



May 30, 2008

Elias A. Zerhouni, MD, Director
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20892

Re: Request for Information: NIH Public Access Policy: NOT-OD-08-060 (March 28, 2008)

ARVO, the Association for Research in Vision and Ophthalmology, is grateful for the opportunity to respond to the above mentioned NIH Public Access Policy. As stated in previous correspondence, ARVO has over 12,000 members worldwide and publishes two of the top five peer-reviewed journals in ophthalmology, as demonstrated by the Institute of Scientific Information's Impact and Immediacy Factors. *Investigative Ophthalmology & Visual Science (IOVS)* receives over 1,600 submissions and publishes over 750 peer-reviewed articles annually; all articles are freely available online to everyone within twelve months after publication. The *Journal of Vision* includes 300 articles online only, all of which are freely accessible as they are published. Our concerns continue to be as follows.

Intramural Researchers: Policy Implementation

- ARVO recognizes that US-government funded research is in the public domain but does not recognize NIH's redistribution or claim of ownership of public domain content.
- ARVO does not support NIH's stated practice of depositing US taxpayer-funded articles and/or selected content in non-US sponsored or controlled databases.
- ARVO supports the practice of deep archives of scientific articles and is willing to work with NIH to establish a perpetual, deep archive.
- The Policy is confusing for authors and PIs; it states that the PI is responsible for submission of accepted articles whether or not they are authors of the articles. In addition, publishers do not have information regarding who is the PI for every grant.
- NIH's unfunded mandate for required deposit of accepted manuscripts policy for intra- and extramural scientists whose research is supported in whole or in part by NIH fails to recognize the value-added features included in the publishing process. ARVO supports and encourages NIH to link to final, published articles and associated supplementary data on trusted publishers' sites such as HighWire Press.
- ARVO explicitly states in its Copyright Form for government employees that NIH-funded authors may submit final, accepted electronic files to PubMed Central. Additional forms are redundant and potentially confusing to authors, institutions, and publishers.

Overall Policy Concerns

- NIH's unfunded mandate for required deposit of accepted manuscripts policy for intra- and extramural scientists whose research is supported in whole or in part by NIH fails to recognize the value-added features included in the publishing process. ARVO supports and encourages NIH to link to final, published articles and associated supplementary data on trusted publishers' sites such as HighWire Press.
- Many associations, including ARVO, have free online access to all back issue content published since the inception of the journal (volume 1, issue 1).

- This policy severely inhibits publishers' oversight and control of the use and potential misuse of its intellectual property.
- The fundamental financial models of subscriptions and advertising supporting the peer-review process as well as the ongoing educational opportunities and member support provided by Associations' publications are threatened. The Policy is forcing model changes but does not support publisher charges if an article is accepted and published after the grant has expired, regardless of funding included in the grant.
- The Policy and NIH submission process impose the additional burden of proofing and verification activities on Principal Investigators (PIs), affecting research in the short- and long-term.
- There are no procedures at the NLM and PubMed Central (PMC) for ensuring that only those articles funded by NIH are made publically available. Currently publishers must monitor PMC and request removal of articles that do not meet NIH's stated criteria.

ARVO looks forward to working with you and NIH's Public Access and NLM staff to resolve these significant issues.

Sincerely yours,

Sally Atherton, PhD
Executive Vice President

Nicholas Delamere, PhD
Chair, Publications Committee

Joanne Angle
Executive Director