**

Wiley is committed to working with its authors and agencies to enable greater access to digital data. In June 2015 Wiley announced a groundbreaking partnership with the data repository organization Figshare to integrate data sharing within existing journal workflows and article publication. The new data sharing service is being piloted with a number of titles and rolled out over the following few months along with new data citation and data sharing policies. This will ensure that more data is accessible, sharable and reproducible under a creative commons license from articles on Wiley Online Library without any cost to the author or readers.

We look forward to working with NIST as it seeks to promote data sharing over the coming years. In particular, we appreciate that NIST will be “taking into account the efforts of public- and private-sector entities” as it outlines repository options for scientific data in digital formats. As these efforts advance we encourage NIST to consult with stakeholders, align with ongoing activities in the research community and leverage existing infrastructure instead of creating duplicative federal repositories.

**What are the biggest challenges to implementing a public access policy, and how can these challenges be addressed?**

### *Embargoes and Petitions*

One of the key challenges in developing a sustainable public access policy will be to ensure that it provides sufficient time for publishers to recoup their significant investments in the peer-review and publishing processes. Indeed, the long-term success of “green” public access policies depends on a vibrant subscription base to support private sector investments.

To this end, we are concerned that the initial 12-month embargo chosen by NIST for all journal articles covered by the policy could be too short for many publishers and societies to recoup their investments in the peer-review and publishing processes and continue to produce the highest-quality scientific research literature. Disciplines vary significantly in their publishing cultures and usage patterns, and what may be appropriate for certain rapidly-moving fields of research may be unsustainable for others. A variable approach to embargoes is essential to accommodate this diversity and ensure sustainability. Such an approach has been taken by other funders around the world including policymakers in the UK, who set an initial 12-month embargo for STEM disciplines and a 24-month embargo for the arts, humanities and social sciences.

We appreciate that NIST has, in accordance with the OSTP memorandum, included a petitions mechanism to adjust this embargo period. This is a critical safeguard to ensure the NIST plan does not harm the system of scholarly communication and can respond flexibly to accommodate the diversity of research and stakeholders. However, we are concerned that the criteria for adjusting the embargo period – “providing evidence that the current embargo period does not provide a public benefit and is inconsistent with the objectives articulated in the OSTP memo” – diverges from the primary purpose of such a period, which is to preserve the sustainability and quality of scholarly publications. As a potential alternative approach, we would highlight the criteria outlined in the National Science Foundation public access plan, which calls for petitions to present evidence that a change in the embargo period “will more effectively promote the quality and sustainability of scholarly publications while meeting the objectives of public access.” In addition, we would recommend that NIST allow any stakeholder to make such a petition, not just “NIST’s customers.”

Such a measured, reflective, and stakeholder-driven approach will be essential to develop a sustainable public access policy and adjust as needed to address challenges in the course of implementation.

### *Implementation and Repositories*

NIST has indicated that it will use the NIH's PubMed Central (PMC) repository to implement its public access plan. As PMC can act in direct competition with other stakeholders and unnecessarily duplicate functions already being performed by other actors, we would encourage NIST to explore other more cost-effective options for implementing its public access plan that leverage journals’ existing infrastructure. Wiley and a coalition of other publishers and societies, who collectively publish the vast majority of articles reporting on federally-funded research, are committed to helping agencies implement their public access plans through the Clearinghouse for the Open Research of the United States (CHORUS). Distributed systems like CHORUS can save taxpayer dollars, avoid unnecessary duplication and reduce compliance burdens. We look forward to future discussions on how CHORUS can be leveraged to support implementation of agency public access plans.

If NIST does use PMC, we would encourage it to consider ways in which the system could be improved upon:

- If PMC is used, rely on relevant industry standards rather than creating proprietary identifiers and link to authoritative article versions if the version of record is not available within PMC. The current approach of using PMC IDs instead of industry-standard DOIs encourages traffic to remain within PMC.
- If PMC is used, clearly display copyright information where relevant and provide usage statistics for manuscripts deposited in PMC by publishers on behalf of authors. The National Library of Medicine (NLM) does not communicate effectively to stakeholders and partners critical information, including usage of accepted manuscripts posted on PMC and clear guidance on article copyrights, both ownership and re-use terms.
- If PMC is used, do not expand services in ways that dilute its mission and effectiveness, such as the creation of derivative products and services without consultation with publishers and other stakeholders and establishing overseas mirror repositories when other access and repository options already exist.
- If PMC is used, consider developing additional services to improve public access to its databases, such as API access to Medline/PubMed. Enabling programmatic access to database content will increase dissemination of publically-funded material and will encourage the development of innovative products and services based upon NLM data.

### *Intellectual Property Protection*

Strong intellectual property protections underpin the information economy and support the ability of rightsholders to continue to publish high-quality, peer-reviewed scientific literature. As such, we appreciate NIST's commitment to "recognize....intellectual property rights, avoiding significant negative impact on intellectual property rights, innovation, and U.S. competitiveness." In particular we appreciate NIST's clear acknowledgment that articles made freely accessible are still protected by copyright laws. To ensure the sustainability of scholarly publishing and prevent the undermining of copyright, it will be important to continue to allow rightsholders to set appropriate license terms, ensure such license terms are clearly communicated, and take steps to prevent bulk downloads and infringement in cases where licenses do not allow such use.

### **How can NIST improve its plan to provide greater public access to NIST data?**

Wiley looks forward to partnering with NIST as it implements its initial public access plan. Experience from around the world suggests that the adoption of any such plan is never a simple endeavor, and that both expected and unexpected challenges will emerge over the course of this process. To respond nimbly to these challenges and make improvements and adjustments to its plan, it will be important that NIST continue to adopt a flexible approach to public access and engage openly and regularly with the scholarly community.

Thank you for your consideration of these comments regarding the NIST public access plan. We look forward to collaborating with NIST as it refines and implements its public access plan and remain committed to strengthening the system of scholarly communication in support of researchers and funders in the United States and around the world.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Tein'.

**Andrew A Tein**

Vice President, Global Government Affairs

Wiley

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