



Graduate Student Association
253 South Silo
One Shields Avenue
Davis, California 95616

January 11, 2012

Office of Science and Technology Policy

Re: Request for information related to public access to peer-reviewed scholarly publications resulting from federally funded research

To Whom It May Concern:

Thank you for the opportunity to submit public comment on this important topic that affects research, the public, and American economic interests. We are submitting our comments on behalf of the Graduate Student Association (GSA) at the University of California, Davis (UC Davis). The GSA represents the more than 4,300 graduate students at UC Davis in a variety of fields. UC Davis relies heavily on federal support, receiving more than \$437 million in federal government grants for 2009-2010. The graduate students at UC Davis are an important component of these federally funded projects, often serving as research assistants or even co-principal investigators. As a result, open access to research from federally funded projects would have a significant impact on students at the graduate level. At the same time, UC graduate students rely considerably on peer-reviewed publications to assist in their coursework, their research and ultimately, their thesis or dissertation.

The UC Davis GSA strongly supports the policy of open access to research, pursuant to the model of the National Institutes of Health. We believe that it is important for transparency and intellectual development that those outside of academia be given access to the research paid for by the federal government and their tax dollars. In particular, as we face considerable cuts to higher education within the University of California system, money for libraries and journal publications is being cut. At smaller schools, subscriptions to top-level research journals, which may cost thousands of dollars per year, are often the first casualties of budget reductions. . Providing open access to research can ensure that American students at universities and colleges have access to state-of-the-art research funded by the federal government. At the same time, it gives American businesses and the public the opportunity to better learn about the research our schools have been performing and be informed about the most recent advancements in medicine, science, and technology. Open access allows entrepreneurs to focus on innovation, workers to access the latest developments in their field and cancer patients to better understand their own care. We have a number of suggestions and opinions related to open access to research that we will detail below as we answer the prompted questions listed in the federal register.

1) Economic Considerations

We believe that open access can provide significant opportunity to spur intellectual capacity and economic prosperity. Allowing others to freely access the developments in medicine, science, and technology can enable other researchers to test results and improve upon existing research. We



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support full access to publications through open access policies, with embargo periods, to ensure that our scientists and researchers can advance our economy through these policies.

2) Intellectual Property Interests

The purpose of intellectual property (IP) protection is to ensure that whoever makes a discovery or develops an invention has a unique opportunity to profit from their labor. Open access does not change this in any way. Publication is a gold standard for establishing primacy over IP, it clearly establishes original authorship and broadcasts primacy over a particular discovery to others in the same field. Open access does not fundamentally change this practice. The decision on whether to submit an article for publication rests with the author and sponsors and the decision on whether to accept an article for publication rests with journal editors. Open access only changes the channels through which the published article is disseminated to other members of the community

In fact, open access could possibly improve the ability of IP regulators to resolve contested claims. A common consideration in IP cases is whether a discovery substantially reproduces prior art or whether it is, in fact, novel. By increasing researchers' access to the latest scholarship, it may be easier to demonstrate that a discovery does not offer an advance over prior art. Additionally, by increasing access to research and transparency within government-funded research, Open Access may encourage researchers to more efficiently choose which projects to pursue.

5) Data

We recognize that publishing raw data is often not in the public or an individual researcher's interests. In fact, in many cases, this could jeopardize national security and competitiveness. As such, we support that data be released at least as much as what is within a peer-reviewed journal, and to the extent that Institutional Review Board and other ethics requirements permit.

6) Public Access

Open Access policies directly maximizes the benefit of science to U.S. taxpayers by making research available to a broad audience at no cost. These policies impose virtually no cost on scientists or researchers, since the overwhelming majority of time and expense involved in publishing stems from conducting the research. There are multiple existing online databases for scholarly journal articles that would almost certainly be willing to index articles published under open access provisions at little or no cost to the government.

In order to maximize the public's access to this research we would suggest that the government utilize a user-friendly website, with tutorials and help files written in plain English, as the default access point. We would suggest that all open access research be published in one database, as opposed to multiple domain-specific ones, in order to optimize presentation of cross-disciplinary articles. Finally, we would strongly suggest that all Open Access articles be indexed through the Google Scholar web service, as well as any specialized web sites.

7) Other Publications



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The UC Davis GSA supports all non-confidential, federally funded research being made available through Open Access policies. We feel that government resources should be made available to all taxpayers and that the social benefit of such resources should be maximized. Other publication venues, such as book chapters and conference proceedings may have different routes to publication, but they are not inherently different from journal articles in that they represent a communication of scholarship to a broad community.

8) Embargo Periods

The UC Davis GSA feels that a six month to one year grace period is more than sufficient to ensure that private, for-profit distribution services can maintain their business model, while still allowing the public to reap a great benefit from this research. Scholars and researchers who are in highly competitive fields gain a distinct advantage from having immediate access to state-of-the-art research, and so they will continue to subscribe to journals or database services. This will allow the companies whose business is to provide such services access to the overwhelming majority of their revenue stream. The one year embargo period also allows for critical debate and editorial corrections to be made before it is released for wide publication.

Thank you kindly for the opportunity to submit comment on this issue. Please contact us if you have any questions or require additional information.

Sincerely,

Handwritten signature of Meredith Niles in black ink.

Meredith Niles

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