**American Association of Law Libraries**
**American Library Association**
**Association of Academic Health Sciences Libraries**
**Association of College & Research Libraries**
**Association of Research Libraries**
**Medical Library Association**
**Public Knowledge**
**SPARC**

February 9, 2004

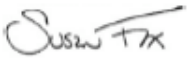
Clerk
United Kingdom Parliament
Science and Technology Committee
7 Millbank
London SW1P 3JA
United Kingdom

Dear Clerk:

The enclosed evidence is submitted in connection with the Science and Technology Committee inquiry into scientific publications. If possible, we would like to obtain your permission to post this document on the SPARC web site.

We would welcome an opportunity to provide the Committee with oral evidence. Contact may be made via Richard Johnson at +202 296 2296 or rick@arl.org.

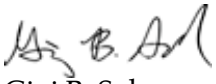
Sincerely,



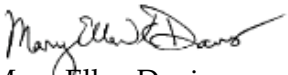
Susan Fox
Executive Director
American Association of Law Libraries

Keith Fiels
Executive Director
American Library Association

J. Roger Guard
President
Association of Academic Health Sciences Libraries



Gigi B. Sohn
President
Public Knowledge



Mary Ellen Davis
Executive Director
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Medical Library Association

Richard K. Johnson
Director
SPARC

**United Kingdom House of Commons**
**Science and Technology Committee**
Inquiry on Scientific Publications

Memorandum submitted by:
**American Association of Law Libraries**
**American Library Association**
**Association of Academic Health Sciences Libraries**
**Association of College & Research Libraries**
**Association of Research Libraries**
**Medical Library Association**
**Public Knowledge**
**SPARC**

1. This memorandum presents the views of several leading U.S. organizations concerned with the wide, affordable, and effective dissemination of scientific research results: the American Association of Law Libraries, the American Library Association, the Association of Academic Health Sciences Libraries, the Association of College and Research Libraries, the Association of Research Libraries, the Medical Library Association, and SPARC (the Scholarly Publishing and Academic Resources Coalition).

2. We commend the Committee's decision to examine issues related to scientific journal pricing and availability, which have an important bearing on the conduct of research and realization of its benefits. Although our organizations are not located in the United Kingdom, we offer our views because the scientific publishing process and journals markets are highly international – involving authors, subscribers, readers, and research funding from many nations. Moreover, there are strong similarities between the market dysfunctions observed in North America and Europe, and there is substantial cooperation among stakeholders on both sides of the Atlantic in seeking solutions. The views expressed herein are closely aligned with those of SPARC Europe (www.sparceurope.org), a coalition of European libraries based at Oxford University in the U.K., which advocates changes in the scholarly publishing market to better serve the international research community.

3. Our organizations are deeply concerned that the high and fast-rising cost to libraries of journal subscriptions are a significant threat to scientific communication. Price increases – far outpacing the growth of library budgets – have resulted in libraries no longer being able to afford access to the broad range of scientific publications needed by researchers. As access to journals declines, productivity declines – efforts may be duplicated, unproductive lines of research may continue, and innovation is slowed. Furthermore, the health of the public is not well served when access to information about medical research is hindered.

4. Rising journal prices have forced libraries in North America to postpone the purchase of new journal titles, to cancel subscriptions altogether, and to reduce the purchase of books. While research library materials budgets grew almost 150 percent between 1986 and 2000, subscription prices rose 226 percent. During the same period, the U.S. Consumer Price Index rose just 57 percent. As a result of the dramatic increase in journal prices, the typical research library was forced to cut the number of journals to which they subscribed by 7 percent and to cut book purchases by 17 percent.[1] Libraries in

[1] *ARL Statistics 1999-2000,* Washington, D.C.: Association of Research Libraries, p. 9, 14, Graph 2 & 4.

the U.K. and around the world have experienced similar pressures. Since libraries worldwide are the primary customers for journals and thus bear the major overall economic burden of supporting the cost of publication, the mounting financial pressure on library subscriptions suggests that the traditional economics of scientific communication are no longer supportable.

5. We are also concerned that scientific communication has insufficiently benefited from the opportunities that now exist for global sharing of knowledge. Although the potential of the Internet to reduce costs and expand dissemination was widely anticipated, experience demonstrates that vested publishing interests – immune from normal market forces because of their control of "must have" content – have blocked the realization of these potential benefits. Indeed, journal licensing practices of the largest publishers, characterized by the bundling of online access to many or all of a publisher's journals, have contributed to rising costs for libraries and have inhibited libraries' ability to manage their budgets and serve user needs. The severity of the problem can be seen in the recent actions of such major American universities as Cornell, Harvard, and Duke, which have chosen to cancel electronic access to the bundled journal package from the industry giant, Elsevier Science.[2] According to the library consortium through which Duke University subscribed,

> Elsevier has insisted that each library commit to a policy of zero cancellations over the life of the license. This would not only lock the consortium into an inflexible collection policy, but would inordinately privilege the journals of a single publisher. In order to maintain Elsevier subscriptions, journals from other publishers and in other disciplines would have to be canceled. The result would be a growing imbalance in library collections. We are additionally concerned about the detrimental effect such a commitment would have on the scholarly associations and society publishers whose journals would become especially vulnerable to cancellation.[3]

6. In addition to the harm caused to scientific societies and other small and medium-sized enterprises, recent mergers among commercial journal publishers have led to increased concentration of market power in the journal publishing industry. While mergers in competitive markets where there are substantial efficiencies result in reduced prices, this is generally not the case in the scientific journals markets. Here such mergers have resulted in higher prices,[4] deterioration of customer service, and reduced attention to editorial quality.[5]

7. After years of active engagement in market-based experiments aimed at introducing competitive forces to achieve expanded dissemination of research (including improved document delivery models, cooperative collection development, site and consortial licensing of electronic information, and development of competitive alternatives to high-priced journals), our organizations have concluded that the traditional subscription-based model for supporting publication costs no longer maximizes access to research material or realization of its economic and social benefits. As expressed in a recent letter to faculty from University of California administrators, "The economics of scholarly journal publishing are incontrovertibly unsustainable."[6]

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[2] Goldsmith, C. "Reed Elsevier Feels Resistance to Web Pricing," *Wall Street Journal*, Jan. 19, 2004, p. B1.
[3] Lange, P., Oblinger, J., and Sheldon, R. Memorandum: "Changes in Elsevier Science Access," Triangle Research Libraries Network, Jan. 14, 2004, p. 2. http://www.trln.org/elsevier%20memo.pdf.
[4] Susman, T, et al. *Publisher Mergers: A Consumer-Based Approach to Antitrust Analysis*, Washington, D.C.: Information Access Alliance, June 2003, http://www.informationaccess.org/.
[5] Munroe, M. E-mail to LibLicense-L mailing list, June 3, 2003, http://www.library.yale.edu/~llicense/ListArchives/0306/msg00008.html.
[6] Office of Systemwide Planning for Libraries and Scholarly Communication, "UC Libraries' Negotiations With Elsevier", December 22, 2003, Berkeley, Calif.: University of California Libraries, http://libraries.universityofcalifornia.edu/news/elsevier_update.html.

8. Given these facts, we believe that open-access research dissemination is a highly promising means of addressing the fundamental needs of science in a digital age. It is our view that the dual strategies of open-access publishing and deposit of research in open-access digital archives offer complementary means to address the economic dysfunctions in the journals market and to capture the societal benefits of scientific advances. These strategies are articulated by the "Budapest Open Access Initiative" (www.soros.org/openaccess/) and reinforced by the "Bethesda Statement on Open Access Publishing" (www.earlham.edu/~peters/fos/bethesda.htm) and the "Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities" (www.zim.mpg.de/openaccess-berlin/berlindeclaration.html). Open access is being implemented today by hundreds of open access journals (see *Directory of Open Access Journals* at www.doaj.org) and scores of open digital archives (see opcit.eprints.org/explorearchives.shtml).

9. Taking these various problems and opportunities into account, there are several actions we recommend to the Science and Technology Committee:

9.1 Current ambiguity surrounding the issue of who will pay for the cost of publication makes the move to open access a higher risk than is necessary for journal publishers. Resolution of this issue may be a precondition of a broader move to open access and the realization of its benefits. While many U.S. granting agencies allow their funds to be used for publication charges, we have urged that they go a step further by setting aside funds exclusively for open-access publication,[7] following the example of the Howard Hughes Medical Institute.[8] We encourage the Science and Technology Committee to recommend that U.K. grant-making bodies recognize research dissemination as an integral part of the research process by earmarking a portion of their grant funds to be used for open-access publication. The Wellcome Trust in the U.K. has already adopted this approach.[9]

9.2 The Committee should recommend to publicly funded U.K. grant-making bodies that they require authors to deposit a copy of their final, peer-reviewed paper in a fully searchable, freely accessible Internet repository or archive. There are two key motivations for such a policy. First, it would give taxpayers full and direct access to the research for which they have paid. Currently taxpayers or their institutions must pay a second fee for access. This fee is normally so high that, practically speaking, the research is inaccessible to the public that funded it. Second, it increases the return on the government's investment in this research, since the research becomes more accessible, discoverable, sharable, and for these reasons, more useful, than toll-access research. The recent Organisation for Economic Co-operation and Development's (OECD) "Declaration on Access to Research Data From Public Funding" – endorsed by the governments of the U.K., the U.S., and 32 other nations – expressed the view that "open access will maximise the value derived from public investments in data collection efforts."[10] This view pertains no less to the synthesis of research results published in journals than to the supporting data that was the focus of the OECD communiqué.

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[7] Johnson, R. Letter to Elias Zerhouni, January 6, 2004, http://www.arl.org/sparc/resources/OpenAccess-Zerhouni.pdf.
[8] BioMed Central. "Howard Hughes Medical Institute will cover article charges", *Open Access Now*, October 6, 2003, http://www.biomedcentral.com/openaccess/news/?issue=6.
[9] Wellcome Trust. "Scientific publishing: A position statement by the Wellcome Trust in support of open access publishing", November 12, 2003, http://www.wellcome.ac.uk/en/1/awtvispolpub.html.
[10] Committee for Scientific and Technological Policy. "Science, Technology and Innovation for the 21st Century", Paris: OECD, Final Communique, Annex 1, http://www.oecd.org/document/15/0,2340,en_2649_34487_25998799_1_1_1_1,00.html.

9.3 Today it is common practice for publishers to require that authors transfer copyright in their work to the publisher as a condition of publication. Typically, such transfer agreements do not enable authors to deposit their works in open digital archives, as advocated above, or to use the works in their teaching or research. Consequently, the Committee should recommend to U.K. grant-making bodies that they make it a condition of grant funding that authors retain copyright in their papers so that they may be deposited in open archives and otherwise used for educational purposes.

9.4 We also encourage the Committee to recommend that a new standard of antitrust review be adopted by U.K. government enforcement agencies charged with examining merger transactions in the journal publishing industry. A U.K. Office of Fair Trading investigation in 2002 concluded that "there is evidence to suggest that the market for STM (scientific, technical, and medical) journals may not be working well," but declined to recommend any market intervention at that time because "it remains to be seen whether market forces, perhaps enhanced by the use of new technology, will remedy the problems that may exist."[11] Because circumstances have further deteriorated since 2002 – higher prices, further concentration in the industry, and additional evidence of library market failure – we believe it is time to re-open the review, using a standard of evaluation that takes fuller account of the decision-making process used by libraries to make purchase selections.[12] Only then will these mergers be subjected to the degree of scrutiny they deserve and adequate access to government-funded research be preserved.

10. Representatives of our organizations would welcome an opportunity to provide oral evidence to the Committee, if this would be useful.

[11] Office of Fair Trading. *The market for scientific, technical and medical journals,* London, September 9, 2002, p. 1. http://www.oft.gov.uk/News/Press+releases/2002/PN+55-02+Can+the+scientific+journals+market+work+better.htm.

[12] Such a standard is discussed in *Publisher Mergers: A Consumer-Based Approach to Antitrust Analysis*, note 4.

## Who We Are

**American Association of Law Libraries**
www.aallnet.org

With over 5,000 members, the American Association of Law Libraries (AALL) represents law librarians and related professionals who are affiliated with and serve the nearly one million men and women working in the range of U.S. legal institutions: law firms; law schools; corporate legal departments; courts; and local, state and federal government agencies. The association was founded in 1906 to promote and enhance the value of law libraries to the legal and public communities, to foster the profession of law librarianship, and to provide leadership in the field of legal information.

**American Library Association**
www.ala.org

The American Library Association (ALA) is the oldest and largest library association in the world, with more than 65,000 members. Its mission is to provide leadership for the development, promotion and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all.

**Association of Academic Health Sciences Libraries**
www.aahsl.org

The Association of Academic Health Sciences Libraries (AAHSL) is composed of the directors of libraries of 142 accredited U. S. and Canadian medical schools belonging to or affiliated with the Association of American Medical Colleges. AAHSL's goals are to promote excellence in academic health science libraries and to ensure that the next generation of health practitioners is trained in information seeking skills that enhance the quality of health care delivery, education, and research. The Association influences legislation and policies beneficial to the common good of academic health sciences centers and their libraries, including opportunities related to open access and new models of scholarly communication.

**Association of College & Research Libraries**
www.ala.org/acrl

The Association of College and Research Libraries (ACRL), a division of the American Library Association, represents more than 12,000 academic and research librarians and interested individuals. ACRL is the only individual membership organization in North America that develops programs, products and services to meet the unique needs of academic and research librarians. Its initiatives enable the higher education community to understand the role that academic and research libraries play in the teaching, learning and research environments.

**Association of Research Libraries**
www.arl.org

The Association of Research Libraries (ARL) is an association of over 120 of the largest research libraries in North America. The member institutions serve over 160,000 faculty researchers and scholars and more than 4 million students in the U.S. and Canada. ARL's

mission is to shape and influence forces affecting the future of research libraries in the process of scholarly communication. ARL programs and services promote equitable access to and effective use of recorded knowledge in support of teaching, research, scholarship, and community service.

**Medical Library Association**
www.mlanet.org

The Medical Library Association (MLA) is a nonprofit, educational organization of more than 900 institutions and 3,600 individual members in the health sciences information field, with members located in 56 countries. MLA is committed to educating health information professionals, supporting health information research, promoting access to the world's health sciences information, and working to ensure that the best health information is available to all.

**SPARC** (Scholarly Publishing & Academic Resources Coalition)
www.arl.org/sparc

SPARC, the Scholarly Publishing and Academic Resource Coalition, is an international alliance of academic and research libraries and organizations working to correct market dysfunctions in the scholarly publishing system. Developed by ARL, SPARC has over 200 member institutions and affiliates in North America and closely collaborates with SPARC Europe, which represents more than 70 additional institutions in Europe. SPARC's strategies and activities support open access and capitalize on the networked environment to disseminate research more broadly.

**Public Knowledge**
www.publicknowledge.org

Public Knowledge is a public interest advocacy and education organization that seeks to promote a balanced approach to intellectual property law and technology policy that reflects the "cultural bargain" intended by the framers of the U.S. constitution.