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May 30, 2008

Elias A. Zerhouni, M.D.
Director
National Institutes of Health
One Center Drive
Bldg. 1 -- Room 126
Bethesda, Maryland 20892-0148

RE: Request for Information: NIH Public Access Policy
Submitted electronically at <http://publicaccess.nih.gov/comments.htm>

Dear Dr. Zerhouni:

The American Society of Clinical Oncology (ASCO), publisher of the Journal of Clinical Oncology (JCO), appreciates the opportunity to offer comments regarding implementation of the National Institutes of Health (NIH) Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research. ASCO shares the NIH goal of connecting the world of science and ensuring broad public access to research supported by NIH. We agree that information and information-sharing policies must be developed for the 21st century and must not look back to the past century.

ASCO has developed a number of initiatives to advance public access to research published in JCO. The public enjoys free access to JCO-published research reports one year after publication, and ASCO provides free access to JCO for low-income countries through the World Health Organization's HINARI program. A significant amount of JCO content is available to the public immediately through www.JCO.org and through www.cancer.net, ASCO's web site for cancer patients and the public.

We understand that the request for information from interested parties is part of the NIH plan for implementing the Public Access Policy and subsequently evaluating and adjusting the implementation standards or policy, if necessary. In keeping with this implementation philosophy, ASCO offers one specific proposal related to immediate implementation and recommends a broader consideration -- through a structured discussion involving NIH officials, publishers, NIH-supported researchers, and other interested parties -- regarding the relationship between public access and the creation of an archive of NIH-funded research.

Public Access by Links to Publishers' Web Sites

ASCO strongly recommends that NIH consider public access to be accomplished by a link from PubMed Central to publishers' web sites. A linking policy has significant advantages for the intended beneficiaries, as well as for others affected by the Public Access Plan. The most significant advantage of providing public access through a link to the published article on the publisher's web site would be to eliminate any confusion about content of the published article. Under the plan outlined by NIH, there exists the potential for confusion between the manuscript that is accepted for publication but that is not text edited -- the version that would be submitted by the NIH-supported researcher -- and the final published version of the article. The possibility of confusion could be addressed by permitting the

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researcher to submit at the time of acceptance for publication of an NIH-funded study a simple notification of acceptance; the responsibility for providing the link to the published manuscript could be shifted to the publisher.

Providing public access through a link to the publisher's web site would also remove the burden on researchers to negotiate changes to copyright agreements to permit public access. There is administrative simplicity to a linking policy that should make it a cornerstone for implementation of the Public Access Policy.

Creating an Archive of Peer-Reviewed Publications from NIH-Funded Research

We understand that NIH has rejected a policy that would rely on linking to publishers' web sites because of its interest in creating "a stable archive of peer-reviewed research publications resulting from NIH-funded research to ensure the permanent preservation of these vital published research findings." NIH suggests that it cannot rely on publishers' web sites and must create its own.

ASCO can make commitments only for its own publishing web site, although we are not aware of serious stresses and strains in other publishers' sites that would suggest they are unreliable now or would be in the future. ASCO also participates in the Portico service, a non-profit service which provides a permanent archive of electronic scholarly journals for both publishers and libraries. We are not persuaded that duplicating publishers' web sites with a public one at NIH is a 21st century solution to information technology needs. We urge that there be a serious debate, including all interested public and private sector parties, regarding development of this archive. Because the need for this archive is driving to a significant degree the manner in which the Public Access Policy is implemented, a serious review of this archive is in order.

Evaluation of Public Access Policy Implementation

With publication of the Request for Information, NIH has provided significant information regarding its philosophy and plans for the Public Access Policy. In additional conversations with interested parties, NIH officials have said that the policy will be evaluated and that the agency is willing to make adjustments, if required. ASCO urges that NIH strive for transparency in its evaluation of the Public Access Policy and suggests that the agency report on a regular basis (on a quarterly or semi-annual schedule) regarding the progress in implementing Public Access.

We look forward to additional discussion with NIH regarding the Public Access Policy.



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