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Date: Wed, 1 Jun 2005 17:39:37 -0400
From: "Mears, Janice" <jmears@CAS.ORG>
Subject: FW: ACS-CSIR conference, January 2006 in India

I am posting this two-part message on behalf of Madeleine Jacobs, Executive Director and Chief Executive Officer of the American Chemical Society.

Janice Mears
Manager, Communications
CAS

PART ONE OF TWO

From: Madeleine Jacobs=20
Sent: Wednesday, June 01, 2005 4:33 PM
To: 'Rich Roberts'

Dear Dr. Roberts:

I deeply regret that you are pulling out of the ACS-CSIR conference in India in January. You will deeply disappoint your Indian colleagues who have been looking forward to hearing from you. I am not sure why you want to punish your global colleagues because you disagree with some policies of ACS.

Through my editorship of Chemical & Engineering News, I was well aware that for some time you have been openly in favor of open access journals and free information. Indeed, as Editor-in-Chief, I gave you space and time to present your views. I also know that, by your own admission, you are hardly a disinterested party in the matter of PubChem. I can look at your distribution list and see that you have sent your notice to many people at NIH who have nothing to do with the India conference. What are your motives for sending your letter to this group?

I am glad you're giving me the chance to set the record straight and correct the misinformation on the subjects that you bring up. I realize that I will not change your mind since you've stated that you're an advisor to PubChem and are quoting verbatim in your letter the arguments that one disgruntled ACS member, who is also an advisor to PubChem, has been putting on various listservs and feeding to the media. Much of that information is wrong and incorrect.

So let me provide some additional context and to correct the misinformation that has been deliberately propagated by NIH staff and its consultants. I also hope to explain why ACS believes the circumstances are alarming and could threaten the very existence of Chemical Abstracts Service and many of the excellent programs we

provide to the nearly 158,000 members of the American Chemical Society and to the profession at large. This is, after all, a controversy about science.

The short summary is this: NIH has created a database called PubChem that has the stated purpose of publishing data generated by NIH grantees for the Molecular Library Initiative and the NIH Roadmap. Such information is to be linked to bioassay data for use in designing new drugs or other medical research. The data will be made available free of charge. Contrary to anything you may have read, we do not now and never have opposed this concept. Indeed, we do not oppose PubChem. We want it to stay with its stated mission, as described to us by Dushanka Kleinman in a letter of January 21: "PubChem's purpose is to archive and make publicly available for search and retrieval chemical structure and bioassay data generated by the Molecular Libraries Screening Center Network." I sure you will have noticed that not one molecule currently in PubChem has been generated by this network.

ACS is not against NIH or PubChem. ACS worked long and hard for years to mobilize its members to advocate for a doubling of the NIH budget. Our presidents, our Board of Directors, and our members supported this doubling because we thought the money would be used to advance research through research grants. We succeeded in helping NIH.

Now, what we are seeing is something that goes far beyond what NIH first proposed. PubChem duplicates the CAS Registry, the world's hallmark database for identifying all chemical substances encountered in the scientific literature and patents since 1907. The Registry is also the underpinning for many of the related information tools that CAS has developed since 1907. Together, these tools have compressed what would formerly take weeks or months of research time into minutes or seconds—literally fast-forwarding scientific progress. Following on some starter grants from the National Science Foundation, ACS has invested \$500 million in developing, maintaining, and enhancing this database.

It appears that there are individuals in the Library of Medicine who, for 25 years, have wanted to own the CAS Registry, and now that ACS, along with sister organizations, helped get NIH's budget doubled, they finally have the money to simply replicate the Registry. This is not speculation. We have strong evidence in the minutes from the ACS Board of Directors meetings in the 1979-80 timeframe, in the clear recollection of Dr. Mary Good (chair of the Board of Directors at that time), and in current information from people inside the Library. So there is much more going on than would first appear.

Date: Wed, 1 Jun 2005 17:39:58 -0400
From: "Mears, Janice" <jmears@CAS.ORG>
Subject: FW: ACS-CSIR conference, Nauary 2006 in India

I am posting the second part of the two-part message on behalf of Madeleine Jacobs, Executive Director and Chief Executive Officer of the American Chemical Society.

Janice Mears
Manager, Communications
CAS

PART TWO OF TWO

Why are we concerned about PubChem?

- * This duplication of effort constitutes unnecessary, unfair, improper competition from the government, with a proven service that has been operating successfully for nearly 100 years.
- * Using taxpayer money to fund the same work that is performed by CAS and offering it at no charge is both a wasteful use of public funds and one that threatens nearly 1,300 jobs at CAS and the viability of that entire operation. In contrast, ACS has used its own financial resources and the skills of thousands of highly skilled scientists to create the world-renown Registry. The costs are borne by the users, which is an effective and appropriate business model.
- * If Registry subscribers turn to the "free" services of PubChem, it's not only the Registry that is threatened. Also at risk are the many other CAS information products that are essential to the research community and which are not likely to be duplicated by PubChem.
- * More than half of the Society's net revenues are generated by CAS, and all but a fraction of one percent is reinvested back into our publishing activities-journals and CAS products and services--or into Society programs and member services. A serious reduction in revenues from CAS will have immediate and severe consequences for the viability of our publishing operations and thus for our ability to continue many of our member services and programs.
- * We question the premise that the federal government should be the funder, publisher, and repository of all scientific information. That's what is happening now with NIH and the National Library of Medicine. Yes, Rudy Baum has called this "The Socialization of Science." Concerned citizens should be alarmed.

Chemical information is the cornerstone of the ACS mission and its Federal Charter. There is no other organization more devoted to the mission of ensuring accurate and timely chemical information and its stewardship. ACS journals and CAS products such as SciFinder and SciFinder Scholar are mainstays in universities, corporations, and government labs around the globe. The business model for CAS products makes them available to the academic world at discounts of up to 90 percent and still provides enough of a return to fund remarkable innovation. Later this year, CAS will introduce CAS Mobile, which allows users to conduct complex searches from BlackBerrys and other hand held devices-a first for scientific information retrieval. Also, in July, CAS will be introducing a new data mining tool that will help scientists

glean even more information from the ever-increasing reams of information. New and important features in SciFinder are being introduced early next year. This is the kind of innovation we have come to depend upon and we cannot afford to take for granted.

By contrast, creating and publishing chemical databases is not the primary mission of the NIH. Their \$30 billion budget dwarfs the ACS budget, as does the size of their workforce. NIH's mission is to fund medical research and find cures for diseases, for which we are all grateful beneficiaries. In a time of flat budgets, when we would all like to see more research money across the board, is duplicating a highly respected database a good-or proper-use of government resources and our collective tax dollars? The rate of success for research grants has been declining, despite a growing NIH budget. I hope you agree with me that NIH should use its money to support research grants to advance its mission.

In addition, as someone who talks to thousands of our industrial members each year, I am alarmed when I hear an NIH official tell me, as he did in a meeting with ACS in March, that "the CAS business model is outdated and outmoded." Our free enterprise society in the U.S. operates on the premise that the government will not unduly compete with its citizens. The U.S. also operates on the premise that the users of information, not taxpayers, are the appropriate people to pay for these services. ACS information services cost substantially less than information services provided by the private sector. Our journal prices and costs per article are among the lowest among scientific publishers.

Our hope has been to reach an agreement with NIH whereby they would focus PubChem on its stated mission. We believe that both of our organizations can have an optimal role in promoting and facilitating scientific research without jeopardizing the value either of us brings to the community. NIH has turned down our approach for a working group that could resolve the controversy. Indeed, one NIH director has stated that "NIH will not back down."

We are still trying to work with NIH to resolve this issue for the advancement of science. In the meantime, it is clear that there are individuals who want to cast ACS in the worst possible light. When I have talked to our members and explained in detail what it is we are asking of NIH, they do understand why what NIH is doing is unfair competition. They do not like the idea of their tax dollars going to duplicate a service that is used in thousands of organizations around the world. If NIH would stop putting out misleading and erroneous information-including taking statements out of context in letters that ACS has sent in good faith-and come to the table to work out this situation in good faith, instead of waging a media campaign, this entire controversy would be resolved.

On several other points, I would add the following: The lawsuit against Google is about the use of a name we have had in the marketplace for many years: SciFinder Scholar. It is strictly about unfair competition, not about its product per se.

ACS remains firmly committed to its charter. I sleep with a copy of it by my bedside. It is perhaps the most important 100 words in the ACS Constitution and Bylaws. I believe firmly that we are carrying out that mission in good faith.

Sincerely,

Madeleine Jacobs
Executive Director and Chief Executive Officer

American Chemical Society
1155 16th Street NW
Washington, D.C. 20036
Phone: (202) 872-6310
Fax: (202) 872-6055