

What is the Research Works Act? News and Readings

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Update: On February 9, 2012, Representative Mike Doyle (Dem. PA) **proposed a bill to oppose the RWA.**

Another Update: February 27, 2012: **Elsevier withdraws support for the RWA**; hours later, the hosts of the bill also back off from their support, as described in **this article in the Chronicle of Higher Education.**

Ever since the **Research Works Act (H.R. 3699)** was introduced to Congress on December 16, 2011, there have been a number of news articles, blog posts and opinion pieces published in various media in response. Some of these articles support the bill and others denounce it. We've tried to collect and summarize some of the articles and opinions, so you can read them and formulate your own opinions about H.R. 3699.

The Research Works Act (RWA) states:

No Federal agency may adopt, implement, maintain, continue, or otherwise engage in any policy, program, or other activity that

1. *causes, permits, or authorizes network dissemination of any private-sector research work without the prior consent of the publisher of such work; or*
2. *requires that any actual or prospective author, or the employer of such an actual or prospective author, assent to network dissemination of a private-sector research work.*

The RWA would effectively end the **NIH Public Access Policy** and put a ban on any other government policy requiring deposit of manuscripts arising from federally funded research into open access repositories.

Consequences of the Research Works Act

Galter Library's director, James Shedlock, wrote a library news item entitled **NIH Public Access Policy Under Threat**, which provided links to some of the early reactions to this bill. Jim stated: "Publishers already collect plenty of money from academic libraries like Galter and the inflation rate for their journals still runs high in the 8-10% range. There is no evidence that the NIH-mandated 12 month period to deposit manuscripts in PubMed Central has had any negative impact on publisher profits on these manuscripts."

Additionally, with academic library budgets across the nation being reduced, researchers may not be able to access the journal articles they rely on to further their own research because their libraries may not subscribe to the journal. Additionally, clinicians may not have access to the evidence they need to diagnose and treat patients effectively, and patients won't have access to the journal literature they need to educate themselves about their own health. Students may not have access to the information they need for their medical education. The NIH Public Access Policy assures that everyone has access to manuscripts arising from federally-funded research. This means that anyone, including researchers here at Feinberg and collaborators at other institutions, don't have to work around institutional barriers or

subscriptions.

Some publishers, taxpayer groups and researchers oppose the Research Works Act

- Several members of the American Association of Publishers (AAP) have decided to openly reject the RWA:
 - MIT Press issued an opposition **statement to Peter Suber** (open access advocate and writer)
 - ITHAKA released a statement to Richard Poynder, which he **published on his blog**
 - Nature Publishing Group and Digital Science released a **joint statement of opposition**
 - The American Association for the Advancement of Science (AAAS), publishers of *Science* journal titles, issued a **statement of opposition**
 - Several other AAP publishers have also publicly opposed the act
- Several non-AAP member publishers have released statements of opposition
 - *The Lancet* editorial: "**The Research Works Act: a damaging threat to science**"
 - Open access publishers **BioMed Central** and **PLoS** have added their voices to the opposition
- Nobel laureate Michael Eisen published an editorial in the *New York Times*: **Research Bought, Then Paid For**, in which he denounces the act
 - Eisen has also engaged in some animated online discussions spurred by his blog post **Plagiarist or Puppet?**, in which he suggests the RWA is a product of the influence of large publishing companies
- The Alliance for Taxpayer Access has issued a **call to action**, urging taxpayers to contact their Congressional representatives in opposition to the RWA

Some publishers and their representatives support the Research Works Act

- **The Association of American Publishers (AAP) supports the RWA** as "significant legislation that will help reinforce America's leadership in scholarly and scientific publishing in the public interest and in the critical peer-review system that safeguards the quality of such research"
 - The Association of American Publishers has also issued an **FAQ on why they support the RWA** which deals with what they have identified as "myths" surrounding the RWA

Some are choosing to remain neutral to the Research Works Act

- According to Richard Poynder, a chronicler of open access publishing events, the **Libri Library of Congress is remaining neutral on the RWA**
- In the same blog post, Poynder states that the RAND Corporation also chooses to remain neutral on the RWA
- In a separate posting, Poynder relates **communication from the publisher Springer** which states "We do not think that the RWA will be successful, but we hope that it will generate measured, intelligent and constructive debate..."

Adjunct Responses Triggered by the RWA

Some interesting spin-offs have arisen from the introduction of the RWA. Like Michael Eisen, mentioned above, some researchers have used the RWA as a trigger to decry large publishers' pricing, journal "bundling" practices, and corporate publishing support of the RWA.

- Timothy Gowers, a mathematician at the University of Cambridge, recently **posted to his blog** about his frustration with the large publisher Elsevier
- In rapid succession to Gowers' post, a website, **The Cost of Knowledge**, was created to encourage academics to refrain from publishing, refereeing or serving as editors of Elsevier journals
- Several MIT researchers **released a news item** about their participation in the Elsevier boycott
- All this activity gained the attention of *Forbes* business magazine, which published a story on January 26: **Elsevier's Publishing Model Might be About to Go Up in Smoke**

Elsevier isn't the only publisher engaging in support of the RWA, nor is it unique in its pricing and "bundling" practices.

More Information

For more information on the Research Works Act, consult these resources:

- Harvard's **CyberLaw page on the Research Works Act**
- Check out the **blog** at Northwestern Library's Center for Scholarly Communication and Digital Curation
- Follow RWA on Google+ or Twitter by using the #rwa hashtag