

EDITORIALS



Public Access to Biomedical Research

Jeffrey M. Drazen, M.D., and Gregory D. Curfman, M.D.

On September 3, 2004, a notice entitled “Enhanced Public Access to NIH Research Information” appeared in the National Institutes of Health (NIH) guide. In the notice, the NIH proposes that all publications that arise from NIH-sponsored research be made available free to the public within six months after they have been published. We applaud and endorse this effort; our actions speak for themselves. Since May 2001, we have offered the research articles we publish free on our Web site six months after the publication date, and this includes all research articles, not just those funded by the NIH. In addition, for more than two years we have provided everything we publish free to the 120 most economically disadvantaged countries in the world. The articles we publish are all extensively peer-reviewed, often substantially revised, and carefully rewritten to be sure that their conclusions are supported by the data provided; illustrations are prepared to clarify their scientific content. The articles are copyrighted to ensure their intellectual integrity.

The NIH proposal is silent on the issue of copyright. This is potentially dangerous, because it might allow third parties to selectively use the material in scholarly articles for commercial gain. Suppose, for example, that we published an NIH-sponsored study showing that a given drug has benefit for a specific condition but that there are significant side effects to the treatment. Under the proposed rule, a commercial entity could republish the work, highlighting the benefits but ignoring the disadvantages, and attribute the work to the *Journal*. Since the *Journal* would not hold copyright, we could not seek recourse in the courts to halt this misuse of scientific data and potential danger to the public. This is not fantasy. The public was recently victimized by an overwhelming e-mail campaign involving such partial statements about growth hormone research the

Journal had published. Current copyright and trademark laws, and our cooperation with the Food and Drug Administration and the offices of the Virginia Attorney General, allowed us to take action to correct the message to the public and warn of such practices. Without proper legal oversight, such scams will multiply.

As copyright holders, we stand behind what we publish. We will continue to seek redress if others use what we publish for commercial purposes. We grant authors wide latitude in the fair academic use of the material we publish; it is its commercial use we closely monitor.

A model for open access based on the tested and highly successful MEDLINE would allow public access while we retain copyright. In this model we would provide a searchable electronic version of our research articles to the NIH repository each week. Interested parties could search our content, and that of all participating journals, quickly and easily. When they identified a research article they wanted to read under the open-access rules, they could simply click on the link and receive the article from our server.

It is in everyone’s best interest to support independent review and publication of biomedical research while allowing wide public access to our pages. NIH director Elias Zerhouni has shown wisdom in proposing that journals be given time to recoup their investment in review and production. We encourage the NIH to adopt a model in which journals retain copyright to what they publish and allow free access through their Internet sites. Such an approach will maintain the veracity of the published work. This is in the best interest of the public, which will get all the published data and will get it right. We will guarantee it.