CIHR Policy in Development - Consultation on Access to Products of Research

Response By Project Open Source | Open Access, Knowledge Media Design Institute, University of Toronto

This policy can be separated into three broad categories:

1. physical products of research (i.e. molecules, cells, organisms, cell lines, DNA libraries, PCR primers, monoclonal antibodies, and transgenic organisms);

2. structural and functional data typically deposited in public databases (i.e. genomic data, DNA sequences, protein structures, protein sequences, protein interaction data, nucleic acid sequences, nucleic acid structures, nucleic acid behaviours, factors and motifs, plasmids, atomic coordinates, molecular interaction information);

3. peer-reviewed published results, (e.g. manuscripts and publications) achieved through:

a. publication in peer-reviewed Open Access (as defined by the Bethesda Statement) journals (for a directory of Open Access journals, see: http://www.doaj.org/);

b. publication in peer-reviewed journals that permit authors the option of Open Access to their individual articles upon payment of an Optional Publication fee (an example: Oxford Open, http://www.oxfordjournals.org/oxfordopen/);

c. publication in peer-reviewed journals that make content freely accessible within six to twelve months after publication, through deposition in a public archive (such as PubMed Central) or the journal's own website; and

d. publication in peer-reviewed journals that permit authors to post copies of the published manuscript on their personal or institutional websites, also known as Self-archiving (for various publisher's copyright policies & self-archiving, see the SHERPA/ROMEO list, http://www.sherpa.ac.uk/romeo.php).

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1) Please identify your affiliation

Researcher
Journal and journal editors
Scientific society
Libraries and library associations
xOther (please specify)

If you selected other, please specify

Other: Project Open Source / Open Access at the University of Toronto

2) Are there any specific research resources, tools, and products that you think should be included in this policy (e.g. software or protocols)?

Researchers should be encouraged to publish articles as open access, either in open access journals or in open access repositories. Researchers should store protocols in World Health Organization accredited clinical trial registries. If software products used are open source, the researchers should be encouraged to share the source code.

3) How can we ensure that a policy increasing access to the physical products of research does not negatively impact the intellectual property (IP) rights of inventors, and the commercialization of IP?

The policy could make provision to exclude inventions for which a patent is considered the best route to commercialization (or the transformation of an idea into a product. However, not all intellectual property created using the new forms of production and dissemination is necessarily directed toward commercialisation. For example, in some cases the publication of code, making cell lines available to the research community or publishing openly a part of a genomic sequence may be considered academic 'publications' in the way more traditional journal articles are considered publications in that they build reputation and count as academic contributions. One could consider a hybrid structure that consists of code that could potentially be used for commercialisation and 'code' that is released as part of doing scientific research with no specific implications for commercialisation. This hybridity must be taken under consideration when considering matters pertinent to intellectual property and commercialization. One should also keep in mind, that patenting is not always the best route for bringing an application to market, of which open source software itself provides the best example.

4) When is it appropriate for researchers to put restrictions on products of research?

Restrictions should only be imposed in the case of innovations that are to be patented. Restrictions, or perhaps more accurately, requirements might include crediting original research that is modified or is the "source" of other research. Citations provide credit in the case of providing acknowledgement in published research, but might be an issue when dealing with openly accessible raw data, especially when the original researcher would like to conduct further analysis using this data.

5) Can you suggest appropriate restrictions that will minimize harms (or maximize benefits) to further research?

Our position is that it should be incumbent on the policy makers to demonstrate evidence of possible "harms" before proscribing particular forms of "openness".

6) Is there a specific type of data (not mentioned above) that should be covered with this policy statement?

No.

7) Would you support a policy statement that involved sharing research data obtained with the help of CIHR funding? Please elaborate on your answer in the comments section.

Yes. Raw data and data appendices in publications should be deposited in open access repositories where available

8) If you answered No to question number 7, please explain

9) Do you think this policy should cover products other than peer-reviewed publications, such as book chapters, editorials, reviews, or conference proceedings?

Yes, as long as the products are the results of CIHR funded research.

Additional comments:

We don't see any reason why these types of publication should be excluded. It depends ultimately on whether the policy is one of mandating or simply encouraging open access. Mandating open access may involve some policy challenges for dealing with publications that are not peer-reviewed.

10) Do you support self-archiving of peer-reviewed research publications in an Institutional Repository (IR) at a Canadian university?

Note that not all universities in Canada currently have an IR.

Yes.

Additional comments:

More and more institutions have Institutional Repositories and those that do not could participate in a consortial arrangement. This could be a way of extending access to open access repositories at smaller institutions across Canada.

11) Would you prefer self-archiving of research publications using your personal website?

Note that personal websites are not interoperable. An advantage of IRs is that they use interoperability standards, such as those of the Open Archives Initiative, http://www.openarchives.org/documents/FAQ.html.

We support self-archiving but preferably should be within an institutional repository because of the interoperability issue mentioned.

Additional comments:

12) Would you endorse archiving of peer-reviewed results in the National Library of Medicine's PubMed Central?

Or, would you prefer that Canadian peer-reviewed results be archived in a Canadian repository, such as a national repository of the kind which the Canada Institute for Scientific and Technical Information (CISTI) is positioned to develop for the National Research Council. (See the CISTI Strategic Plan for 2005-2010, http://cisti-icist.nrc-cnrc.gc.ca/about/stratplan_3_e.html).

There are federal and other policy constraints that may mitigate against using an American-based repository. Before deciding against developing a Canadian based public repository, issues of policy and governance should be investigated and addressed, including whether a PubMed structure could be developed within our own agency. Issues at the level of the data should also be addressed, for example, making provision for languages other than English and providing tags within the metadata that indicates country of origin.

13) If you are a journal editor, or representative of a professional scientific society, what are potential positive or negative impacts that you see with the implementation of a policy requiring CIHR funded researchers to follow one of the aforementioned mechanisms?

Speaking as journal editors, we would be cognisant of the fact that it is generally accepted that open access increases the impact of the research, including the citation rate. Open access offers a better return on investment on publicly-funded research. Publicly-funded research can be accessible within public institutions, without those institutions having to spend public monies to private parties for access to that research. Editors see an internationalization of contributors which is an advantage for regionally-based journals such as publicly funded journals in Canada.

14) While considering IP rights and the commercialization of IP, what should be the minimum time required for release of these forms of data into the public domain?

X Immediately

Three months

Six months

Other (please specify)

Immediately

15) If CIHR were to mandate self-archiving of peer-reviewed publications, how long after publication should this occur?

X Immediately
Three months
Six months
Other (please specify)

Immediately

16) Can you think of any responsibilities or obligations for those requesting CIHR materials? (e.g. acknowledgements)

Researchers should acknowledge or even involve the original researcher, when analyzing raw data.

17) How do you see co-funding influencing access to physical products of research?

We don't see how this question is relevant to open access.

18) Please comment on any experiences with other organizations, both nationally and internationally, regarding sharing or access to resources, data, and publications? Do you have suggestions or comments that CIHR should consider during policy development?

- Please see International Council for Science: Committee on Data for Science and Technology (CODATA) with regard to issues surrounding access to data. http://www.codata.org/

- The NIH "delayed access" policy delays the speed of important scientific discovery, particularly in medical research. A mandatory policy of deposit in open access repositories would ensure compliance by researchers.

19) Other comments or suggestions:

A "moving wall" model with openness after 6 or 12 months has been implemented by many journals/publishers, but it should be realized that such a "delayed" open access slows down knowledge dissemination and uptake within the scientific community.

Thank you for taking the time to complete this survey.

Your feedback is important and will be carefully considered during the policy drafting process. Once a detailed draft policy has been prepared, it will be posted on our website for public consultation.