



**Office of the Vice President
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IMPORTANT AND TIME-SENSITIVE!

DATE: March 24, 2008
TO: Principal Investigators of active NIH awards
FROM: James W. Tracy, Vice President for Research *JTracy*
SUBJECT: **New NIH Public Access Policy**

I write to inform you of a significant new statutory requirement applicable to all funding from the National Institutes of Health. This policy takes effect on **April 7, 2008** and applies to all NIH grants and cooperative agreements active on or after October 1, 2007. It also applies to NIH contracts signed on or after April 7, 2008. As PI of an NIH award, you share with the university responsibility for ensuring compliance with this new requirement.

Manuscripts arising from NIH funding that are accepted for publication on or after April 7, 2008 *must* be submitted to the NIH Manuscript Submission system for public access through PubMed Central. It is the responsibility of the author to be certain the necessary rights are included in any publication agreement with the journal. A number of publishers have copyright agreements consistent with the NIH policy, but others do not. NIH provides complete information on its websites and links are noted in the attachment to this memorandum. For your convenience, we have attempted to distill the key information.

It is critical that you understand there are potentially serious consequences if this is not done correctly. Failure to comply will violate the terms and conditions of your NIH award. NIH will likely delay or withhold subsequent funding. The author could also be in breach of a copyright agreement, and consequently, incur personal legal liability.

Please be sure that everyone supported by your NIH award — faculty, staff, students, collaborators at other institutions — are aware of this new requirement. PIs of NIH training grants and similar awards are responsible for complying with the policy, even though they may not be authors on papers published by trainees supported by the grant.

If you have questions about the NIH policy, please contact Deborah Davis in the Office of Sponsored Projects Administration (phone: 257-8311; ddavis@email.uky.edu). Katherine Adams in the Office of Legal Counsel (phone: 257-2936; kadams@email.uky.edu) can answer questions about language in publishing/copyright transfer agreements. You may also contact me directly (jtracy@email.uky.edu).

Thanks for your attention to this important and time-sensitive announcement.

NIH PUBLIC ACCESS POLICY

In response to Public Law 110-161, the National Institutes of Health (NIH) has issued a "Revised Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research" <http://grants.nih.gov/grants/guide/notice-files/NOT-OD-08-033.html>. Implementation of the policy provides the public with easy access to published results of NIH supported research. Principal Investigators must insure that all peer-reviewed articles arising from NIH funding and accepted for publication on or after **April 7, 2008**, are deposited in PubMed Central (PMC) and made publicly available within 12 months of publication. PMC <http://www.pubmedcentral.nih.gov/> is the NIH digital archive containing the full text of the article.

Applicability

The NIH Policy applies to any final peer-reviewed manuscript:

- Accepted for publication on or after April 7, 2008
- That arises, in whole or in part, from:
 - NIH grant or cooperative agreement active on or after October 1, 2007
 - NIH contract signed on or after April 7, 2008
 - Subaward to or from another entity that meets the above criteria

Address Copyright

The author/investigator must insure that all publishing or copyright transfer agreements allow the article to be submitted to NIH to be publicly accessible on PMC.

Some journals submit articles directly to PMC and make it available within 12 months of publication. NIH posts a list of these journals at http://publicaccess.nih.gov/submit_process_journals.htm. If you publish in these journals nothing more is needed to comply with the public access policy.

If you publish in any other journal, you must inform the journal of this requirement when submitting the manuscript for publication. The copyright agreement must include the following or similar language:

"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."

Please include the attached "Dear Publisher" letter when submitting a manuscript for publication.

Submit Articles through NIH Manuscript Submission (NIHMS) system

When a peer-reviewed manuscript is accepted for publication it must be submitted to NIH. There are several alternatives:

- A. As noted above, some journals deposit final published articles directly to PMC http://publicaccess.nih.gov/submit_process_journals.htm and make it available to the public within 12 months. If you publish in these journals nothing more is needed to comply with the public access policy.
- B. If the journal deposits the final article directly to PMC but does not make it available within 12 months, the author must perform the process in D.
- C. Some journals submit peer-reviewed manuscript files through NIHMS but not the final article. If the journal deposits only the manuscript the author must still perform steps D. 2 and 3 below.
- D. If you publish in any other journal:
1. The author or designee submits a copy of the manuscript and associated files through the NIH Manuscript Submission (NIHMS) system <http://www.nihms.nih.gov/>.
 2. The author provides grant information and affirms the copyright agreement allows deposit to PMC.
 3. NIH reformats the manuscript for PMC and emails the PI to review and approve the PMC-formatted article through NIHMS.

Citing PubMed Central ID Numbers

When your manuscript is submitted to NIH, you will receive an NIHMS ID number, and once it is available in PubMed Central, it will be assigned a PMC ID number.

Beginning on May 25, 2008, all proposals and progress reports submitted to NIH must include the PMC or NIH Manuscript Submission reference number in the citation of NIH funded articles. This applies if the article is subject to this Policy.

Other Resources:

- NIH Public Access Policy FAQ: <http://publicaccess.nih.gov/FAQ.htm>
- Journals that systematically submit manuscripts to PMC:
http://publicaccess.nih.gov/submit_process_journals.htm
- Online tutorial on submitting manuscripts to PMC:
<http://www.nihms.nih.gov/web-help/index.html>
- FAQ on PubMed Central: <http://pubmedcentral.nih.gov/about/faq.html>

University of Kentucky Resources:

Questions concerning the NIH policy: Deborah Davis, Office of Sponsored Projects Administration (phone: 257-8311; ddavis@email.uky.edu)

Questions concerning language in publication/copyright transfer agreements: Katherine Adams, Office of Legal Counsel (phone: 257-2936; kadams@email.uky.edu)

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Dear Publisher,

Thank you for your attention to the enclosed submission. This manuscript is based on research at the University of Kentucky that was funded in whole or in part by the National Institutes of Health (NIH). It is therefore subject to the mandatory NIH Public Access Policy (see <http://publicaccess.nih.gov/policy.htm>), which stipulates that the final, peer-reviewed manuscript must be deposited with the PubMed Central (PMC) database upon final acceptance for publication, and must be made publicly accessible no later than 12 months after publication.

In order to ensure compliance with this policy and to be sure that copyrights are addressed appropriately, we ask you to take one of the following three actions:

- (1) You, as the publisher, submit the article directly to PubMed Central after acceptance. In this case, we can work with your standard publication contract and need only ask to be informed when submission is complete so that the required reference number that must be used in subsequent NIH applications can be obtained.
- (2) The publication contract sent to the article author, when and if the manuscript is accepted for publication, include language that allows the author to retain the right to grant a license to the NIH for PubMed Central deposit. Please indicate clearly if you have any requirements about when, within the allowable 12-month period, the article can be made publicly available through PMC. We will deposit the article with PMC.
- (3) If the necessary language is not part of your standard publication agreement or copyright transfer, please include this additional wording, which is suggested by the NIH:

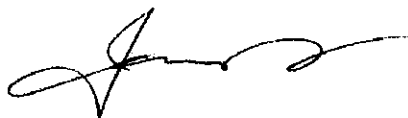
"The Journal acknowledges that Author retains the right to provide a copy of the final manuscript to the NIH upon acceptance for Journal publication, for public archiving in PubMed Central as soon as possible but no later than 12 months after publication by Journal."

Again, please inform us of any applicable embargo up to the allowed 12-month delay. We will deposit the article in PMC.

We hope you will employ one of these options to help us comply with this federal mandate. However, because this is a requirement of current and future NIH funding that supports a great deal of research at the University of Kentucky, we must ensure that our authors comply with the NIH Public Access Policy. If you accept this article for publication and none of the above options have been implemented, we have instructed our authors to include the italicized passage above from the NIH as an additional term of any contract they sign and will proceed with depositing the article in PMC, as we are required to do.

Thank you for your consideration and cooperation in this matter.

Sincerely,



James W. Tracy, PhD
Vice President for Research

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