

# The free flow of information and the flow of free information: Open access and challenges to academic libraries in the US

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# Structure

Brief overview of open access

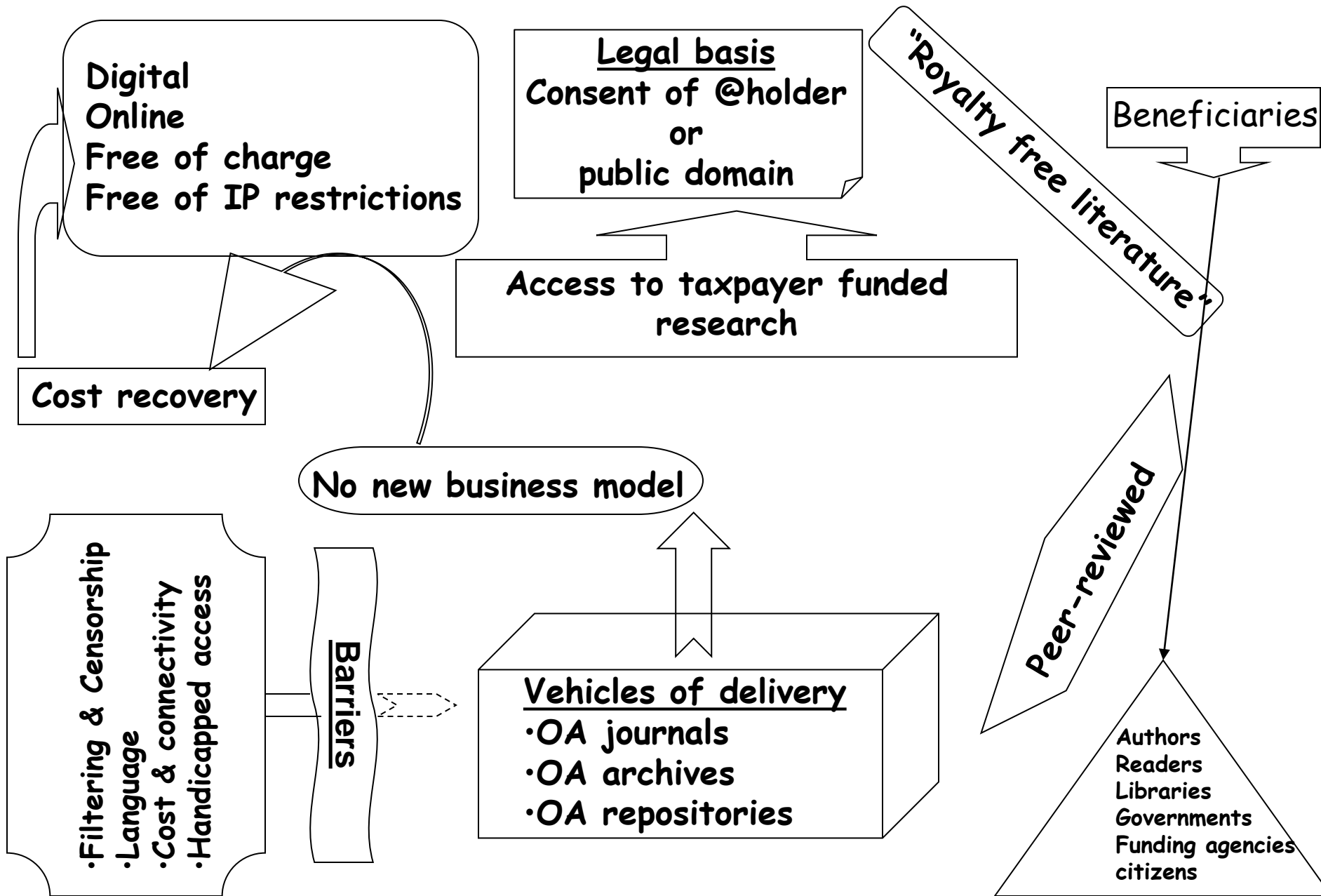
The moral imperative

The economic paradigm

The reality check - USA

The challenge

# Nutshell: Open Access - Peter Suber 2007



# THE MORAL IMPERATIVE

Human Development

Capabilities

Sen

Human Well-being

**Open Access**

Opportunities

**Education**

Become who I want to be

Human Freedom



Economic paradigm allowing open access



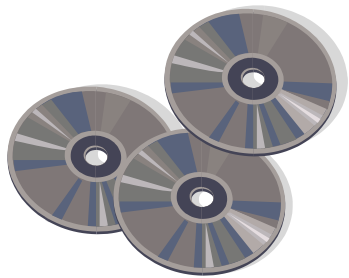
Of



Economics of Information

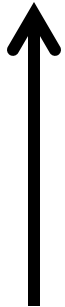


# Economics of Information



\$0-50

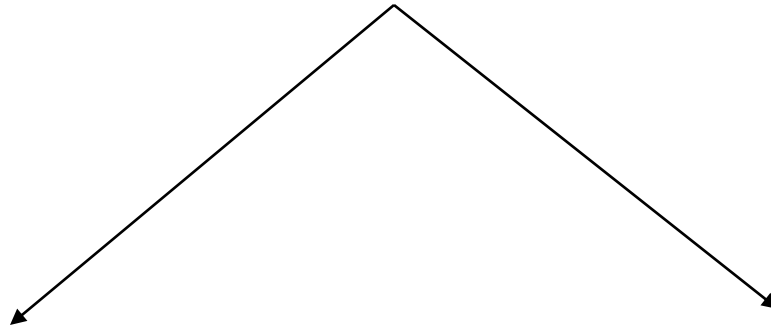
Reach



Richness



bandwidth  
customization  
interactivity  
control  
update  
reproduction



Unbundled reality  
Dematerialized economy



\$1 500 - 2 000

Reach



interactivity

bandwidth  
customization

Richness



# Information based products & services

Bell curve

versus

Long tail

80/20

versus

98%

## Music industry/journal industry



*60 000 tracks*

*200 albums – 90% sales*

**YAHOO! SEARCH**  
**Audio Search** BETA

(I Can't Get No) Satisfaction (4:13) [Sample](#)  
Artist: [The Rolling Stones](#)  
Album: [Still Life](#) (Columbia, 1982)  
Search for: [Reviews](#)  
[Save to My Web](#) - [Mail to Friend](#)  
Related Songs: [Van Diemen's Land \(U2\)](#), [Two Hearts Beat as One \(U2\)](#)

**Download Locations**  
Customize your Yahoo! Search experience - [Select your preferred audio service](#)

Audio Service - <a href="#">Learn more</a>	Format	Platform	Burn to CD	Copy	Track Price*	Subscription	Delivery
BuyMusic.com	WMA	Win	YES	YES	\$0.99	N/A	<a href="#">Download</a>
iTunes	AAC	Win/Mac	YES	YES	\$0.99	N/A	<a href="#">Download</a>
MSN Music	WMA	Win	YES	YES	\$0.99	N/A	<a href="#">Download</a>
Musicmatch	WMA	Win	YES	YES	\$0.99	\$6.99/mo	<a href="#">Download</a>
Napster	WMA	Win	???	???	N/A	\$14.95/mo	<a href="#">Download</a>
PassAlong	WMA	Win	YES	YES	\$0.99	\$9.99/mo	<a href="#">Download</a>
Rhapsody	REAL, WMA, AAC	Win	YES	YES	N/A	\$9.95/mo	<a href="#">Download</a>
Yahoo! Music Unlimited	WMA	Win	YES	YES	\$0.79	\$6.99/mo	<a href="#">Download</a>

\* Lowest possible price shown, subscription may be required

*1, 5 million tracks (2006)*

*2 million tracks (2007)*

*4 million tracks (2008)*



"We shelf what we sell"

Cost: shelf, store, distribution, marginal

Limit to 10 mile radius where people live

60 000 tracks and 1% of albums that are available

Economics of  
Things/  
hard copies

Economics of  
Information/e-journals

YAHOO! SEARCH  
Audio Search BETA

(I Can't Get No) Satisfaction (4:13)

Sample

Artist: [The Rolling Stones](#)

Album: [Still Life](#) (Columbia, 1982)

Search for: [Reviews](#)

[Save to My Web](#) - [Mail to Friend](#)

Related Songs: [Van Diemen's Land \(U2\)](#), [Two Hearts Beat as One \(U2\)](#)

Customize your Yahoo! Search experience - [Select your preferred audio service](#)

#### Download Locations

Audio Service - <a href="#">Learn more</a>	Format	Platform	Burn to CD	Copy	Track Price*	Subscription	Delivery
BuyMusic.com	WMA	Win	YES	YES	\$0.99	N/A	<a href="#">Download</a>
iTunes	AAC	Win/Mac	YES	YES	\$0.99	N/A	<a href="#">Download</a>
MSN Music	WMA	Win	YES	YES	\$0.99	N/A	<a href="#">Download</a>
Musicmatch	WMA	Win	YES	YES	\$0.99	\$6.99/mo	<a href="#">Download</a>
Napster	WMA	Win	???	???	N/A	\$14.95/mo	<a href="#">Download</a>
PassAlong	WMA	Win	YES	YES	\$0.99	\$9.99/mo	<a href="#">Download</a>
Rhapsody	REAL, WMA, AAC	Win	YES	YES	N/A	\$9.95/mo	<a href="#">Download</a>
Yahoo! Music Unlimited	WMA	Win	YES	YES	\$0.79	\$6.99/mo	<a href="#">Download</a>

\* Lowest possible price shown, subscription may be required

"We sell what we shelf"

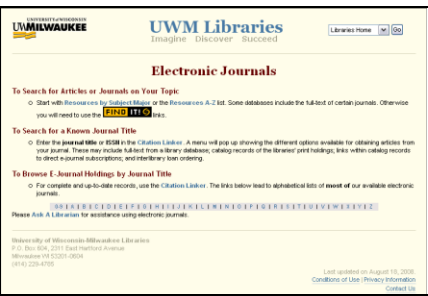
Nearly no shelf-cost, zero marginal cost no distribution cost

"Somewhere, someone in the world will buy one of our tracks" – no more 10 mile radius

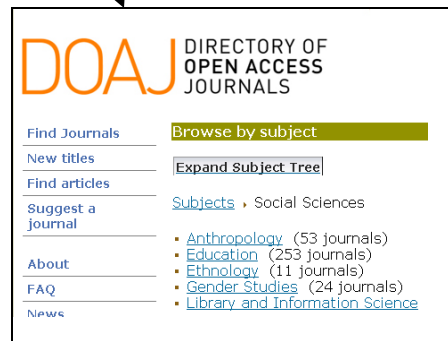
Long tail – 98% of what we shelf will sell (we still sell tracks of the top 900 000)



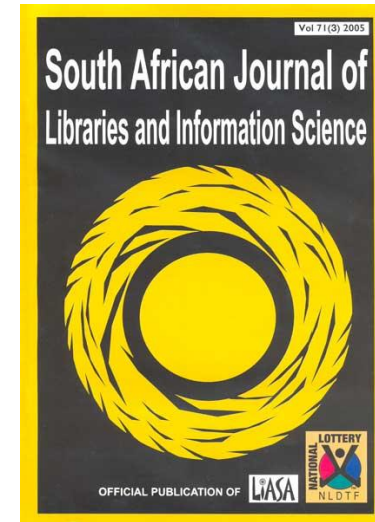
# Economics of Information - publishing



\$3000+ license



\$0 - creative commons



\$1500 - 2000 - copy right

Reach



Richness



bandwidth  
customization  
interactivity  
control  
update  
reproduction



Bread analogy

Feed

Starve

Reach



interactivity



bandwidth  
customization

Richness





USA?

Image NASA  
© 2008 Europa Technologies  
© 2008 DMapas  
© 2008 Tele Atlas

38°57'33.80" N 95°15'55.74" W

Eye alt 11001.00 km

## This is a high-resolution aerial photograph of the United States Capitol building in Washington, D.C. The building's iconic white dome is the central focus, surrounded by its large wings. The grounds are lush with green lawns and mature trees. Several streets are visible, including E Capitol Circle, E Capitol St SE, and 1st St SE. A scale bar at the bottom indicates distances in feet and miles. The image is part of a digital map interface, with navigation controls visible on the left and bottom edges.

Open access movement

<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> <b>Answer</b> </div>	<b>Key Dates</b> Release Date: January 11, 2008 Effective Date: July 1, 2008
	<b>Issued by</b> Department of Health, Ethics & Law (ethics.govt.nz)
	<b>Department of Health and Human Services</b>
	<b>Action</b> Notice, Revised Policy Statement
	<b>Summary</b> In accordance with Section 8, Tika 1, Schedule 24 of the 1970 (Consolidated Appropriations Act 1970), the Minister of Public Services (MPS) (2002-03-02-03) is now responsible. The new statute. The Director of the National Institutes of Health (NIH) must ensure that all investigators (NIH) are fully informed and have access to the full range of information (NIH) that is available to the public. The NIH must ensure that the information is available to the public in a timely and accessible manner. The NIH must ensure that the information is available to the public in a timely and accessible manner. The NIH must ensure that the information is available to the public in a timely and accessible manner.
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## Publishers

# Partnership for Research Integrity in Science and Medicine (PRISM)

Congress's copyright fight against open access science | [www.jamva.info](http://www.jamva.info) <http://www.jamva.info/archives/congress-copyright-fight-against->



- Home (<http://www.iayey.info>)
- Research (<http://www.iayey.info/research>)
- Design (<http://www.iayey.info/design>)
- Lab (<http://www.iayey.info/lab>)

**Congress's copyright fight against open access science**  
(<http://www.isayev.info/archives/congress-copyright-fight-against-open-access-science/>)

Published in [Blog \(http://www.isarev.info/archives/category/blog/\)](http://www.isarev.info/archives/category/blog/), [Science \(http://www.isarev.info/archives/category/science/\)](http://www.isarev.info/archives/category/science/)

In recent years, scientific publishing has changed profoundly as the Internet **simplified access** <http://www.doi.org/> to the scientific journals that once required a trip to a university library. That ease of access has caused many to question why commercial publishers are **able to dictate the terms by which publicly funded research is made available to the public that paid for it**. **Open access** <http://www.sagepub.com/resources/open-access> advocates proponents won a big victory when Congress voted to compel the **National Institutes of Health** <http://www.nih.gov> to set a **policy** <http://www.nih.gov/about/nih/groups/odp/policy/foia.htm> that required the posting of all of the full-text of all articles produced by research it funds, a policy that has taken effect this year. **Now**, it appears that the publishing industry may be trying to get Congress to introduce legislation that will **reverse its earlier decision under the guise of strengthening copyright protections**.

To protect commercial publishers, papers submitted to PMC (<http://www.pubmedcentral.nih.gov/>) are not made accessible until a year after publication, and are not required to include the formatting and integration of images performed by the publisher. This one-year limit is longer than that required by other governments and private funding bodies such as the Howard Hughes Medical Institute and the Wellcome Trust. Many publishers have embraced this policy, and allow the fully formatted paper to be made available, sometimes after a shorter embargo.

Not all publishers have embraced it, some have tried to exact exorbitant fees for allowing manuscripts to be transferred to PLoS. Others have engaged in [aggressive lobbying](#) against open access efforts. Those efforts may be paying off. The House of Representatives has seen the introduction of legislation, [HR 6845](#) ([http://thomas.loc.gov/cgi-bin/query/z?c110:hr.6845](#)) that, depending on its final format, may significantly curtail or eliminate the NIH's ability to continue its open access policy. The current bill would prevent any arm of the federal government from making research funding contingent upon the transfer or license to or for a Federally-funded research organization.



## Revised Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research

**Notice Number:** NOT-OD-08-033 - (See Notice [NOT-OD-08-057](#))

### Key Dates

Release Date: January 11, 2008

Effective Date: April 7, 2008

### Issued by

National Institutes of Health (NIH), (<http://www.nih.gov/>)

### Department of Health and Human Services

### Action

Notice; Revised Policy Statement

### Summary

In accordance with Division G, Title II, Section 218 of PL 110-161 (Consolidated Appropriations Act, 2008), the NIH voluntary Public Access Policy ([NOT-OD-05-022](#)) is now mandatory. The law states:

*The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law. ?*

### Specifics

1. The NIH Public Access Policy applies to all peer-reviewed articles that arise, in whole or in part, from direct costs <sup>1</sup> funded by NIH, or from NIH staff, that are accepted for publication on or after April 7, 2008.
2. Institutions and investigators are responsible for ensuring that any publishing or copyright agreements concerning submitted articles fully comply with this Policy.
3. PubMed Central (PMC) is the NIH digital archive of full-text, peer-reviewed journal articles. Its content is publicly accessible and integrated with other databases (see: <http://www.pubmedcentral.nih.gov/>).
4. The final, peer-reviewed manuscript includes all graphics and supplemental materials that are associated with the article.
5. Beginning May 25, 2008, anyone submitting an application, proposal or progress report to the NIH must include the PMC or NIH Manuscript Submission reference number when citing applicable articles that arise from their NIH funded research. This policy includes applications submitted to the NIH for the May 25, 2008 due date and subsequent due dates.

### Compliance

Compliance with this Policy is a statutory requirement and a term and condition of the grant award and cooperative agreement, in accordance with the *NIH Grants Policy Statement* For contracts, NIH includes this requirement in all R&D solicitations and awards under Section H, Special Contract Requirements, in accordance with the Uniform Contract Format.

### Inquiries

Send questions concerning this Notice or other aspects of the NIH Public Access Policy to:



- Photo
- **blog** (<http://www.isayev.info/archives/category/blog/>)
- Colophon

<http://www.isayev.info>

- **Home** (<http://www.isayev.info>)
- **Research** (<http://www.isayev.info/research/>)
- **Design** (<http://www.isayev.info/design/>)
- **Lab** (<http://www.isayev.info/labs>)

## Congress's copyright fight against open access science (<http://www.isayev.info/archives/congress-copyright-fight-against-open-access-science/>)

Published in **Blog** (<http://www.isayev.info/archives/category/blog/>), **Science** (<http://www.isayev.info/archives/category/science/>)

In recent years, scientific publishing has changed profoundly as the Internet **simplified access** (<http://www.doaj.org/>) to the scientific journals that once required a trip to a university library. That ease of access has caused many to question why commercial publishers are able to **dictate the terms** by which publicly funded research is made available to the public that paid for it. **Open access** (<http://www.isayev.info/archives/open-access-journals/>) proponents won a big victory when Congress voted to compel the **National Institutes of Health** (<http://www.nih.gov>) to set a **policy** (<http://grants.nih.gov/grants/guide/notice-files/NOT-OD-08-033.html>) of hosting copies of the text of all publications produced by research it funds, a policy that has taken effect this year. Now, it appears that the publishing industry may be trying to get Congress to introduce legislation that will **reverse** its earlier decision under the guise of strengthening copyright protections.

*MORAL  
ISSUE.*

To protect commercial publishers, papers submitted to **PMC** (<http://www.pubmedcentral.nih.gov/>) are not made accessible until a year after publication, and are not required to include the formatting and integration of images performed by the publisher. This one-year limit is longer than that required by other governments and private funding bodies such as the **Howard Hughes Medical Institute** and the **Wellcome Trust**. Many publishers have embraced this policy, and allow the fully formatted paper to be made available, sometimes after a shorter embargo.

*Formatted?*

Not all publishers have embraced it, some have tried to exact exorbitant fees for allowing manuscripts to be transferred to PMC. Others have engaged in **aggressive lobbying** against open access efforts. Those efforts may be paying off. The House of Representatives has seen the introduction of legislation, **HR 6845** (<http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.6845>) that, depending on its final format, may **significantly** curtail or eliminate the NIH's ability to continue its open access policy. The current bill would prevent any arm of the federal government from making research funding contingent upon "the transfer or license to or for a Federal



**An Open Letter to the U.S. Congress**  
**Signed by 33 Nobel Prize Winners**

September 9<sup>th</sup>, 2008

Dear Members of Congress:

As scientists and Nobel Laureates we are writing today to support the NIH Public Access Policy that was instituted earlier this year as a Congressional mandate. This is one of the most important public access initiatives ever undertaken. Finally, scientists, physicians, health care workers, libraries, students, researchers and thousands of academic institutions and companies will have access to the published work of scientists who have been supported by NIH.

For scientists working at the cutting edge of knowledge, it is essential that they have unhindered access to the world's scientific literature. Increasingly, scientists and researchers at all but the most well-financed universities are finding it difficult to pay the escalating costs of subscriptions to the journals that provide their life blood. A major result of the NIH public access initiative is that increasing amounts of scientific knowledge are being made freely available to those who need to use it and through the internet the dissemination of that knowledge is now facile. *cost.*

The clientele for this knowledge are not just an esoteric group of university scientists and researchers who are pushing forward the frontiers of knowledge. Increasingly, high school students preparing for their science fairs need access to this material so that they too can feel the thrill of research. Teachers preparing courses also need access to the most up-to-date science to augment the inevitably out-of-date textbooks. Most importantly, the lay public wants to know about research findings that may be pertinent to their own health diagnoses and treatment modalities.

The scientific literature is our communal heritage. It has been assembled by the painstaking work of hundreds of thousands of research scientists and the results are essential to the pursuit of science. The research breakthroughs that can lead to new treatments for disease, to better diagnostics or to innovative industrial applications depend completely on access not just to specialized literature, but rather to the complete published literature. A small finding in one field combined with a second finding in some completely unrelated field often triggers that "Eureka" moment that leads to a groundbreaking scientific advance. Public access makes this possible.

The current move by the publishers is wrong. The NIH came through with an enlightened policy that serves the best interest of science, the scientists who practice it, the students who read about it and the taxpayers who pay for it. The legislators who mandated this policy should be applauded and any attempts to weaken or reverse this policy should be halted.

<b>Name</b>	<b>Category of Nobel Prize Awarded</b>	<b>Year</b>
David Baltimore	Physiology or Medicine	1975
Paul Berg	Chemistry	1980
Michael Bishop	Physiology or Medicine	1989
Gunter Blobel	Physiology or Medicine	1999
Paul Boyer	Chemistry	1997
Sydney Brenner	Physiology or Medicine	2002
Mario Capecchi	Physiology or Medicine	2007
Thomas Cech	Chemistry	1989
Stanley Cohen	Physiology or Medicine	1986
Robert Curl	Chemistry	1996
Johann Deisenhofer	Chemistry	1988
John Fenn	Chemistry	2002
Edmond Fischer	Physiology or Medicine	1992
Paul Greengard	Physiology or Medicine	2000
Roger Guillemin	Physiology or Medicine	1977
Leland Hartwell	Physiology or Medicine	2001
Dudley Herschbach	Chemistry	1986
Roald Hoffman	Chemistry	1981
H. Robert Horvitz	Physiology or Medicine	2002
Roger Kornberg	Chemistry	2006
Harold Kroto	Chemistry	1996
Roderick MacKinnon	Chemistry	2003
Craig Mello	Physiology or Medicine	2006
Kary Mullis	Chemistry	1993
Joseph Murray	Physiology or Medicine	1990
Marshall Nirenberg	Physiology or Medicine	1968
Paul Nurse	Physiology or Medicine	2001
Stanley Prusiner	Physiology or Medicine	1997
Richard Roberts	Physiology or Medicine	1993
Susumu Tonegawa	Physiology or Medicine	1987
Hamilton Smith	Physiology or Medicine	1978
Harold Varmus	Physiology or Medicine	1989
James Watson	Physiology or Medicine	1962

**Press Contact:**

Sir Richard Roberts

(Nobel Prize in Physiology or Medicine, 1993)

Tel: (978) 380-7405

Fax: (978) 380-7406

Email: roberts@neb.com

# The cost factor...

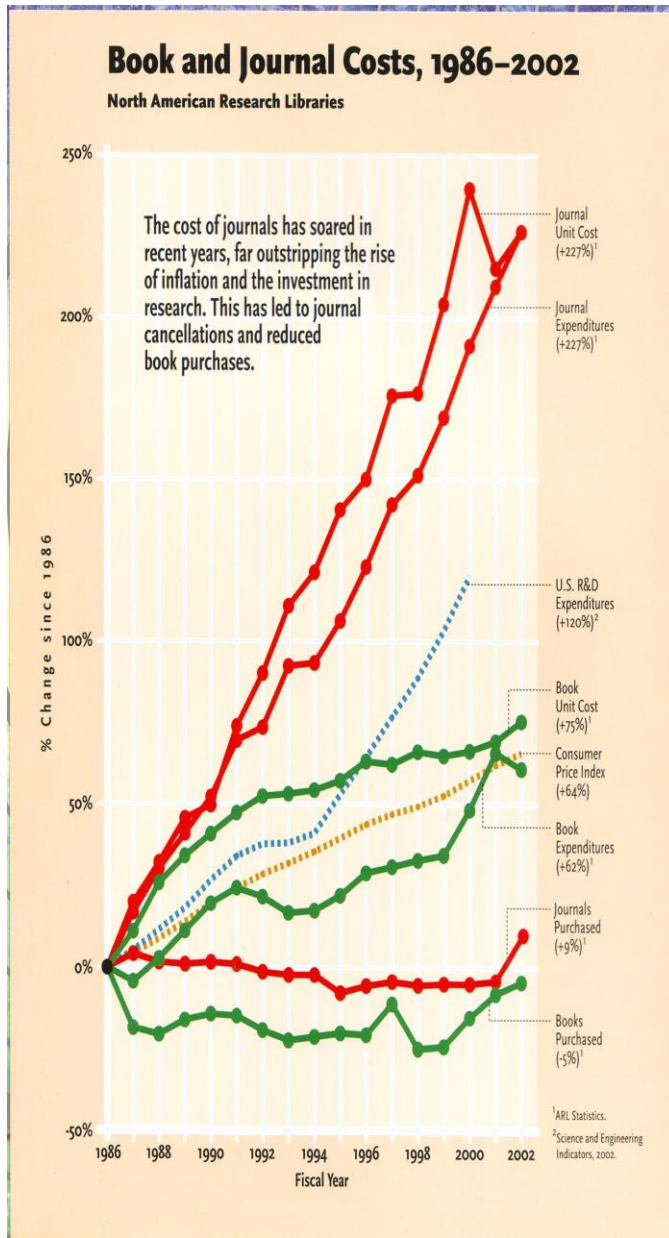
## Journals

10% per year past 3 decades

6X rate of inflation

2 ½ times healthcare cost

1975 – 2005 Cost of journals  
in Chemistry & Physics \$76.84 – \$1879.56  
(Petrol) 55c to \$ \$1.82 p/g  
[same % increase: \$12. 43p/g]





## The system is no longer working.

**You may be finding it harder and harder to locate articles you need as most campuses continue to cancel journal subscriptions.**

- Worldwide journal prices continue to rise significantly faster than inflation and library budgets. In North America, for example, research libraries spent 227% more on journals in 2002 than in 1986. In the UK, journal prices rose 158% between 1991 and 2001 compared to a 28% increase in inflation.
- These increases have led to continued journal cancellations, with fewer journals being purchased by libraries.
- Despite cuts in subscriptions, a few publishers continue to post large profits—up to 40% in some cases.
- Commercial journal publishers are expanding their market control through acquisitions, mergers, and the purchase of individual titles from learned and professional societies. Mergers typically result in significant increases in subscription prices.
- While a growing number of journals are now available online, this access often comes at an extra cost, further stretching library budgets. Many colleges and universities cannot provide this access for their faculty and students.

**When you publish, you may be signing away your rights to use your own work.**

- Copyright transfer agreements often require you to transfer all of your copyrights exclusively to the publisher, thereby losing control of any subsequent public distribution of your work.
- Restrictions on use of your own work may prohibit personal distribution for teaching and research, as well as posting your paper on publicly available Web sites and archives.

**Although electronic publishing is a promising avenue for scholarly research, it brings its own challenges.**

- Some major publishers seek to restrict access to electronic information through legislation and technical protection systems.
- Many of the electronic resources available on your campus are governed by licenses that restrict how you and your students can use the content.
- Some publishers have bundled all their electronic journals to provide additional access, but licenses for these packages tie up significant portions of library budgets. This can divert funds from subscriptions to high-quality titles from smaller publishers.
- Small societies and university presses do not have the capital to invest in the new media and they worry about the loss of print subscriptions if their journals are made available electronically.

- Publishers of online-only journals fear that they may not be able to attract quality manuscripts if academic authors are uncertain about the perceived value of electronic publications in the promotion and funding processes.
- Libraries are concerned with the long-term preservation and archiving issues raised by electronic media.

**Your young faculty colleagues in the humanities may not be able to find a publisher for their first book.**

- Subsidies from granting agencies and universities for publishing in the humanities have virtually disappeared in the last 15 years.
- Academic libraries in the UK purchase 19% fewer books per student today than they did 8 years ago due to high journal prices. In North America, research libraries are purchasing 5% fewer books in 2002 than in 1986, despite spending 62% more.
- As library budgets are squeezed by expensive journals the market for books is reduced. Today many scholarly books sell only 200-400 copies compared with 1500 copies a decade ago.
- University presses reject some quality manuscripts with limited market potential because publishing costs cannot be recovered.

## The system is changing—you can make a difference.

- Encourage discussion of scholarly communication issues and proposals for change in your department, college, or university.
- Where possible, publish in open-access journals, which employ funding models that do not charge readers or their institutions for access. Serve on editorial boards or review manuscripts for open-access journals. (For a list of open-access journals, see the *Directory of Open Access Journals* at [www.doaj.org](http://www.doaj.org)).
- Include electronic publications in promotion and funding discussions.
- Encourage your society to explore alternatives to contracting or selling its publications to a commercial publisher.
- Encourage your society to maintain (or adopt!) reasonable prices and user-friendly access terms.
- Encourage your society to consider creating enhanced competitors to expensive commercial titles.
- Modify, if appropriate, any contract you sign with a publisher ensuring your right to use your work, including posting on a public archive.
- Carefully examine the pricing, copyright, and subscription licensing agreements of any journal you contribute to as an author, reviewer, or editor.

# Libraries do...?

Less...



More...





### Higher Education:

State support [tax \$\$\$] increased 55% from 1997 - 2007  
Twice the rate of inflation - but less the half than rate of  
increase of journal prices

Other priorities for universities - than libraries

"If the cost of any other product had risen at this rate, we would have long ago found a cheaper substitute. Unfortunately, in the past there has been no good substitute for subscription - based scholarly journals. Now, fortunately, there is: open access" (Lewis: 2008)

Time for change



***“American Libraries, the flagship magazine of the American Library Association (ALA), celebrated the first Open Access Day, Oct. 14, by opening up its content on the Web and making its companion weekly e-newsletter, American Libraries Direct, available to anyone for the asking”.***

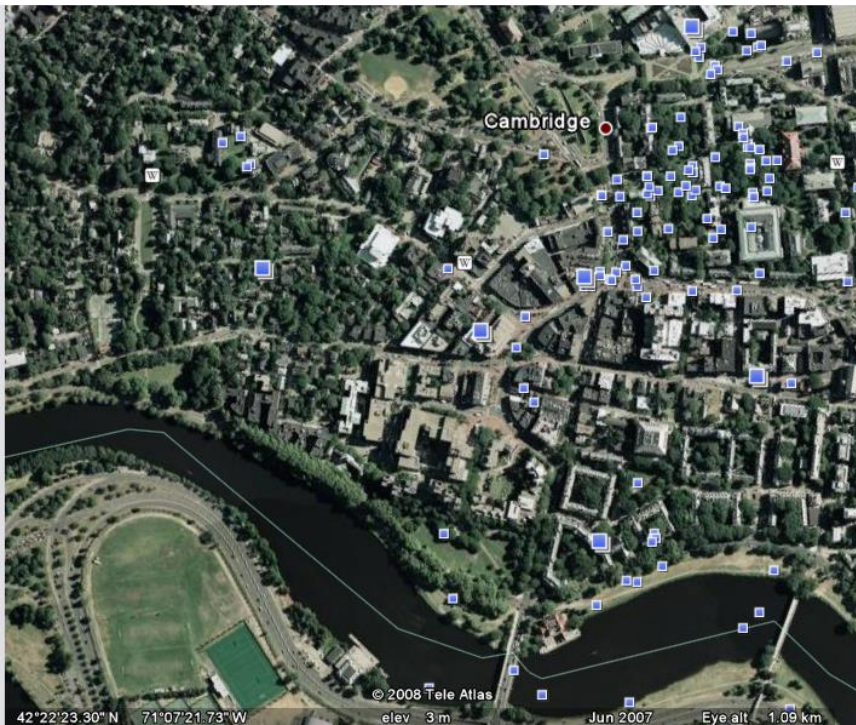
# Harvard

## May 2008: Faculty of Law

Harvard Law votes Yes on open access

May 07, 2008

The faculty of Harvard Law School has unanimously approved a motion for open access: articles will be made freely available in an online repository. With the success of this motion, Harvard Law becomes the **first law school** to make an institutional commitment of this sort to open access to its faculty's scholarly publications. [full text of the motion for an opt-out open access policy] <http://cyber.law.harvard.edu/node/4273>



## Feb 2008: Faculty of Arts and Science

February 13, 2008

From Berkman Fellow Melanie Dulong de Rosnay...

Yesterday, Harvard University's Faculty of Arts and Sciences (FAS) unanimously voted a motion on open access policy. FAS Faculty members now grant to the university a **non-exclusive, irrevocable, worldwide license** to distribute their scholarly articles, provided it is for non commercial uses. An opt-out mechanism allow Faculty members to **waive** this mandatory assignment upon request for some articles, for instance in the case of incompatible rights assignment to a publisher...

<http://cyber.law.harvard.edu/node/3462>





## Stanford University – School of Education


June 10 2008 – at a retreat in a hotel near the ocean...

“...before we had been at it for half an hour, people were saying let’s just do it. Let’s pass an open access motion for the School of Education, and let’s do it right here and now. I was taken aback by the ease with which this idea garnered nods and shrugs of assent” (Willinsky, Sept 2008)



**What's happening at UWM?**





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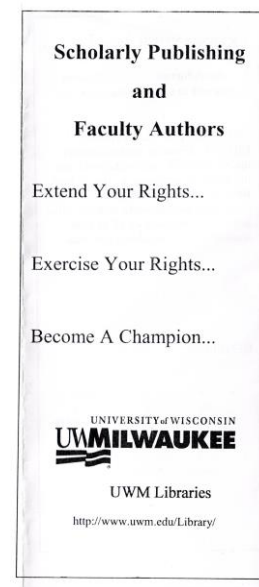
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# What can academic libraries do?



Moral imperative

Legal framework

Motivation  
Follow the leaders  
Marketing strategy

Join OA lobbying & other groups  
Understand Publishers' lobbying  
Understand IP  
Advice – faculty on contracts

Economic reality

University expectations

Cost of publications  
Budget – base \$\$  
Marginal costs

Support from Top Management  
Faculty support  
Take the lead  
Tenure /peer review  
Repository & digitize own collect

## Conclusion



Moral imperative



Legal landscape



Economic paradigm



Faculty & University Reality