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Office of Science and Technology Policy
To: publicaccess@ostp.gov

22 December 2011

Re: FR Doc. 2011-28623

Dear Sir or Madam,

On behalf of Springer Science+Business Media, I am writing to respond to the OSTP Request for Information (RFI) published on 3 November 2011, regarding *Public access to peer-reviewed scholarly publications resulting from federally funded research*.

Springer Science+Business Media (Springer) is one of the world's leading suppliers of scientific and specialist literature. The company is headquartered in Berlin, with major editorial offices in New York (US), Heidelberg (Germany) and Dordrecht (Netherlands). It has operations in about 20 countries in Europe, the USA, and Asia, and some 5,500 employees.

Springer is the second-largest publisher of journals in the science, technology, and medicine (STM) sector, the largest publisher of STM books and the largest open access publisher worldwide. The group publishes some 2,000 journals and more than 7,000 new books a year, as well as the largest STM eBook Collection worldwide.

Springer appreciates the call for comments set out in the RFI and welcomes the opportunity to submit its position on some of the issues addressed. In the following, we have grouped our comments with reference to the specific questions set out in the RFI, however we do not believe it is helpful or necessary for us to respond to every question in detail.

Response to RFI questions

Springer is the largest open access publisher worldwide (with BioMed Central, SpringerOpen and Springer Open Choice). Springer was the first publisher to offer the open access option at article level for its

subscription journals in 2004, and ever since, we have continued to be both receptive and proactive in open access developments. We offer a variety of options to researchers and funding organizations to publish open access, including open access at article level and a rapidly growing number of full open access journals. In 2010, some 12% of articles in our journals were published open access.

While Springer fully supports and invests in open access as a business model, it should not be forgotten that the cost of formal scholarly publication needs to be recovered somewhere in the funding process. Publication in peer-reviewed journals has associated costs, regardless of the business model. Though taxpayers fund research through the US federal agencies, they do not fund the investments that produce the peer-reviewed scholarly publications that result from that research.

(2) What specific steps can be taken to protect the intellectual property interests of publishers, scientists, Federal agencies, and other stakeholders involved with the publication and dissemination of peer-reviewed scholarly publications resulting from federally funded scientific research? Conversely, are there policies that should not be adopted with respect to public access to peer-reviewed scholarly publications so as not to undermine any intellectual property rights of publishers, scientists, Federal agencies, and other stakeholders?

With regard to public access to federally funded research, Springer supports specific steps that can be taken which respect the copyright of both publishers and scientists in peer-reviewed scholarly publications.

The first option is to encourage federally funded researchers to make their research progress reports publicly available. We recognize that researchers, when they produce scholarly articles themselves, need access to the peer-reviewed and published articles resulting from research. However, to achieve the goal of general public access to federally funded research results, the research reports before publication are useful.

The second option is to provide, as part of a research grant, funds for the article-processing charge associated with “gold” open access publication in a peer-reviewed journal. Springer supports new business models as long as they are sustainable. However, all publications must be funded, whether they are open access or subscription-based. Gold open access publishing generates funding by shifting payment from the reader-side to the author-side. As a consequence, publishers do not need the author to transfer copyright in this model.

“Green” open access policies, on the other hand, potentially undermine intellectual property rights. Green open access archiving does not cover the costs associated with formal publication, and poses risks both in terms of versioning and the sustainability of scholarly communications. Springer believes that systematic green open access self-archiving is a danger and should not be adopted as a policy.

(3) What are the pros and cons of centralized and decentralized approaches to managing public access to peer-reviewed scholarly publications that result from federally funded research in terms of interoperability, search, development of analytic tools, and other scientific and commercial opportunities? Are there reasons why a Federal agency (or agencies) should maintain custody of

all published content, and are there ways that the government can ensure long-term stewardship if content is distributed across multiple private sources?

Preserving the majority of content in one central archive does not necessarily ensure long-term availability or advantages for interoperability. In fact, a key factor in one of the prominent current archiving initiatives, CLOCKSS, is the idea that the distribution of content across multiple sources is an asset: In case one of the sources fails to deliver content, another will be able to provide back-up. While in the print era preservation was ensured by large library collections, publishers of digital journal and book content are actively engaged in preservation efforts. Springer has multiple arrangements with national libraries (e.g. Koninklijke Bibliotheek) and preservation initiatives such as CLOCKSS and Portico.

Search functions and interoperability are also areas on which STM publishers have worked intensively and successfully, have invested both as individual companies and in cooperation as an industry, e.g. through CrossRef. Springer does not see any reason why these issues should be managed centrally by a Federal agency.

(6) How can Federal agencies that fund science maximize the benefit of public access policies to U.S. taxpayers, and their investment in the peer reviewed literature, while minimizing burden and costs for stakeholders, including awardee institutions, scientists, publishers, Federal agencies, and libraries?

Public access does not mean that this access must be free of cost. While taxpayers fund research through the US Federal agencies, they do not fund the processes necessary to produce peer-reviewed publications resulting from that research.

If Federal agencies decide that the peer-reviewed published results of the research they fund should be made available free of cost to the reader, the best way to achieve this is by making funds available to cover the costs of a sustainable gold open access publishing model. Gold open access publishing, unlike green open access self-archiving, does not pose risks in terms of versioning and the sustainability of scholarly communications. It also minimizes the burden on scientists as authors, as they are not required to perform tasks such as producing an "author version" of their publication and posting this in repositories.

(7) Besides scholarly journal articles, should other types of peer-reviewed publications resulting from federally funded research, such as book chapters and conference proceedings, be covered by these public access policies?

In the usage of digital content, Springer observes that digital search to some extent levels the distinctions between different types of content. However, in producing the content, the difference between publications deriving from the direct initiative of a federally funded researcher and publications commissioned and conceptualized by a scholarly publisher is still very distinct. This distinction needs to be very carefully observed in any public access policy.

(8) What is the appropriate embargo period after publication before the public is granted free access to the full content of peer-reviewed scholarly publications resulting from federally funded research? Please describe the empirical basis for the recommended embargo period. Analyses that weigh public and private benefits and account for external market factors, such as competition, price changes, library budgets, and other factors, will be particularly useful. Are there evidence-based arguments that can be made that the delay period should be different for specific disciplines or types of publications?

We do not think systematic self-archiving by itself is sustainable and therefore do not support self-archiving nor embargo periods. However, if embargo periods were necessary, these would have to vary for different subject areas. For many journals, e.g. in mathematics or most social sciences, even a 2 or 3 year embargo period would be too short. Clearly, there is no one-size-fits-all appropriate embargo period.

Yours sincerely,



William F Curtis, Ph.D.
President

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