

## National Institute of Health Public Access

As of April 7, 2008, the [NIH Public Access Policy](#) goes into effect. What this policy does, is ensure that published research done through NIH funding is made available for public access through [PubMed Central](#), which is a free digital archive.

The NIH Public Access Policy (NOT-OD-05-022) is mandated by Division G. Title II, Section 218 of PL 110-161 (Consolidated Appropriations Act, 2008), which states:

*“The Director of the National Institute of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine’s PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law.”*

Research, Creative Activities & Technology Transfer (RCATT) has an [NIH Signature Form](#) available on their website that all lead Principal Investigators (PI’s) need to sign when they submit a proposal to NIH. Since submissions are electronic, NIH requires PI’s to assure that the information they are submitting is true, that the PI understands that false statements could result in penalties, and that the PI accepts responsibility for the scientific conduct of the project.

In order to comply with this new federal requirement, PI’s must ensure that they reserve the right to deposit the final published article in PubMed Central. This will mean a closer look at any copyright assignments or publication agreements – the PI does not want to sign these agreements if they are inconsistent with the PI’s obligation to the NIH Public Access Policy. When PI’s are provided with a copyright assignment or other publication agreement, a quick review should tell you whether or not they retain the right to deposit the article in PubMed Central. If language is not included in a copyright assignment or other publication agreement to permit the PI to retain this right, the NIH has suggested inclusion of the following 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.”**

There are several additional requirements to the new NIH Public Access Policy, and it is recommended that all faculty, research staff, and students involved with NIH funding review the policy and FAQs located at <http://publicaccess.nih.gov/>.

If you have any questions concerning the interpretation of the copyright agreements, please contact the General Counsel’s Office at 231-8741.

If you have any questions concerning the NIH Public Access Policy, please contact the Sponsored Programs Office at 231-9608.