

Outline of Arguments in Favor of *HR 6845, Copyright in Research Works Act*

SUMMARY: The *Fair Copyright in Research Works Act* upholds the established legal means whereby the United States protects intellectual property. It ensures that scientific publishers enjoy the same rights to their works as film companies do to their movies and literary publishers do to their novels. The legislation is good for science, good for the U.S. economy, and it makes good legal sense.

This bill is needed to prevent the federal government from diminishing copyright protections for works that are based on research funded by the federal government where a non-governmental entity has provided substantial funding, or contributed a meaningful added-value. This protection has existed for nearly a century and provides a necessary incentive for publishers to invest in the peer-review of research and to provide and maintain the infrastructure necessary to publish, distribute and archive scientific journal articles.

Copyright Protection of Scientific Publications Is Good for Science

Peer review is the process by which independent experts provide careful and professional criticism of important new research, evaluating its merits. Publishers of peer-reviewed journals manage the recruitment, organization, and work flow of peer-reviewers and make sure that every article they print passes this muster prior to publication. These managed peer review systems provide the critical means of assuring the integrity of scientific information, as well as the advancement of science.

- **Publishers manage massive peer review efforts, thereby playing an essential role in the scientific process.**
 - A journal may publish thousands of articles per year, requiring managing thousands of peer reviewers.
 - Peer review requires technological investments in infrastructure as well as dedicated human resources.
- **Publishers also add value to scientific publications through other professional efforts and services, all of which cost money.**
 - They pay for professional copyediting, design, and layout.
 - Archives are made available in large online databases.
 - Most articles are published in paper form and distributed to libraries worldwide.
 - They create lay-language summaries and conduct media outreach for key research results.

Scientific, Technical and Medical (STM) publishers support the *Fair Copyright in Research Works Act* because it protects the copyright interests of scientific publishers, who help ensure scientific progress and integrity in the United States.

Copyright Protection of Scientific Publications Benefits the U.S. Economy

- **Copyright provides incentives for creation and dissemination of scientific knowledge.**
 - Scientific publishers rely on the reputation of their journals to compete in the marketplace.

- Copyright protection ensures the motivation for sustaining managed peer review, which assures the integrity of scientific record.
- This quality contributes to the wide appeal, dissemination and preservation of scientific information.
- Copyright protects the distinctive identity of the final peer-reviewed journal articles.
- **Managing science publications costs time and money, requiring investment by publishers and necessitating copyright protection.**
 - Subscriptions and author fees largely pay for publishing costs.
 - Copyright protection affords publishers commercial rights to their publications, protecting the publishing enterprise, managed peer review and helping to maintain the integrity of scientific discourse.
- **The well-established system of scientific publishing (based on copyright protection) has led to the prestige of American scientific information.** This prestige inspires confidence in American research and development that, in turn, drives our 21st century economy.
 - U.S. investments in research and development accounted for 5 percent of real GDP growth between 1959 and 2004, and 7 percent between 1995 and 2004.

Copyright Protection for Scientific Research Articles Makes Good Legal Sense

The Copyright Clause of the United States Constitution (Article I, Section 8) grants Congress power "To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

The *Fair Copyright in Research Works Act* upholds the established legal means whereby the United States protects copyright. The legislation ensures that scientific publishers enjoy the same commercial rights as film companies do with their movies or literary publishing houses do with works of fiction or poetry.