

# Cites & Insights

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## The Front

### Toward 15 and 200: The Report

[\*Cites & Insights\* 14:3](#) (March 2014) began with THE FRONT: TOWARD 15 AND 200: YOUR HELP WANTED—a modest attempt to raise some funding for *Cites & Insights*, intended to run through June 30, 2014. The campaign was later extended to July 31, 2014. I was looking for at least 50 contributors in all and asking for at least \$30 and preferably \$50 or more.

It's time to report on that campaign and list the supporters and sponsors.

### Sponsors

- Ruth Parlin
- Fred Gertler
- Lars Bjørnshauge

Thanks!

### Supporters

- Donald Hartman

Thanks!

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### Report

As may be obvious, I wound up a little shy of the 50 target. So there won't be an advisory panel. I have emailed the sponsors the list of available free PDF ebooks from which they can choose (including ones no longer in print), and will send them those rewards as soon as I hear back from them.

I did raise enough money to cover one year's hosting and domain costs. Those aren't the full costs of doing C&I (quite apart from time): my more-than-5.5-year-old computer is really starting to show its age, so a new one is on the horizon.

Additional contributions are, of course, always welcome.

I also mentioned C&I annuals (since 2006) as a way to support C&I. On or about September 14, 2014, those annuals will all move to \$45. If you'd like to get them for (much!) less, act now.

## Conclusion

No, I'm not shutting down C&I for lack of support. Once again being the target of abuse by a high-profile library person isn't great, but some rants are better left undealt with. (See "A Word to the Easily Confused" below.)

This issue and probably the next (and possibly the one after that) is/are relatively brief and simple. That's not because I'm giving up—at least not yet. Quite the opposite: It's because most of my time is going to an even larger project related to the project that yielded [Cites & Insights 14:7](#) (July 2014), this time involving more than 11,000 journals and "journals."

## A Word to the Easily Confused

Journal.

That word has *never* meant only peer-reviewed scholarly journal. Look in any decent dictionary.

*C&I* is not a scholarly peer-reviewed journal. Nor has it ever claimed to be.

*C&I* *does* sometimes include original research by me, Walt Crawford. The credibility for that research does not come from an editorial board; it comes from my three decades of doing careful, methodologically transparent work in the library field, much of it published traditionally.

I'm making a tiny change in the masthead to help clarify things for those person(s) who seem to think that a journal must be scholarly peer-reviewed. I'm changing "journal" to "periodical." (I still prefer zine, but that doesn't seem to fit.)

If you believe that *C&I*'s self-published, non-peer-reviewed nature means that work within it should be disregarded as worthless, you're entitled to your opinion. All I ask in that case is that you apply the same standards to self-published non-peer-reviewed blogs: work within them should also be disregarded as worthless.

## Intersections

# Some Notes on Elsevier

Without much question, Elsevier (or Reed Elsevier) is the largest scholarly journal publisher and certainly one of the most profitable. It may well account for more than 10% of all scholarly journals. (Elsevier is *not* the largest publisher; I believe Pearson holds that title, thanks to its enormous textbook division.) Also without much question, Elsevier publishes quite a few first-rate journals and a few that may not be quite so hot.

Elsevier turns up in some recent essays (e.g., the Access and Ethics group), but it may deserve its own treatment. What follows isn't rigorous or complete; it's notes and commentary on six fairly recent subtopics involving Elsevier that haven't been heavily covered elsewhere in *C&I*.

## The Boycott

For good reason, my coverage of RWA in the [December 2012 Cites & Insights](#) featured Elsevier heavily, specifically the boycott of Elsevier that began in early 2012. This little cluster includes two more articles from early 2012 and a few more recent follow-ups.

### *Why boycott Elsevier?*

This long post by Becky Ward [appeared February 23, 2012](#) on *It Takes 30*, “a blog from the Department of Systems Biology @ Harvard Medical School.” I either mistagged it or missed it in 2012, and it's a thoughtful discussion from a scientist who's “been in and out of science publishing for much of my working life,” including work on two journals from a publisher that was acquired by Elsevier.

I have friends who still work for Elsevier. I have friends who left Elsevier-acquired journals for Open Access journals. Nothing I might say can be considered unbiased. At the same time, perhaps I know a bit more about the topic than some of the other people writing about it. Or at least I know different things. So be warned: this may be a long one.

Ward summarizes the background for the boycott then asks a couple of questions:

The first is, when is it OK for a publisher to make money on publishing scientific journals, and when profit is OK how much profit is reasonable? The second is, does this effort have a chance of working?

She considers the second one first. While she never worked for *Cell*, Elsevier's “glamor mag,” she did work for *Nature* at one point—and at

the time, *Nature* was receiving about 120 biology manuscripts per week, of which 30 to 40 were quite possibly publishable by *Nature*. Because of page budgets, they couldn't accept more than 12. Based on this (and her assumption that the situation at *Cell* is similar), Ward suggests that even if *half* the biologists boycotted, the effects probably wouldn't be noticeable, either in quantity or quality.

She also notes a case in mathematics where people outraged by Elsevier's prices—specifically, the editorial board—did in effect take down the journal [and immediately started a much less expensive society journal]. She suggests that the best way to “send a message” to Elsevier might be to target a handful of smaller Elsevier journals “for which there seems to be little justification,” perhaps because there are worthy Gold OA journals or much less expensive society journals in the same field.

The goal would be to persuade the entire editorial board to resign and spread the word throughout the biological community that nobody should sign up to replace them, and nobody should submit or review papers. If enough of the community agrees that these specific journals are unnecessary and overpriced, there might then be a real chance of killing them. (If not, a new editorial board will sign right up, and many people won't even notice the change. In a community as large as the biological community, with commensurately diverse opinions, this seems to me to be a real danger.)

She thinks such a strategy *might* get through to Elsevier. She thinks the boycott is unlikely to have any impact on Elsevier—at least in biology. She also notes that the strategy is repeatable: you could keep chopping away at overpriced Elsevier journals until the only ones left are those that don't seem outrageously priced. (This might take a while!)

Then there's the first question—and here Ward sees the steady increase in number of published articles as one major factor in rising library costs. Then comes the question of what publishers do that's worth paying for, assuming digital distribution.

There is an irreducible minimum of quality control that is required to produce papers that are reasonably easy to read (to my eye, many internet-only journals and some print journals are pushing hard against that limit). Someone has to organize that. Someone also has to do the paper-shuffling (e-mail shuffling?) required for peer review to be efficient. Beyond this, what do we want to pay for?

In the end, I think we only want to pay for added value in the editorial process, and this is where the debate gets ugly.

One form of “added value” is selectivity—but is it a *reasonable* form of added value? Ward thinks so, at least for the highly selective “glamor mags” (which will almost certainly survive regardless) and wonders whether it would make sense to have 10% “reader-focused” journals (high-

ly selective and subscription funded) and 90% “author-focused” (selecting at the *PLOS One* level and with APCs)? She proposes that all of the 10% would make articles OA after a year and seems to think this model might be a good one. (As an outsider, I might raise lots of questions about just *what* the selectivity is really buying; certainly not assurance that a paper is entirely sound.)

There’s more to the post, and it is from the perspective of someone who’s been in the publishing biz and who regards the “glamor mags” highly. It’s well worth reading. And in the end, Ward is not happy with the dominance of “SNC” (a polite term for the glamor mags):

[T]he reliance on journal decisions has clearly gone too far. It should not matter this much whether a paper is published in glamor journal A or very respectable journal B. From a journal editor’s perspective, the power the community has ceded to the journals is a scary and burdensome responsibility; my impression is that some of my ex-colleagues have responded to the increasing pressure by trying harder and harder to be perfect (which is, of course, impossible), by adding more referees, taking longer to decide, and generally eroding the features that used to be among SNC’s main virtues: rapid decision-making, rapid publication, and papers that were thought-provoking and interesting whether or not they were right. There was a time when people used to joke “just because it’s in Cell doesn’t mean it’s wrong”. Perhaps I don’t quite want to go back to those days...but I do wish we could have a more thoughtful discussion about the role and importance of journals than “SNC/Elsevier bad, Open Access good”.

My sense in reading this is that Ward adopts the false but common “Gold OA means author fees” idea, but it’s also true that *in biology and medicine* a majority of OA journals may indeed charge APCs.

*Academics must be applauded for making a stand by boycotting Elsevier. It’s time for librarians to join the conversation on the future of dissemination, but not join the boycott.*

Those oddly joined sentences form the title for [this February 28, 2012 post](#) by Dave Puplett at the *Impact Blog* of the London School of Economics and Political Science (LSE). Puplett notes the boycott and the actions of @FakeElsevier, including [an open letter to Elsevier employees](#) appealing to the ideologies that may have led them into publishing in the first place.

My message to the Elsevier staff who identified with that call is simple: Librarians feel the same way, and we all got into this profession for the same reasons. One of the hallmarks of progressive academic libraries are the Open Access services they’ve been offering in recent years. @FakeElsevier’s central arguments really appeal to my inner ideological librarian.

He discusses some of the points in the letter and how they resonate with librarians. I find this a little odd:

The Librarian voices in the Open Access movement have in my opinion too often been distracted by using spiralling journal subscription costs as a rationale for pushing for Open Access. Don't get me wrong—some of the price rises have been very difficult for Libraries to cope with, but it is the effect it has on a Library's ability to afford really good journal collections that really hurts us.

“Very difficult...to cope with” is putting it nicely. There's another discussion where I'm not sure I'm as certain that all libraries and librarians want a stated goal, but never mind. (I'd *love* to think every academic librarian wants to make sure *everyone* has access to all scholarly information. I'm a Pollyanna, but I'm not sure I can buy that.)

Then there's the final paragraph, which seems to include all of the argumentation for the second sentence in the post's title:

Major research libraries have taken a stand recently but the Elsevier boycott is something that I think libraries should remain interested observers in and not much more. The role of academic libraries here should be, as ever, to support the process of scholarly research and communication. We are not here to try and define its course. If the academic community chooses to make a stand on widening access then I applaud it for using its voice. Librarians should be ready to join the conversation, but not the boycott.

Without getting into the issue of whether at some point academic libraries *must* help define the course of scholarly communication (since failing to act is a form of action), I would argue that urging libraries not to join the boycott is entirely different than asserting that *librarians* should not join the boycott. I see nothing in the post that makes that case.

Among the few comments, Barbara Fister notes that librarians have *already* been helping to define the course of scholarly communication and says “there is no sideline on which we can stand.” Two other commenters also reject Puplett's stance. In a responding comment, Puplett essentially undermines his final paragraph, especially since he says this: “Any Librarians out there who are an active part of writing in or reviewing Elsevier journals should also rightly be able to join the boycott.” You think? Elsevier lists 21 titles in library and information science; it's not as though there aren't natural targets.

### *Elsevier journals: has anything changed?*

A little more than a year later—[on May 27, 2013](#)—Tim Gowers posted this on his blog, although the post is actually a letter from Greg Martin, a number theorist who was on the editorial board of Elsevier's *Journal of Number Theory*, to his colleagues, resigning from that board.

Martin notes more than 13,000 signatures on the Cost of Knowledge petition (as of this writing, 14 months later, there are 14,711, and that small increment is itself meaningful) and says:

There was a flurry of communication back and forth between Elsevier and our editorial board (and those of other journals, I'm sure). But now the dust has settled, and I must conclude that essentially nothing has changed.

He notes Elsevier's continuing bundling and "(aggressively defended) lack of pricing transparency."

More recently, we were told of Elsevier's new policy that editors would receive \$60 for every article they process for the *Journal of Number Theory*. To me, this policy demonstrates a true inability (or unwillingness) to understand the key part of our observation that "all the work is done for free by volunteers, but access to that work is exorbitantly expensive". We want access to be less expensive; we're not looking for extra dough in our pockets. The most generous interpretation of this new policy's effect is that it continues to take money away from the research community at large, but now puts some of it in the personal pockets of a small subset of mathematicians who don't need it. (My personal reaction, to be honest, was to view this as too close to bribery not to be somewhat insulting.) But this policy uncontroversially shows, at least, the extent of Elsevier's robust profits on its research journals.

It might well be that a commercial company such as Elsevier is simply unable to adapt to a publication model more appropriate to our 21st-century ability to easily format, store, and transmit research around the globe. This is why my resignation does not contain any condemnation of the people who work for Elsevier. But I do not wish to continue supporting a system, however entrenched, that forces our institutions to make a choice between giving up increasingly expensive research resources and throwing more and more of their educational budget into the closed coffers of commercial publishers.

Elsevier did change one thing for its mathematics journals: It granted access to articles after a mere *four year* embargo—and, as you can see in the comment stream, that was enough for at least one mathematician to decide Elsevier was just peachy-keen.

Did anything really change? (See also the final section of this round-up.)

## The Fake Journals

Yes, it's been five years, but some stories are worth remembering.

### *This Journal Brought to You By...*

Barbara Fister posted this [on May 9, 2009](#) at ACRLog. She links to coverage at *The Scientist*—namely “Merck published fake journal” by Bob Grant [on April 30, 2009](#) and another link (that wouldn’t work for me) relating to *at least six fake journals*. Or, rather, “sponsored article publications.”

Quoting briefly from *The Scientist* article:

Merck paid an undisclosed sum to Elsevier to produce several volumes of a publication that had the look of a peer-reviewed medical journal, but contained only reprinted or summarized articles—most of which presented data favorable to Merck products—that appeared to act solely as marketing tools with no disclosure of company sponsorship.

The “journal” in question carried the title *Australasian Journal of Bone and Joint Medicine* and listed Excerpta Medica (an Elsevier subsidiary) as publisher. The “journal” appeared—or was dated—in 2003.

The link that *doesn’t* work refers to at least five *other* journals. Naturally, Elsevier says this all happened a long time ago and the people involved are no longer with them. But do read the Fister article, since she also notes a 2008 scandal of sorts involving a high-impact Elsevier journal with some odd practices.

The odd thing, at least for the immediate instance, is that there would have been nothing wrong with Merck collecting the articles, paying Elsevier appropriate fees, and packaging them as an information packet for doctors—who would understand that it *was* a carefully selected set of papers highlighting Merck products. The problem here is that there was no such disclosure and that a whole new “journal” was created to mask the situation.

As a lover of good journalism, I believe the firewall between advertising and editorial is important. That’s one reason *Fast Company* bothers me: although advertorials are indeed labeled as advertisements or advertorials, they frequently consist of interviews by *Fast Company* or are explicitly labeled as joint projects of *FC* and an advertiser, making the distinction difficult at best. (*Fortune*, to take a related example, frequently runs multipage advertorials—but they’re in distinctly different typefaces and with distinctly different layouts from normal *Fortune* material.)

### *What you’re asked to give away*

John Mark Ockerbloom looked at the situation from another perspective in [this May 8, 2009 post](#) at *Everybody’s Libraries*.

If you’ve published an article in an Elsevier journal, you might have missed an interesting aspect of the contract you signed with them to get published. It goes something like this:

I grant Elsevier the exclusive right to select and reproduce any portions they choose from my research article to market drugs, medical devices, or any other commercial product, regardless of whether I approve of the product or the marketing.

What, you don't remember agreeing to that? Actually, the words above are mine. But while it isn't explicitly stated in author agreements, Elsevier authors usually grant that right implicitly. Elsevier's typical author agreement requires you to sign over your entire copyright to them. Why ask for the whole copyright, instead of just, say, first serial rights, and whatever else suffices for them to include the article in their journal and article databases? Elsevier explains:

Elsevier wants to ensure that it has the exclusive distribution rights for all media. Copyright transfer eliminates any ambiguity or uncertainty about Elsevier's ability to distribute, sub-license and protect the article from unauthorized copying or alteration.

The point is that the author essentially gives up control—including control over Elsevier's "ability to...sublicense." As in, for example, reprinting your article in a bogus journal.

When Ockerbloom looked, he found that Excerpta Medica was still publishing four "peer reviewed journals" for the firms it was working with—but (not surprisingly) all I get these days are 404s for the links.

### *More on Elsevier, fake journals, and mysteries of exposure*

As the title suggests, [this May 9, 2009 post](#) by Jonathan Rochkind at *Bibliographic Wilderness* isn't his first on the topic—just the first I encountered. (There's also [a May 7, 2009 post](#), "Excerpta Medica Communications," that lists some of the other "journals" "published" by this Elsevier subsidiary. And [a May 5, 2009 post](#), "Shame on Elsevier," which may be the first in the series.)

Since the excerpts I've included so far may not make it crystal clear, Excerpta Medica is a PR company. To quote a quote in Rochkind's first post:

Excerpta Medica is a strategic medical communications agency. We partner with our clients in the pharmaceutical and biotech industries to educate the global health care community...

Rochkind points to other librarians who are closer to the "journal" topic and notes that one of them identifies an issue with peer-reviewed journals (biomedical ones, a hot field) that may be even more serious: "Ghostwriting," articles generated by the marketing arms of pharmaceutical companies and appearing as proper peer-reviewed articles in first-class journals. A source says the percentage of ghostwritten biomedical papers is *roughly 10%*, but could be much higher. Quoting Rochkind:

At least 10% of articles in biomedical journals are written by marketing departments, not by the named academic author?!? How can this not be grounds for dismissal if the academic lending his/her name is found out? I don't get it. But like I said, I'm no medical librarian.

### *Duped by Elsevier? Run to Your Local Library. NOW!*

Here we have Eric Schnell, writing [on May 11, 2009](#) at *The Medium is the Message*—and bringing in a semi-scandal in a library journal, when a journal devoted an entire issue to a series of essays by the Annoyed Librarian. The two aren't directly related, but here's the connection:

I felt the decision by the editor and publisher to lower their quality standards exposed a crack in the foundation of scholarly communication. Another controversy has emerged in the past few weeks.

That controversy being *AJBJM*, the fake journal.

There is plenty of outrage over the ethics in this case. Elsevier deserves all the negative press. I am not going to pile on. Instead, after looking over the issues I believe there were plenty of clues that the publication was not scholarly in nature, regardless of the title and the peer-review look. We all should be concerned if scientists *were actually duped* into thinking the journal was scholarly communication:

The clues? The journal wasn't in MEDLINE or Web of Knowledge; the "review articles" only cited one or two other articles; the journal had no author guidelines—and the journal had no website. (He lists a couple of others.)

Schnell isn't sure whether *scientists* were duped; I'd guess the purpose was not to dupe scientists but to help persuade physicians to regard the Merck medicines (e.g., Fosamax) favorably.

His point is well taken: if a professional *was duped*, they should go ask a librarian how to evaluate scholarly journals.

### *Elsevier confirms 6 fake journals; more comments*

Peter Suber had a series of posts at *Open Access News* related to these fake journals, including this one [on May 11, 2009](#), which excerpts an article I can't get to—namely Bob Grant's May 7, 2009 "Elsevier published 6 fake journals" in *The Scientist* and follows that with some pointed comments from others (mostly with links). Some of Grant's article:

Scientific publishing giant Elsevier put out a total of six publications between 2000 and 2005 that were sponsored by unnamed pharmaceutical companies and looked like peer reviewed medical journals, but did not disclose sponsorship, the company has admitted.

Elsevier is conducting an "internal review" of its publishing practices after allegations came to light that the company produced a pharmaceutical

company-funded publication in the early 2000s without disclosing that the “journal” was corporate sponsored. ...

An Elsevier spokesperson told The Scientist in an email that a total of six titles in a “series of sponsored article publications” were put out by their Australia office and bore the Excerpta Medica imprint from 2000 to 2005. These titles were: the *Australasian Journal of General Practice*, the *Australasian Journal of Neurology*, the *Australasian Journal of Cardiology*, the *Australasian Journal of Clinical Pharmacy*, the *Australasian Journal of Cardiovascular Medicine*, and the *Australasian Journal of Bone & Joint [Medicine]*. Elsevier declined to provide the names of the sponsors of these titles, according to the company spokesperson.

Yes, the journals appeared a decade ago. Yes, this scandal is five years old. Why bring it up again? Surely nothing of the sort could ever happen again. Right?

## Miscellanea

A few items that don't fit well into any group.

*Dear Elsevier Employees, With Love, From @Fakeelsevier.*

Fakeelsevier, a strong and frequently riotous presence on Twitter, also has a blog—*The Real Fake Elsevier*—where this piece appeared [on February 19, 2012](#). It is, as the title employs, an open letter from the scientist who poses as Fakeelsevier to the real employees of the publishing giant. As with the Twitter account itself (apparently), the post was to some extent generated by Elsevier's support of RWA.

As anyone who is reading this probably already knows, the publishing giant Elsevier has recently placed itself at the center of a shitstorm of animosity from the research community, thanks in part to its vocal (and financial) support of the Research Works Act (RWA). Currently, the National Institutes of Health mandate that the research products they fund with tax dollars must be made freely available to the public; the RWA would make such mandates illegal, enabling Elsevier to keep research papers resulting from taxpayer-funded research behind paywalls for as long as they like. There's some douchey attempted subterfuge in the language of the bill about not locking up the research results themselves, but make no mistake: research papers are our output as researchers, and they are what makes up the scientific literature. While manipulating the legislative process for financial gain would be galling by itself, Elsevier has a [long history of douchey](#) behavior towards the academic community, and the RWA is really just the latest straw on the camel's back.

That's part of the background; after that, FE (what would you call them?) offers a statement of what they see as the grievances of those boycotting Elsevier.

And despite my Twitter satire, I do believe that the vast majority of Elsevier employees are not personally evil, naive, or irrational, and that they in fact genuinely want to help make the world a better place. Indeed, if you joined Elsevier because you wanted to help disseminate knowledge and advance the human condition, consider the rest of this letter addressed directly to you.

It's a moderately long piece—followed by a much longer stream of more than 150 comments. Too much to summarize, and worth reading in the original. I will quote two bolded single-sentence paragraphs:

As far as we are concerned, publishers have ONE JOB: disseminating the results of our work to the widest possible audience...

In the internet age, Elsevier is doing an unbelievably shitty job of accomplishing its ONE AND ONLY PURPOSE: to distribute our work as broadly as possible

Go read the original. You may not agree, but it's well-stated.

### *How Elsevier can save itself*

Two posts by Mike Taylor at SVPoW, the first [on April 22, 2012](#) offering “easy ways”—ways that really shouldn't cost Elsevier much time or money—and the second [on April 26, 2012](#) offering “medium ways,” things that probably would cost Elsevier something. (Taylor says “will” but I'm not quite as optimistic.)

It's a good discussion, and I'll just quote the numbered points that head up careful descriptions of his recommendations:

Change the “sponsored article” license to CC-BY

Stop being obstructive about text-mining

Dump the “you can self-archive unless mandated to” rule

Withdraw opposition to the FRPAA

Be open about subscription prices

Go read the original.

### *The world according to Elsevier*

This discussion, by Sylvain Ribault [on December 30, 2013](#) at *Research Practices and Tools*, lists seven Elsevier behaviors and attempts to explain them in terms of a coherent strategy.

The seven behaviors:

1. Elsevier considers open access to scientific publications as a threat, and fights against it. This is explicitly said (in milder terms) in their 2011 financial review.
2. In particular, Elsevier fights against Green open access while pretending to allow it, by trying to make it as impractical as possible. Elsevier also fights against authors sharing their own articles on academic social networks.
3. Elsevier diversifies to all aspects of scientific information—not only publications. In particular, they own the bibliographic database Scopus, and recently acquired the social network cum article sharing platform Mendeley.
4. Elsevier is aggressively marketing Scopus at very low prices, with the apparent aim of replacing Web of Science as the leading bibliographic database.
5. Elsevier insists on the perpetual increase of subscription prices for any given institution, and justifies this by concurrently increasing the quality and quantity of services, whether the subscribers want it or not.
6. The intransigence of Elsevier on subscription prices forces some institutions to cancel subscriptions to smaller publishers, including Wiley.
7. Elsevier pays the academic editors of some of its journals.

The discussion of how all of this forms a rational long-term strategy (basically to become *the* dominant and irreplaceable company for research-related information) is worth reading directly.

If some of this seems pretty old, worry not: the next topic, with the most source material, is far more recent—December 2013 and beyond.

## Takedown!

Elsevier goes along with Green OA, self-archiving the articles. Or so it would seem. The reality may be a bit more complicated. This situation was first reported on December 6, 2013, and most items come from the two weeks following that, with a couple from 2014.

*Elsevier is taking down papers from Academia.edu*

Mike Taylor posted this item [on December 6, 2013](#) at *Sauropod Vertebra Picture of the Week* (SVPoW).

Lots of researchers post PDFs of their own papers on their own websites. It's always been so, because even though technically it's in breach of the copyright transfer agreements that we blithely sign, everyone knows it's right and proper. Preventing people from making their own work available would be insane, and the publisher that did it would be committing a PR gaffe of huge proportions.

That first sentence includes several links to examples, not reproduced here. That's a pretty clear statement of a common situation. Now, says Taylor, "Enter Elsevier, stage left." Several scholars mentioned on Twitter that [Academia.edu](http://Academia.edu) took down their papers in response to a notice from Elsevier. Here's the message one of them received (slightly redacted, which it isn't in Taylor's post):

Hi [name]

Unfortunately, we had to remove your paper, [title], due to a takedown notice from Elsevier.

Academia.edu is committed to enabling the transition to a world where there is open access to academic literature. Elsevier takes a different view, and is currently upping the ante in its opposition to academics sharing their own papers online.

Over the last year, more than 13,000 professors have signed a petition voicing displeasure at Elsevier's business practices at [www.thecostofknowledge.com](http://www.thecostofknowledge.com). If you have any comments or thoughts, we would be glad to hear them.

The Academia.edu Team

Taylor himself has never published in an Elsevier journal, so it doesn't affect him directly. He notes that the good people he knows at Elsevier "must be completely baffled, and very frustrated, by this kind of thing."

Every time they start to persuade me that maybe–maybe–somewhere in the cold heart of legacy publishers, there lurks some real will to make a transition to actually serving the scholarly community, they do something like this. It's like a sickness with them.

Taylor's question: "Do scholarly publishers really need to be reminded that 'publish' means 'make public'?" More than a hundred comments, including some attacking Academia.edu and some defending Elsevier, as you'd expect. Elsevier's Alicia Wise shows up to note that Elsevier issues takedown notices "when the final version of the published journal articles has been, often inadvertently, posted" and notes other options for authors.

Later, Wise defends the takedowns because they "ensure that the final published version of an article is readily discoverable and citable via the journal itself in order to maximize the usage metrics and credit for our authors, and to protect the quality and integrity of the scientific record." See? Elsevier's doing it *all for the scholars!* Taylor's response begins "I'm sorry, Alicia, that is absolutely hogwash and we both know it" and proceeds from there.

Just so it's clear: The issue isn't whether Elsevier acted within its legal rights. It did, if the papers being taken down were final versions. The

issue is whether Elsevier's acting sensibly for itself or in a manner that suits the needs of scholarship.

### *Posting Your Latest Article? You Might Have to Take It Down*

Jennifer Howard's news story on the same situation, [appearing the same day](#) on *The Chronicle of Higher Education's* "Wired Campus" blog, adds a few details. Richard Price of Academia.edu said that Elsevier's been sending takedown notices "in batches of a thousand at a time," as compared to the one or two takedown notices a week the site was used to. There's also a quote from Tom Reller (Elsevier VP for global corporate relations) which seems to be word-for-word identical to Alicia Wise's initial comment on Taylor's post.

Several dozen comments, with the anti-OA contingent well represented.

### *A comment on takedown notices (with update)*

No reason you shouldn't see Elsevier's response directly, as in [this December 6, 2013 item](#) at *elsevierconnect* by Tom Reller. By now, some of it will seem familiar, but the addendum at least concedes that the takedowns *aren't* just to protect scholars: they're (mostly) to protect Elsevier's profits. It's not stated quite that bluntly, but that's what's being said.

### *Pig-ignorant entitlement and its uses*

This one's from the Library Loon [on December 7, 2013](#) at *Gavia Libraria*.

The great mass of those who publish in the scholarly literature are pig-ignorant about how scholarly publishing works. If they weren't, we wouldn't have to worry about scam open-access journals or journal impact factor, just to offer up two obvious examples, because they would be laughed out of existence.

This great mass does, however, have a strong sense of entitlement surrounding the scholarly literature, the processes they wrongly believe constitute the whole of it, and their own contributions to it in particular. This sense is, the Loon feels it incumbent upon her to repeat, *completely unmoored from legal and economic reality*, but it is nonetheless singularly potent, such that the least effort to question or contradict it usually feels like running headlong into a working buzz saw.

Examples include folks who assert that institutional repositories "take your copyright" and faculty who "post anything and everything in their online courses...."

In general, toll-access publishers benefit most from the pig-ignorantly entitled, since such folk are easily manipulated into signing contracts they shouldn't and vehemently defending organizations and processes

out to exploit them. The only scholars who benefit are those tenured folk whose egos rest on believing their lottery-winning manipulation of the publishing system entitles them to their exalted position; these people are invariably the *most* pig-ignorantly entitled, after all. Libraries and librarians certainly benefit not at all; we are handy blame targets for breakdowns in access, and easily accused of skulduggery and incompetence when we seek to change scholarly publishing.

It is, however, possible to effect change within what pig-ignorant entitlement will pass over in silence or with only nominal protest, as the patchwork quilt of institutional and sub-institutional open-access mandates attests. Pig-ignorance cuts all ways! Refrain from poking at it, and much can be accomplished.

The Loon says Elsevier poked at the pig-ignorance. They chose a commercial target, which made sense, but failed to take into account that Academia.edu would let scholars know what was going on.

Elsevier tried to pass the matter off with its own appeal to pig-ignorant entitlement, because it too knows how well that usually works... but unfortunately for Elsevier once more, entitlement generally wins over pig-ignorance. Faculty might be convinced to believe that Elsevier has their best interests at heart, though Elsevier's argument to that effect yesterday was startlingly convoluted and weak. Even had it made a scintilla of sense, though, it would not have been enough to convince faculty to give up their perceived entitlement to post their authored works wherever they see fit.

The legalities of the situation don't matter. Pig-ignorant faculty entitlement does. As a strategic move, then, Elsevier's wasn't.

Hard to add anything useful to that.

### *Elsevier Upping the Ante in its Opposition to Academics*

Alan Wexelblat, writing [on December 7, 2013](#) at *Copyfight*, notes the situation with this comment:

While technically within its rights to do so, this is a dickish move by Elsevier that will hurt the professors, students, and researchers involved in producing some of the best quality academic work.

Wexelblat's closing comment:

Hey, academics! You handed Elsevier the whip that it is now using to flog you. Clean up your own tenure-track house and this problem will solve itself.

Sounds easy, right? Or not.

*If takedown notices are what it took for you to –really think- about rights ownership in your publications...*

Nancy Sims discussed the takedown notices [on December 9, 2013](#) at *Copyright Librarian*, noting that they came as offensive surprises to many of the scholars, mostly because academic publishers have generally looked the other way.

However, some of us who have been working for a while to help authors understand their publication rights are a little frustrated at the surprise. After all, we've been talking about some of the -other- results of authors' transferring away their copyrights for a while. Apparently, for some folks\*, the following were not compelling reasons to -really think- about what happens with the copyrights in their publications:

- Authors being required to get (and pay for) permission to reproduce parts of their own work in subsequent publications.
- Authors being unable to post articles on non-profit/institution-hosted archives.

(Or rather, such archives (naïvely?) telling authors to only upload works which they are sure they have the right to upload.)

- Academic publishers actively suing a public university for using published articles in course contexts.
- Lack of access for researchers at smaller or less well-funded institutions, or those unaffiliated with an institution that has subscriptions.

(More than one academic has flat-out told me “it’s not really true that people don’t have access.” Um, it’s true there are often ways that people can -get- access if they have money or are willing to violate the copyright that now belongs to your publisher. If the copyright belonged to you, I think you might have a problem with that practice.)

- Lack of access for researchers in the developing world.

(Several publishers do have programs that allow limited access by developing-world researchers.)

- High costs to the authors' own employing institutions in purchasing access to publications.

(Subscription costs: up just about every year. Subscription budgets: often flat or down. And academic libraries are fairly frequently told to that they must “preserve collection budgets” while cutting costs.)

- Clunky online interfaces that make it very difficult to link to legitimate versions of publications, even within subscribing institutions.

(The linking functions of subscription interfaces are annoying, non-standard, and likely to break. Those interfaces are provided by publishers.)

More in this piece, worth reading in the original, including the paragraph explaining the asterisk after “folks.”

### *Around the Web: Elsevier vs. Academia.edu vs. Researchers*

John Dupuis posted this [on December 10, 2013](#) at *Confessions of a Science Librarian*. As with most “Around the Web” posts, it’s largely a set of links related to this story, including quite a few items *not* covered in this roundup. Dupuis does note that Academia.edu is a for-profit company. Go read the rest (and follow some additional links for more thoughts) yourself.

### *Don’t blame Elsevier for exercising the rights you gave them*

I’m including [this December 10, 2013 post](#) by Alex Golub at *Savage Minds* because it’s so clear about the realities of the situation—to the point where Golub even says “As an open access advocate my sympathies in this case are, actually, with Elsevier.”

When you publish with Elsevier, you sign an agreement with them called a ‘copyright transfer agreement’. Guess what it does? That’s right: It transfers control of your creative work to them. In many important ways, your work no longer belongs to you. You may be the author, but you are no longer the owner. In saying this I am condensing a lot of complex argumentation about what constitutes ownership, authorship, and so forth. But you get the picture. When Elsevier tells you you can’t post your own work on Academia.edu or anywhere else, they are only exercising the rights that you gave them.

So far, Elsevier and other publishers have quietly tolerated the tremendous traffic of PDFs that happens both in public and private on the Internet. Doing so is in their own best interest — if most people realized the way they had signed away their rights to publishers, the open access movement would double or triple in size overnight. At the moment, exercising these rights seems a bonehead play because it wakes academics from their dogmatic slumbers and gets them pissed off. But is it really a dumb play? Perhaps this is the first step in a gradual process of acclimatization in which publishers slowly send more and more take down notices, getting us used to the idea that we can’t control our own work. Perhaps Elsevier did the numbers and decided it was better to increase sales, even if it comes at the expense of their public reputation. Who knows? Maybe they’ve decided we can’t hate them anymore and just said ‘to hell with it’.

As usual, there’s more, worth reading in the original. And it’s hard to argue with this from the final paragraph: “there’s one thing I don’t think it is fair for us to do: complain about the way the world is because we lived under the impression that it was something else.”

## Connecting the Dots

That's Kevin Smith [on December 11, 2013](#) at *Scholarly Communications @ Duke*, and it's a case where I just want you to go read Smith's commentary. He relates the takedown notices to discussions from AAUP—he connects the dots—and does so in a manner I don't feel qualified to summarize.

## #ElsevierGate and the Open Access Conspiracy

Once again I'm going to link without much comment, this time to Jason B. Colditz' [December 13, 2013 post](#) on his eponymous blog—because Colditz manages to connect the takedown notices to Jeffrey Beall's remarkable anti-OA-advocates article (discussed in the April 2014 *Cites & Insights*). It's a charming discussion, one I have no special comment on—except that, no, Beall *still* hasn't suggested that the article was a hoax or tongue-in-cheek.

## Elsevier steps up its War On Access

This [December 17, 2013 post](#) by Mike Taylor at *SVPoW* brings up another set of takedowns, after noting that Taylor assumed Elsevier would regret the Academia.edu situation and avoid repeating it.

Which just goes to show that I *dramatically* underestimated just how much Elsevier hate it when people read the research they publish, and the lengths they're prepared to go to when it comes to ensuring the work stays unread.

To wit, this notice to all staff at the University of Calgary:

The University of Calgary has been contacted by a company representing the publisher, Elsevier Reed, regarding certain Elsevier journal articles posted on our publicly accessible university web pages. We have been provided with examples of these articles and reviewed the situation. Elsevier has put the University of Calgary on notice that these publicly posted Elsevier journal articles are an infringement of Elsevier Reed's copyright and must be taken down.

Taylor claims that he's tried in the past to think the best of Elsevier, even offering suggestions on how they could change to regain the trust of researchers and librarians.

But now it's apparent that I was far too optimistic. They have no interest in working *with* authors, universities, businesses or anyone else. They just want to screw every possible cent out of all parties in the short term.

Because this is, obviously, a very short-term move. Whatever feeble facade Elsevier have till now maintained of being partners in the ongoing process of research is gone forever. They've just tossed it away, instead desperately trying to cling onto short-term profit.

There's more. Taylor says Elsevier's finished "as a credible publisher." He hopes to see lots of editorial boards breaking away. Several dozen comments include an amplification of the Calgary letter and a number of other interesting items.

### *Context for Calgary*

The Library Loon, in [a December 17, 2013 post](#) at *Gavia Libraria*, adds some useful background to the Calgary situation.

As best the Loon can tell, Elsevier is not directly sending these notices, which ([like the sole public example to date](#)) rely on the Digital Millennium Copyright Act, at least in the United States. The Loon is told that the notices come from a company formerly called Attributor and now (through some business alchemy, perhaps a purchase) [Digimarc](#), specializing in "[anti-piracy protection](#)," with which Elsevier has contracted. The [earliest mentions](#) the Loon has found of Attributor takedown campaigns date to late 2010... Richard Poynder did an [interview with Elsevier's Alicia Wise](#) in early 2012 during which Wise confirmed ongoing takedown notices.

So takedown notices on scholarly literature aimed at universities are nothing new. (Librarians, please note that money we pay content providers is going to copyright-cop actions against our faculty. *Do we find this acceptable?* If not, perhaps our journal-package contracts should reflect that.) One of the Loon's informants told her that the number of notices has apparently been ramping up in the last few months, however, for reasons unguessable. It could be as simple as Digimarc employing a newly-improved detection algorithm. The Loon does wonder about gradual frog-boiling... but there, she has no direct or indirect evidence and should not speculate.

What's new is that Calgary went semi-public with its blanket memo. The Loon finds this transparency welcome. She explains why you usually *don't* see such transparency.

### *When You Give Your Copyright Away*

Barbara Fister offers her take on the issue in [this December 18, 2013](#) "Library Babel Fish" column at *Inside Higher Ed*. Her response, as a librarian, to the shock of scholars and scientists over the takedown notices:

My response: HAHAHAHAhahahahah . . . whew, that was funny. (Wipes away tears of laughter and frustration.) Those chickens finally came home to roost. All these years librarians have been saying to scholars, "uh, you realize what happens when you sign away your rights, don't you? You just gave your copyright to a corporation. We have pay them to get access to that content, and anyone who can't pay

can't read it. Is this really what you had in mind when you wrote up that research?

The usual response: ZZZZZZzzzzzzzz snort, snuffle. Huh? Did you say something? Oh, yeah, tenure. Promotion. Don't be silly. I'm working on a review article, can you get these articles for me?

The response is a bit different when you get a take-down notice.

There is, of course, much more—and Fister notes, sadly, that the latest episode “once again shows that librarians are not the change agents we want to see.” Speaking directly to scholars who haven't been listening to librarians, she offers a handful of useful links.

### *Elsevier Takedown Notices for Faculty Articles on UC Sites*

Calgary wasn't the only case. Harvard received a number of takedown notices—as did several UC campuses. Thus this informational item by Katie Fortney [on December 20, 2013](#) at UC's Office of Scholarly Communication.

The factual item describes the situation—the takedown applies to local web pages, not UC's eScholarship Repository, and if nobody's told you there's a takedown notice for your site, assume that there isn't.

Then there's a very useful discussion of the situation with self-archiving, UC's open access policy, and *how* to properly self-archive. I love this final bullet point:

- *Compare the policies of different journals in your field.* If you have multiple publishing options, opt for the ones that give you more control over your work, and not those that are going to send legal notices to your university. The University of California will keep [this page](#) updated with information about publishers that have agreed to respect authors' rights, and how publishers are responding to the UC Open Access Policy.

“This page” is worth looking at, as it summarizes and links to more detailed information on how publishers have dealt with UC's OA policy. I was particularly fascinated by the table showing the number of waiver letters created between August 2, 2013 and May 2, 2014 by publisher. What's interesting there: the publisher with the most waiver letters—nearly three times as many as all the others combined—is Nature Publishing Group.

### *Setting the record straight about Elsevier*

This Keven Smith item, [on January 28, 2014](#) at *Scholarly Communications @ Duke*, is both interesting and a little intricate. It deals with just *what* a publisher actually controls when a scholar assigns copyright—and there's clearly a difference of opinion, at least regarding U.S. law.

I can't really summarize. What I can say is that, if Smith is right, the frequently-repeated Harnadian claim that it's *always* legal to post the ver-

sion of an article that was accepted by the publisher is simply not true. A number of observers have questioned that claim over the years. The comments include some back-and-forth involving at least one person who seems to feel that Smith, who does have a JD, doesn't understand copyright law.

### *Elsevier Takedown Notices: A Q&A with Peter Suber*

Finally, for this section, [this April 17, 2014 piece](#) from Harvard Library. Harvard received 23 takedown notices in November 2013—all for *published* versions of Elsevier articles, on places such as lab sites, faculty sites and course sites. None of the takedowns targeted DASH, Harvard's repository.

The Q&A is excellent, and while some of it is Harvard-specific it's still worth reading.

## Open Access

Elsevier famously supports OA in its own way. Without going into an in-depth examination of what "its own way" means (which I'm not competent to do), a few notes along the way on Elsevier and OA.

### *What changes when publishing open access—understanding the fine print*

Let's begin with a word from Elsevier itself, or at least two Elsevier employees, Jessica Clark and Federica Rosetta, in [this May 2, 2013 item](#) at *elsevierconnect*.

In order for a publisher to do their job of publishing and disseminating research articles, publishing rights are required. In a subscription journal, these rights are traditionally determined by a copyright transfer, which enables clear administration of rights and the use of content in new technological ways.

Oddly enough, nearly all *magazine* publishers working with freelance writers, publishers who *pay* for the material, do not require copyright transfers: they use a simple first-serial-rights license, possibly with some embellishment. But scholarly journals are different: they don't pay for material, so they somehow require greater rights. But that's an old discussion...

I'm skipping some of this, including a pretty good brief summary of the three most typical Creative Commons licenses. But then there's this:

As the Creative Commons user licenses were not specifically developed for academic publishing, there have been some concerns raised by authors and publishers about 'grey' areas. These relate to the need to protect an article from plagiarism and to preserve its scientific integrity. In addition, concerns have been raised about the possibility of

commercial advertising being associated with research content without authorization.

I suspect some of those involved in writing and refining CC licenses would be astonished by the idea that those licenses aren't suitable for academic publishing—although it's true that they're not explicitly written for, and only for, academic publishing. Mostly, this paragraph introduces the next brief discussion, on efforts by the International Association of Scientific, Technical & Medical Publishers to create *new licenses*, ones “designed for scholarly communication.” Based on the bullet points, these might include *scholarly* non-commercial reuse and permit text and data mining “for academic purposes and translation.” Not a scholar? Tough luck.

To my mind, the whole IASTM effort seems divisive and pointless, but I'm pretty nearly certain that I'm *not* a scholar as IASTM would define them.

### *Elsevier charge for re-use of author-paid Open Access article in teaching*

That's Peter Murray-Rust [on July 31, 2013](#) at *petermr's blog*, and it's pretty sensational as it stands:

The legacy publishers are not shy of promoting “their” latest articles under the #openaccess twitter tag. Here's today's from Elsevier. You might think that when an author had paid APCs to publish an article as “Open Access” you'd be allowed to use it for teaching 50 students. But no. I asked for permission – as an academic – to re-use 3 pictures from this article for teaching. And I am to be charged 82 dollars for

[there follows a screenshot]

Murray-Rust finds this astonishing, and says so fairly briefly. Go read the original.

### *Elsevier will not immediately stop charging users for CC-BY “permissions” and will not relabel mislabelled articles. I suggest academia takes legal action*

A followup (omitting some intermediate posts) by Peter Murray-Rust, same blog, [March 10, 2014](#). And maybe the title says most of it.

In this case, it boils down to a letter from Alicia Wise (Elsevier's “Director of Access and Policy”) in response to an assertion that Elsevier was charging readers illegally. The heart of her response:

As noted in the comment thread to your blog back in August we are improving the clarity of our OA license labelling (eg on ScienceDirect) and metadata feeds (eg to Rightslink). This is work in progress and should be completed by summer. I am working with the internal team to get a more clear understanding of the detailed plan and key milestones, and will tweet about these in due course.

To which Murray-Rust replied:

Thank you for your reply.

You therefore confirm that Elsevier will for several more months despite being alerted to the possible illegality

- \* continue to assert rights over CC-BY work

- \* will continue to ask Rightslink to collect money for “permissions” which it has no right to

- \* require re-users to “request permissions” when it has no authority to do so.

I would suspect that this is a prima facie breach of trading regulations.

He adds:

It seems clear that Elsevier knows its actions are wrong and doesn't care. NOTE THAT DURING THIS TIME ELSEVIER WILL CONTINUE TO COLLECT MONEY TO WHICH IT HAS NO RIGHT. My suggestion to funders, universities (on behalf of authors and readers) is take legal action against Elsevier for various breaches of contract.

If Elsevier is or was in any way charging for use or reuse of articles with CC BY licenses, it is or was on very tenuous ground.

*How is it possible that Elsevier are still charging for copies of open-access articles?*

Mike Taylor asked that question the next day, [March 11, 2014](#), at SVPoW. He notes that he'd written about a similar situation in 2012: Elsevier OA articles showed up as “All rights reserved” and had a price to give a copy to a student. At the time, nobody from Elsevier chose to comment.

More recently, Murray-Rust checked an OA Elsevier title and found that articles carried download fees. (In one case, Murray-Rust was asked to pay £8000 to print 100 copies of an OA article.)

Taylor discusses the issue, noting that it's either fraud or incompetence on Elsevier's part—and if it's the latter, it seems implausible that such a huge publisher with such a desire to be regarded as best in the field would be unable to fix something like this.

Astonishingly, when Taylor tweeted that it had (so far) taken “TWO FREAKING YEARS” for Elsevier to address the problem he identified, Alicia Wise responded, in part, “good things can take time.” Um, no.

There's a little silver lining here. Taylor notes in updates that Elsevier says it's refunding money wrongly paid (but doesn't apologize for the problem). There's also a link to an Elsevier article in which a comment offers an explanation as to why it's taking more than *two years* to fix a bug. As someone who worked as a systems analyst and programmer

for five decades, I find that the explanation fails to convince me that even a small but competent systems group couldn't fix this in a few weeks or months. On the other hand, at Elsevier "This process requires careful coordination among multiple development and content management teams," and maybe that explains a lot. Later comments in that same stream appear to indicate that Elsevier simply *ignored* Taylor's 2012 post.

There are more Murray-Rust posts on related issues, worth pursuing if you're interested in this.

## Libraries and Economics

Now we get to the heart of it—Elsevier and the customers it has the trickiest dealings with, specifically libraries (mostly but not entirely academic).

### *What you can and can't ask librarians*

This post, [on February 12, 2012](#) by the Library Loon at *Gavia Libraria*, makes a great starting point. It arises out of the boycott. I'm tempted to (and legally can) quote the whole thing, but some of it gets into other areas where you might want to read it yourself. (Not that I disagree, mind you.) The first few paragraphs:

"Let's ask our librarians to drop Elsevier subscriptions!" some of the new-breed boycotters have eagerly suggested.

Well, by all means try, but the Loon knows what the answer will be. Namely, "no." Possibly with added eyeroll and an "are you a *complete loon*?" expression. Here's why.

Elsevier doesn't sell individual journal subscriptions to libraries these days, except when forced to—and forcing them to is so Sisyphean that only a bare few libraries have tried, as yet. (The Loon can explain this phenomenon, but it's complicated. Ask in the comments if you want to know.) Elsevier sells multi-journal packages, and like coffee drinks at Starbucks, they come in large, immense, and ginormous sizes, all overpriced. Nor are they mix-and-match; libraries can't substitute journals they want for journals they don't. It's pure take-it-or-leave-it.

(Economists consider this a sneaky way of force-selling crappy journals that would never make it in a sole-subscription world. The Loon believes the economists quite right.)

So when you tell a librarian "stop subscribing to Elsevier journals!" you are thinking a dozen or so journals in your field, while the librarian has no choice but to think about several hundred journals running the entire gamut of disciplines. There's a word for what would happen to that librarian if he acceded to your request, without the full knowledge and

consent of the rest of the institution. That word is “fired.” If the librarian is only a little unlucky, that word is instead “lynched.”

The Loon then suggests seven questions (or clusters of questions) boycotters *can* reasonably ask, of which the first resonates with late items in this group:

“What’s the deal we have with Elsevier just now? What’s it cost? When’s it coming up for renewal?” The more you know...

I’m guessing that at most institutions the answer to that second subquestion would have been, and still might be, first a deferral to some higher authority and then “It’s confidential.”

### *Elsevier’s recent update to its letter to the mathematical community*

Timothy Gowers posted this on May 2, 2012 at *Gowers’s Weblog*. It’s a fairly long discussion that begins with some Elsevier tweaks to specific-journal pricing and subject collection flexibility, but moves on to consider the reality of big deals and why such deals make individual journal retail price changes somewhat irrelevant when those journals are part of Elsevier’s huge collection. These paragraphs offer a very good commentary on big deals (bundling) from someone who’s not a librarian:

Imagine you’re in charge of a university library and you have a limited budget. How do you spend that budget? In a system without any form of bundling, if you had an extra chunk of money, you would look around for the best additional utility you could buy with that money — where utility would be something like the number of new journal pages you could buy, multiplied by the average benefit that each journal page contributes to your university. In addition, the following would apply.

(i) If a journal’s quality goes down or its price goes up, then you have the option of subscribing to a different one that is better value for money.

(ii) If your budget goes down, you can decide which journals you value least (weighted by price) and cancel subscriptions to those.

(iii) If somebody wants to set up a new journal that’s better than existing journals in some way (for example it might be cheaper, or of a higher standard, or both), then they have a chance of persuading you to subscribe to their new journal, which you can pay for by cancelling subscriptions to less good journals.

Compare that with the system we have at the moment. What we actually have is this.

(i) If a (bundled) journal’s quality goes down, you can’t cancel your subscription to it. Your only option is to cancel the entire bundling agreement, which is a very drastic step to take.

(ii) If your budget goes down, then your options are to cancel a bundling agreement or to cancel subscriptions to journals that are not part of bundling agreements. The latter is much easier, so smaller independent journals are far more vulnerable.

(iii) If somebody wants to set up a new journal that's better in some way than an existing journal, they will have great difficulty getting libraries to subscribe to it, because they cannot save money by cancelling subscriptions to bundled journals.

Gowers notes a defense from an Elsevier person of bundling “on the grounds that it protects more obscure journals that might otherwise struggle to find enough subscriptions.” There’s a missing word there: it protects obscure *Elsevier* journals—at the expense of independent journals and smaller publishers. Gowers also notes that bundling protects *bad* Elsevier journals and “makes proper competition between journals impossible.”

But that’s just part of this post, which also looks at other aspects of Elsevier pricing and claimed reasons for its insistence on confidentiality (the one stated strikes me as ludicrous: if Elsevier actually published its real prices, it might violate competition laws: huh?). It’s an excellent read; read the comments as well.

Now we jump to 2014 and some interesting efforts toward transparency.

### *Transparency in Pricing*

For starters, I’m going to quote a few paragraphs from the final (draft) chapter of *Big-Deal Serial Purchasing: Tracking the Damage*, the *Library Technology Reports* issue I wrote in early 2014 (and which appeared in July 2014):

When I walk into a bookstore, I can find out what my prices will be and any discounts should be obvious. When libraries and groups of libraries subscribe to bundles of ejournals, they frequently have to sign nondisclosure agreements before they can get a price. The result is that publishers, including the four that dominate the STM publishing field, have the upper hand: Libraries can’t know whether they’re getting the best available price and can’t tell other libraries how much they’re paying. I can only assume that libraries and consortia agree to nondisclosure agreements because they think they’ll get better pricing as a result—but how can they ever know?

This situation should be intolerable, and I believe there are hundreds of cases in which it’s also illegal. Every state has some freedom-of-information law. Some (if not most or all) of those laws should make nondisclosure agreements regarding contracts between publishers and

public institutions, such as public universities and colleges (including their libraries) invalid.

It should be possible to build and maintain a database of actual contracted prices for journal bundles by public institutions—if necessary by filing the state equivalent of FOIA requests. Such a database might still leave publishers with more power than libraries in price negotiations, but would at least begin to level the playing field.

Once such a database is in place, it would behoove other libraries to resist nondisclosure agreements: Just say no. That's easy advice that's probably hard to follow, if you believe you're getting the *right* kind of special treatment for keeping secrets—but it seems clear that secrecy is harmful to libraries in general, and there's a good chance you're getting the wrong kind of special treatment.

(The text may be very slightly different in the actual LTR.)

I was primarily thinking of U.S. academic libraries, and I honestly wasn't too hopeful that much would happen, for various reasons. But there have been steps, here and in the UK. The rest of these notes have to do with those steps.

### *Elsevier journals—some facts*

That's Timothy Gowers again, in a *very* long post on *Gowers's Weblog* currently dated [April 24, 2014](#). It's a post you need to read yourself. Gowers has concluded (two years later) that the boycott he started isn't accomplishing much and that a “rapid change to the current system” currently seems unlikely. That given, the next best thing to do is to learn as much as possible about the details of the current system.

Gowers raises five questions:

1. How willing would researchers be to do without the services provided by Elsevier?
2. How easy is it on average to find on the web copies of Elsevier articles that can be read legally and free of charge?
3. To what extent are libraries actually suffering as a result of high journal prices?
4. What effect are Elsevier's Gold Open Access articles having on their subscription prices?
5. How much are our universities paying for Elsevier journals?

I'd like to think I've done a lot to answer the third question, but (not surprisingly) Gowers was unaware of my work; he does offer some pieces of evidence. He also addresses the other questions, but his main focus is the last one. (Do read those other discussions; they're interesting and useful.) (Briefly on the fourth question: As long as *all journals in a bundle* continue to publish more non-OA articles each year, the answer appears

to be “none at all.” Now let’s talk about the notion that Gold OA with APCs encourages journals to publish lots of papers, whereas otherwise they have no such motive...)

Getting to that last question, Gowers notes some early cases of attempts to uncover actual bundle prices and a few early successes. He links to [a 2014 PNAS paper](#) showing the results of a 2009 attempt that yielded figures from 36 libraries; while 2009 is a few years back, the numbers are still useful. Doing a tiny bit of naïve number crunching (calculating the price per FTE student, looking at the mean and median), a few things stand out:

- The median (\$47.03 per FTE) is significantly higher than the mean (\$41.98 per FTE) for 24 reporting institutions (which in some cases include multiple campuses, e.g. UC’s statewide contract).
- The range is not quite five to one, with one university paying just under \$21 per capita and one paying just under \$97 per capita.
- Ten institutions paid more than \$50 per capita; six paid less than \$35.

There’s a bunch of other stuff here, all of it worth reading.

In 2014, Gowers tried to take matters into his own hands. He first hoped to get cost-per-institution figures for UK universities and colleges from JISC, since JISC negotiates a consortial price. The JISC person basically referred him to Elsevier, and *that* begins a story best read in the original. Gowers lost patience and started sending Freedom of Information requests to the library directors at two dozen UK universities (the “Russell Group,” representing two-thirds of university research grant and contract income in the UK).

Most of the university libraries gave Gowers at least overall Elsevier costs; in the end, all 24 appear to have done so. The table of responses (along with not only student enrollment but also full- and part-time academic staff) appears in the post. Doing a similar quick check (and for the moment ignoring faculty), I see an even more extreme range: the highest cost per student (£83.76) is more than *six times* the lowest (£12.51). Converting to dollars, the range is \$21.27 to \$142.39 with a mean of \$53.37—higher than the U.S. figures except at the low end. [Corrected 8/26/14.]

Ah, but then comes Gowers’ additional commentary, and we see some of what’s at work here (and this is almost certainly true for U.S. libraries as well). You need to read the full discussion in the original, but very briefly the new Big Deal prices are based, to some extent on *what the library was paying Elsevier before*. The phrase is “historic spend.” And, of course, setting prices that way *requires* confidentiality.

Wouldn’t it be nice for other companies if they could rely on “historic spend”? The PC that I purchased in 1995 probably cost me around \$3,000; so, naturally, if I buy a PC from the same company this year (and

my most recent computer is from the same brand), I would be obliged to pay at least \$3,000 plus inflation. Right? My first laser printer also cost about \$3,000, so...

But of course it doesn't work that way when there's real competition and some costs keep going down. You would *expect* many of Elsevier's costs to go down for the same reasons computer prices (and, outside benighted areas such as the US, broadband prices) go down—but that would require knowing actual costs. (There's a section in my *Library Technology Reports* on that as well...)

There's considerably more here, including some of the correspondence when institutions initially *refused* to provide figures (as a few did—but all of them eventually came through). It's fascinating reading.

More than 150 comments. I did not read all or even most of them.

### *Elsevier in Australia*

Scott Morrison posted this [on May 21, 2014](#) at *Secret Blogging Seminar*. He was discussing the Gower numbers with one of the Australian university librarians; essentially all Australian public universities get the Freedom Collection, the same bundle most U.S. and UK libraries wind up with.

I love this post. For one thing, the library director considered hybrid journals to be double dipping, and Morrison states in bold “Gold open access hybrid journals are a scam.” (As I study OA journals, I'm simply flagging hybrids as “H” rather than analyzing them as OA journals.) The librarian also confirmed that “historic spend” tends to be the rule in Australia as well. Then there's this, which certainly conforms to the two back-of-the-Excel-envelope tests I did in the previous post:

She told me that the UK is widely perceived as having received a (relatively) great deal from Elsevier, in terms of annual price increases. If the UK numbers scared you, be aware that here in Australia we may well have it worse.

Given that contemporary UK prices appear to be about half of 2009 U.S. prices, that sounds right.

### *Around the Web: Your university is definitely paying too much for journals*

I'm going to take the easy way out here, and provide a link to John Dupuis' [June 17, 2014 post](#) at *Confessions of a Science Librarian* (if the link doesn't work, a search will—but make sure you get the right result). As is usually the case with Dupuis' “Around the Web” posts, he provides an excellent set of links to a variety of commentaries on this topic. If you'd like to explore more, this is the place to start.

## Not Just Elsevier

Especially for the final topic above, it's important to say that it's not just Elsevier. Indeed, the 2009 study (you'll find the links from various sources above) looks at payments to some of the other huge journal publishers as well (and payments from smaller libraries, at least to some extent).

Elsevier takes the lead because Elsevier does more of it, a lot more—and because Elsevier paints itself as a friend of OA. Done Elsevier's way, that is. Elsevier also takes the lead because some librarians seem to believe that everything Elsevier publishes must be first-rate. There's no question that Elsevier publishes some first-rate journals. There's also no question that Elsevier is very profitable, earning a much higher profit margin than most publishers (or most businesses). There's very little question that Elsevier also publishes some lesser journals and maybe a few that are questionable, and that Elsevier has engaged in some unseemly antics over time.

Is Elsevier worse than Wiley or Taylor & Francis or Springer or Sage or Emerald or...? I have no idea. I'm just offering some notes along the way.

## The Back

# Don't Want to be Tracked? Screw You!

The actual title is “Why ITIF Rejects Your ‘Do Not Track’ Request,” written by Daniel Castro and [posted September 27, 2012](#) on the ITIF blog (Information Technology & Innovation Foundation, “Smart Ideas for the Innovation Economy”).

Castro proudly announced a “new feature” on ITIF's website that detects whether you have Do Not Track enabled. If you do, you receive this notice:

Your browser has Do Not Track enabled.

This means that your browser is requesting that this website not track your online activity. We have rejected your request.

To learn more about Do Not Track and why ITIF is showing you this message, please [click here](#).

Castro regards Do Not Track as “a detrimental policy that undermines the economic foundation of the Internet”—and explains why at some length. You can probably guess why: tracking improves targeted ads, and targeted ads are the lifeblood of the commercial internet. “In general, everyone wins: ad-supported websites increase their revenue, users receive fewer

irrelevant ads and more free content, and advertisers get to be front of their target audience.”

Privacy? Pfah. It might lower ad revenues!

Followed by comments on the “fear-mongering that privacy advocates tend to engage in” and the like. Castro (and ITIF?) is/are all about “stopping the madness,” possibly by encouraging websites to *block* anybody with Do Not Track enabled.

Apparently, privacy is fine as long as it does not discourage websites and corporations from gathering as much information about each of us as they wish to gather, and using it however they wish to.

## Spotting Fake Science

This one’s here not to make fun of it but because it’s pretty good and doesn’t seem to fit anywhere else. The actual title is “10 Questions To Distinguish Real Science From Fake Science,” it’s by Emily Willingham, and it appeared [November 8, 2012](#) at *Forbes*. (A preface says it originally appeared elsewhere, but that link now yields a 404.)

We’re talking fake *science* here, not fake (or questionable) scientific journals—that’s been covered in previous issues. A more formal word is pseudoscience—as she defines it:

[T]he shaky foundation of practices—often medically related—that lack a basis in evidence. It’s “fake” science dressed up, sometimes quite carefully, to look like the real thing.

Maybe this key paragraph is enough:

Pseudosciences are usually pretty easily identified by their emphasis on confirmation over refutation, on physically impossible claims, and on terms charged with emotion or false “sciencey-ness,” which is kind of like “truthiness” minus Stephen Colbert. Sometimes, what peddlers of pseudoscience say may have a kernel of real truth that makes it seem plausible. But even that kernel is typically at most a half truth, and often, it’s that other half they’re leaving out that makes what they’re selling pointless and ineffectual. But some are just nonsense out of the gate. I’d love to have some magic cream that would melt away fat or make wrinkles disappear, but how likely is it that such a thing would be available only via late-night commercials?

Here are the ten key questions; you should go to the site to read the discussion of each one:

What is the source? What is the agenda? What kind of language does it use? Does it involve testimonials? Are there claims of exclusivity? Is there mention of a conspiracy of any kind? Does the claim involve multiple unassociated disorders? Is there a money trail or a passionate be-

lief involved? Were real scientific processes involved? Is there expertise?

Come to think of it, the third and fourth of those also apply in a lot of cases to spotting sketchy journals.

Sidenote: Because I'm doing some Freecycling, I am of necessity checking a Yahoo! Mail tab recently. Just did so. There are five ads, two of them for what certainly looks to be fake science.

## Drowning Media

The lead essay (“As We See It”) in the July 2014 *Stereophile* is by Steve Guttenberg, entitled “Start Making Sense.” He apparently heard a presentation asserting that streaming music will result in a *hugely profitable* music industry in 20 years or less—and then throws in this whopper:

Long before that, the market for physical media—music, movies, books, publications—will have shrunk to a size you could drown in a bathtub.

Why is Guttenberg certain that print books, magazines and *all other physical media* will be defunct by 2034? Apparently because most of his “non-audiophile pals haven’t bought music in a very long time.”

(How does the presenter—Marc Geiger—claim that the streaming music industry is going to be hugely profitable? Well, see, he projects one to three billion streaming music listeners in ten years, and if half a billion fork over \$10/month, that’s \$60 billion a year from streamed music. I heard lots of projections like this around 1999: “we only need 5%!”)

Perhaps the most remarkable part of this remarkable “physical music carriers are in decline, therefore all physical media are *doomed*” item is in the last paragraph:

And the future of vinyl? Before I give up my LPs, Marc Geiger will have to pry them from my cold, dead fingers. But I don’t think it will come to that. From the vantage point of 2014, it’s looking as if the LP will be the last surviving physical format.

There you have it. Print magazines? Doomed. Print books? Doomed. Blu-ray and DVD? Goners. CDs? Doomed. But LPs? Oh, they’ll go on forever.

## Speaking of Fees...

That is the title of this piece by Ian Bogost, [posted August 22, 2012](#) at his site. There’s backstory about a *Newsweek* Niall Ferguson cover story (from 2012) slamming Obama and Stephen Marche’s commentary on Andrew Sullivan’s response to that cover story. Marche’s piece appeared on *Esquire*’s Culture Blog. (No, I’m not providing all the links, partly be-

cause of aggressively ad-heavy sites, partly because I'm not sure the link sequence makes sense, partly because it's all backstory.)

The story here is in the subtitle to Bogost's post: "The facile scourge of paid speaking." He's focusing on one portion of Marche's discussion, and I will quote the same quoted material:

Ferguson's critics have simply misunderstood for whom Ferguson was writing that piece. They imagine that he is working as a professor or as a journalist, and that his standards slipped below those of academia or the media. Neither is right. Look at his speaking agent's Web site. The fee: 50 to 75 grand per appearance. That number means that the entire economics of Ferguson's writing career, and many other writing careers, has been permanently altered. Nonfiction writers can and do make vastly more, and more easily, than they could ever make any other way, including by writing bestselling books or being a Harvard professor. Articles and ideas are only as good as the fees you can get for talking about them. They are merely billboards for the messengers.

Bogost says it's worse than Marche says—not only that (some) nonfiction books and articles are essentially ways to get Big Speaking Gigs, but this:

Ideas are created not to be right or even interesting, but just to fit into the greatest number of possible "inspirational" keynotes meant to produce a dull hum tinged with just enough tingle.

What follows is too much to quote and best read in the original—and if you've listened to TED talks and had mixed feelings, I encourage you to read Bogost's "general purpose keynote speech or TED talk."

Then read the final paragraph. Maybe you can disagree with it. I can't. Read the comments as well. "BS is much easier to detect in writing than in speech." Unless the writing's converted to infographics...

## Bigger Than The Web!

That's Chris Anderson, speaking of facile writers and speakers who are never wrong, and here's the actual title of Tom Foremski's [November 16, 2012 Silicon Valley Watcher](#) piece: "Chris Anderson: 3D Printing Will Be Bigger Than The Web."

Anderson was at a *Wired* event signing copies of his new (then) book, *Makers: The Next Industrial Revolution*. And, apparently, speaking.

You probably already know Anderson is good at sweeping statements and generalizations. (Remember the long tail? He got a big book out of that as well, selling a whole hell of a lot more copies than those of us out on that long tail...) He apparently claims that desktop publishing *reproduced* the publishing industry, which goes a bit far (as Foremski notes, Anderson's book "was printed at a large print shop" and—as he doesn't note—published, distributed and promoted by Crown, not even as a self-published item).

Foremski doesn't quite see it, at least not in the sense of *home* 3D printers disrupting factories. It's a nice little piece.

Saying that "a 3D printer in every house" isn't gonna obsolete, say, car factories, iStuff factories or factories in general is *not* the same as saying that 3D printers are either worthless or won't affect many of us. If you tell me I'll benefit from a 3D printer some time in the next few years, I might agree—because a lot of those factories may be using 3D printers, typically much more expensive and specialized ones, to produce certain parts that don't make sense otherwise.

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## Masthead

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