

8 October 2007

The Honourable Congressman Ariosto Holanda  
Câmara dos Deputados – Anexo III, Gabinete 375  
Brasília - DF

The Honourable Congressman Rodrigo Rollenberg  
Câmara dos Deputados – Anexo IV, Gabinete 662  
Brasília - DF

Dear Sirs,

**Re: Brasil – PL 1120/07 – *Projeto de Lei sobre o processo de disseminação da produção técnico-científica pelas instituições de ensino superior no Brasil e dá outras providências* (the “Bill”)**

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The International Association of Scientific, Technical & Medical Publishers (“STM”) is a global trade association with approximately 100 member publishing organisations, both large and small, and for-profit and not-for profit, collectively responsible for over 60% of the global output of research articles each year. These publishers are based in 23 countries and several maintain branches in Brasil. STM has the following objectives:

- to assist publishers and their authors in their activities in disseminating the results of STM research;
- to assist national and international organisations and communications industries to improve the electronic dissemination, storage and retrieval of STM information;
- to work with the International Publishers Association (IPA) and with the national publishers associations and other governmental and professional bodies, international and national, concerned with these tasks.

STM supports the widespread dissemination of scientific research results as a defining principle for any country’s research landscape.

STM urges caution in enthusiastically adopting mandated and irreversible legislative measures that could undermine the publication and dissemination of quality research.

For this reason, STM is writing to you out of a concern that the above-referenced Bill, if enacted, would seriously prejudice science, authors, publishers, scholarly communication, and the public.

## **1. The Bill mandates Open Access and Repository Publishing**

The Bill now before the Brazilian Congress would mandate the submission of published articles into one or several repositories. The Bill's fundamental premise is that access to research is well served by such an obligation on researchers.

**STM publishers do not favour one business model over another.** Indeed, STM publishers are currently implementing, or testing, ways to harmonise the goal of universal access within economic reality and without sacrificing the freedom of authors to publish where they wish.

**The experimentation with Open Access and repositories by STM publishers stands in sharp contrast to the views held by Open Access advocates:**

Open Access and repositories are presented as a preferable alternative to the tried-and-tested subscription publishing model. Supporters of Open Access and repositories maintain that these models are superior for three chief reasons. According to them, Open Access and repositories:

- Cost less;
- Lead to much wider access to knowledge beyond the universe of subscribers;
- Enable the research of Brazilian authors to be show-cased more effectively (including greater citation impact);

STM contends that these claims are untested and that more evidence is needed to find out. Research currently available and experiences gained thus far does not support the claimed advantages at all. Moreover, the measures proposed in the Bill would endanger and prejudice scholarly communication and STM publishing.

## **2. STM Supports Experimentation**

Open Access and repository enthusiasts also often claim that a wide consensus exists among countries that this business model is the one that should be adopted, if need, be by legislating.

STM cautions that this claim is incorrect: particularly the European Union (EU), currently responsible for 43% of published global research output, is carefully analyzing the situation. Lawmakers at EU level and at the level of the EU's member states are far from certain that the advantages said to be associated with Open Access and repository publishing will materialise.

As a result, the EU is merely prepared to experiment, but not to cast legislation in stone and make laws with policy decisions hard to reverse. Germany, one of the research engines, as well as the UK, have come to the same conclusion at national level.

Many STM publishers have created or participated in pilot projects to test the robustness and demand for Open Access publishing. STM would be more than happy to enter into a dialogue with you and/or the Brazilian Government to illustrate this and share experiences.

### **3. Putting the record straight on Open Access (OA) and repositories**

Whilst STM is business-model neutral, STM must react to some of the unfounded claims on the basis of which Open Access and repository publishing is often sold to law-makers.

- **OA does not cost less**

The evidence available today shows that **the initial cost assessments of OA journals were vastly understated. The true costs are constantly revised upwards.**

Example 1: Public Library of Science (PLoS), a major US-based Open Access publisher, has been forced to hike author fees from US\$ 1,500 to US\$ 2,500 in order to reach a break-even point. Indeed, Mark Patterson, Director of Publishing at PLoS stated earlier this year that PLoS will rely on “philanthropic grant support for the foreseeable future” (sic!)

Example 2: BiomedCentral, another major UK-based Open Access publisher, which asks member libraries to cover author page charges, has increased its demands manifold. This has forced some member libraries, including prestigious Cushing/Whitney Medical and Kline Science Libraries (attached to Yale University) to end their support for BioMed Central's Open Access publishing effort. Page charges payable by these libraries rose from US\$ 4,500 to over US\$ 60,000 between 2005 and 2007. In the face of these exploding costs, the libraries concerned decided to discontinue the exercise.

The two examples show that that more time is needed and that so far viable business models for Open Access publishing remain elusive. Research published in Open Access journals can only be made available on a sustainable long-term basis, if there is a high degree of certainty that the models currently employed will not implode.

The simple truth is that there is no evidence that Open Access publishing is a cheaper way to finance quality controlled publications.

- **Open Access and repositories cannot close the knowledge gap**

STM publishers experiment with innovative publication models, but **to force content into repositories without voluntary co-operation of the entire scholarly communication network will not yield the promised results.**

Fact: Today repositories cover 2% of published research. Where access is suboptimal, it would be far better to work with publishers to locate and close the specific gaps that remain than to mandate authors to deposit in repositories to attempt to close the current repository gap of 98%. It is inconceivable that this 98% gap would ever be closed, and attempting to do so would open up the system to potentially widespread plagiarism and other forms of corruption that the current publishing models largely avoid.

Fact: Documents in repositories are generally not protected and can be altered to differ from the published versions that were subject to rigorous peer review controls. As a result, documents held in repositories do not provide readers with the high levels of quality assurance that peer reviewed articles on publishers' websites do. Neither publishers nor Brazilian institutions can possibly monitor all the diverse repositories and the materials they contain to guarantee their accuracy or authenticity.

Fact: It takes tax money to publicly fund research. It takes more tax money to then go and select research worth publishing. The Bill would have the effect of diverting spending away from funding research, which is first on the list of researchers' concerns, towards attempting to improve access, which is twelfth on the list of researchers' concerns.

Fact: Future costs to maintain and administer repositories will be even greater than the costs to establish them. Significant technical expertise and resources will be required to develop and maintain repositories over time. These have not been studied or estimated with sufficient precision.

In STM's view, shared by EU decision-makers, more work needs to be done on the long-term sustainability of open repositories and on the cost/benefit to their founding organisations. Adopting the Bill without understanding cost effects would be ill-advised.

- **Authors not affiliated to rich institutions will be the losers. Authors from the North will dominate.**

The problem of under-resourced readers cannot be solved by making it the problem of under-resourced researchers-authors. Authors of the South (and of the North) deserve the freedom to decide when, how and where to publish. Authors need exposure in the best journals. Brazilian authors should not be held back by mandated policies that will make their articles unpublishable for lack of resources (eg US\$2,500 per OA article) or by reason of forcibly appropriating their intellectual output (mandated repository submission).

STM believes that the system by which scientific information is published is pivotal for its validation and dissemination, and has a major impact on the excellence and recognition of research and its impact. This is true for the Brazilian research environment as it is true everywhere.

STM also notes the opinion of the European Research Council (Europe's funding body for frontier research under the European Commission's Seventh Framework Programme for Research and Development) stressing "...the fundamental importance of peer-reviewed journals in ensuring the certification and dissemination of high-quality scientific research."

To deny Brazilian authors the opportunity to publish in these journals by forcing them into a state or institutional repository publishing model, will not increase the visibility of Brazilian's excellent research environment.

#### **4. Conclusion**

STM urges you to reconsider the Bill and the measures proposed therein. In STM's view the claims made in favour of Open Access and repository publishing are untested. The current publishing models are far too valuable and efficient to be endangered for very uncertain benefits. More evidence is needed before legislation should be enacted. This is the stance taken in many parts of the world, including the European Union.

We kindly ask you to consider our concerns and would be more than happy to discuss any aspect of them and the Bill's objectives with you.

Very truly yours,



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