



Advancing Transfusion and  
Cellular Therapies Worldwide

Sent via e-mail to [publicaccess@ostp.gov](mailto:publicaccess@ostp.gov)

December 30, 2011

John P. Holdren  
Director, OSTP  
725 17th Street Room 5228  
Washington, DC 20502

Re: Document #2011-28623

Dear Mr. Holdren,

AABB (formerly the American Association of Blood Banks) is pleased to respond to OSTP's November 3, 2011 *Federal Register* notice requesting comments on "Public Access to Peer-Reviewed Scholarly Publications Resulting from Federally Funded Research." As owner of the medical journal *TRANSFUSION*, AABB appreciates the opportunity to respond to the issues raised in the notice.

AABB is an international, not-for-profit association representing individuals and institutions involved in the field of transfusion medicine and cellular therapies. The association is committed to improving health by developing and delivering standards, accreditation, and educational programs that focus on optimizing patient and donor care and safety. AABB membership consists of nearly 2,000 institutions and 8,000 individuals, including physicians, nurses, scientists, researchers, administrators, medical technologists, and other health-care providers.

*TRANSFUSION* is the foremost publication in the world for new information regarding transfusion medicine. Written by and for members of AABB and other health-care workers, *TRANSFUSION* reports on the latest technical advances, discusses opposing viewpoints regarding controversial issues, and presents key conference proceedings. In addition to blood banking and transfusion medicine topics, *TRANSFUSION* presents submissions concerning tissue transplantation and hematopoietic, cellular, and gene therapies.

Like many other societies that publish peer-reviewed research, AABB depends on the subscription revenues from *TRANSFUSION* to support activities that serve not only a specialized (in this case, medical) community, but also society in general. Those revenues also enable AABB to conduct the peer-review process, which cannot be accomplished without significant expense.

AABB offers the following responses to the Request for Information appearing in 76 FR 68518.

- 1. Are there steps that agencies could take to grow existing and new markets related to the access and analysis of peer-reviewed publications that result from federally funded scientific***

8101 Glenbrook Road  
Bethesda, MD 20814-2749  
301.907.6977 MAIN  
301.907.6895 FAX  
[www.aabb.org](http://www.aabb.org)

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***research? How can policies for archiving publications and making them publically accessible be used to grow the economy and improve the productivity of the scientific enterprise? What are the relative costs and benefits of such policies? What type of access to these publications is required to maximize US economic growth and improve the productivity of the American scientific enterprise?***

Through its publisher, John Wiley and Sons, *TRANSFUSION* encourages growth in existing and new markets. The journal has a policy for open access to federally funded research. That policy has been in place for some time without controversy or challenge, and appears to meet the needs of the journal's constituency. AABB and Wiley have made investments in digital and online technology, and have actively participated in library consortia worldwide to accelerate and broaden access to the peer-reviewed literature by several orders of magnitude. There is more access to more content by more users now than ever before. In fact, over half the submissions to *TRANSFUSION* are from outside the United States.

AABB is unaware of any studies showing that free access to the research literature will increase research productivity or economic growth. *Access* to the literature does not automatically translate to the ability to *use* that same literature. The modern research enterprise is complex and requires huge investments. Limited resources are the constraint, not access to the research literature.

AABB does not accept the premise that because government funds scientific research, the government is entitled to full access to and control of manuscripts reporting on this research. Publishing peer-reviewed research is expensive. The government pays only for the research; it is unfair for it to lay claim to the final publication. Having each funding agency open its database of funded projects, including research project reports and lay summaries, best serves the public interest and protects the scientific research enterprise.

Many research funders require research progress reports on all grants. Expanding this information by requiring the addition of a one-paragraph lay summary, and making both freely available, has more potential to enhance public understanding than does providing free access to scientific journals. AABB's strong preference would be that the federal government does **not** mandate deposit of journal manuscripts in a freely available archive, regardless of format, process, or timing. Rather, the federal government should strive to provide public access to the information that it already controls and has a right to distribute — for example, research summary reports.

Typically, these reports are produced as part of each federally funded project, and they are provided to the government as a contract deliverable. Thus, there is a report for virtually every project. Each project itself undergoes peer review before being selected for funding, and the research results being reported on are solely those that the government funded. In short, these reports are the federally funded research results. Thus, if the policy is to provide public access to federally funded research results, then these reports are the natural vehicle for doing so. The government already has them, so all it has to do is make them publicly available. Several federal science agencies already do this; no new system is required.

The government should not impose unfunded mandates that pertain to the outputs of the publishing process, including accepted author manuscripts and published journal articles. Such policies would not be

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justifiable or warranted. Government-imposed public access policies would violate fundamental copyright principles by allowing the government to diminish existing copyright protections for private-sector journal articles.

- 2. What specific steps can be taken to protect the intellectual property interests of publishers, scientists, federal agencies, and other stakeholders involved with the publication and dissemination of peer-reviewed scholarly publications resulting from federally funded scientific research? Conversely, are there policies that should not be adopted with respect to public access to peer-reviewed scholarly publications so as not to undermine any intellectual property rights of publishers, scientists, federal agencies, and other stakeholders?***

Some options to consider include:

- Make funds available for the purchase of open access to published articles. Several research funders already do this (eg, Howard Hughes Medical Institute, The Wellcome Trust, Max-Planck Institutes). These costs are a small fraction of the investment in the research itself.
- License content from publishers and learned societies and make it available to specific audiences. AABB licenses content to customers of many kinds, and would consider entering into negotiations regarding access by specific communities to packages of content.

What should *not* be considered is to take accepted or published articles from publishers or learned societies (directly or via a mandate placed on grantees) and make them freely available.

- 3. What are the pros and cons of centralized and decentralized approaches to managing public access to peer-reviewed scholarly publications that result from federally funded research in terms of interoperability, search, development of analytic tools, and other scientific and commercial opportunities? Are there reasons why a federal agency (or agencies) should maintain custody of all published content, and are there ways that the government can ensure long-term stewardship if content is distributed across multiple private sources?***

Scholarly journal articles have been published for several hundred years by a combination of society, not-for-profit, and for-profit publishers. This multiplicity of publishers has not prevented broad public access. In fact, one could argue that it has been an advantage in promoting competition that has, in recent years, driven development of increasingly sophisticated platforms to deliver this content.

Over the past decade, publishers have developed the Digital Object Identifier (DOI), a unique identifier for each piece of content, in this case a journal article. Almost 1,000 publishers (including Wiley) and societies (including AABB) participate and assign DOIs to their published content items. Navigation of the research literature is seamless, so that researchers using the bibliography in one article can link from a reference in the bibliography to the full text of the referenced article.

It is questionable whether the government could become a credible provider of these kinds of services. Given government budget constraints, the government would be unlikely to use taxpayer dollars to duplicate an existing, well-functioning service. PubMed Central, the repository for mandated NIH

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grantees, is not a simple archive of articles but a sophisticated publishing platform requiring millions of dollars of investment.

4. *Are there models or new ideas for public-private partnerships that take advantage of existing publisher archives and encourage innovation in accessibility and interoperability, while ensuring long-term stewardship of the results of federally funded research?*
5. *What steps can be taken by federal agencies, publishers, and/or scholarly and professional societies to encourage interoperable search, discovery, and analysis capacity across disciplines and archives? What are the minimum core metadata for scholarly publications that must be made available to the public to allow such capabilities? How should federal agencies make certain that such minimum core metadata associated with peer-reviewed publications resulting from federally funded scientific research are publicly available to ensure that these publications can be easily found and linked to federal science funding?*

A number of projects are under way or envisioned for public-private partnerships, including standardization of information on funding sources, DOIs for data sets, assigning of unique identifiers to make individual researcher contributions less ambiguous, management/mining of content, and linking to/from research reports. These projects are more fully described in a separate response by Wiley to Document #2011-28623.

6. *How can federal agencies that fund science maximize the benefit of public access policies to US taxpayers, and their investment in the peer-reviewed literature, while minimizing burden and costs for stakeholders, including awardees institutions, scientists, publishers, federal agencies, and libraries?*

Publishers would argue that those who can benefit from access to the peer-reviewed journal literature already have access; researcher surveys bear out this assertion. Publishers and learned societies are committed to the wide dissemination of our content. We support any and all sustainable access models that ensure the integrity and permanence of the scholarly record. This includes open access, where publication is funded by a publication fee or article processing charge. Many publishers now offer open access options and/or publish open access journals, and work closely with funders, institutions, and governments to facilitate these developments. We believe that authors should be able to publish in the journal of their choice, where they feel their work will be best reviewed by their peers and where its publication will have the greatest potential to advance their field. Research funders could provide a fund to publishers to cover open access publishing fees.

7. *Besides scholarly journal articles, should other types of peer-reviewed publications resulting from federally funded research, such as book chapters and conference proceedings, be covered by these public access policies?*

No. Publishers also invest in these other types of content used by researchers, often by conceptualizing the project, commissioning the content, and investing heavily in its development. Any kind of mandated free access to that content is simply an expropriation of that content.

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8. *What is the appropriate embargo period after publication before the public is granted free access to the full content of peer-reviewed scholarly publications resulting from federally funded research? Please describe the empirical basis for the recommended embargo period. Analyses that weigh public and private benefits and account for external market factors, such as competition, price changes, library budgets, and other factors, will be particularly useful. Are there evidence-based arguments that can be made that the delay period should be different for specific disciplines or types of publications?*

There are no “appropriate” embargo periods. Any embargo period is a dramatic shortening of the period of copyright protection afforded all publishers.

AABB believes that peer-reviewed papers should not be made public within the duration of the article’s copyright without the copyright holder’s permission. AABB believes that publishers — and learned societies — themselves should determine the business models under which their publications operate. This should include the time, if any, at which the final peer-reviewed manuscript or final published article is made publicly available. Peer-reviewed papers are the direct result of investment and value added by societies and/or publishers, not the federal government. Thus, material should *not* be made freely available to the public unless the copyright owner authorizes the government to do so.

Respectfully,

Laurel V. Munk, MLS

Publications Director  
AABB  
8101 Glenbrook Road  
Bethesda, MD 20814  
301-215-6595  
[laurie@aabb.org](mailto:laurie@aabb.org)