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Public Access Frequently Asked Questions (NIH)

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A. General Information

1. **What is the NIH Public Access Policy?**

The Policy implements Division G, Title II, Section 218 of PL 110-161 (Consolidated Appropriations Act, 2008) which states:

SEC. 218. The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law.

The Public Access Policy ensures that the public has access to the published results of NIH funded research. It requires scientists to submit journal articles that arise from NIH funds to the digital archive PubMed Central (http://www.pubmedcentral.nih.gov/). The Policy requires that these articles be accessible to the public on PubMed Central to help advance science and improve human health.

2. **What is PubMed Central?**

   PubMed Central is an archive of full-text biomedical journal articles available online without a fee. Articles on PubMed Central contain links to other scientific databases such as GenBank (http://www.ncbi.nlm.nih.gov/Genbank/) and PubChem (http://pubchem.ncbi.nlm.nih.gov/). Articles collected under the Public Access Policy are archived on PubMed Central. More information about PubMed Central is available at http://www.pubmedcentral.nih.gov/about/faq.html.

3. **Where can I get information about a medical or health related topic?**

   NIH provides information on health topics at http://health.nih.gov/.

B. Scope of the Policy

1. **Does the NIH Public Access Policy apply to me?**

   The Policy applies to you if your peer-reviewed article is based on work in one or more of the following categories:

   1. Directly[1] funded by an NIH grant or cooperative agreement active in Fiscal Year 2008 (October 1, 2007- September 30, 2008) or beyond;
   2. Directly[1] funded by a contract signed on or after April 7, 2008;
   3. Directly funded by the NIH Intramural Program.
   4. If NIH pays your salary.

2. **To what types of articles does the NIH Public Access Policy apply?**

   The Policy applies to all peer-reviewed journal articles, including research reports and reviews. The Policy does not apply to non-peer-reviewed materials such as correspondence, book chapters, and editorials.

3. **My article is based on research only partially funded by NIH. Is the article required to be submitted?**

   Yes. The NIH Public Access Policy applies to all peer-reviewed journal articles that arise from the NIH intramural program or any amount of direct costs[1] funded by NIH, regardless of the source or amount of other funding.

4. **My article is based on research funded by a grant or cooperative agreement that expired before Fiscal Year 2008. Is the article required to be submitted?**

   No, submission is not required. But you may submit your article if you want to and have appropriate copyright permission.

5. **My article is based on research funded by a contract awarded before April 7, 2008. Is the article required to be submitted?**

   No, submission is not required. But you may submit your article if you want to and have appropriate copyright permission.

6. **Can I submit articles accepted for publication prior to April 7, 2008?**

   Yes. You may submit your article if you want to and have appropriate copyright permission.

7. **Am I responsible for articles that arise from my NIH funded project for which I am not an author?**

Principal Investigators and their Institutions are responsible for ensuring all terms and conditions of awards are met. This includes the submission of articles that arise directly from their awards, even if they are not an author or co-author of the publication. Principal Investigators and their Institutions should ensure that the authors are aware of and comply with the NIH Public Access Policy.

8. **Is the NIH Public Access Policy a condition of award?**

   The NIH Public Access Policy is a Term and Condition of Award for all grants and cooperative agreements active in Fiscal Year 2008 (October 1, 2007- September 30, 2008) or beyond, and for all contracts awarded after April 7, 2008.

9. **Will compliance with the NIH Public Access Policy affect the outcome of the application review?**

   Compliance with the Public Access Policy is not a factor in the evaluation of grant applications. Non-compliance will be addressed administratively, and may delay or prevent awarding of funds.

C. How to Comply With the Policy

1. **What do I have to do to comply with the NIH Public Access Policy?**

   Compliance is a three-step process.

   1) **Address Copyright.** Before you sign a publication agreement or similar copyright transfer agreement, make sure that the agreement allows the article to be submitted to NIH in accordance with the Public Access Policy. See FAQ on approval for submitting articles.

   2) **Submit the article to NIH.** This can be done in a number of ways:

   a. You or someone in your organization (e.g., an assistant or your library) may deposit a copy of the **peer reviewed manuscript** in the NIH Manuscript Submission (NIHMS) system (http://www.nihms.nih.gov/).

   b. Your publisher may send the **peer-reviewed manuscript** files to the NIH Manuscript Submission system for you.

In both cases above (a and b), you still will have to verify and approve the manuscript personally via the NIH Manuscript Submission system, which will send you an email message requesting this action. See FAQ on using NIHMS.

c. Some publishers have agreed to make the **final published article** of every NIH-funded article publicly available in PubMed Central within 12 months of publication (see FAQ on journals that deposit articles). For these journals, you do not need to do anything to fulfill the submission requirement of the NIH Public Access Policy. See http://publicaccess.nih.gov/submit_process_journals.htm for a list of these journals.

3) **Cite.** As of May 25, 2008, when citing an article in NIH applications, proposals, and progress reports that falls under the Policy, and was authored or co-authored by you or arose from your NIH award, you must include the PubMed Central reference number (PMCID). This policy includes applications submitted to the NIH for the May 25, 2008 due date and subsequent due dates.

Intramural researchers must ensure a PubMed Central reference number is included in the Institute's Annual Report for any publication they have authored or co-authored. See FAQ on how to cite articles.

2. **Whose approval do I need to submit my article to PubMed Central?**

   Authors own the original copyrights to materials they write. Consistent with individual arrangements with authors' employing institutions, authors often transfer some or all of these rights to the publisher when the journal agrees to publish their article. Some publishers may ask authors to transfer copyrights for a manuscript when it is first submitted to a journal for review.

   Authors should work with the publisher before any rights are transferred to ensure that all conditions of the NIH Public Access Policy can be met. Authors should avoid signing any agreements with publishers that do not allow the author to comply with the NIH Public Access Policy.

   Federal employees always may submit their final peer-reviewed manuscript to PubMed Central, because government works are not subject to copyright protection in the United States.

3. **Can NIH provide language that could be used in a copyright agreement between an author or institution and a publisher?**

   NIH can provide an example. Individual copyright arrangements can take many forms, and authors and their institutions should continue to manage such arrangements as they have in the past. However, in order to comply with the NIH Public Access Policy, you must make sure that the agreement allows the accepted peer-reviewed manuscript to be deposited with the NIH upon acceptance of publication and made available for public posting on PubMed Central no later than 12 months after journal publication.

Institutions and investigators may wish to develop particular copyright agreement terms in consultation with their own legal counsel or other applicable official at their institution, as appropriate. As an example, the kind of language that an author or institution might add to a copyright agreement includes the following:

"Journal acknowledges that Author retains the right to provide a copy of the final manuscript to the NIH upon acceptance for Journal publication, for public archiving in PubMed Central as soon as possible but no later than 12 months after publication by Journal."

Your Institution or professional society may have developed specific model language for this purpose, as well.

4. **A publisher says that an NIH-funded article cannot be deposited under the NIH Public Access Policy. What should I do?**

   Publishers may ask authors to transfer copyrights for a manuscript when it is first submitted to a journal for review, and/or at the time it is accepted for publication. Authors should work with the publisher before any rights are transferred, to ensure that all conditions of the NIH Public Access Policy can be met. You should check with your institutional official, who may wish to consult with your institution's legal counsel, to determine how the copyright transfer agreement that the publisher proposes you sign impacts your ability to comply with the Policy.

5. **What is the difference between a final peer-reviewed manuscript and final published article?**

   Final peer-reviewed manuscript: The Investigator's final manuscript of a peer-reviewed article accepted for journal publication, including all modifications from the peer review process.

   Final published article: The journal's authoritative copy of the article, including all modifications from the publishing peer review process, copyediting and stylistic edits, and formatting changes.

6. **How do I include the PubMed Central reference number in my citations?**

   List the PubMed Central reference number (**PMCID**) at the end of the already-required full journal citation for the article. If a PubMed Central reference number is not yet available, include the NIH Manuscript Submission system reference number (**NIHMS ID**) instead.

Examples:

   Varmus H, Klausner R, Zerhouni E, Acharya T, Daar A, Singer P. 2003. PUBLIC HEALTH: Grand Challenges in Global Health. Science 302(5644): 398-399.

PMCID: 243493

Zerhouni, EA. (2003) A New Vision for the National Institutes of Health. *Journal of Biomedicine and Biotechnology* (3), 159-160. PMCID: 400215

D. What needs to be submitted

1. **The journal that published my work routinely deposits its articles in PubMed Central. Do I have to submit my article myself?**

   It depends on which version of the article the journal is depositing – the final published article or the final peer reviewed manuscript – and on the terms of any agreement that the journal may have with NIH. There are three possible cases, described below. In the first case you do not have to take any action. In the other two, you do have to take certain actions.

   a) Journal deposits final published article and makes it available within 12 months: If your journal deposits the final published article in PubMed Central and allows NIH to make it available to the public within 12 months of publication, you do not have to do anything to fulfill the submission requirement of the NIH Public Access Policy.

   b) Journal deposits final published article but does not make it available within 12 months: If the journal deposits the final published article in PubMed Central, but delays its release to the public for more than 12 months after publication, you will have to deposit a copy of your manuscript yourself.

   c) Journal deposits final peer-reviewed manuscript: If the journal is only depositing a copy of your final peer-reviewed manuscript files via the NIH Manuscript Submission system, you will still have to sign on to the NIH Manuscript Submission system (http://www.nihms.nih.gov/) to review and approve release of the article to PubMed Central. Also see FAQ on submit an article to NIH/ PubMed Central.

   Check http://publicaccess.nih.gov/submit_process_journals.htm for a list of the journals that deposit the final published article in PMC with an embargo of 12 months or less, relieving you of the need to do anything further.

2. **I plan to publish in an open access journal. Do I have to submit my article?**

   Yes, unless the journal has an agreement to deposit its articles in PubMed Central. Not all open-access journals have agreements with PubMed Central. Check (http://publicaccess.nih.gov/submit_process_journals.htm) to see which journals do.

3. **My article is already listed in PubMed. Do I have to submit my article?**

   Yes, you must submit the article to PubMed Central. PubMed includes only citations and abstracts of articles, while PubMed Central carries the entire article.

4. **My article is available on the publisher's web site. Do I have to submit my article?**

   Yes, you must submit the article to PubMed Central. Articles available through publishers' web sites do not fulfill the authors' obligations under the NIH Public Access Policy.

E. How to Submit Articles to PubMed Central

1. **How do I submit an article to NIH/PubMed Central?**

You must use the NIH Manuscript Submission (NIHMS) system to submit an article.

- You deposit the manuscript files (e.g., Microsoft Word document and figures) in the NIHMS.
- You indicate the NIH award(s) to which the article is related.
- After the NIHMS converts your deposited files to a standard PubMed Central (PMC) format, NIHMS will email you to review the PMC formatted article to approve its release.

Some journals will deposit the manuscript files for you. In that case, you still have to provide the associated award information, and review and approve the article. The NIHMS will notify you via email when these actions are needed and include a link to the NIHMS web site.

For more information about the NIHMS, go to http://www.nihms.nih.gov/. There is an online tutorial at http://www.nihms.nih.gov/web-help/index.html.

2. **What is the relationship between PubMed Central and the NIH Manuscript Submission system?**

   PubMed Central (PMC) is NIH's digital journal archive, which gives the public access to its articles at no cost.

   The NIH Manuscript Submission system (NIHMS) takes in manuscripts covered by the NIH Public Access Policy and formats them for inclusion into PMC. You deposit the files for a manuscript (e.g., Microsoft Word document and figures) into the NIHMS. The files are converted to a standard PMC format, and then reviewed by you to confirm that

the converted article is faithful to the original. The NIHMS transfers the article to PMC when it is ready to be made available publicly.

3. **Will NIH pay for publication costs?**

   Yes. The NIH will reimburse publication costs, including author fees, for grants and contracts on three conditions: (1) such costs incurred are actual, allowable, and reasonable to advance the objectives of the award; (2) costs are charged consistently regardless of the source of support; (3) all other applicable rules on allowability of costs are met.

4. **My article has multiple authors and/or is funded from multiple NIH sources. Who should submit the article?**

   Any author may submit the article, but each Principal Investigator and Institution is responsible for ensuring that the terms and conditions of their award are met. An article need only be submitted once to the NIH Manuscript Submission system. Authors will be notified during the submission process if they try to submit an article that has already been submitted.

   Articles can be assigned multiple NIH award numbers during submission. They can also be linked to an award electronically via the Commons when completing an electronic Progress Report, or listed as arising from any NIH award in writing when submitting an application, proposal or progress report.

F. Policy Background

1. **Can authors and publishers continue to assert copyright in scientific publications resulting from NIH funding?**

   Yes. The NIH Public Access Policy does not affect the ability of the author, the author's institution, or the publisher to assert ownership in the work's copyright. Authors, consistent with their employment arrangements, may assign these rights to journals (as is the current practice), subject to the limited right that must be retained by the funding recipient to post the works in accordance with the Policy, or the provision that the journal submits the works in accordance with the Policy on the author's behalf.

2. **What is the difference between the NIH Public Access Policy and Open Access?**

   The Public Access Policy ensures that the public has access to the peer reviewed and published results of all NIH funded research through PubMed Central (PMC). United

States and/or foreign copyright laws protect most of the articles in PMC; PMC provides access to them at no cost, much like a library does, under the principles of Fair Use.

Generally, Open Access involves the use of a copyrighted document under a Creative Commons or similar license-type agreement that allows more liberal use (including redistribution) than the traditional principles of Fair Use. Only a subset of the articles in PMC are available under such Open Access provisions. See the PMC Copyright page, http://www.pubmedcentral.nih.gov/about/copyright.html, for more information.

3. **How does the NIH Public Access Policy differ from the 2003 NIH Data Sharing Policy?**

The NIH Public Access Policy covers only peer-reviewed articles arising from NIH funds. The 2003 NIH policy on data sharing applies to certain NIH-funded research and is not focused on access to peer-reviewed articles. The 2003 NIH policy on data sharing is available at http://grants.nih.gov/grants/policy/data_sharing/.

4. **How many publications arise from NIH funds each year?**

We estimate that there are approximately 80,000 articles published each year that arise from NIH funds.

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1. Costs that can be specifically identified with a particular project or activity. NIH Grants Policy Statement, Rev. 12/2003;
http://grants.nih.gov/grants/policy/nihgps_2003/NIHGPS_Part2.htm#_Toc54600040