

**Effective May 2, 2005: Implementation of Policy on Enhancing Public
Access to Archived Publications Resulting from NIH-Funded
Research**

Dear Extramural Research Community,

The National Institutes of Health (NIH) published its Public Access Policy (Policy) in the *NIH Guide for Grants and Contracts* on February 3, 2005, and in the *Federal Register* on February 9, 2005. These announcements and additional relevant information, including Questions and Answers regarding copyright and other concerns, are available at the NIH Public Access Web site: <http://www.nih.gov/about/publicaccess/>.

The purpose of this List Serv announcement is to provide a summary of the Policy and to furnish guidance to NIH investigators on the submission of manuscripts. Please feel free to distribute to others who may have an interest in reading this message.

Summary of the Policy

The Policy becomes effective today, May 2, 2005. The Policy requests and strongly encourages all NIH-funded investigators to make their peer-reviewed author's final manuscripts available to other researchers and the public at the NIH National Library of Medicine's PubMed Central (PMC) [see <http://www.pubmedcentral.nih.gov>] immediately after the final date of journal publication. At the time of submission, authors are given the option to release their manuscripts at a later time, up to 12 months after the official date of final publication. NIH expects that only in limited cases will authors deem it necessary to select the longest delay period.

The Policy applies to all research grant and career development award mechanisms, cooperative agreements, contracts, Institutional and Individual Ruth L. Kirschstein National Research Service Awards, as well as NIH intramural research studies. The Policy applies to peer-reviewed, original research publications that have been supported in whole or in part with direct costs¹ from NIH, but it does not apply to book chapters, editorials, reviews, or conference proceedings. NIH is requesting that authors submit publications resulting from 1) currently-funded NIH research projects or 2) previously-supported NIH research projects where manuscripts were accepted for publication on or after May 2, 2005. Publications resulting from non-NIH-supported research projects should not be submitted. We welcome comments and suggestions about the submission process. Please contact us at PublicAccess@nih.gov.

The NIH Manuscript Submission System

The password-protected, Web-based, NIH Manuscript Submission (NIHMS) system (<http://www.nihms.nih.gov>) has been developed to facilitate the submission process. This system allows easy identification of NIH grant numbers (past and present) and NIH intramural project numbers by associating them with the corresponding extramural or intramural Principal Investigator (PI) of the research study. Currently, manuscript files from NIH Intramural PIs can be submitted to the NIHMS system by the PI or designated NIH staff. Manuscript files from extramural PIs may be submitted by the PI only. Beginning July 6, 2005, manuscript files may be submitted to the NIHMS system by either the

extramural PI or a third party on the PI's behalf (e.g., administrative personnel, graduate students, librarians, publishers, etc.).

In all cases, approval of the submitted materials and the determination of the public release date require the PI's review and authorization. Currently, the system is designed for individual submissions, but procedures for batch processing of multiple submissions are being explored and may be developed in the future. No further formatting of the manuscript is necessary beyond that required by the accepting journals. Special arrangements will be available for unusual cases. Please see the NIH Public Access Web site (<http://www.nih.gov/about/publicaccess/>) for more information about the Policy.

How to Submit the Manuscript

Login to the NIHMS (<http://www.nihms.nih.gov>).

Select the appropriate login option (Note: the same login should be used for all subsequent visits to the NIHMS system):

* NIH extramural investigators select "eRA Commons" (see "What is the NIH eRA Commons?" below).

* NIH intramural employees select "NIH."

Provide basic information, including the journal title, PI, contact information, and associated NIH award number(s).

Upload the complete text of your manuscript(s). The NIHMS supports a wide variety of file types (MS Word, Word Perfect, PDF, PowerPoint, Excel, etc.).

Upload any corresponding, supplemental image files that contain figures, tables, or supplementary information along with the manuscript. Just as required by publishing journals, submit high-resolution images to ensure that they can be viewed properly in PMC. The supplemental material that has been submitted to the accepting journal in support of the manuscript will be accepted. The NIHMS will generate a receipt of the uploaded files in PDF format. The PDF receipt summarizes the information entered into the system and merges the manuscript's files into one viewable document.

Confirm that the manuscript and any additional supporting documents have been successfully received by NIHMS, and verify the document.

Review and approve the terms and conditions of a submission agreement and specify the timing of posting of the final manuscript for public accessibility through PMC (this must be completed by the PI). Authors and/or their institutions should ensure that their final manuscript submissions to PMC are consistent with any other agreements, including copyright assignments that they may have, or enter into, with publishers or other third parties. Upon approval of the submission by the PI, the manuscript will be converted into XML - the standardized digital format used by PMC.

Review the XML manuscript as it will appear in PMC once the conversion has taken place (PIs will be notified by e-mail when the document is ready for review) and correct any errors, if necessary. After PI approval, the

article will be publicly accessible through PMC after the time-delay specified by the PI.

Note: Users are able to track the status of their manuscripts throughout the process.

Questions/Answers on Copyright Issues

1. Can authors and journals continue to assert copyright in scientific publications resulting from NIH funding?

Yes. The Public Access Policy does not affect the ability to assert copyright. Funding recipients may continue to assert copyright in works arising from NIH-funded research, and they may assign these copyrights to journals as is the current practice. Copyright holders may enforce these copyrights as before. A member of the public viewing or downloading a copyrighted document from PubMed Central (PMC) is subject to the same rights and restrictions as when copying an article from the library. For example, making a copy of an article for personal use is generally considered to be a "fair use" under copyright law. For uses that fall outside of the fair use principle, permission to reproduce copyrighted materials must be obtained directly from the copyright holders. PMC currently includes a copyright notice alerting the public to the rights of copyright holders and will continue to post this notice as it has done in the past.

1. Can NIH provide language that could be used in a copyright agreement between an author or institution and a publisher?

The Policy encourages authors to exercise their right to give NIH a copy of their final manuscript. While individual copyright arrangements can take many forms, NIH encourages investigators to sign agreements that specifically allow the manuscript to be deposited with NIH for public posting on PubMed Central as soon as possible after journal publication. Institutions and investigators may wish to develop particular contract terms in consultation with their own legal counsel, as appropriate. But, as an example, the kind of language that an author or institution might add to a copyright agreement includes the following:

"Journal acknowledges that Author retains the right to provide a copy of the final manuscript to NIH upon acceptance for Journal publication or thereafter, for public archiving in PubMed Central as soon as possible after publication by Journal."

Need Help?

Do you have questions about the submission process? Refer to the [NIHMS FAQ](#). The NIHMS system also maintains a help desk to assist users with manuscript submissions and answers to any questions related to the submission process. Contact (<http://web.nihms.nih.gov/db/sub.cgi?page=email&from=home>) the help desk with your queries.

What is the NIH eRA Commons?

The NIH eRA Commons is a system developed to facilitate the discrete exchange of essential information between NIH and applicant organizations. The "Commons" is a Web interface, available at

<https://commons.era.nih.gov/commons/>, where NIH and the grantee community are able to conduct their extramural research administration business electronically. For example, this system allows PIs and institutional officials to have various degrees of online access to the status of their grant applications and details associated with their grant awards.

An NIH eRA Commons account is required for PIs to enter into the NIHMS system and submit final manuscripts. Submitting authors do not need to be a currently-funded NIH investigator in order to create quickly a Commons account number.

If you have questions, problems, or comments regarding the NIH eRA Commons system, please contact the Sponsored Research Office (or equivalent) at your institution or contact the NIH eRA Commons Help Desk at commons@od.nih.gov (Phone: 866-504-9552).

¹ Costs that can be specifically identified with a particular project or activity. *NIH Grants Policy Statement*, Rev. 12/2003; http://grants.nih.gov/grants/policy/nihgps_2003/NIHGPS_Part2.htm#_Toc54600040.

Best wishes in your research endeavors.

Sincerely,

Jo Anne Goodnight
Acting Director, Office of Extramural Programs
Office of Extramural Research
National Institutes of Health