

HOUSE OF COMMONS BUSINESS, INNOVATION AND SKILLS SELECT COMMITTEE
INQUIRY INTO OPEN ACCESS PUBLISHING

SUBMISSION FROM THE PUBLISHERS ASSOCIATION
7 FEBRUARY 2013

Introduction

1. The Publishers Association (The PA)¹ welcomes the opportunity to submit evidence to the BIS Select Committee Inquiry into open access publishing. Publisher representatives participated constructively in the Finch working group and The PA has publicly supported the recommendations in the working group report (“The Report”), which have been endorsed as Government policy in the letter from David Willetts MP, Minister of State for Science and Innovation, to Dame Janet Finch of 16th July 2012. The publishers we represent look forward to playing a full role in the implementation of this government policy.
2. Publishers perform a high quality service to the academic research community of authors, researchers, readers and institutions. They support the peer-review and editorial process through which journal editors select for publication only those articles which are methodologically sound and which are judged to be of quality, originality and importance to the discipline. Due to the high quality and impact of this published output, the sector makes a significant contribution to the British economy, both through export earnings and through communicating the performance and standing of the British research community. The UK accounts for a 6% share of articles published globally and for 14% of the world’s most highly cited articles. This value was recognised in The Report, which outlined its “key role in the ecology of research” of publishing and therefore proposed a balanced package of proposals. These proposals recognise that reform must “sustain what is valuable” and proceed in an “ordered way which delivers benefits but minimises the risks”.
3. Given the short timetable for implementation of The Report’s recommendations, for the benefit of all stakeholders in this community - researchers, publishers, funders and institutions - it is vital that there is clarity, not ambiguity on policy. Continued consultation, engagement and co-ordinated action from all parties is essential to achieve this implementation. To date, this has been lacking.
4. As a step towards this greater clarity we welcome the statements made by Research Councils UK (RCUK) to the House of Lords Science & Technology Committee on 29 January 2013, in which they confirmed that their mandates to researchers will comply with Government policy. However, members report from subsequent meetings that RCUK has indicated it may not follow Government policy on some key issues. As we detail further below, we believe that without full and clear implementation of government policy by all parties, there is a risk that confusion and uncertainty will hamper progress.

The Government’s acceptance of the recommendations of the Finch Group Report

5. The Finch Working Group included representatives of all stakeholder communities - both public and private research funders, the universities, researchers, learned societies, libraries, and publishers. It was this cross section of representation that made it such a success and led to a set of workable recommendations to expand access to research outputs. These recommendations were supported by all stakeholders represented on the Finch Group, and

¹ The Publishers Association (“The PA”) is the leading representative voice and trade organisation for book, journal, audio and electronic publishers in the UK. Our membership includes publishing houses in the academic, educational and general trade sectors. Collectively, their revenues total £4bn, 80% of the overall total for the sector.

compromises were made by all parties to achieve a sustainable and acceptable 'balanced package' of measures to facilitate sustainable open access to research outputs.

6. Throughout the working group process, publishers supported a substantial expansion of the open access publication model, provided that this could be achieved sustainably and with no detrimental impact on the high quality of scholarly publishing in the UK.
7. The Report recommended, and the Government accepted, that the most sustainable way to expand open access to research outputs was via the Gold open access model, (meaning immediate open access to the final published Version of Record of a paper, with extensive rights of re-use, funded through an Article Publication Charge ("APC")). All stakeholders represented on the Finch Working Group endorsed this recommendation, and have since reiterated their support for the Gold model of OA as the preferred method of expanding access.²
8. The Report also recognised that Green open access (meaning deposit in an open access repository of the Accepted Manuscript without any payment to the publisher for its services) would remain an important part of the landscape for some time to come. To this end, alongside support for Gold open access as the preferred publication model, The Report also included an acknowledgment that Green open access can be supported, but only if publishers are able to require a reasonable embargo period before access is enabled via the repository (Government policy recommends 12-24 months in general, depending on the discipline). During this embargo period, the Version of Record can be accessed via subscription and other paid-for means. This is because The Report had sustainability as one of its guiding principles (along with accessibility and excellence) and embargo periods insert sustainability into the system of Green open access through the charging of subscription. It was recommended, and subsequently accepted by all stakeholders and by the Government, that Green open access with shorter embargo periods should not be imposed on publishers except in cases where funding for an APC is available but the journal selected by the author does not offer a Gold open access option.
9. The route to sustainable open access publication is best illustrated through the following decision tree, which has been supplied by The Publishers Association and accepted as a

² See for example, written evidence submitted to the House of Lords Science and Technology Committee, by Research Councils UK and Wellcome Trust.

representation of Government policy by BIS:



10. Despite The Report's recommendations being supported by all participating stakeholders and endorsed by Government, RCUK published policy refers only to a maximum embargo period of 6 months for Green open access, except, for an interim period for papers arising from research funded by AHRC and ESRC, to which a maximum embargo of 12 months would apply. RCUK has been requested by other stakeholders to clarify its policy in respect of papers for which no funding for payment of an APC is available but has failed to do so, speaking of the need instead for 'ambiguity'. Publishers and other stakeholders believe clarity, not ambiguity, is required at the beginning of such a major change in scholarly communications.
11. The lack of clarity continues: RCUK stated in its oral evidence to the House of Lords Science & Technology Committee on 29 January that it would in fact allow longer embargo periods of 12 to 24 months, in line with the above decision tree; however, in a meeting with other stakeholders on 31 January they stated that only the shorter embargo periods of 6 to 12 months would apply. We hope that in the course of the Select Committee's inquiry, RCUK may come to a coherent position in line with Government policy.
12. Publishers support Green open access, provided embargo periods are long enough to enable them to sustain the subscription journals on which the Green model depends. Author self-archiving (the key component of Green OA) can be part of a sustainable publishing ecosystem if publication costs are covered by subscription fees over an appropriate embargo period. The maintenance of these subscriptions fees ensures the continuation of high quality journals which academics can choose to publish in.
13. Many publishers already facilitate Green open access, with embargo periods set according to the sustainability requirements of individual journals, which varies according to academic discipline. Due to an anticipated shortfall in funding for APCs, it is likely that a large proportion of research (possibly as much as 55% in year 1) will need to be made available via the green route to comply with funder mandates. This makes it all the more important that RCUK's policy provides the clarity needed to ensure authors continue to have the choice of where to publish in the absence of APC funding for their preferred journals.

14. As part of the Finch 'balanced package', publishers offered to implement a proposal for free on-site access on an opt-in basis to journals via public libraries across the UK. Our implementation group has been working with colleagues from the public library sector on technical and licensing work streams to enable a launch date in the spring, assuming all other elements of the package (including on embargo periods) are resolved.

Rights of use and re-use in relation to open access research publications, including the implications of Creative Commons 'CC-BY' licences;

15. The Government has made clear that it wants the CC-BY licence to be associated with the Gold model of open access.³ RCUK policy requires the blanket use of a CC-BY licence for Gold open access publication and requires unlimited non-commercial re-use for Green open access publication. However, as with embargo periods, a similar need for differentiation exists with regards to licensing requirements. In those disciplines, such as humanities and social science, where interpretation and context are crucial, publishers have heard concern in their author communities that the use of CC-BY carries the risk of the misuse of research, for example by presenting extracts in ways that appear to contradict or undermine the author's meaning. These concerns are sufficiently serious for some authors to refuse to publish on this basis. Ultimately we believe that the choice of licence should lie with the author/researcher and not be the subject of a mandate.
16. Currently, publishers typically charge an APC based on a CC-BY-NC licence.⁴ This enables secondary licensing income to be earned through the sale of reprint rights. (For example, publishers of clinical medical journals currently earn 15-20% of income from reprint rights licensed to pharmaceutical companies and some journals earn more than 50% of their income from reprint rights). A mandated requirement for CC-BY licences will deprive publishers of this secondary licensing income, hence it is possible that the imposition of CC-BY licences will lead to an increase in APCs.
17. The Report spoke of the need to minimise restrictions on the rights of use and re-use, especially for non commercial purposes and Government policy, set out by David Willets in his letter of 16 July, states that "where APCs are paid to publishers, the Government would expect to see unrestricted access and use of the subject content", with details of how this should best be achieved to be addressed in the detailed policy statements to be published by the funding bodies. Whilst a CC-BY licence may be one way of achieving this, it is not the only way, and flexibility rather than a mandate of licence type that restricts author choice could be pursued.
18. Similarly, publishers and authors need greater flexibility that the current requirement for unlimited non-commercial re-use to be associated with Green open access deposit (RCUK has spoken specifically of a requirement for CC-BY-NC), even in cases where no funding is provided for APCs. We anticipate that many publishers may be unwilling to accept this requirement, which will only introduce more confusion among researchers looking for a journal that is compliant with the RCUK policy.

³ CC-BY is the licence condition associated with the payment of an Article Processing Charge (APC) for publication on a Gold Open Access basis. Gold OA has the advantage of providing unrestricted search and use of the published information by the user. Wellcome and RCUK are proposing to use CC-BY when their research funds are used to pay APCs. See http://www.wellcome.ac.uk/stellent/groups/corporatesite/@policy_communications/documents/web_document/WTVM055715.pdf

⁴ Under a CC-BY-NC licence the user may copy, distribute display and perform the work; and make derivative works, so long as there is attribution of the original author and the work is not used for commercial purposes.

19. Publishers and researchers should be allowed the flexibility to adapt licences according to the individual discipline, the needs of the researchers and the commercial considerations of the publisher whilst ensuring that the aims of funding bodies for access are achieved. One example of an approach to achieve balance is the CC+ licence, current being developed by the International Association of Scientific, Technical and Medical Publishers. This is being designed to add clarity to the Creative Commons definition of 'non-commercial' to make it clearer that associating content with advertising is classified as a commercial use and requires extra permissions. It will also more explicitly permit text and data mining by enabling automated searching, sorting, parsing, addition or removal of linguistic structures; it will adhere more closely to the NC-ND⁵ provisions to ensure the integrity of the scientific record, and will enable publishers to take action to protect authors' rights.

The costs of article processing charges (APCs) and the implications for research funding and for the taxpayer

20. Both The Report and the Government accepted that if the UK is to be a first mover in embracing Gold OA ahead of the rest of the world there would be additional costs to the UK. It is vital that these costs are met to ensure the high quality of research output from the UK continues.
21. Adequate funding for Gold OA, and therefore for the APCs that underpin this model, is necessary to ensure authors continue to have a choice of high quality journals for publication – i.e. journals which assess a paper not only for the soundness of its methodology but also for its quality or importance to its discipline, and which provide services such as peer review and copy-editing. Without this APC funding authors of high quality research papers may be forced to publish in lower threshold journals which do not publish in line with these higher quality standards. Authors should be able to choose the most appropriate forum for their work.
22. On 8 November 2012, RCUK announced details of the block grant mechanism to fund implementation of its open access policy. It estimates that in the first year this mechanism will cover the Article Publication Charges (APCs) of 45% of RCUK-funded papers, provided that universities supplement the RCUK block grants by an additional 25%. By the fifth year RCUK estimates that its block grants will cover the cost of APCs for 75% of RCUK-funded papers, again assuming a 25% matching contribution from the universities. We are not in a position to comment on the ability of the universities to supplement the RCUK block grants in this way, nor on how they might fund any probable mandate for open access publication from HEFCE. However, we would observe it is possible that some part of this RCUK block grant funding will be absorbed by administration costs in managing the payment of potentially thousands of APCs at any single institution.
23. Whilst the Government's one-off grant of £10m to kick start the transition to open access was welcome, it is clear that these funds will be insufficient to match the £50-60m a year in expenditure from the HE sector estimated by The Report (£38m of which was estimated for publishing in open access journals).

The level of 'gold' open access uptake in the rest of the world versus the UK, and the ability of UK higher education institutions to remain competitive.

24. The Government has made clear its policy objective to make the outputs of publicly funded published research available in reasonable time, and preferably immediately, to UK taxpayers. The UK is certainly a first mover in this regard, and in its adoption of Gold OA as the preferred model within a mixed economy of open access and hybrid subscription journals.

⁵ Non-Commercial, Non Derivative

25. The key to ensuring the UK maintains its strong competitive position is by ensuring the policy requirements of researchers are sustainable for all parties. However, as we note above, the apparent intention of RCUK to drive for a policy which does not respect the need for longer embargos where APC funding is not provided directly undermines the long term stability of commercial and learned society publishers.
26. To encourage the development of a Gold OA market, both at home and abroad, the Government should continue to use its influence internationally, in particular with regards to the development of European Union policy, to help facilitate this. We welcome the comments made by Minister of State David Willetts, in his written evidence to the House of Lords Science and Technology Committee, that the UK is impressing upon the European Commission the merits of Gold open access and the need for longer embargos associated with Green open access in certain disciplines.
27. The impact upon UK higher education institutions is difficult to predict, given that the UK transition to open access will not be full and immediate and there is likely to be some transition elsewhere. The Report and the Government both recognise that there will be additional costs to the UK during transition, but as the Minister stated in his written evidence to the House of Lords Science & Technology Committee, this is a “risk which has to be accepted”.
28. To illustrate the potential costs and impact on the UK, it might be useful to consider the following indicative, simplified example:
 - Typically, UK higher education institutions spend around £150m on journal subscription and licences.
 - Given that the UK accounts for 6% of research, a total move to open access by the UK alone could theoretically lead to a reduction in subscriptions costs of £9m.
 - The cost in provision of APCs of such a move, based on the average APC of £1,727 (as recognised by The Report and RCUK) and an annual UK production of 120,000 papers would be £207m.
 - Taken together, UK higher education and funders would therefore see an increase in costs of £198m.
29. We would be delighted to provide any further written evidence which the Committee may find useful, or to provide evidence in oral session if so required.

Richard Mollet
Chief Executive
The Publishers Association
rmollet@publishers.org.uk