



**Forum agenda**  
**Meeting to be held on Monday 30 April 2018**  
**BY WEBINAR**

**At 4pm–5.30pm (British Summer Time)**

**1. Update on COPE activities by the Chair**

**2. Forum discussion: Preprints**

**3. New cases**

**18-02 Dispute between two authors (AC)**

**18-03 Editor and reviewers requiring authors to cite their own work (LJ)**

**18-04 License for a published scale (ES)**

**18-05 Undisclosed conflict of interest (GE)**

**18-06 Retrospective registration, outcome switching and ethical approval (EH)**

**4. Updates**

**18-01 License for using a published scale**

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## 2. FORUM DISCUSSION: Preprints: continuing the conversation

<https://publicationethics.org/forum-discussion-topic-comments-please-11>

Preprint platforms have been common in physics and mathematics but the preprint landscape is changing rapidly with new platforms emerging across various disciplines. This raises opportunities for discussion across communities and for all those involved: preprint platforms, journals, authors, funders and institutions.

COPE has facilitated this discussion previously via an earlier [forum discussion](#) and with respect to [peer review](#). To continue the conversation, COPE has developed a new ‘Preprints’ [discussion document](#) that sets out some of the benefits and challenges associated with the posting of preprints.

We have received valuable feedback since posting the discussion document and we’d very much welcome your thoughts and feedback as we discuss the key issues further:

- What are the risks if a preprint with a potential impact on public health is interpreted as established evidence?
- Could subject-specific differences influence the adoption of preprint servers, particularly in clinical fields?
- If preprints have DOIs, does that qualify them as prior publications?
- What standards exist for correcting preprints? Who is responsible? Could changes link to final published articles?
- Could researchers post a preprint that has been rejected from a journal?
- Do preprint servers address publication bias?
- Do preprint servers increase or decrease transparency?
- Who is responsible for checking if appropriate permissions have been received for the data and figures in a preprint?
- What if there is an authorship dispute on a preprint?

### 3. NEW CASES

#### 18-02 Dispute between two authors

A manuscript was submitted by author A to our journal. The content of the paper was controversial. We sent this manuscript for peer review by two clinical reviewers. We wrote back to author A requesting major revisions to address the concerns and issues raised by the reviewers. A revised paper was submitted and accepted for publication.

Because the article was controversial, mini-commentaries were commissioned from authors B and C to be published together with the paper. Mini-commentaries are short articles with a word limit of 500 words and by invitation only, usually written by an editor or referee, although they can also be authored by a third party at the discretion of the editors. Their aim is to provide a clinical or research perspective relating to the manuscript being referenced in order to provide a different overview of the research findings (ie, they can be personal opinions in some cases). These are then published with the referenced manuscript in the same issue of the journal.

Author A's manuscript was published together with the mini-commentaries. The mini-commentary by author C disputed the findings in the paper by author A and stated that in their opinion.

Three years later, we received a letter of concern from author A alleging scientific misconduct by author C and demanding that we retract the mini-commentary written by author C. Following discussion among the senior editors of the journal, permission was obtained from author A to allow author C to have sight of this letter in order to allow a response to be made to the accusations made by author A, which were somewhat intemperate in tone (including accusations of falsification, fabrication, duplication and violation of scientific integrity). Author C responded that the accusations raised by author A were absurd and recommended that the journal ignore them. Author C provided some publications supporting his views.

#### Question(s) for the COPE Forum

- Currently, the editors do not see any scientific reason why the opinions expressed by author C should be retracted. The views expressed are personal but there is scientific evidence to support them. Author C did not suggest that author A was fraudulent, merely mistaken. The editors currently consider that they have no need to adjudicate between two opposing scientific views, for which each protagonist can cite evidence. Does COPE agree?
- In view of its intemperate language, the editors currently feel that it would not be appropriate to publish the letter from author A criticizing the mini-commentary. While the editors wish to publish all letters within reason, we feel that it is justified to decline publication if we feel the author has not made a substantive point or if they use inappropriate language. Does COPE agree?
- Should we invite author A to submit a reasoned letter without accusations of scientific misconduct to see if this is then suitable for publication?

- If author A agrees to submit such a revised letter, we would plan to invite a reply from author C but publish one or both irrespective of the response from author C (eg, they might decline to reply). Does COPE agree that this is appropriate?

### **18-03 Editor and reviewers requiring authors to cite their own work**

A staff member in our editorial office noticed a decision letter where a handling editor instructed an author to cite an article published by the handling editor. The staff member wondered if this had happened before, and reviewed recent decision letters by that editor. This revealed a concerning pattern of behaviour—the handling editor’s decision letters (including reviewers’ comments) asked authors to add citations of his work more than 50 times, three times more often than he asked authors to add citation of work he did not co-author.

Looking more closely, the handling editor frequently invited the same four reviewers to review the papers he handled. The requests for added citations sometimes came from those reviewers, and sometimes from the handling editor alone. The handling editor asked for his own papers to be cited more than 20 times and never personally requested citation of papers that were not his own. The four regular reviewers requested citation of the handling editor’s work much more frequently than they requested citation of papers he had not authored, and most of the citations they requested that were not the handling editor’s were of papers they themselves had co-authored.

In at least one case, an author did not add the citation of the handling editor’s paper as requested, so the handling editor returned the paper to the author again with the request that the citation be added. This created concern that he was requiring authors to add these citations before he would accept their papers. According to COPE’s ethics guidelines for peer reviewers, reviewers should “refrain from suggesting that authors include citations to your (or an associate’s) work merely to increase citation counts or to enhance the visibility of your or your associate’s work; suggestions must be based on valid academic or technological reasons.”

The staff member brought the issue to the journal’s editor-in-chief to see if there was legitimate scientific reason for these papers to be cited. (Note: in our editorial structure, handling editors make final decisions about papers; the editor-in-chief does not normally review decision letters before they are sent out). After reviewing the papers in question, the editor-in-chief did not see a reason why these additional citations were scientifically necessary. The editor-in-chief then consulted with the journal’s editorial board (handling editors are not part of the editorial board). The editorial board agreed that they could not see a scientific reason why these citations were requested. The editor-in-chief and editorial board drafted a letter to the handling editor to ask him to explain the pattern and why he requested these additional citations. The editorial board and editor-in-chief agreed to wait until hearing from the handling editor before contacting the reviewers.

The handling editor responded with a letter that stated that he requested citation of his own work more often than others’ work because he was most familiar with his own work. He then stated that he found the inquiry from the editorial board to be offensive and resigned immediately. The editor-in-chief and editorial board decided that the resignation was sufficient and closed the case.

In response to this case, the journal staff have added time to the journal’s annual meeting with the handling editors for review of editorial ethics, to ensure that all editors are familiar with COPE and the journal’s ethical standards. The journal’s code of ethics is also included

in the handbook provided to all handling editors, and editors will be asked to sign an agreement stating that they have read and agree to the code of ethics each year.

**Question(s) for the COPE Forum**

- What if anything should the journal have done differently? Are there other actions the journal should have taken?
- Should the journal have reached out to the reviewers as well, or was reaching out to the handling editor sufficient?
- Do other journals have safeguards in place that would help identify a pattern such as this one more easily?

## **18-04 Licence for a published scale**

We have received a number of manuscripts involving a published scale where the scale's developer is known to comb the literature and ask those who used the scale for research to pay for a retroactive license, sometimes asking for very large sums of money.

We have started asking authors on all submissions where the scale is used to provide a copy of the license agreement with the scale's developer. In most cases, the authors do not have the agreement and are not receiving prompt responses from the scale's developer and his team when they contact him to ask about the license. We have had to withdraw these manuscripts from submission until authors can provide evidence to indicate that the scale's developer has granted them a license.

In a more complicated case, we found an accepted (but not published) manuscript that used the scale. We asked the authors, after acceptance, to obtain the correct permissions (they had not done so initially). They subsequently acquired the correct license, but the scale's developer came back with a number of comments on the paper that he was requiring the authors to make prior to publication. This included adding three of his own papers to the reference list (but not indicating where they should be cited in the text). He also added his name and contact information to a number of places in the paper, most notably in the acknowledgments section.

The scale's license contract and copyright agreement includes a number of 'copyright requirements' that the authors must agree to. One of these is that all manuscripts using the scale that are being considered for publication must be submitted to the developer first to check that all copyright requirements are included. We felt it would be editorially irresponsible to allow these changes to the manuscript after peer review and have had to withdraw the manuscript (the developer also indicated that he "will not allow" the authors to publish the version of the manuscript that was accepted). The authors were very understanding about withdrawing their paper as they had been having a difficult time dealing with the scale's developer and his team.

We have another case where the authors are removing data from their manuscript relating to the published scale but adding a note to indicate why they have done this. As such, the reporting of results will be incomplete.

We disagree with the actions of the researcher and his enforcement of copyright on the tool. We are currently only publishing articles that have a license permitted by the scale's developer because we do not want to be sued or have to retract the articles.

### **Question(s) for the COPE Forum**

- How should we be handling cases where this scale is being used?
- Should we be taking any action relating to the developer's conduct?



## **18-05 Undisclosed conflict of interest**

We published two peer-reviewed articles—one protocol and one paper with the results of a comparative analysis comparing a group of people associated with a specific “complementary medicine health care organization” (CMG), with the general population, which concludes that the group has “unusual health indicators” (more favourable than the general population).

The papers originally contained a conflict of interest (COI) statement stating that the authors were “insiders, in that they attend CMG events. However, they have received no funding, reimbursement, or other consideration from CMG or its stakeholders, and no instructions or directions of any kind from CMG or its stakeholders. No other competing interests exist.”

Our freelance copyeditor edited this statement out, to read “Conflicts of interest: None declared”, because “attending events” is not normally something that would be considered a COI. The authors approved the galleys and did not object to these copyediting changes.

Shortly after publication, we received a 12 page letter from a journalist, detailing extensive undisclosed COIs of the authors. The letter was also addressed to another journal which published another protocol from the group, as well as to the university (the lead author is associated with the university). In the letter, the CMG movement is characterized as a controversial, multimillion dollar international enterprise. The healing modalities promoted by CMG do not appear to be evidence based. In the letter, evidence was provided showing that all researchers are long term public promoters of the CMG enterprise, as well as being spiritual adherents to the CMG ‘religion’. One author is a former CMG company director. The letter also says that the lead researcher is the spouse of a current CMG “company director” (which is disputed by the author). The corporation is owned by another corporation which in turned is owned by the founder of the CMG enterprise.

As alleged in the letter (and confirmed by our own internet searches), all authors are influential persons within the CMG spiritual and business community. We confronted the lead author with these allegations and asked the authors to provide a more detailed COI statement for a possible correction of the original papers. In response, the lead author submitted a 1 page revised COI statement detailing that all four authors have varying degrees of association with the CMG and are members of the “Practitioners’ Association” which is the body regulating practitioners who are qualified to practice CMG modalities. Two authors have “occasionally offered paid private healing sessions”. The revised COI by the author also alleged that “all authors have experienced substantial health benefits since they started visiting CMG events”. In addition, they all have published blogs on CMG associated websites. The wife of the lead author is—according to the revised COI—involved in “voluntary activities around producing content for a CMG associated company and is a “company secretary” of the CMG associated company and “does this in an honorary capacity. She is not a director or shareholder” and “does not receive any financial incentives” from CMG.

We consulted the original peer reviewers, showing them the updated COI. They said they would not have accepted the manuscript had they known about these extensive COIs. We suggested to the authors that we feel that both articles should be retracted and we would prefer to do this with their consent.

The lead author rejected this with the argument that “we originally submitted a COI statement which the journal removed. Subsequently, you falsely asserted that my wife, is a Director and employee of a CMG associated company when she clearly isn’t and has never received any fund from CMG.”

We checked the company registration and the spouse is actually listed as company secretary, which is considered an ‘officer’ of a corporation in the country of registration, so they have many of the same duties and obligations as directors. Our concerns with the COI of the lead author (and his spouse) go beyond financial COIs, as in his blog the lead author describes how meeting the CMG founder “changed our lives profoundly”, and his spouse is describing “seemingly miraculous changes” as a result of CMG. This level of passion for CMG and their involvement may affect the authors’ scientific judgement.

The university has launched an investigation as a result of the journalists’ letter, but the investigation is not complete. Meanwhile, the case has also been picked up by the mainstream media, who is putting pressure on the university to distance themselves from CMG, which is described by the media as a “cult”.

**Question(s) for the COPE Forum**

- Should we publish the updated COI statement as a corrigendum, perhaps with a notice of editorial concern, and wait for the outcome of the university investigation to decide on further steps
- Or should we retract the papers due to non-disclosure of COI (and also due to concerns over the content and practices of the CMG enterprise, the scope of which neither reviewers nor editor were aware of when accepting the paper)?
- Is there any third option we have not thought of?

## **18-06 Retrospective registration, outcome switching and ethical approval**

Journal A received a number of concerns from a reader regarding a paper published in the journal. These concerns were reviewed and sent to the authors of a paper, along with additional comments from the editorial board. The concern was largely around retrospective registration, and an inconsistency between the trial registry record and the published paper. An editorial board member conducted a full comparison of the trial registry entry with the paper.

The authors have admitted honest error with full explanations. The editor-in-chief has asked for confirmation that all authors and institution are aware and outlined options for next steps. The suggested options for next steps from the editor-in-chief are: (a) retraction of the paper; (b) substantial corrections and explicit declaration of the flaws of the trial procedures and protocol violations and selective and misleading reporting; which may well render the trial invalid or at least biased, and then providing a better and corrected summary table and narrative of what can be legitimately said. This is not ideal and will regrettably give the impression of insufficient rigour in the execution of a trial and the data still being in the public domain, although a more confident statement of a negative trial is better than selective reporting of some positive findings; (c) or we invite retrospective critique and commentary on trial and trials in general when reported to be invalid or flawed; this is an important educative role, but does not remedy that the trial data are in the public domain and are misleading.

Again, the authors offered an apology claiming honest error and preference for the article not to be retracted. They have offered to publish a correspondence letter to explain the registration issues in due course or correct any inconsistent sections according to the review comments and registry information. The journal is now questioning the next course of action: retraction, corrigendum and/or an editorial outlining the issue.

### **Question(s) for the COPE Forum**

- The Editorial Board were initially considering retraction but are now considering publishing a narrative/editorial of the issues for transparency, confirming the journal's current/new policy of requiring prospective registration and an explanation of any changes in protocol in the methods section. Should this accompany a corrigendum?
- Ethics approval: approved in April 2011, but the protocol states study execution time is August 2010 to July 2013. The authors state that the first patient was referred in May 2011. Does this need further explanation?
- Should the editorial board consider retraction?
- Are there any other actions the board should consider?

## 4. UPDATES

### 18-01 License for using a published scale

A researcher has published a paper in our journal using a scale published in 2008. She wrote to the scale developer in 2014/2015 at least three times (emails are on file) before the start of the project, but the scale developer did not respond despite repeated email reminders. No indication of the need for a license was received. In 2017, when the researcher published the paper using the above scale, she was contacted by a person claiming that he was representing the scale's developer and asked for a retrospective license and license fee, and threatened that if she did not apply for a retrospective license and pay the license fee, she may need to take legal responsibility and retract the published paper. He also said that if she does not pay the fee, then the team's lawyer would contact her. The name of the lawyer is given, with a gmail account. No firm name or any other information is provided. The researcher has searched the internet and found examples of this person asking other people to apply for a retrospective license and receiving money.

Eventually an email from the scale developer was received, asking the researcher to comply with what his 'chief investigator' is requesting. Thinking that this might be a scam, the case was presented to the dean of the faculty where the scale developer was based. The response from the dean was that "I am saddened to learn about what has occurred. Our institution does not hold this license and does not support the actions the scale developer is taking". The scale was published in 2008 and its development was funded with public funding. The scale was modified from the original scale, which was published in 1986 and its development was also publicly funded. These two scales are in the public domain.

A number of people have paid a fee, often variable and often in the many thousands of dollars. Some institutions have decided to retract the article instead. The team is using bullying and aggressive tactics to persuade the researchers to pay the fee (they have not told the researcher in question what the fee is yet, but through the internet blogs this seems to be a very variable amount). They have also sent emails to the president of the researcher's university, deputy president and vice president for research, as well as to our journal where the paper is published. They are sending 3-4 threatening emails per day (although this seems to have stopped after a couple of weeks).

#### Question(s) for the COPE Forum

- What do I do as an editor? Do I ask the author to produce a license, or otherwise we will need to retract the article? The author has applied for permission to use the publicly available scale three times with no response from the scale's developer.
- As this scale is publicly available, is this adequate for someone to use it with the appropriate acknowledgement/reference? There was no mention this was a licensed material in the publications.

#### Advice:

The Forum noted that generally, if scales are in the public domain, and there is no explicit licensing information, they are published with the intention that other scholars will use them. The advice to the editor was to consider obtaining legal advice from its publisher, or getting the lawyers from the publisher involved. Retracting the paper would be unfortunate, as this

would unfairly penalise the author. If the editor does not have a legal representative, they could ask for help from the author's institution.

One option might be to publish an erratum, with an acknowledgement of the scale developer and with details of the scale. Perhaps if the scale developer just wants some form of credit, this may be a solution to preventing legal action.

Another possible solution could be that if the institution where the scale was developed has confirmed that the scale is in the public domain (ie, it can be reused without paying a licence fee), then the author could ask the institution for an official letter to that effect which they can forward to the team claiming a licence fee or threatening legal action against the author. Perhaps this might deter the team from sending any more emails.

It may be helpful to distinguish the author's responsibility from the publisher's responsibility with regard to the legal threat from the scale author. This is a separate issue from whether it is ethical to require a license for the use of a scale, but it can help to define the editor's responsibility. It might be useful to find out the legal claims and determine exactly what is required by the license (for example, is it use of the scale, reporting of the scale, etc).

**Follow-up**

The author withdrew the paper. The journal considers the case closed.