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January 12, 2012

Office of Science and Technology Policy  
Executive Office of the President  
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**Attn: Open Government Recommendations on Public Access to Peer-Reviewed Scholarly Publications Resulting From Federally Funded Research**

**Ref: Federal Register Volume 76, Number 214**

With over 120,000 members, the American Society of Mechanical Engineers (ASME) is the largest mechanical engineering professional organization in the world. Since its founding in 1880, ASME has worked to advance public safety and quality of life throughout the world. ASME's reputation as an "honest broker" has been earned over these many decades by its deliberate embrace of all stakeholders in the consensus process and in facilitating a robust technical peer review process built on integrity and honesty.

ASME has balanced its mission with reasonable economic models in order to become an essential resource for mechanical engineers and other technical professionals throughout the world for solutions that benefit mankind. Throughout its long history, ASME has deliberately maintained affordable publications, conferences, standards, workshops, and seminars.

ASME endorses the principle of providing public access and enhancing dissemination of federally funded research results in ways that advance public safety and welfare, and improve the quality of life throughout the world. In so doing, ASME is resolute on our position that it is critical to protect the authors' rights to their intellectual property, as well as the critical functions of peer review. We are also concerned that in an era of dwindling federal resources, central federal repositories are duplicative, unnecessarily expensive and a recurring burden that may not be viable for long-term stewardship. Agencies should seek productive and mutually beneficial projects and partnerships with publishers that ensure greater availability of both taxpayer-funded research directly from the government and peer-reviewed, value-added publisher content.

**Comments on Public Access to Peer-Reviewed Scholarly Publications:**

- As OSTP develops its public access policies, it must be careful to consider the range of scholarly publications which are not the direct result of federally-funded research as they are funded by the private sector and distinct from the direct outcomes of federally funded scientific research. Publishers have a long record of providing long-term stewardship and broad public availability of the peer-reviewed scholarly publications that report on, analyze, and interpret federally funded scientific research results. OSTP must be careful to not establish mandates that undermine intellectual property rights without full, voluntary rights-holder authorization, intellectual property rights protection, and compensation.

- ASME supports the goals of the America COMPETES Reauthorization Act of 2010, which calls upon OSTP to coordinate agency policies related to the dissemination and long-term stewardship of the results of federally funded unclassified research. ASME also supports the guiding principles of transparency, participation and collaboration that President Obama articulated at the onset of his Administration
- For decades, the U.S. has reaped the benefits of effective public-private partnerships. The consensus standards process is a prime example of this model providing the most rapid and technically relevant process in the world for dissemination and implementation of technology advancements. Similarly, with respect to private sector scholarly publications, we believe that the best approach to achieving greater public availability is through public-private collaboration with publishers and scientific societies that will result in the broad dissemination of materials that analyze and interpret research while preserving the critical functions of peer review, editing, design, value-added development, composition of content, staffing, archiving, and other activities which build on the results of federally funded scientific research and disseminate scientific knowledge for the betterment of society.
- Publisher activities and investments have contributed to U.S. economic growth directly through the high-skilled workers they employ, as well as through the dissemination of knowledge that leads to innovations beneficial to safety and health of all Americans. Sustainable partnership with publishers is the best way to continue supporting the U.S. economy and the productivity of the scientific enterprise.
- We also oppose government mandates requiring that private-sector scholarly publications be made available online without authorization and compensation. Such unnecessary and harmful mandates jeopardize the sustainability of a robust peer-review publishing system which the vast majority of scientific researchers consider to be first-rate, and which helps ensure U.S. leadership in scientific research.
- OSTP should work with researchers and other stakeholders to create appropriate policies to make the Federal agency-collected and maintained outputs of taxpayer-funded research, such as data sets, grant reports and research progress reports, freely available to the public.
- Federal policies should foster the ability of publishers to partner with the research community to provide high-quality products and services that build upon federally funded research. The government should encourage interpretation, application and on-going development of ideas based on federally funded research. The intellectual property that results from these endeavors drives innovation and must be honored. Embargo periods should be determined on a case by case, collaborative basis rather than through a federal proscriptive process. A single, uniform policy or mandate for all agencies would be the wrong approach, as noted by the Scholarly Publishing Roundtable report of January 2010.
- OSTP should carefully evaluate the value of providing open access to a final research report after appropriate embargo periods, rather than asserting a type of eminent domain over the peer-reviewed journal article. This solution would allow standardization of information reported, rapid and broad dissemination of the government-funded materials even before publication of a peer reviewed article, and the preservation of IP.

- OSTP must work to ensure copyrighted materials are protected from unauthorized dissemination and piracy. Copyright is an essential ingredient in promoting creativity, innovation, and the continued integrity and reliability of the scholarly record. We have seen that the NIH policy undermines IP and promotes pirating. Not only is the free digital database, the PubMedCentral (PMC), undermining an important U.S. export market, but PMC copies of copyrighted material appear on rogue sites, contributing to millions of dollars in annual losses to U.S. publishers.
- Peer-reviewed papers are not the direct result of the expenditure of taxpayer funds; conversely, they result from a significant publisher investment. The ability to recoup that investment enables innovation, allows infrastructure to be developed (including archives and metadata), and provides incentives to try new approaches. Long-term stewardship of content carries significant costs that are already being borne by publishers.
- Peer-reviewed papers should not be made public within the duration of the article's copyright without the copyright holder's permission. For accepted author manuscripts and published journal articles, both of which publishers have invested in heavily, publishers should determine the business models on which their publications operate and this should include the time, if any, at which the final peer-reviewed manuscript or final published article are made publicly available.
- Public access government mandates have significant costs to the U.S. economy and the scientific enterprise. NIH's PubMedCentral data indicates 2/3 of users are from overseas, undermining critical export opportunities for an \$8 billion publishing industry that employs 50,000 Americans.

ASME recommends that OSTP carefully review all approaches to public access and comprehensively consider the economic implications of various public access models, including the impact on the federal budget, the peer review process, and the health of America's innovation ecosystem.

ASME is prepared to work with OSTP and other federal agencies to improve the dissemination of federally funded research and to support the development of an effective public access policy. We urge the Administration to convene the major stakeholders in a comprehensive evaluation and understanding of the various public access models.

Sincerely,

A handwritten signature in blue ink that reads "Victoria A. Rockwell". The signature is written in a cursive, flowing style.

Victoria A. Rockwell  
ASME President