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Empowering Knowledge

University of California Board of Regents  
Office of the Secretary and Chief of Staff  
1111 Franklin St., 12th floor  
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August 1, 2019

### Re: **Concerns regarding the recent UC Library Briefing**

Dear Chairman Pérez, Committee Chair Anguiano, and UC Regents:

On July 17, the Academic and Student Affairs Committee heard a presentation about the UC Library's negotiations with Elsevier and the UC's Open Access ambitions. The presentation was delivered by Jeffrey MacKie-Mason, UC Berkeley Librarian – following brief introductions by Günter Waibel, Associate Vice Provost & Executive Director, California Digital Library (CDL) and Acting Provost Susan Carlson.

Unfortunately, the presentation included several inaccuracies and incorrect statements about Elsevier and the publishing industry. We fully support Open Access and are dedicated to help UC achieve its goals. To be mischaracterized on these points saddens us deeply. We hope that instead of pursuing a divisive and polarizing approach, we can work together to find solutions that enable UC to achieve its ambitions.

This letter attempts to set out our position clearly and to correct the record. We do this with a view to moving things forward on a more constructive footing. This does not make for a short letter. However, given the importance of the issues at stake—and the detrimental impact of the current impasse to the UC research community—we appreciate your taking the time to consider our perspective.

### **Overview of Elsevier's position, including our support for Open Access**

Scientific, technical and medical (STM) journal publishers like Elsevier exist to serve the global research community. Our role is to register, filter, disseminate, and preserve new knowledge developed by over seven million academic researchers and funded by around \$500 billion of R&D spending each year. That new knowledge is codified in manuscripts submitted to peer-reviewed journals which—if accepted—are published as articles. Around 2.5 million articles embodying the advancements of science are published each year. Roughly 85% of articles are published on a subscription basis, meaning it is free for authors to publish while subscribers pay to read. The remaining 15% are published on a Gold Open Access basis (also known as Author Pays) in which authors or their funders pay an Article Publication Charge (APC) to publish the article, removing the need for a subscription to access that article. This uptake reflects global demand: all 470,000 articles published by Elsevier in 2018 could have been published on an Author Pays basis if authors had chosen that option. Elsevier respects authors' choices and does not force any single model upon them. We are here to serve the researcher community.

### **Overview of UC's request**

CDL, which represents UC, wants its researchers to continue reading the world's articles, for which it has historically paid around \$11 million per year in subscription fees (or less than a dollar per download). CDL also wants to require UC researchers' annual output of some 5,000 Elsevier-published articles to now be published on a Gold Open Access basis. Finally, CDL wants to pay no more than it does today for these separate reading and publishing services.

The challenge is not the goal of 100% Open Access, which is already fully possible. The stumbling block is how to get there. As a leading research institution, UC produces large volumes of high-quality research. If CDL covered the cost of paying to publish these articles, it would have no budget left to fund subscriptions to the rest (and majority) of the world's content. If all other countries immediately published all their output on a Gold Open Access basis, then CDL would have greater flexibility. There would be nothing to subscribe to as publication of all articles would have been paid for by authors (or their funders). But this is far from reality.

In fact, many large funders have not embraced Gold Open Access. Instead, they have chosen a model known as "Green" Open Access, under which manuscripts are made available to read for free after a period of 12 months. Many research-intensive universities have chosen this approach because they would pay proportionally more in Gold Open Access fees than their share of subscriptions. Authors too have mixed views about the Author Pays model, as noted in the UC's *Pay It Forward* study.<sup>1</sup> The UC study discovered that respondents found it inappropriate for their research funds to be diverted to a library-led pay-to-publish model.<sup>2</sup> The result of these factors is that large numbers of articles globally will continue to be published on a subscription basis for the foreseeable future. These are structural, not ideological, challenges.

To address these challenges, Elsevier has put forward many proposals to CDL, including an agreement to hold prices flat while fully funding a five-fold increase in the volume of UC articles published on a Gold Open Access basis. This would have enabled UC to evolve its approach without incurring any more costs. Our proposals, however, have not been accepted. In the meantime, CDL has cancelled its existing subscriptions to all Elsevier journals leaving UC researchers without seamless access to newly published articles. We deeply regret this situation and remain committed to finding a way forward.

### Correcting the record

Having clarified our position and our resolve to help UC achieve its goals, we now address specific comments made in the presentation referred to in the opening paragraph of this letter. While there are numerous inaccuracies, we focus on addressing points that would be especially misleading if left unaddressed.

➤ **THE ROLE OF THE PUBLISHER IN SOCIETY.** The July 17 presentation grossly mischaracterizes the role of publishers in asserting that the "publishing industry severely hurts how well we transmit advanced knowledge." On the contrary, publishers enable dissemination of knowledge; it is our core mission and has been for over 140 years. Elsevier articles were downloaded by researchers globally over 1 billion times in 2018. UC researchers themselves downloaded an article from Elsevier's *ScienceDirect* platform approximately once every three seconds.

This high usage is due to the significant resources and investments we put into soliciting, vetting, curating, and disseminating high-quality content and then technologically enriching this content to produce fully searchable, hyper-linked, manipulatable, feature-rich articles. Every day, some 7,500 Elsevier employees across our more than 2,500 journals work to assess incoming draft articles; operate global peer-review systems; administer extensive editorial processes; structure, enhance, host, and preserve digital "versions of record"; and analyze and distribute metrics to help the research community benchmark and improve the quality of their output. We are proud of what we and other publishers do to support the availability of high-quality, trusted content in society.

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<sup>1</sup> See UC Libraries. "Pay It Forward" (2016), at p. 12: "When asked about the importance of various journal criteria in deciding where to publish, authors placed journal quality above all else...while Open Access ranked as least important. These findings suggest that it will be very difficult, impossible in some cases, to convince authors to switch to new journals in a new publishing system purely for the sake of open access." At p. 22: "Opinions about publishing in open access outlets, and the model in general, ranged from extremely positive to extremely negative, with most participants somewhere in the middle."

<sup>2</sup> See "Pay It Forward," at p. 29 (noting that when researchers were surveyed pertaining to the funding of an Author Pays Open Access model) the results revealed that: "In general, respondents were reluctant to pay author charges to publish their papers....For the amount respondents would be willing pay from their personal research funds, the majority of respondents chose "none"[".]"

➤ **SUPPORTING ACCESS.** The presentation also asserted that publishers like Elsevier are “blocking access to publicly-funded research.” This is false. Elsevier supports Open Access—which aims to ensure access to publicly-funded research—and has done so since such models emerged over fifteen years ago. For example, Elsevier supports the sharing of working papers and submitted manuscripts. Since 2006, we voluntarily deposit all Elsevier-published NIH-funded manuscripts to PubMed Central (PMC). As such, we account for vastly more Open Access manuscripts on PMC than any other publisher. We also support authors archiving their manuscripts in repositories such as the one operated by the CDL, and we provide free-to-use platforms and outlets for the public sharing of papers and research data. Finally, by publishing over 34,000 articles on an Author Pays basis last year we are one of the world’s largest Gold Open Access publishers.

➤ **“DOUBLE-DIPPING.”** One of the most egregious inaccuracies was the implication that we “double-dip”—that is, unethically charge twice for the same service (e.g., once to pay-to-publish and then again to read the same article). This is completely false. Elsevier does not double dip.<sup>3</sup> This kind of misstatement is not only without merit, but also utterly unconstructive. It clouds understanding of the structural challenges summarized above, prevents the building of trust, and undermines the ability to develop rational solutions to complex challenges.

➤ **“COPIES” OF SUBSCRIPTION CONTENT.** Finally, the presentation asserts that after the Library’s cancellation of access to Elsevier’s articles, the Library will still obtain “copies of every [subscription] article” without a subscription. Further, the Library implies that these “copies” obtained “through alternative means” would be equivalent to subscription content on *ScienceDirect*. They are not.

Elsevier journal articles on *ScienceDirect* are dynamic resources of rich interaction, integration, and exploration—the result of significant investments in technology infrastructure. For example, the average *ScienceDirect* article contains over 400 embedded links for navigation, verification and citation. We have also developed a robust cross-platform recommendation system by extracting over 475 million facts from *ScienceDirect* repositories via machine learning. These investments enable researchers to obtain the most relevant information in the shortest time possible. Because of these investments, UC researchers rely on *ScienceDirect* to instantly download almost 12 million articles per year.

In lieu of this rich database, CDL Library proposes, for example, that the UC community should email “an author and ask for a PDF or preprint.”<sup>4</sup> This is not a viable substitute for a world-class, research-intensive institution. As for reliance on interlibrary loans (ILL), the American Library Association makes clear that the purpose of the ILL system “is intended to complement *rather than to substitute* for good library collections built and managed to meet the routine needs of local library users.”<sup>5</sup>

We are genuinely concerned about the negative impact of the cancellation on UC researchers’ productivity. The presentation stated that researchers seeking alternative sources will lose time ranging from “a minute or so to a couple of days.” The UCLA Library states delays will average even longer—from 2-4 days.<sup>6</sup> Even assuming just a 20-minute delivery delay per article, the cumulative time UC researchers will experience waiting for articles would amount to 162,500 days based on 2018 usage rates. We can all recognize that this is an ineffective use of researchers’ time and leads to loss of productivity in producing world-leading research.

In closing, although the details of the commercial deal were not directly mentioned during the July 17 briefing, the UC Library has repeatedly circulated inaccurate information that Elsevier “wanted to charge us a lot more. Our current calculations are that they would have increased the amount of our payments by 80%—an additional \$30

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<sup>3</sup> See Elsevier Policies – Pricing, at <https://www.elsevier.com/about/policies/pricing>

<sup>4</sup> See UC Office of Scholarly Communication, “Access to Elsevier Articles,” at <https://osc.universityofcalifornia.edu/open-access-at-uc/publisher-negotiations/alternative-access-to-articles/>.

<sup>5</sup> See Interlibrary Loan Code for the United States (2016), Explanatory Supplement, Section 2.0 (emphasis added).

<sup>6</sup> See UCLA Library, at <https://www.library.ucla.edu/news/uc-ends-negotiations-elsevier>.

million over a three-year contract.”<sup>7</sup> This is simply untrue. Notwithstanding a 5% annual increase in published scientific output, Elsevier agreed to hold prices flat, accounting for inflation over any multi-year term, and to fully subsidize a five-fold increase in Open Access publishing for the UC. We did not ask to charge more.

We accept the difficulties posed by these complexities and deeply regret that we have not made more progress. We particularly regret that we are not serving the UC community and that UC researchers are now impacted daily from our inability to reach a successful conclusion.

We hope that this letter has helped to clarify our position, and most importantly, our sincere desire to put discussions back on a constructive footing. We need to build trust and work together to address what is a complex, but ultimately solvable problem. We have recently concluded negotiations in Norway, Hungary, Poland and France—all of whom have similar ambitions to UC and welcomed a partnership with Elsevier to achieve their objectives. Nothing has been gained by the current impasse. Achieving Open Access goals requires pragmatism, commitment, engagement, and flexibility to overcome what are structural, not ideological, challenges.

To that end, we remain committed to work together with the UC Board of Regents and any other stakeholders to support the needs and ambitions of UC researchers. We are available if you have any questions or concerns.

Respectfully,

A handwritten signature in black ink, appearing to read 'N. Fowler', with a stylized flourish at the end.

Dr. Nick Fowler  
*Chief Academic Officer, Elsevier*

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<sup>7</sup> See, e.g., Interview with UC Librarian Prof. MacKie-Mason by the Berkeley News, “Why UC split with publishing giant Elsevier,” at <https://news.berkeley.edu/2019/02/28/why-uc-split-with-publishing-giant-elsevier/>.