



## Why SA should care about the Research Works Act

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### What is the Research Works Act?

In just [3 pages the Research Works bill](#) seeks to prohibit open access mandates for federally funded research in the USA thus reverting the open access policy of the [National Institute of Health \(NIH\)](#) in the USA. It was introduced by Darrell Issa on 23 December 2011 and has caused major battles between the academic and publishing industries. The bill has the support of Elsevier, Association of American Publishers and the Copyright Alliance:

The Copyright Alliance praises U.S. Representatives Darrell Issa (R-CA) and Carolyn Maloney (D-NY) for their bipartisan introduction of H.R. 3699, the Research Works Act. The proposal would overturn an unprecedented federal government taking of copyrights from certain authors and researchers. [Quote from statement issued by Copyright Alliance](#).

The professional and scholarly publishing community thanks Representatives Issa and Maloney for supporting their significant investments that fund innovations and enable the essential peer-review process maintaining the high standards of U.S. scientific research. [Quote from statement by Tom Allen, President and CEO, Association of American Publishers](#).

Why then do we support this legislation? We are against unwarranted and potentially harmful government laws that could undermine the sustainability of the peer-review publishing system. The RWA's purpose is simply to ensure that the US government cannot enshrine in law how journal articles or accepted manuscripts are disseminated without involving publishers. We oppose in principle the notion that governments should be able to dictate the terms by which products of private sector investments are distributed, especially if they are to be distributed for free. And private sector means not just commercial publishers like Elsevier, but also not-for-profit and society publishers. [Quote from statement issued by Elsevier](#).

### What the bill would affect if enacted

If the bill were to be enacted it would roll back the open access policy by the National Institute of Health (NIH) and prevent all USA federal agencies from adopting a similar mandate. According to the NIH, their policy is intended to:

- ensure that the public has access to the published results of NIH funded research,
- requires scientists to submit final peer-reviewed journal manuscripts that arise from NIH funds to the digital archive PubMed Central upon acceptance for publication,
- help advance science and improve human health,
- requires that these papers are accessible to the public on PubMed Central no later than 12 months after publication.

Essentially the bill prevents open access to taxpayer funded research without the consent of the publisher of the work. Various groups have written to Rep. Darrell Issa (R-CA) in opposition to the bill:

This prohibition will significantly inhibit the ability to advance scientific discoveries and stimulate innovation in all scientific disciplines. The bill will prevent public health groups, patients, researchers, and physicians from accessing the results of crucial biomedical research and results. It will also impact knowledge, information and dissemination and sharing of critical advancements in life-saving research and scientific discovery.....We are strongly supportive of the NIH Public Access Policy, which has resulted in millions gaining access to vital health care information from the NIH's PubMed Central database. Today, under the current policy, more than 90,000 new biomedical manuscripts each year are made available to the public. Our groups, as well as patients, families, physicians, and scientists, access and use this critical health-related information in a variety of ways, including to make better informed decisions, to improve health policies and outcomes, and to promote further innovation and research. [Letter to Chairman Issa](#)

### Will South African researchers, organisations or universities be affected?

In my opinion yes. As the graphic below shows, the NIH (deemed the [largest source of funding for medical research](#) in the world) funds over 100 projects in SA either partially or fully and has funded clinical studies each of which has yielded valuable publications – with the University of Cape Town having the most NIH funded projects (NIH Reporter Website accessed on 14 February 2012). All publications arising out of these projects are freely available to the public and therefore these publications contribute to finding new ways of treating diseases, making scientific progress and improving health management for example. This research conducted by South Africans should be of benefit to South Africans, for the advancement of medical treatments in our country and elsewhere.



In 2010, Arcadia commissioned a [study](#) on access to research in east and southern African universities. According to the study, access to scholarly resources is no longer the primary problem - the new problem is searchability/visibility or awareness surrounding the availability of scholarly resources. It was reported in the Arcadia study that [most of the scholars](#) used Google to search for scholarly resources and therefore were not discovering the subscription content. Further the interviewees complained of being unable to get pass authentication and access controls for journals. Both of these issues can be addressed by open access as these scholars would be able to find full text resources by searching in Google or Google Scholar without having to login or access their libraries proxy (even though there are various differing opinions if this is the correct way to search for scholarly resources). Open publishing can increase visibility and increase and create opportunity for use - [various authors](#) have raised arguments in support of openness and its importance for African scholars. Thus far the [implications of the NIH policy](#) has resulted in:

Over 2.4 million articles now in PMC. In addition to the NIH funded papers deposited into PubMed Central, publishers voluntarily deposit more than 100,000 papers per year. Every weekday, one half million users access the database, retrieving over 1 million articles.

Based on internet addresses, an estimated 25% of users are from universities, 17% are from companies, and 40% from the general public.

The reach (as evidenced by the statistics above) and benefits of open access cannot be denied and it is important that researchers, institutions and organisations stand up and speak out against bills such as the Research Works Act – but more important make others aware of the implications of these bills for not just the USA but other countries where US interests are present. Closing down access to information that can save lives is nonsensical and it is my hope that the counter bill, Federal Research Public Access Act, gains widespread support and is enacted – I will discuss this bill in a follow up post.

For interest, read the Director of the NIH's [response](#) to [Joseph Pitts who alleged](#) that the NIH open access policy “undermines the competitiveness of the science technology and medical publishing industry.

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