COPE Discussion document:
Who "owns" peer reviews?

COPE Council

Summary

This document aims to stimulate discussion about ownership rights in peer reviewer reports. Here we set out some of the issues that have arisen in previous discussions around peer review, some of which are specific to various models of peer review. We hope that the concepts discussed assist journal editors and publishers in establishing guidelines and clear policies for handling issues surrounding who owns peer reviews. COPE welcomes additional comments from journal editors, reviewers, researchers, institutions, funders and third party services on this subject.

Introduction

Two trends have recently come together within scholarly publication: open peer review and the desire to give recognition to the work peer reviewers do (see also [1]). At the convergence are organisations like Publons [2] and Academic Karma [3] who wish to openly acknowledge the work of peer reviewers by recording, not only the amount, but also, in some circumstances, the content of individuals' peer review activity. Emergence of these services therefore prompts a number of questions as to how best to ensure the interests of the author, reviewer, editor, journal and other stakeholders are protected.

Scope/limitations

Journals will have to determine how this guidance fits into their own peer review guidelines. At a minimum, this document raises issues that editors should consider as they monitor and revise their workflow and internal processes to acknowledge the work of peer reviewers and consider entering into agreements with organisations that publish peer reviews. It also describes considerations that should be addressed in a journal's written policies so as to minimize disagreement or uncertainty for individuals involved in the peer review process.

Background

What is peer review?

Peer review is the process by which a piece of scientific research is assessed by others—a researcher's fellow peers—who are suitably qualified and able to judge the piece of work under review in terms of novelty, soundness and significance. The process assists editors in deciding whether the research is suitable for publication in their journal. For further information on conducting ethical peer review, please see COPE's Ethical Guidelines for Peer Reviewers [4].

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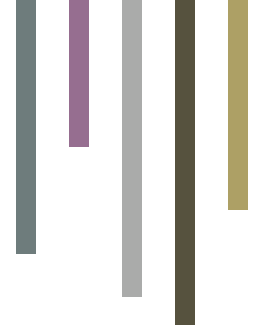
Models of peer review

Different journals use different types or models of peer review, all of which have various advantages and disadvantages. The main types of peer review are:

- **Single-blind:** the peer reviewers know the names of the authors, but the authors do not know who reviewed their manuscript (unless the reviewer chooses to sign their report).

- **Double-blind:** the reviewers do not know the names of the authors, and the authors do not know who reviewed their manuscript (but if the research is published reviewers can eventually know the names of the authors).

- **Open:** authors know who the reviewers are and the reviewers know who the authors are. In some journals, if the manuscript is accepted for publication, the named review reports are also published alongside the article. There are other meanings to openness, e.g. open participation, see [5] for further discussion.

- **Transparent:** similar to open peer review in that if the manuscript is accepted for publication, the content of the reviewer reports is openly available, however the reviewers are not named.

- **Interactive or collaborative:** usually refers to interactions between the reviewers or between the reviewers and authors to facilitate the review process. The process can be open or anonymous, and in some instances, the reviewers' identities are made known to each other, if not always to the author.

- **Post-publication:** open peer review operated by a journal that takes place after the manuscript is published.

- **Post-publication commenting:** public commenting or annotation that takes place on a published article. It can be anonymous (for example, PubPeer [6]) or fully open (for example, PubMed Commons [7]) or facilitated by a journal.

- **Pre-print commenting:** public commenting or annotation that takes place on an article shared on a pre-print archive or server. Commenting can be anonymous or open.

Note that "openness" should not be confused with "lack of confidentiality". While the duration and authority over confidentiality may vary among the different models of peer review, even a fully open peer review process still operates confidentially. For instance, the author of a manuscript that is rejected during an open peer review process (where the identities of the reviewers are known) cannot reveal those details further, e.g. to another journal without the permission of the original journal and reviewers.

Recognition for peer review activity

Until recent times, there has not been much discussion about giving recognition for reviewers who undertake peer review [1]. Peer reviewers simply engaged in the activity (or not) as a normal part of being an active member of the research community. For example, when Sense about Science [8] conducted a survey of 40,000 researchers in 2009, 90% of the 4000 people who responded said they review because they believe they are playing an "active role" in the community [9].

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Recognition for peer review activity continued

Within the past few years, however, a number of surveys have shown that reviewers increasingly want recognition for the work they do (for example, [10], [11]). These findings have been reiterated in the Nuffield Council on Bioethics' report into the culture of scientific research in the UK [12], which highlights the need for institutions and funders to recognise the wider activities researchers undertake, including peer review.

As academics, editors, publishers, institutions, funders and third party services grapple with how to give recognition to peer reviewers, there are some broader issues to consider:

- Does sharing of reviewer comments breach the confidentiality of anonymous/single-blind/double-blind peer review, even after publication?

- What can journals do to make sure reviewer comments remain confidential?

- Should reports obtained under an open peer review remain confidential if the manuscript is not published?

- How can reviewers ensure they are able to share and get recognition for their review?

- Is increased transparency in peer review a good thing?

- How can we measure peer review output?

- Does recognising reviewers necessarily mean publishing their reports?

- Is it ok for an author to share the content of a reviewer report with another journal? If so, what tools/systems are needed by publishers to ensure integrity?

- Who should have ownership of peer review comments, and who should be required to give consent if they are made public?

- Is it unethical for an author whose manuscript has been rejected by one journal to submit to another without explaining (in the context of a cover letter for example) how they addressed any relevant previous concerns?

To address these issues, we need to give consideration to the particular stakeholders involved and the peer review process adopted.
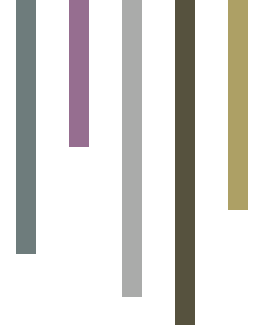
Legal requirements and community norms for all stakeholders

1. Peer reviewers

While the depth of commentary may vary greatly among reviews, given the minimal thresholds set by copyright law, it can be presumed that most reviews meet the requirements for protection as an "original work of authorship". As such, in the absence of an express transfer of copyright or a written agreement between the reviewer and publisher establishing the review as a "work for hire", it may be assumed that, by law, the reviewer holds copyright to their reviewer comments and thus is entitled to share the review however the reviewer deems fit. For example, reviewers may wish to publish their reviews in order to demonstrate their expertise in a subject matter and to contribute to their careers as a researcher. Or they may see publication of their reviews as advancing discourse on the subject and thus acting for the benefit of science as a whole. Nevertheless, a peer reviewer's comments are significantly different from many other works of authorship in that they are expressly solicited as a work product by a journal and—whatever the peer review model—are subject to an expectation of confidentiality. However, without an express agreement between the journal and the reviewer, it is questionable whether such obligation of confidentiality should be considered to apply only until a final decision is reached on the manuscript, or to extend indefinitely.

If a journal wishes to publish open peer review reports, they should implement a policy requiring reviewers to sign a written agreement or rights transfer authorizing the journal to make the report publicly available prior to agreeing to undertake peer review.

2. Authors

If an author submits a paper to a journal with a confidential peer review process, then they may assume that confidentiality will be upheld and protected even after publication (unless the authors subsequently agree otherwise). For example, in the case of single-blind peer review, an author may not wish to see details of earlier versions of their paper revealed via peer review reports. In a typical case where a reviewer identifies flaws in a manuscript and the author(s) corrects such flaws before resubmission, then it is questionable whether there is any benefit derived from publishing comments that have been addressed satisfactorily prior to publication.

However, in some cases authors may have an interest in publishing the peer review information associated with their published article (subject to agreement of the peer reviewer and journal). They may consider such information as providing added value to the article, demonstrating transparency or encouraging post-publication commentary.

Where authors have not been successful in publishing with their "first choice" journal, they may want to share the peer reviewer comments they have received with other journals in order to make the peer review process more efficient with the second journal. In such cases, authors also need to respect the confidential nature of the review process. Even if the original peer review process was open (ie, reviewers are named), it is advisable that authors only pass on the comments of reviewers to another journal, and not the reviewer identities, unless they have permission from the journal and reviewers to do so. For further discussion see section on 'Portable peer review' below.

3. Editors/publishers

Editors and publishers are free to determine the type of peer review model they choose to adopt for a given journal, and to expect this to be maintained by all parties. However, in

certain circumstances there is a need to strike an appropriate balance among those reviewers who seek additional openness against those who value the anonymity of the single-blind peer review model. Decisions made unilaterally by authors or reviewers to publish reviewer comments may impact the journal's effectiveness in maintaining their preferred model and threaten the journal's ability to recruit reviewers. In addition, the ability of editors and publishers to uphold the confidentiality of their peer review process may assist them in deflecting legal challenges from individuals that seek to demand or compel disclosure of reviewers' names or other confidential information relating to peer reviews.

Editors and publishers in general also want to encourage efficient peer review. They may share manuscripts and peer reviewer reports and identities with editors of other journals in order to assess suitability for transfer of a manuscript to another journal, subject to the author's permission (to share the manuscript) and reviewer's permission (to share the report and/or their identity). This process usually happens within a publisher, however, there are initiatives underway that share manuscripts and peer reviewer reports across journals—for example, the Journals of the American Medical Association [13] and the Neuroscience Peer Review Consortium [14].

4. Institutions and funders

Institutions and funders may have some interest in obtaining information about reviewer activities. For example, some institutions adopt internal peer review of grant proposals and internal review of manuscripts. In general, peer review activity may be a factor in consideration for career advancement or project awards for their researchers. Verification of these data is administratively complex. Institutions and funders may also request details of the peer review process as part of an investigation.

5. Other stakeholders

Those outside of research institutions, including policy makers and medical staff, often rely on journal articles, vetted via peer review, to determine which research is trustworthy and which is not. Making some details of the peer review process open may help to increase confidence in the process of research assessment and thus the value of scientific output as a whole.

Portable peer review

The process of portable peer review or sharing of reviews between journals, within or across publishers, can improve efficiency and save authors, peer reviewers and editors considerable time and effort. Some journals do this proactively or on request via the publisher which facilitates verification of the authenticity of the reviews [13, 14, 15]. Sometimes authors who have had a manuscript rejected at their first choice journal, may submit to another journal and include their original reviews and rebuttal for further consideration. There are strong ethical arguments for responding to previous reviewer comments [16]. However, irrespective of the particular model of peer review being adopted, all parties should respect the confidentiality of the peer review process and only pass on reviewer comments with the proper approval from the original editors and reviewers. There is a key custodian role for the publisher/editor in this respect.

Recommendations for setting a policy

Editors and publishers must choose the most appropriate peer review model for their journal, and this policy must be clearly communicated to authors and reviewers in writing. For a discussion of some of the issues see [17, 18, 19]. Peer review policies should include fair and transparent consideration of the following:

- extent and duration of confidentiality requirements for authors and reviewers;

- whether the journal will publish the names of reviewers with the manuscript;

- guidance for potential transfers of reviews of manuscripts that are rejected and then submitted elsewhere.

Above all, it is crucial for all journals to make their policies and expectations clear so that authors and reviewers are aware of these when deciding whether to submit a manuscript to, or review for, a journal.

Recommendations for setting a policy continued

If the journal intends to restrict the reviewer's use or disclosure of their review, it may be useful for the journal to consider a written agreement or acknowledgment of the restrictions that must be signed by its reviewers. Journals may also wish to consider other means for providing credit or acknowledgment to reviewers.

Contributors

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Further reading

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3. http://academickarma.org/

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