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Whistleblower Seeks FCA Recovery Against Scientific Publishers for Excessive Open Access/Article Processing Charges to Universities and Research Institutions

A newly unsealed qui tam suit filed in the U.S. District Court for the District of Massachusetts against four large scientific publishers reveals novel “caused to be submitted,” “caused the use of false records,” and conspiracy-based FCA theories in the federally funded research space.

The complaint alleges that Elsevier, Springer Nature, Wiley, and Informa conspired and/or caused research institutions to submit false claims by extracting excessive article processing charges (APCs) for open access to publications supported by federal funds. The government declined to intervene in the case.

More specifically, the relator claims that publishers used federal public-access mandates as an opportunity to impose APCs as high as \$10,000 per paper, when actual costs were only a few hundred to a thousand dollars per article. He also alleges that the publishers concealed their costs, making it difficult for award recipients and federal agencies to assess the reasonableness of those charges.

While publishing fees, including open-access fees, have been considered allowable costs under the Uniform Guidance (2 C.F.R. Part 200), the relator’s theory is that excessive APCs are not “reasonable” or “necessary,” and are therefore unallowable. As a result, he claims that APCs paid with federal funds resulted in false claims. The relator also claims that publishers conspired to impose restrictive copyright-transfer terms and create “hybrid” journal models to steer authors toward paying high APCs to satisfy their public-access requirements.

Notably, the complaint does not allege that research institutions themselves knowingly submitted false claims – only that the publishers caused the submission of false claims.

This will be a space to watch, particularly considering the Administration’s proposed amendments to the Uniform Guidance. While proposed changes will make open-access publishing charges presumptively unallowable, if adopted, the currently non-binding guidance would carry the authority of binding regulations, potentially rendering other alleged violations of reasonable/necessary cost provisions more likely to support a claim under the FCA.

See United States ex rel. Juan Pablo Alperin v. Elsevier B.V., Springer Nature AG & Co. KGaA, Informa Group Limited, and John Wiley & Sons, Inc., No. 24-cv-10603 (D. Mass.) ([amended complaint filed on July 23, 2026](#), and made public on July 30, 2026)

If you would like more information about this complaint or Choate’s Education/Research Compliance practice, please contact [Christine Savage](#) or [Mark McPherson](#).

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