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U.S. Department of Energy  
Office of Science and Technical Information

RE: U.S. Dept. of Energy Public Access Plan

The IEEE, a worldwide association of more than 425,000 technology professionals, including more than 200,000 members in the United States, welcomes the opportunity to comment on the implementation of the Department of Energy's Public Access Plan.

The IEEE is a strong supporter of sustainable efforts to expand access to scholarly publications in general and in particular to expand free public access to articles resulting from government-funded research. To be sustainable, these efforts must protect and advance other important societal interests inherent in scholarly publishing and essential to the scientists' and practitioners' community, including peer review, protecting the integrity of the research archive, and preserving the intellectual property rights of authors and publishers. Since 2007, the IEEE has articulated these beliefs in the [IEEE Principles of Scholarly Publishing](#).

In all discussions of open access, the IEEE has stated its position that government policy to promote public access to scholarly research should recognize these principles. As they relate to the DOE Public Access Plan, we offer the following comments.

The IEEE has a long history of granting wide latitude to authors who wish to share their work for research and academic purposes. The IEEE does not require copyright transfer from authors in all cases except authors' selection of the Creative Commons Attribution license, which the IEEE supports. Even for IEEE-copyrighted articles, the IEEE permits an author to deposit the final accepted manuscript (after peer review and revision) in the author's institutional repository or a funding agency's repository, as well as on a server operated by an approved not-for-profit third party (such as arXiv.org), and this is consistent with the provisions of the DOE Public Access Plan.

A centerpiece of the Public Access Plan is the DOE's establishment of the Public Access Gateway for Energy and Science (PAGES). According to the Plan, as a portal and search interface tool, PAGES "will provide metadata and abstracts for such publications in a way that is open, readable, and available for bulk download." As noted in the Plan, PAGES will interact cooperatively with the ClearingHouse of Open Research in the US (CHORUS), a publisher consortium that includes the IEEE among its most active members. The IEEE is encouraged by the Plan's statement of purpose for PAGES:

"By ensuring public access while leveraging the public access efforts of the publishing community and other stakeholders, PAGES will maximize the potential for creative reuse of

federally funded R&D to enhance the value to all stakeholders; avoid unnecessary duplication of existing mechanisms; and maximize the impact of the Federal research investment.”

The IEEE observes that the implementation of PAGES will establish a 12-month “administrative interval” during which full text of a published article will not be made freely available. Such a period (commonly known as an “embargo”) is frequently applied in policies that seek to foster open access through author self-archiving. In the absence of any evidence to support 12 months as an appropriate embargo period, the IEEE recommends that any government repository operate flexibly, with an embargo period that is long enough to sustain the IEEE’s ability to fulfill its mission to the professional community as well as to authors and scholars worldwide.

The IEEE’s support for a flexible embargo period stems from several analyses documented in recent research highlighting the variances among disciplines in the usage of scholarly publications. These include [a 2013 study by Dr. Phil Davis](#), who analyzed usage data of more than 2,800 journals from 13 scholarly publishers to show that the median half-life of journals is distributed between 24 and 60 months. In the case of engineering and technology subjects – where the median half-life is greater than 36 months, according to Dr. Davis – the IEEE recommends that the embargo period be 24 months. The IEEE’s recommendation is further supported by the behavior of users of the IEEE *Xplore* Digital Library, which shows that 85% of the articles retrieved are older than 12 months. Given this long shelf life of technology information, an embargo of less than 24 months would provide an incentive to many users to forego immediate access and cancel subscriptions. This would put at risk IEEE’s current capability to sustain and support its reference professional community.

The IEEE’s concerns about the embargo period are therefore rooted in its long-standing commitment to its aforementioned Principles of Scholarly Publishing, which advocate respect for copyright and intellectual property rights and pursuit of flexible business models for sustainable open access. The IEEE aligns with the view offered recently by the Association of American Publishers Professional/Scholarly Publishing Division in response to a Request for Information from the Office of Science and Technology Policy (OSTP) and National Economic Council (NEC) for their coming update of the Strategy for American Innovation:

“In particular, while efforts at openness that build on publicly accessible material do have the potential to increase innovation, the viability and usefulness of the copyright in that material must be respected. Where the material in question is the final accepted manuscript of a peer-reviewed article, periods of exclusivity, often called embargoes, are critical. Studies have suggested that different embargo periods would be appropriate for different disciplines [see [study by Dr. Phil Davis](#)]. Policymakers around the world have recognized the need for flexible approaches to public access, and the need to proceed carefully when implementing public access mandates. We recommend that federal agencies that fund science, in setting any public access policies, use a transparent, collaborative, and evidence-based process involving all stakeholders to determine appropriate embargo periods based on the practices of individual funded disciplines.”

Thank you for providing an opportunity for the IEEE to comment on the Public Access Plan. As noted, IEEE already provides authors with retained rights to archive their articles in institutional

repositories and to reuse their articles without explicit IEEE permission for a wide range of academic and research purposes. However, the IEEE believes that if government programs are to facilitate public access to copyrighted content, a 24-month embargo in the fields of interest of the IEEE-supported community is in order.

Sincerely,

A handwritten signature in black ink on a light beige background. The signature is cursive and appears to read "Roberto de Marca".

Roberto de Marca  
IEEE President and CEO