MEMORANDUM

Date: April 10, 2008

To: HSC Faculty and Staff

From: Richard S. Larson, MD, PhD
Vice President for Translational Research, UNM HSC

RE: Submitting Manuscripts to PubMed Central - New NIH Requirement

The purpose of this memo is to inform the HSC Research Community about the National Institute of Health’s (NIH) revised Public Access Policy, review the new requirements, and describe the manuscript submission process.

Beginning today, April 7, 2008, all final manuscripts accepted for publication in a peer reviewed journal resulting from NIH funded research must be deposited into PubMed Central (PMC), the NIH’s open access repository of full text journal articles. In addition, beginning May 25, 2008, anyone submitting an application, proposal or progress report to the NIH must include the PMC or NIH Manuscript Submission reference number when citing applicable articles that arise from their NIH funded research.

The NIH policy applies to all peer-reviewed, original research publications that have been supported in whole or in part with direct costs from a NIH research grant, career development award, cooperative agreement, contracts, subcontracts, Ruth L. Kirschstein National Research Service Awards, as well as NIH intramural research studies that UNM may be participating on. It does not apply to book chapters, editorials, reviews, or conference proceedings. An author must own the copyright or have at least non-exclusive rights to an article in order to legally deposit it into PMC. Per the Policy, institutions and investigators are responsible for ensuring that any publishing or copyright agreements concerning submitted articles fully comply with this Policy.

UNM has a responsibility to ensure compliance with this new law including having a way to correct any procedural breakdowns in submitting NIH funded published articles. Going forward, the PI must ensure that all parties that may ‘potentially publish’ as a result of NIH funding, have all study personnel sign a non-exclusive copyright license (NECL), which we will attach as a second page of the conflict of interest (COI) form. Since both the COI form
and the NECL need to be signed by all potential researchers, this will be the most efficient process to comply. In addition, when you submit a manuscript for publication, all investigators will need to submit the attached copyright letter to the journal if it does not comply with the NIH open access policy.

Subaward language on NIH sponsored activity will also be added to obtain assurances that the other entity also agrees to comply with NIH’s Public Access Policy.

There are many journals that work directly with PMC and automatically submit all of their published articles directly into PMC. See the following link for a list of these journals: http://www.pubmedcentral.nih.gov/fprender.fcgi

If you publish in one of these “PubMed Central Journals” you simply need to log in to the NIH Manuscript Submission System to approve the submission and provide the grant information. If the journal you are publishing in is not one of these journals, you must work with the publisher to retain at least nonexclusive copyright to your work, and then submit the final version of your manuscript accepted for publication to PMC using the NIH’s Manuscript Submission System at the following URL: http://www.nihms.nih.gov/

By depositing your published work into PMC, authors will significantly increase the visibility and “findability” of their work as it will be accessible to virtually anyone in the entire world with an internet connection. Because PMC is crossed linked and integrated with PubMed, GenBank, Genome Map Viewer, Molecular Database, MedlinePlus, Clinical Trials, Taxonomy, Small Molecules PubChem, DNA, Protein Sequences, Protein Structures, and more, PMC will help increase the rate of scientific discovery and promote more interdisciplinary, innovative, and novel research collaboration opportunities.

HSLIC has created an interactive web site that provides step-by-step assistance with Policy compliance, copyright management, and the PMC article submission process: http://hsc.unm.edu/library/SCI/. Additional information can be found at http://hsc.unm.edu/research/ as well.

If you have comments on the web site, please contact HSLIC at 272-2311.

I will continue to meet with senior UNM leadership regarding this subject. I will keep you posted if there are new developments or updates to these procedures. Please feel free to contact me if you have questions. This memo and subsequent sample letters and forms will be available on the HSC PreAward website: http://hsc.unm.edu/financialservices/preaward/index.shtml
How-To Steps to Submit Manuscripts:

* Go to the NIH Manuscript Submission (NIHMS) system http://www.nihms.nih.gov/.

* Select the appropriate login option: UNMHSC PIs should select "eRA Commons." All PIs with NIH grants should already have eRA Commons login accounts. If not sure if you have an account, contact HSC PreAward (HSC-PreAward@salud.unm.edu).

* Provide basic information as requested, including the journal title, PI, contact information, and associated NIH award number(s).

* Upload the complete text of your manuscript(s). The NIHMS supports a wide variety of file types (Word, Word Perfect, PDF, PowerPoint, Excel, etc.).

* Upload any corresponding, supplemental image files that contain figures, tables, or supplementary information along with the manuscript. Submit high-resolution images to ensure that they can be viewed properly in PubMed. Any supplemental material submitted to the accepting journal in support of the manuscript, is also to be submitted to PubMed. The NIHMS will generate a receipt of the uploaded files in PDF format. The PDF receipt summarizes the information entered into the system and merges the manuscript's files into one viewable document.

* Confirm that the manuscript and any additional supporting documents have been successfully received by NIHMS, and verify the document.

* Review and approve the Submission Statement and specify the timing of posting of the final manuscript for public accessibility through PubMed (this must be completed by the PI). **PIs should ensure that their final manuscript submissions to PubMed are consistent with any other agreements, including copyright assignments that they may have made with publishers.**

* Upon approval of the submission by the PI, the manuscript will be converted into XML - the standardized digital format used by PubMed.

* Review the XML manuscript as it will appear in PubMed once the conversion has taken place (PIs will be notified by e-mail when the document is ready for review) and correct any errors, if necessary. After PI approval, the article will be publicly accessible through PubMed after the time-delay specified by the PI.

(above from NIH instruction guide)
Resources

* PubMed Central  http://www.pubmedcentral.nih.gov/


* List of Journals that Submit to PubMed Central http://publicaccess.nih.gov/submit_process_journals.htm

* Public Access Policy Website: http://www.nih.gov/about/publicaccess/

* NIH Manuscript Submission (NIHMS) System:  http://www.nihms.nih.gov/


* Questions and Answers: http://www.nih.gov/about/publicaccess/publicaccess_QandA.htm

* Public Access Policy Mailbox:  PublicAccess@nih.gov

Internal resources:

* HSC Research Office website:  http://hsc.unm.edu/research/

* HSC PreAward website: http://hsc.unm.edu/financialservices/preaward/index.shtml


* Sample Letter To Be Sent By UNM PI's And Researchers When Submitting Papers To Publishers For Possible Publication:  http://hsc.unm.edu/financialservices/preaward/forms.shtml

* Sample Letter To Be Sent By UNM PI's And Researchers To Co-Authors From Other Institutions http://hsc.unm.edu/financialservices/preaward/forms.shtml
Dear Publisher,

Thank you for your attention to the enclosed submission. This article is based on research performed at the University of New Mexico that is funded in whole or in part by a grant from the National Institutes of Health (NIH) and is therefore subject to the mandatory NIH Public Access policy. As a matter of federal law, the final, peer-reviewed manuscript must be deposited with the PubMed Central database upon acceptance for publication and be made publicly accessible no later than 12 months after publication. Please be advised that, as a result of the NIH Policy, I have already executed a Non-Exclusive Copyright License for the sole purpose of allowing the University of New Mexico to submit my final, peer-reviewed manuscript to PubMed Central in the event that I or my publisher fails to do so within 12 months of publication.

In order to ensure compliance with the NIH mandate and to be sure that copyrights are addressed appropriately, I ask that either:

You, as the publisher, agree to be contractually obligated to submit the article directly to PubMed Central after acceptance. In this case I (and any co-authors) can work with your standard publication contract and need only ask to be informed when submission is complete so that the required reference number(s) that must be used in subsequent NIH applications can be obtained; or

If the necessary language is not part of your standard publication agreement or copyright agreement, please include in your contract this additional wording, which is suggested by the NIH:

“The Journal Acknowledges that Author(s) retain(s) 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.”

In the event that my work is selected for publication, please inform me at your earliest convenience which of the above options you would prefer, and whether you will require that the 12 month embargo be utilized before the work is made publicly available.

Thank you for your consideration and cooperation.

Sincerely,
Sample Letter To Be Sent By UNM PI's And Researchers To Co-Authors From Other Institutions

Dear Co-Author,

Please be advised that my research for our joint effort is being conducted at the University of New Mexico, and is funded in whole or in part by a grant from the National Institutes of Health (NIH). The final, peer-reviewed manuscript of our work will therefore be subject to the mandatory NIH Public Access policy. As a matter of federal law, the final manuscript must be deposited with the PubMed Central database upon acceptance for publication and be made publicly accessible no later than 12 months after publication. As a result of the NIH Policy, I have already executed a Non-Exclusive Copyright License for the sole purpose of allowing the University of New Mexico to submit the final, peer-reviewed manuscript to PubMed Central in the event that I or the publisher fails to do so within 12 months of publication.

Many publishers are aware of the Policy and will agree to submit the final manuscript to PubMed Central on our behalf. In the event that a publisher does not do this, I am obliged to deposit the manuscript with PubMed Central. Also, we must ensure that potential publishers are aware of, and agree to, this limitation on our ability to assign full copyright rights.

If you would like to know more, there is a great deal of information on the NIH Policy available at the NIH website (http://publicaccess.nih.gov/). Thank you for your cooperation.

Sincerely,
Dear NIH Grant Applicant,

In accordance with a recently enacted federal law, the National Institutes of Health (NIH) requires scientists who publish the results of their NIH funded research to deposit their peer reviewed manuscripts with the digital archive PubMed Central (http://www.pubmedcentral.nih.gov/). The NIH Public Access Policy ensures that the public has access to the published research that results from NIH funding. The Policy applies to all peer-reviewed journal articles, including research reports and reviews. For scientists, the Policy applies to peer-reviewed articles based on work that is or was (1) directly funded by an NIH grant or cooperative agreement active on or after October 1, 2007; (2) directly funded by a contract signed on or after April 7, 2008; (3) directly funded by the NIH Intramural Program; and/or (4) if the NIH pays your salary. Please note that the Policy also applies to published work where at least one of the co-authors is a NIH grant or fund recipient. Under the federal regulation, the work must be made publicly available no later than 12 months after the official date of publication. Additional details about the Policy itself and how it applies can be found on the NIH website at http://publicaccess.nih.gov/.

If you are successful in obtaining funding from the NIH (including any of its Institutes and Centers), you will need to address copyright concerns pertinent to any resulting published work. Before you sign a publication agreement or other copyright transfer agreement, make sure that the agreement allows the article to be submitted to the NIH within 12 months of official publication in accordance with its Public Access Policy. The NIH website maintains a list of journals and publications that will automatically submit your work to PubMed Central on behalf of their authors. If the journal publishing your work is not one that will submit your work to PubMed Central on your behalf, you are responsible for making sure that your work is appropriately submitted. On the HSC PreAward website, http://hsc.unm.edu/financialservices/preaward/forms.shtml, you will find two sample letters: one you may use to communicate your obligations as an NIH grant recipient to publishers, and another to communicate with co-authors.

As an institution facilitating NIH grants and research, UNM is obliged to ensure that its faculty and researchers are in compliance with federal law and the NIH Public Access Policy. Because you are applying for your grant through the University, the University must have a means for correcting any failure to submit published work covered by the NIH Policy to PubMed Central. In that regard, you will also need to sign a non-exclusive copyright license that will permit UNM to submit any final manuscript that results from your NIH funding and/or grant to PubMed Central. Please sign the license and return it to HSC PreAward with your proposal for any NIH funded agreements or subawards.

Thank you for your attention to this matter. Please feel free to contact Dr. Richard Larson with any questions or concerns you may have.
UNM Non-Exclusive Copyright License To Be Executed By PI's And Researchers When Submitting An Application For NIH Funding (Or Affiliated Entity And/Or Center)

This will be attached to the Conflict of Interest Form for Ease of Processing

NON-EXCLUSIVE COPYRIGHT LICENSE

__________________________ (The "Copyright Owner") hereby grants The University of New Mexico ("Licensee") permission to electronically provide any final, peer-reviewed manuscript resulting from any grant or funding from the National Institutes of Health, or any of its affiliated Institutes and/or Centers (“NIH”), obtained as the result of the Grant Application submitted by Copyright Owner on _______ [date] _________ to _____ [NIH or affiliated entity] ______________________ to the National Library of Medicine’s PubMed Central in accordance with Division G, Title II, Section 218 of PL 110-161 (Consolidated Appropriations Act, 2008).

This Non-Exclusive License will be valid until such time as the NIH requirements pertaining to submittal of peer-reviewed manuscripts to PubMed Central have been met.

The Licensee’s rights are limited only to the electronic transmittal of the final work to PubMed Central’s online database in accordance with the instructions found on PubMed Central’s internet website and/or in any written instruction originating from PubMed Central or the NIH.

The Copyright Owner retains all other rights in the copyright work (unless otherwise licensed).

Dated: __________________________

________________________________
Copyright Owner
Revised Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research

Notice Number: NOT-OD-08-033

Key Dates
Effective Date: April 7, 2008

Issued by
National Institutes of Health (NIH), (http://www.nih.gov/)

Department of Health and Human Services

Action
Notice; Revised Policy Statement

Summary
In accordance with Division G, Title II, Section 218 of PL 110-161 (Consolidated Appropriations Act, 2008), the NIH voluntary Public Access Policy (NOT-OD-05-022) is now mandatory. The law states:

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.

Specifics

1. The NIH Public Access Policy applies to all peer-reviewed articles that arise, in whole or in part, from direct costs funded by NIH, or from NIH staff, that are accepted for publication on or after April 7, 2008.

2. Institutions and investigators are responsible for ensuring that any publishing or copyright agreements concerning submitted articles fully comply with this Policy.

3. PubMed Central (PMC) is the NIH digital archive of full-text, peer-reviewed journal articles. Its content is publicly accessible and integrated with other databases (see: http://www.pubmedcentral.nih.gov/).
4. The final, peer-reviewed manuscript includes all graphics and supplemental materials that are associated with the article.

5. Beginning May 25, 2008, anyone submitting an application, proposal or progress report to the NIH must include the PMC or NIH Manuscript Submission reference number when citing applicable articles that arise from their NIH funded research. This policy includes applications submitted to the NIH for the May 25, 2008 due date and subsequent due dates.

Compliance

Compliance with this Policy is a statutory requirement and a term and condition of the grant award and cooperative agreement, in accordance with the NIH Grants Policy Statement For contracts, NIH includes this requirement in all R&D solicitations and awards under Section H, Special Contract Requirements, in accordance with the Uniform Contract Format.

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

Inquiries

Send questions concerning this Notice or other aspects of the NIH Public Access Policy to:

Office of Extramural Research
National Institutes of Health
1 Center Drive, Room 144
Bethesda, MD 20892-0152
Email: PublicAccess@nih.gov
Website: http://publicaccess.nih.gov