

# Common Misconceptions About Open Access To Taxpayer-Funded Research

The White House Office of Science and Technology Policy (OSTP) is reportedly considering a policy that would provide taxpayers with fast, barrier-free access to the results of scientific research that their tax dollars have funded. Such a policy is widely supported by scientists, universities, students, libraries, funders, patients advocates, and the public, as it would accelerate discovery, fuel innovation and economic growth, and improve the public good. However, we are aware of several letters circulating that raise deeply misleading concerns about the potential effects of policy. Specifically, they claim:

## 1 **Misconception: Copyright provides “essential incentives” to invest in the production and distribution of peer-reviewed journal articles.**

Authors and reviewers of scholarly articles are virtually never motivated by copyright. Academic authors transfer their copyrights to publishers *gratis*, and reviewers similarly take on the work of peer review with no expectation of royalties or other copyright-related revenue. They make their living from salaries paid by research institutions and research funders (who themselves have no stake in copyright revenue). It is true that some publisher business models rely on copyrights donated by researchers, monetizing those rights by charging for access to research articles, but as we explain below, many thriving models now exist that support wide distribution without relying on copyright to limit access to research. It is not even clear if free access to accepted manuscripts poses a threat to subscription models, as many subscription outlets have happily coexisted with repositories of free versions for decades. In any case, the publisher paywall model is certainly not “essential” to the production and distribution of research.

## 2 **Misconception: Scientific articles “produced by private sector organizations are private property protected under U.S. copyright law regardless of whether they are in ‘accepted manuscript’ or ‘version of record’ form.”**

This statement is wholly misleading, as scientific articles are produced by individual researchers, not private sector organizations. Those individual researchers fully and solely own the copyrights to their articles *unless and until they explicitly assign them to a third party*.

If researchers choose to publish their article in an open access journal under an open license, they fully retain all copyrights to that article. If researchers opt to publish in a closed, toll-access journal, they retain all rights to their manuscript until they explicitly assign them to a third party, which routinely happens when an article has been finalized for publication. Only then do the rights pass to the publisher. A change in federal policy would not abrogate the rights of publishers who have already obtained such transfers; it would merely ensure that, in the future, researchers whose work is supported by federal funds will retain their rights and publish their work in one of the thousands of high-quality journals that permit free public access.

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**Misconception: An Open Access policy would dramatically reduce investment in high-quality content and undermine the innovative open access and public access business models currently being developed in the marketplace.**

This is demonstrably untrue. The fastest growing segment of the international journal publishing market, [as reported by the publishing industry trade association, STM International](#), is Open Access (OA) journals, which do not require researchers to transfer their copyright to a publisher. The report notes: “Journal publishing has become more diverse, and potentially more competitive, with a range of OA new business models now firmly established within the marketplace.” OA journals now make up approximately 29% of the overall journal market, and, as the publishing industry report explicitly notes, Open Access journal publishers are responsible for significant innovation in both the peer review and journal publishing process.

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**Misconception: An Open Access policy would nationalize U.S. intellectual property and force U.S. researchers to give away their copyrighted works for free to China and the rest of the world.**

Again, this statement is deeply misleading. In the absence of an Open Access policy, U.S. researchers already “give away their copyrighted works for free,” mostly to foreign-owned publishing conglomerates. These lucky beneficiaries of U.S. research investments then turn around and sell that work back to U.S. research institutions at an eye-popping premium. These publishers also sell U.S.-funded research to China and any other foreign government or private corporation willing to buy a subscription. What an Open Access policy does is ensure that federally funded research isn’t given away to private interests that extract monopoly rents by denying access to U.S. taxpayers and U.S. researchers, and that again are largely non-U.S. based.

This statement also completely misses the reason why researchers conduct science—and why U.S. taxpayers fund it. Researchers conduct science in order to share discoveries and insights as quickly and as widely as possible so others can build on their findings and speed progress toward curing diseases, stopping pandemics, and improving the health and welfare of the American public. Unlike authors of articles in newspapers or magazines, researchers do not receive payment from publishers for their articles. Their **only** compensation is widespread use of ideas by others—and they want the largest possible audience for their articles. As we’ve seen dramatically illustrated during the COVID-19 pandemic, scientists view the open, immediate sharing of articles and data as the key to advancing scientific progress as quickly as possible.

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**Misconception: An Open Access policy would allow countries like China easy free access to America’s intellectual property and encroach on our position as the leader in innovation and research, undermining U.S. trade positions and weakening U.S. leadership, directly and negatively impact the American economy, jobs, and thriving U.S. intellectual property exports.**

Again, false. Scientific research is a global enterprise, and U.S. researchers routinely collaborate with colleagues around the world. Open Access is rapidly becoming the default mode of scientific communication, with countries including China embracing Open Access as a way to distribute articles. In fact, China, which the publishers’ trade association STM confirms is now [the single largest producer of journal articles](#), is also the [fastest growing source](#) of Open Access articles. The open sharing of articles across national borders contributes to our researchers’ ability to remain current and to conduct cutting edge research that is crucial to fueling our national economy.

This was understood by the Bush Administration in enacting the first federal public access policy and the policy under consideration by OSTP would simply bring the U.S. into line with other countries that are leading producers of research. These same concerns were raised and dismissed then, and they have only become less credible with China’s enactment of its own [open access policy](#).

Science sets the pace for economic growth. What starts in the lab ends up in the pharmacy, in the factory, and on the farm. How quickly science progresses directly impacts America’s ability to innovate, and open access accelerates the progression of research. As a result, governments around the world are making open the default for their publicly funded research – directly tying these policies to their national innovation agendas. In this global context, the Administration has the opportunity to bring the U.S. back to the forefront in defining how science will be conducted in the networked digital environment, while simultaneously achieving other key goals such as making research AI-ready.

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**Misconception: An Open Access policy would represent a security risk for the U.S. by making it easier for the rest of the world to access the results of U.S. funded research.**

As with current U.S. policy covering public access to taxpayer funded research, any new policy would strictly apply to only non-classified research outputs. All classified information would be exempt and not subject to the policy.

It is the open sharing of research and data that has made the U.S. the world leader in science and technology – leveraging our collective investment in research in order to turn breakthroughs into better lives. In fact, openness is an effective strategy to preempt nefarious behavior, because pre-cleared data and research by definition can’t be stolen.