Letter to the Editors

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In your recent editorial in *Human Brain Mapping* (Fox et al., *HBM*, Early View, published online on December 9, 2008), you formulated a Data Rights Policy and a Data Rights Procedure for *Human Brain Mapping*. The background and, in fact, the motivation for this editorial, entitled "Protecting peer review: Correspondence chronology and ethical analysis regarding Logothetis vs. Shmuel and Leopold," is a conflict over a publication by Drs. Amir Shmuel and David Leopold in your journal. Fox et al. lay out what they present as facts on which they base allegations against Dr. Logothetis, myself, and the Max Planck Society for the Advancement of Sciences which are not sustainable.

I hereby respectfully request the following rectification of facts to be published by you as soon as possible.

The presentation of the unpleasant episode in the above-mentioned editorial contains serious factual flaws and omissions as well as pure speculations about the intentions of the different parties which discredit the people and institutions involved. Furthermore, quotations from the “relevant correspondence” are selective so as to imply conclusions which are neither substantiated nor sustainable. Particularly flawed is the description of the role of the Max Planck Society, which has been accused of having interfered with a peer review process. Just to highlight some of the major flaws:

- The editorial does not acknowledge the fact that the paper in question was submitted without the knowledge, let alone the consent, of the Principal Investigator;
- No explanation is given for why the editors ignored the HBM regulation (which requires that “any possible

conflict of interest, financial or otherwise, related to the submitted work must be clearly indicated in the manuscript, or in a cover letter accompanying the submission”) when the conflict of interest became evident prior to publication;

- No explanation is given for why the editors did not take into account the serious scientific concerns of Dr. Logothetis regarding the reliability of the data, concerns substantiated with a re-analysis of the data, plots and description of the flawed methods and results;
- Inaccurate statements were made about my role in the process. I was never an “adjudicator” of the Max Planck Society, but instead acted as a mediator;
- Inaccurate statements were made concerning the adjudication/mediation procedures within the MPS relevant to the ethical analysis in question.

In addition to these formal corrections, there will be a scientific rejoinder by Logothetis, N.K., Murayama, Y., Augath M., Steffen, T., Werner, J. and Oeltermann, A.: *NeuroImage* 2009 (in press).

In order to not interfere with the journal's space for scientific matters, the clarifications will be summarized as "The other side of the coin" and will appear on the website of Dr. Nikos K. Logothetis' laboratory (www.kyb.mpg.de/lo/index.html). The clarification concludes with a summary of the pertinent events in chronological order. The corrections and comments show, in my view, that the authors of the editorial failed to take the time and effort to properly investigate and report an "episode" for which they provide what they call an "ethical analysis" in the above-mentioned editorial.