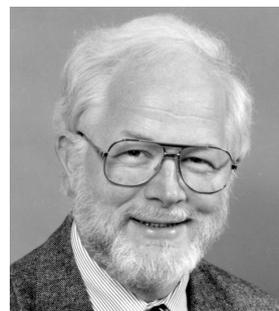


Scientific Publications: Free for all?

The academic library viewpoint

Based on a paper presented at the UKSG seminar 'Scientific Publications: Free for all?',
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The Select Committee report is the first time that the issue of scientific publication has been considered in this way in the United Kingdom. Although both the Competition Commission and the Office of Fair Trading have considered the issues of scientific journal publishing, the inquiry brought the issues into a more public forum. This paper reviews the report in terms of how it has been received within the academic library community and how its recommendations, if implemented, might change the role of academic libraries. It also examines the Government's response to the report along with other responses to date, and reaction to the report elsewhere in the world. Finally, it considers how the debate and the practice may develop in the future.



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There is a short answer to the question: what do librarians think about the House of Commons Science and Technology Committee report *Scientific Publications: Free for all?* On the whole, with the exception of a few disagreements on points of detail, academic librarians have given the report a positive response, welcoming its general thrust.

The same cannot be said of librarians' reactions to the Government's response. One thing that the Government has done is to spin some of the few areas of factual weakness in the report so that they loom larger than I think they should have done. Moreover, it has generally fallen back on a number of statements agreeing 'in principle' with the report's proposals without making any attempt to help to develop the strong points that are made by the Committee. There is certainly no serious attempt to see how this country can lever the power of electronic communication to the benefit of the scientific community and therefore put the UK in the lead on this front.

I am not wholly surprised by the Government's response; it has got other things on its mind at present. What I am surprised about is the tactics adopted. It does not seem to me very sensible to be unwilling to take any real action apart from this agreement 'in principle', which is in itself of no use at all. I think it would have been more sensible if

the Government had allowed the evidence to take it forward on at least some points, thus showing that it was willing to make some movement. It is, after all, keen on reform in many other areas.

A professor of history at the University of Glasgow, now long dead, once said: "You don't need much intelligence to study history, you really need common sense". Unfortunately the government has not shown much of either commodity and I think some common sense at least would have been useful here.

So that is the short answer to what academic librarians think in general, but I am not going to stop there. I want now to look at some of the specifics in the report and the Government response.

Accessibility

The Science and Technology Committee may have started from a concern about the present journals market but, without losing that concern, a key driver in its report was a desire to enhance the accessibility of scientific research, and possibly in the long run, the scientific data which underpins it. This is a route which libraries have travelled quite consciously in recent years and one which is a key rationale for a number of developments within

both academic and national libraries, strongly supported for the last few years by work within the JISC. While the main focus for higher education libraries has naturally been their own researchers and their own students, they are also increasingly trying to serve the broader public. This strand in the report was very welcome, therefore, to academic librarians, as I hope it was to others.

If we look at the Government's response to this issue, it is apparent that they have not addressed accessibility at all. In fact, they have dodged it throughout. Instead they have responded, firstly, by focusing on what was one of the secondary points of the report rather than the primary one, that is the issue of the economics of open access journals. Secondly, they have passed responsibility – but not any funding – to other bodies. This approach goes alongside playing down the key recommendations of the report, an issue which I will return to shortly. Thirdly, the Government challenged the extent to which there is a problem at all. This point will also be examined in more detail later.

For libraries, however, a key objective is making the appropriate material available to all students, staff and others who may benefit from it. That is the basis of our support for the Science and Technology Committee report. Furthermore, we are constantly looking for value for money in the way that we evaluate all models of scientific publication and communication.

Institutional repositories

Against this background, I want to move on to the key proposals of the report. Firstly, it proposed mandating the deposit of government funded research in institutional or possibly other repositories and, secondly, funding for the co-ordination of these repositories. This second proposal is an area which the Government did welcome 'in principle' but then went on to say that it was a matter for institutions individually, not for Government. That is not very much help to us in terms of moving forward. Thirdly, the report said that there were cost, quality and technical issues which had to be considered in much detail, and that – as we know from experience of governments – is often a recipe for delay. Fourthly, it stated that it was critical that institutional repositories should be comprehensive. Finally, it pointed out that a

number of other bodies are actually dealing with repository development, particularly the JISC. It is of course true that the JISC is undertaking work. Earlier this year, the JISC Development Team produced a report proposing an approach to the access, management and delivery of e-prints, and the JISC is about to start a new digital repositories programme beginning in January 2005.

Other bodies are also continuing work on this issue. Research Councils UK (RCUK), as the Government said, is consulting with its constituent parts. It was also suggested, intriguingly, that other government departments (un-named) were strongly interested. However, these government departments seem to have kept what the Government described as 'active involvement' curiously hidden from other players. Perhaps the interest only arose when the Committee came along with something which they decided they did not want to happen?

What comment can be made on this response? The Government states that it is interested in ensuring the comprehensive coverage of repositories. The Science and Technology Committee recommended that supporting funding would be a suitable way of achieving this. Such a proposal seems a perfectly reasonable approach to take. So if the Government is interested in repositories being comprehensive, why do they not provide funding?

Furthermore, the involvement I have had with the JISC has made me very aware of the range of activity taking place in that body. I have mentioned the e-prints study which was produced earlier this year and which is now available via the JISC web site. This is a very valuable report in terms of making clear a lot of the issues which have to be addressed in respect of managing and delivering such content. The need for co-ordination was also made very clear in that report and from other things that the JISC has done. The Science and Technology Committee's recommendation for an element of co-ordination, for a central body, building on this work of SHERPA, would help to address this issue. Essentially what is being said is that, if there is a wish to pull all these related activities together, then funding is the way in which that initial push can be given.

I was rather surprised at the Government stance on repositories because you could argue that it is not really a matter of disagreement between most of the parties involved, whereas other issues are perhaps areas of real disagreement. Many

publishers allow self archiving, as the SHERPA/RoMEO web site shows us, and presumably therefore these publishers are pleased to see this development taking place. Many higher education institutions are building repositories and there are similar developments in the United States, Australia and in Europe. Most importantly, this is an area where the UK could lead the world. Stephen Pinfield will be discussing institutional repositories further in a later session.

Scientific publications market

I will now move on to the area which was obviously underpinning the Select Committee's interest – the scientific publications market. The chapter in the report on the market seemed to me to be an extremely good analysis of the situation. It covered a range of issues which need to be considered and I will be coming back to several of these later, but I want to concentrate now on how the Government responded and the comments I would make on its views.

The Government response made a number of points. First of all, it did not think there was an impending crisis so there was no need for any action on its part. Secondly, it claimed that bundling is a good approach and has improved access. It also said that if libraries do not like bundling there are a number of other options available to choose from. Thirdly, it suggested that consortia could be an effective approach to working in the current environment and reported on one case where a high discount level had been achieved (a level which I have yet to see from any publisher to whom I have talked). In relation to VAT, it claimed that the rules cannot be changed, primarily because of European agreements. The Government response also emphasized the desire for a healthy and competitive industry. It is worth noting here that the focus is on a healthy and competitive *industry*, not on a healthy scholarly communication, or scientific communication, *system*. Finally – and this is something of a mantra in the response – the concept of a level playing field was the key to the Government's approach.

Several comments might be made on this response. To begin with, the general pricing issue merits some review. Here, I think, the government has adopted what I would call the Don Quixote school of argument. 'Impending crisis' suggests

some form of doom that is just round the corner for us. However, this was not actually what the Select Committee was saying, and it is not what libraries would say either. We are both saying that the problem of the existing market is a very serious one and that its impact on information provision is not in the interests of scientific communication, or research or teaching. I have to say that the Government's response is at odds with some pretty big players. The Competition Commission, for example, in 2002 investigated the then-proposed Elsevier/Academic Press merger. It reported then that it believed there was something wrong with the market. The Office of Fair Trading (OFT) in 2002 and then again in 2003 agreed with this view and expressed the view that the market was not necessarily working to the benefit of scientific communication. The OFT is incidentally a strange body in the Government response. At one point, it is tied very firmly in with the Department of Trade and Industry (DTI) and the two bodies are said to speak absolutely with one voice. At another, it suddenly becomes a more independent body which can say what it likes. The Government also commented that there was a detailed response from the OFT in the fourteenth report, though 'detailed' is not the word I would use. Whatever the truth, the reports of the OFT are at odds, it seems to me, with what the Government has said in this response. Neither is the Government's view that of the bankers. It is not the view of J P Morgan, nor of the investment consultants who advise companies and who provide investment information in the business pages of the broadsheet papers. Certainly the trend, as I know from the current negotiations we are seeing with publishers, is actually for higher price rises to have come back in. After a few years of slightly reducing percentage increases, these are beginning to rise again: there are some particularly high examples at present. I am not quite sure therefore where the government got the evidence on which it has based its comments.

What about bundling? Well, bundling has definitely brought its benefits, making available additional content which is certainly of use. It has also meant that we have been forced to provide access to much that we did not want and, with the help of COUNTER statistics, we can now prove that there is quite a lot of material in these bundles which is of less interest to us than publishers might have imagined. This issue is very obvious to our users who say: "Why can we not have access to the

Journal of Celestial Botany when you have got the *Journal of Hysterics* in this bundle which none of us is remotely interested in?”. What answer can librarians give to these comments? Our academic colleagues are incredulous that this sort of system is actually being tolerated within the library world.

These bundles are also tying up increasingly large blocks of money. They are squeezing out other publishers who are just as important to our users, and this is effectively a kind of monopoly. The inability to cancel lower priority content to gain financial benefit which allows us to use money for content that we really want, is increasingly becoming a problem with this model. At the extreme, it is quite unacceptable that a library which previously had three or four print copies located around a large campus is not allowed simply to pay for one copy electronically. That is the kind of change which any market may experience and players have to accept the consequences. The world has moved on. In an electronic world, libraries are changing. Publishers have to do so as well and accept the reality of a different communication market.

The Government responded that libraries do not need to choose bundles and can select different options. That choice is, however, more apparent than real. I have rarely seen an alternative option to a bundle that might have addressed these problems, which made any more economic sense than the bundle did. The dice is loaded towards the bundled deal, and the fact that libraries choose the bundle rather than other options where they exist, supports that assessment. It does not seem that the government's view that libraries have got a choice is really supported by the evidence.

The Government response encouraged consortia buying and there is no doubt that consortia purchasing is potentially beneficial to all the players. Evidence of this was made available to the Science and Technology Committee. However, the Government response has made exaggerated claims for what is possible with consortial buying, based on the evidence that I have seen from round the world. There is certainly a need to strengthen the nature of consortia. In the UK, for example, I would like us to operate on a closed consortia basis, rather than the opt-in model that we operate now. Efforts should be made to operate cross sectorally where possible, such as the NHS. We would also like to be able to make single payments to publishers, something that might be possible

with the proposed content procurement company which the JISC is setting up.

It was certainly worth challenging the Government on the VAT issue. Indeed, I would argue that it was essential. It could make an instant difference to the take up of electronic resources and libraries argued that this was something the Government could really do if it wished to move communication into an electronic age. It met with a not unexpected response. Customs and Excise did not want to do it, and, as they are bright folk, they came up with reasons why. I do not find these arguments particularly compelling. I see no reason why the VAT regulations relating to journals, and which do not mention print journals specifically, should not allow the same rate to apply to both print and electronic journals. But VAT is one issue which I think is extremely difficult to crack, since it is in practice a political and financial issue for the Government. However, the battle should not stop there.

What about the 'healthy and competitive' argument? Well, there is no doubt that it is healthy for large publishers, and that is demonstrated in the recommendations to buy shares in these companies in the business pages of the newspapers. But is it healthy for scientific communication? In terms of competition, the Government response to this was peculiarly strange in that it actually claimed a competitiveness which does not exist. It implies that authors choose the journals in which they publish depending on the copyright policies of the journals in question. Hands up anybody who believes an author chooses a publisher on the basis of its copyright policies? How many authors know what the copyright policies of the publishers are? It really is nonsense to make that sort of claim, but it is there in the Government response. There is certainly a competition between publishers for authors (though even here authors tend to have a basic pecking order to which they work), but there is certainly no competition on price and hardly any for sales and therefore purchasers. Essentially journals are 'must have' or perhaps 'really want to have', and certainly there is no competition there.

The 'level playing field' argument is applied in the response as if the market was like any consumer market, with in-built competition. I would certainly argue that there is no level playing field between purchasers and providers, in that most of the drivers are loaded towards providers.

There are still, in my view, infrastructural problems in the system which need to be addressed, and I would want to see the Government acting in the long-term interests of the scientific communication system as much as the perceived interest (long- or short-term) of the publishing market.

Open access journals

I have deliberately addressed the issues covered in the report in this order, dealing with institutional repositories first, because they featured strongly in the Science and Technology Committee's recommendations. The Committee report, however, also stated that there were considerable attractions in the open access business model for journal publishing, but accepted that there were many issues which needed further experimentation and examination. The response from the Government was more dismissive. Without even giving an 'in principle' badge of merit, it stated simply that the concerns about the open access journal business model were so substantial that nothing should be done. The words used were 'not convinced' (government-speak for disagreement) and our old friend the 'level playing field' was mentioned again. So there will be no independent study of the merits of the model. Concerns about quality were also raised without evidence to support them. Essentially the government 'spun' the evidence from the JISC. The JISC evidence indicated that, while accepting there were issues, they were nevertheless trying to move forward and actively do something about supporting open access journal publishing. The government 'spun' that to suggest instead that the JISC was advising it to do nothing. This is not a view that librarians would share.

The library world would certainly feel that there is a need to look seriously at all these points. At the same time, there is evidence of increased citations from open access journals. The evidence of authors who have been published in open access journals was examined in a recent JISC study, and this indicated that they are happy with the results, in particular about quality and peer review. These two issues keep being raised and have to be repeatedly refuted: it is a total non-issue. There is no reason why quality cannot be maintained across a whole range of models.

The available evidence on costs also suggests that open access journals may be cheaper for the

system as a whole, and at the very least it is a model which is worth investigating in further detail. Librarians accept, as did the Science and Technology Committee, that there are issues relating to learned societies publishing under this model and that the 'free rider' issue also needs to be addressed. Open access journals are beginning to emerge: some conventional publishers, such as Oxford University Press and the British Medical Journal, as well as the specialist Public Library of Science and BioMed Central, have already produced them. A number of publishers are being supported by the JISC in its two current initiatives on this front. Not all the interested publishers are supported by charitable bodies, as the Government implied. All this indicates that some publishers are certainly willing to try out this model. Against this background, it seems to me that there is something to be said for undertaking independent studies on all the issues mentioned above.

Library budgets

It would be a little odd if I did not say something about the issue of library budgets, if only because publishers have frequently suggested that increasing library budgets would solve the problem simply. The Science and Technology Committee report did in fact comment on this, suggesting that the Higher Education Council for England (HEFCE) could ask the Higher Education Policy Institute (HEPI) to conduct a study of both budgets and library funding needs, and suggesting also that a code of good practice should be produced. The Government response to this was pretty blunt. HEFCE told it that it was not going to do this. It already gets information on library spending from the Higher Education Statistics Agency (HESA) and from SCOUNL (Society of College, National and University Libraries). Essentially the Government will leave this to individual institutions and, in the case of the British Library, to the Department of Culture, Media and Sport.

That response is not really surprising. Nevertheless, I think we have still got to keep the pressure up on these issues, though they may not be the biggest ones for us. I would also comment that the HESA and SCOUNL data is not enormously helpful in addressing the issues raised by the Committee. It needs rather more subtle work than the

relatively simple data available from these sources to do this effectively.

It is clear, however, that the funding for higher education libraries is not going to increase substantially, and certainly not at the level that publishers would like. The focus has to be on value for money and that is why librarians are interested in looking at models which give better value for money than the existing ones do. Librarians do seek to try to improve their funding. One might ask why institutions do not respond to the arguments that librarians put to them about the cost of serials? The answer, based on the evidence, is that every few years many university libraries do actually get a little bit more money, but only every few years rather than every year, and therefore the problem is always there in our systems.

On the whole, I think that funding is not growing massively for higher education libraries primarily because higher education funding is not growing as fast as the demands on it. But it also may be because institutions take the same view as their librarians, namely that publisher power is actually being used against the interests of scholarly and scientific communication, and the system is therefore not fully effective. I would have to say that, on the whole, librarians feel that pumping more money into the system, when that overall system is not optimized, is not actually the best approach.

Finally and very briefly, I have not said much about the British Library. However, I do believe that it is very important that as the British Library continues to develop new roles, it is given the funding to act not as a substitute, but as a key player within a national framework.

So where now?

The UK has an opportunity which the government has, temporarily at least, turned down, to take a lead in developments in scholarly communication. The Science and Technology Committee will continue its work, and we wait to see what impact its new report (the 14th Report) will have. RCUK is currently finalizing its policy on scientific publishing, and I would hope that this will lean more towards improving access and the interest of the scientific community. Librarians will want to engage strongly with RCUK. The same is true with the Research Libraries Network currently being

established. The Government places great faith in this development so maybe we can look forward to strong funding for that? The OFT, although it has rejected the opportunity to produce biennial reports, can expect to hear from bodies representing librarians at appropriate moments. The DTI has established an Academic Publications Forum, and librarians will certainly try to ensure that their views are fed into this forum so that there is indeed the genuinely level playing field that the Government is so keen on. Both the report and the Government's response did make clear that the JISC has done a lot of work on various aspects of scholarly communication in the last couple of years, and I hope that the results of their activity and studies will be analysed sensibly and that further activities will be developed, based on that evidence, into the future.

That is what is happening at a national level. There is also a responsibility on librarians to take action ourselves. Part of our contribution has obviously got to be the development of institutional repositories. The building-up of a network of such repositories is something that will certainly have to be done from the bottom as well as from the top. I would also say that there is a role for the librarians in raising awareness. The lack of awareness of the real evidence amongst academics is certainly a problem. The difficulty of getting them involved does mean that there is a huge task awaiting us in ensuring that academics do become aware of the issues and then begin to act on the basis of the evidence. We shall support the Committee in developing any action flowing from the report, which has been a catalyst for this awareness-raising, but we know that more needs to be done.

Finally, I would give a reminder that there is international activity on this front. The Government was curiously unwilling to do anything in the UK, but contrariwise it said it will: "make a strong contribution to the EU study due to report in 2005". What will it say? Certainly the EU study, which has been carried out in libraries in France and Belgium, will provide an interesting example of another kind of study. Similarly, there are other activities which are happening elsewhere. The National Institutes of Health Development in the US currently going through Congress could be a powerful catalyst, and I hope that will link in with the recently promulgated Wellcome Trust policy. These represent a further stage in the development

of new models of communication, and no doubt will be followed by others.

Conclusion

I have clearly been very critical of the Government's response to the Science and Technology Committee report, but I would like to say that librarians, the JISC and others in the scholarly communication chain remain ready to work with publishers above all to take advantage of the new possibilities made available by the power of electronic communication. This is particularly so with learned societies. We have undertaken this kind of co-operation seriously with OUP when it started *Nucleic Acids Research*, and I see no reason why we should not do it with others.

So we are ready to look forward. I would just like to conclude by saying that the Committee report, the Government response, and meetings such as the UKSG seminar where this paper was first presented are to me not the end of a story, but rather a staging post on what is undoubtedly, as the song says, a "long and winding road". Librarians wish to get on with walking that road.

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