



Cornell University
Library

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The Honorable Maurice D. Hinchey
2431 Rayburn House Office Building
United States House of Representatives
Washington, DC 20515

Dear Representative Hinchey:

It has come to our attention that the House Committee on the Judiciary, Subcommittee on Courts, the Internet and Intellectual Property will be conducting a hearing on the NIH Public Access Policy on September 11, 2008. I am writing to you (with a copy to Chairman John Conyers) to express the strong support of the Cornell University Library for the existing Policy. It is proving to be of great benefit to the faculty, students, and staff of Cornell University and, by extension, to all the residents of your district.

As you know, the Policy requires that, in exchange for receiving federal research dollars, grantees deposit the final electronic manuscript of their peer-reviewed research results into PubMed Central, NIH's digital archive, to be made publicly available within 12 months, thus ensuring broad public access to the results of federally-funded research. At the direction of Congress, the NIH Public Access Policy was recently revised from a voluntary to a mandatory policy, with a concomitant major increase in deposit.

The benefits of the Policy have been wide-spread. For faculty authors, deposit in PubMed Central (PMC) will maximize the visibility of their NIH-funded research, thus benefiting the authors and the journals in which they publish.

From the perspective of the Library, the Policy addresses one of our major concerns: the long-term preservation of research results published in electronic form. A decade's worth of research by Cornell Library staff has demonstrated the fragility of most electronic publishing schemes and the difficulty faced by libraries in meeting their traditional role as preservation repositories for published literature. Deposit in PubMed Central ensures that the research results will be preserved in a state-of-the-art digital repository.

For the general public, free access after twelve months ensures that researchers and students around the world can eventually read and build on the work, regardless of their (or their library's) ability to subscribe to the journal in which the research is published. Public access to publicly funded research contributes directly to the mission of higher education.

The NIH Public Access Policy has also played an important role in the University's copyright education initiatives. It highlights an important truth about copyright: namely, that copyright consists of a bundle of rights that the copyright owner (the author) can assign or keep as he or she sees fit.

The faculty at Cornell understands that the Policy requires them, prior to any transfer of copyright to a publisher, to grant to the NIH a non-exclusive license to use the author's copyrighted work. They also understand that publishers are under no obligation to publish work that has been partially licensed prior to any copyright transfer to the publisher. To our knowledge, however, no publisher has refused to publish an article because of the existence of a prior non-exclusive license to NIH. Indeed, hundreds of publishers are actively collaborating with NIH on the implementation of the system.

The need to preserve the rights needed to comply with the NIH Policy when negotiating copyright transfers with publishers has led some faculty to consider what other rights in their work they may wish to preserve. The NIH Policy has helped make them more-informed copyright owners.

The Cornell University Library hopes that the upcoming hearing on the NIH Public Access Policy will provide an opportunity to understand better the importance and strategic value of the Policy. It increases the visibility of the contributions of our faculty, advances science, improves access by the public to federally-funded research, provides for effective archiving strategies for these resources, and is completely consistent with copyright law. Given the proven success of the revised NIH Public Access Policy, we could not support any change to the current Policy that would undermine its proven effectiveness.

Sincerely,

A handwritten signature in cursive script that reads "Anne R. Kenney". The signature is written in black ink on a light-colored background.

Anne R. Kenney
Carl A. Kroch University Librarian

Cc: The Honorable John Conyers, Jr.

