

Privacy, Plagiarism, and Publication: Report from the COPE Seminar 2008

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With its membership having grown five-fold with the addition of nearly 2000 Elsevier journals in February, COPE (the Committee on Publication Ethics) held its annual seminar in London on 4 April 2008.

Growing publisher support of the committee—founded in 1997 as a forum for editors of peer-reviewed journals to discuss possible breaches in publication ethics¹—has been welcomed by COPE Chair Harvey Marcovitch. But, as he explained in his opening address, COPE has in some respects become a victim of its own success. It is increasingly asked to adjudicate nonmember disputes and to advise on matters deemed to be outside its mandate, such as research misconduct.

Ethics and Privacy Legislation

With a satiric nod to the “good old days”, Peter Hall, editor-in-chief of the *Journal of Pathology*, explained in his opening presentation how legislation and guidance published in the last decade have influenced the handling of research involving human tissues. An article documenting research on tumor biopsies and patient records published in the late 1980s,² for example, did not mention ethical approval or consent. But now, after concerns about the retention of human organs without consent brought to public attention by the events at Alder Hey and Bristol hospitals,³ a number of jurisdictions are involved in upholding ethical-research standards. Those jurisdictions include ethical review boards and, in the UK, the Human Tissue Act (2004).

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However, Hall explained that because ethical guidelines and legislation inevitably vary nationally, this presents new challenges for editors. Indeed, there remains substantial variation in pathology journals’ instructions to authors with regard to ethics and consent. Compliance with internationally recognized agreements, such as the International Committee of Medical Journal Editors’ “Uniform Requirements for Manuscripts Submitted to Biomedical Journals”,⁴ is common, but Hall noted that these guidelines often transfer responsibility to other jurisdictions (such as the Declaration of Helsinki and local ethics committees), so challenges remain for journal editors.

In practice, that requires editors to consider not just where tissues are procured but where the analysis was carried out, which Hall conceded could potentially be manipulated to reach a “lowest common denominator” of ethical standards owing to local differences in requirements. The level of proof for ethical approval is another gray area inasmuch as obtaining all documentation for all manuscripts may not be practical.

Despite continued debate about appropriate ethical standards, Hall noted that Bryant et al⁵ this year found that 96% of patients surveyed would not object to their tissues’ being used in research.

The US approach to patient privacy was discussed by Faith McLellan, editor of the US edition of *The Lancet*. The Health Insurance Portability and Accountability Act (HIPAA), a \$17.6 billion piece of legislation that primarily addresses issues of insurance coverage, also required the development of a law that provides protection of privacy of health information.

McLellan explained some of the complex regulations of the HIPAA privacy rule, which aims to protect identifiable health information during transfer between “covered entities”,⁶ such as health-care provid-

ers and health-care clearinghouses—but not journals.

However, with the current lack of an official ruling or authoritative legal advice for journals, McLellan suggested that journals take the initiative in creating a uniform policy, obtaining consent for publication, and limiting the use of private health information.

What Is Publication?

Shifting definitions of *duplicate publication* (the practice of publishing the same information a second time without acknowledging the first publication⁷) and the challenges faced in the Internet age were the topics of the presentation by Linda Miller, executive editor of *Nature* and the *Nature* journals.

Duplicate-publication policies prevent multiple credit for the same finding, protect the credibility of researchers, and support ethical publishing practices, Miller explained. They also build trust in peer-reviewed literature and prevent damage to clinical-trial meta-analyses.

The multimedia opportunities afforded by online publishing enable, for example, data presented at conferences and related presentation slides to be posted on the Web. As in the case of publication of posters or abstracts in journal supplements, it is generally accepted that these would not be considered prior publication. However, various publishers now have established or are experimenting with preprint servers, and Miller noted how duplicate-publication policies differ widely with respect to preprint servers. *Nature*, for example, allows prior publication on preprint servers,⁸ whereas such a policy does not seem to be so widely embraced by *Science*.⁹

Established publishing practices largely facilitated by the Internet—such as clinical-trial registration, mandatory deposition of genomic data, and open peer review,

which can sometimes involve the posting of manuscripts before publication—also have implications for duplicate publication, Miller said.

What Happens after Publication?

“Negative results are not of interest to anybody.” Editors do not want to publish them, and the industry may have to resort to paid-for publications for the less interesting articles it generates to see the light of day, according to Liz Shanahan, managing director of health-care communication consultancy FD Santé. Although that point was later refuted from the floor (some journals^{10,11} do capture negative and/or confirmatory results), her lecture gave some perhaps less commonly heard insight into how the pharmaceutical industry and the mass media use information after it is published.

There may be underlying biases in all groups involved in generating scientific literature—prestige for authors, sales for industry, and promotion for editors—but the industry is often seen as the whipping boy, Shanahan argued. She explained that the pharmaceutical industry has “undeniably tight” codes of ethics and apparently often gives researchers the autonomy to investigate hypotheses not related to the primary objective of research that it has funded.

Citing the Wakefield measles, mumps, and rubella publication in *The Lancet*¹²—typically seen as an example of the mass media’s distorting interpretations of scientific results with severe consequences—Shanahan said that it was an example of how the mass media are potentially seen as a friend as well as an enemy. She suggested that mass-media coverage triggered an “uncontrolled conversation” on the issues and may have raised the profile of the journal.

Ethics Audit

The penultimate session, led by Elizabeth Wager, managing director of Sideview, gave two journals’ accounts of their experience in participating in the pilot of COPE’s publication-ethics audit. Wager also explained how COPE has updated and consolidated

its Code of Conduct and Best Practice Guidelines¹³ into a single document that clarifies the difference between minimal ethical requirements and requirements that should be aspired to.

The audit—for which COPE is seeking more volunteers—involves setting journals’ policies against a 23-item checklist of ethical-publishing practices. The editors of a national medical journal that has been a member of COPE from the beginning found the audit to be a good way to discuss editorial policies. Charlotte Haug, editor-in-chief of the *Journal of the Norwegian Medical Association*, recommended that such an audit be performed regularly by a journal, regardless of its size, but suggested that COPE be clearer on which policies are necessary and which are open to debate.

However, an established science-based journal participating in the audit found it more challenging. The managing editor of *Plant Journal*, Irene Hames, suggested that the wording of some parts of the checklist was too strong and that a sliding scale of stringency might be a useful addition, with more examples from nonbiomedical journals. Hames nevertheless acknowledged that the audit was a useful exercise to review “information for authors”, which, if Frank Davidoff (editor of *Annals of Internal Medicine*, 1995–2001) is to be believed, “no one ever reads”.¹⁴

Plagiarism Detection

It was announced that a new plagiarism-detection service would be launched in June by the independent publishers’ membership association CrossRef, which currently provides the reference-linking service that gives each article a unique digital object identifier (DOI).

The Director of Strategic Initiatives at CrossRef, Geoffrey Bilder, explained that CrossRef is in effect “a PO box for citations”, containing DOIs for 30 million articles in 19,000 journals, and overcomes such problems as broken links that result from journal URL changes.

Because CrossRef has access to that large database of source material, Bilder explained that it should be able to combat an inherent challenge to commercial pla-

giarism-detection software (limited access to relevant publishers’ content) with the launch of its new tool, CrossCheck.

The service has been piloted by several high-profile publishers and journals, including Elsevier, Wiley-Blackwell, Taylor & Francis, *The New England Journal of Medicine*, and the *BMJ*. An important consideration for using the service is where in the editorial process it should be integrated, Bilder said. The earlier in the process CrossCheck is integrated, the more documents need to be checked; the later in the process, the higher the cost per document. Rolling out the service in different journals’ electronic manuscript-submission systems was particularly challenging, and Bilder noted that work still needs to be done to establish acceptable thresholds of overlap for various disciplines.

The service is expected to be funded by about one-fifth of the fee currently charged to publishers for the CrossRef service.

As in previous years, the seminar was punctuated with discussions of ethics scenarios, which provided an opportunity for members to compare approaches and to change their practices as a result of COPE’s guidance.

The participants were given a preview of the redesigned COPE Web site (www.publicationethics.org), which was to be launched in June 2008. This was to coincide with strategy discussions to define COPE’s role now that it has become, since February 2008, a registered charity. 

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