



# Licensing of research outputs



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Norway  
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# Objectives

## ? Questions

- **What is intellectual property/copyright/derivative work?**
- **What is free software/data?**
- **What types of licenses exist?**

## ! Objectives

- **Get familiar with terminology around licensing**
- **Discuss what is and is not derivative work**

# Intellectual property rights (IPRs)

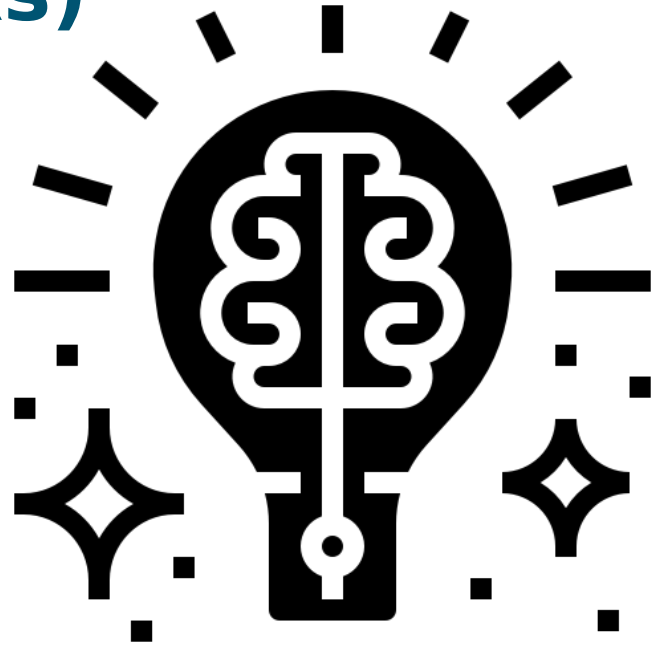
**Patent:** Protects novel, non-obvious, inventions

**Copyright:** creative products: software, writing, figures, photos, some datasets, this presentation

**Database directive**

**Trademark:** Protects a name/brand

**Trade Secrets**



CC-BY 3.0  
Wichai.Wi

# Intellectual property rights (IPRs)

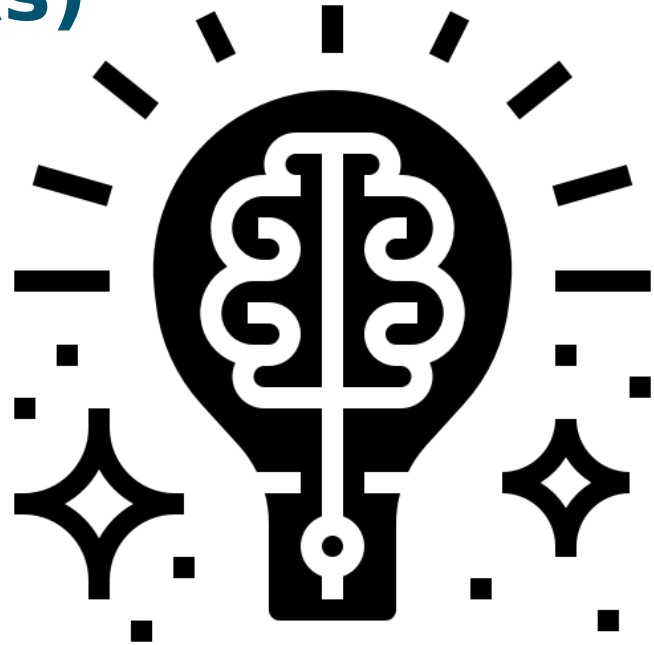
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## IPR often regulated in work contract

# Patents in Europe

**Active process**

**No prior disclosure**

**Apply only in limited geographical scopes**

**Fees** (varying by business size and scope)

**Apply for max 20 years after application**

# Software patents in Europe

(it's complicated)

**The European Patent Convention states that software is not patentable. in contrast with e.g. the US**

**The European Patents Office (EPO) grants software patents by declaring them as "computer implemented inventions".**

**Erosions: VICOM 1986, COMVIK 2002, ML guidelines 2018, Bentley 2021**

# Copyright in Europe

**Creative products: software, writing, figures, photos,...**

**Details for software: Directive 2009/24/EC**

**Applies by default**

**Does not apply for facts**

**Economic rights vs. moral rights**

**Author lifetime + 70 years**

[Commons:Copyright rules by territory/Norway](https://commons.wikimedia.org/wiki/File:Copyright_rules_by_territory/Norway)  
<https://lovdata.no/pro/#document/NL/lov/2018-06-15-40>  
<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32009L0024>  
<https://lovdata.no/pro/#document/NLX2/avtale/avt-1992-05-02-1-v17>

# **Example WIPO: Genetic data**

**Raw sequence does not have copyright**

**Processed data might have**

**Patenting unaffected**

**Special consideration regarding traditional knowledge  
(Nagoya protocol)**



# EU Database directive

**Defined additional (*sui generis*) IPR for:**

**“collection[s] of independent works, data or other materials [that does not fall under copyright] arranged in a systematic or methodical way and individually accessible by electronic or other means”**

**15 years by default**

# Licensing

**A licensor may grant a license under intellectual property laws to authorize a use (such as copying software or using a patented invention) to a licensee, sparing the licensee from a claim of infringement brought by the licensor.**

# **Why should I licence my research outputs?**

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**Legal security for users (Accessibility) +**

**Funder requirement**

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**Increase of willingness to reuse outputs**

**(Reusability)**

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**Increase of willingness to reuse outputs**

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# Concepts in open licenses



**Waive all your interests that may exist in your work**

**Copy left:**

# Concepts in open licenses



**Waive all your interests that may exist in your work**



**Copy left:**

**Credit for the original creation**



# Concepts in open licenses



**Waive all your interests that may exist in your work**



**Copy left:**



**Credit for the original creation**

**License new creations under identical terms**

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**Waive all your interests that may exist in your work**



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**License new creations under identical terms**  
**Non-commercial**

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**Waive all your interests that may exist in your work**



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**Credit for the original creation**



**License new creations under identical terms**



**Non-commercial**

**Cannot be shared with others in adapted form**



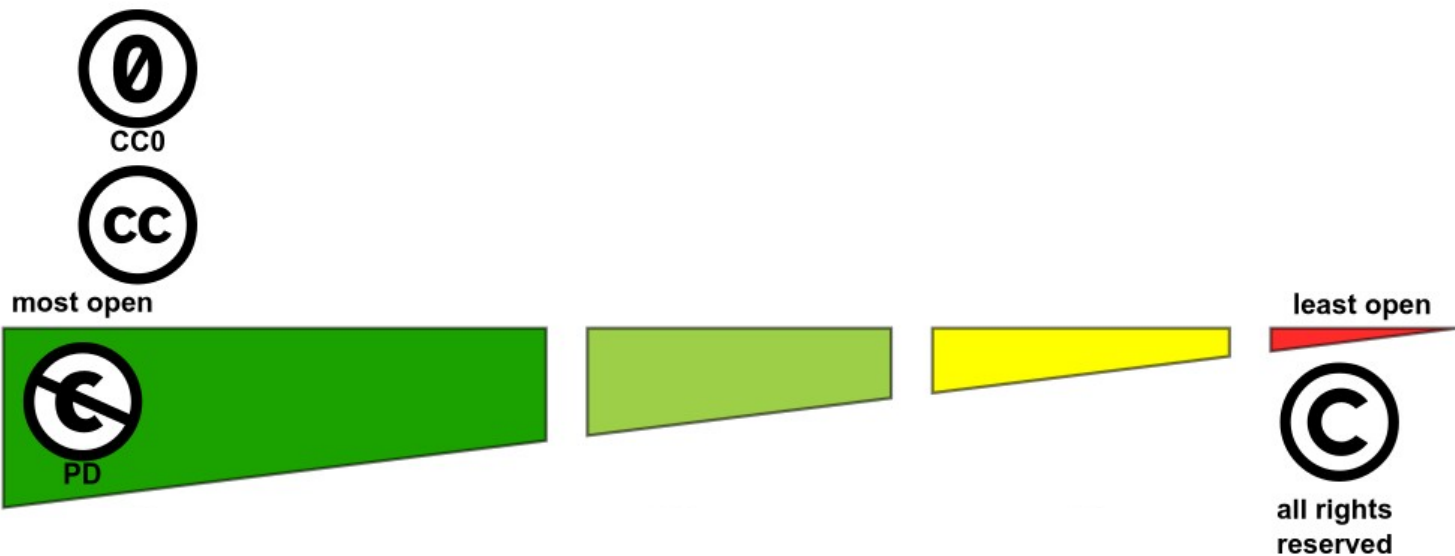
most open

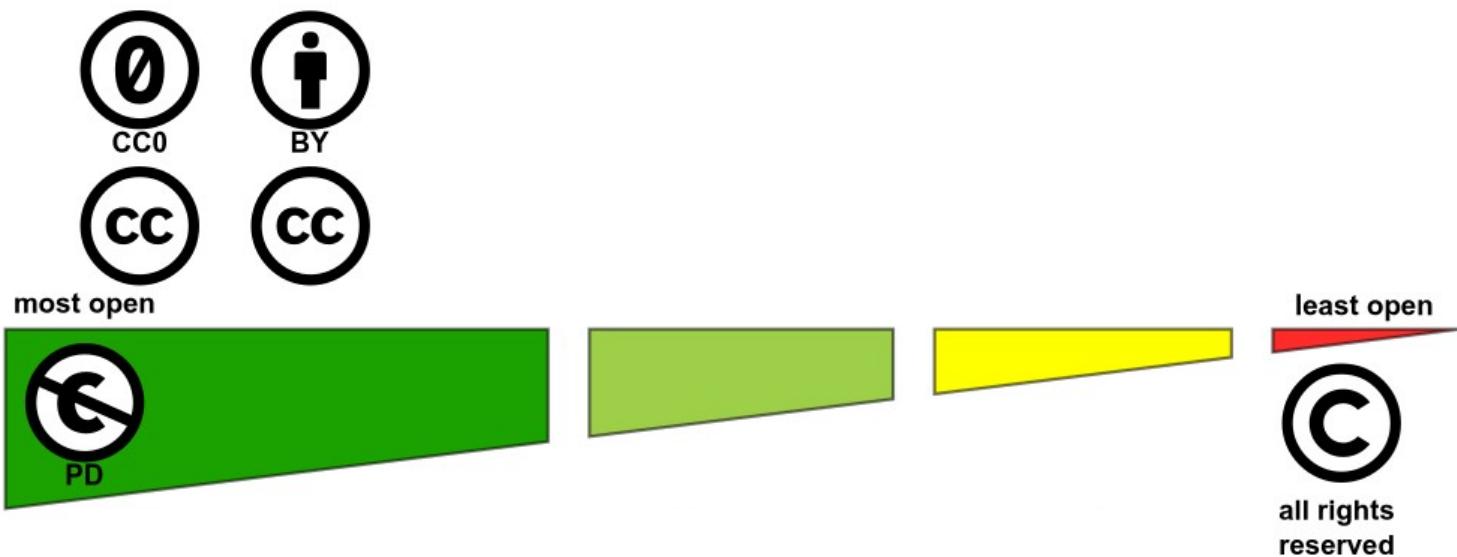


least open

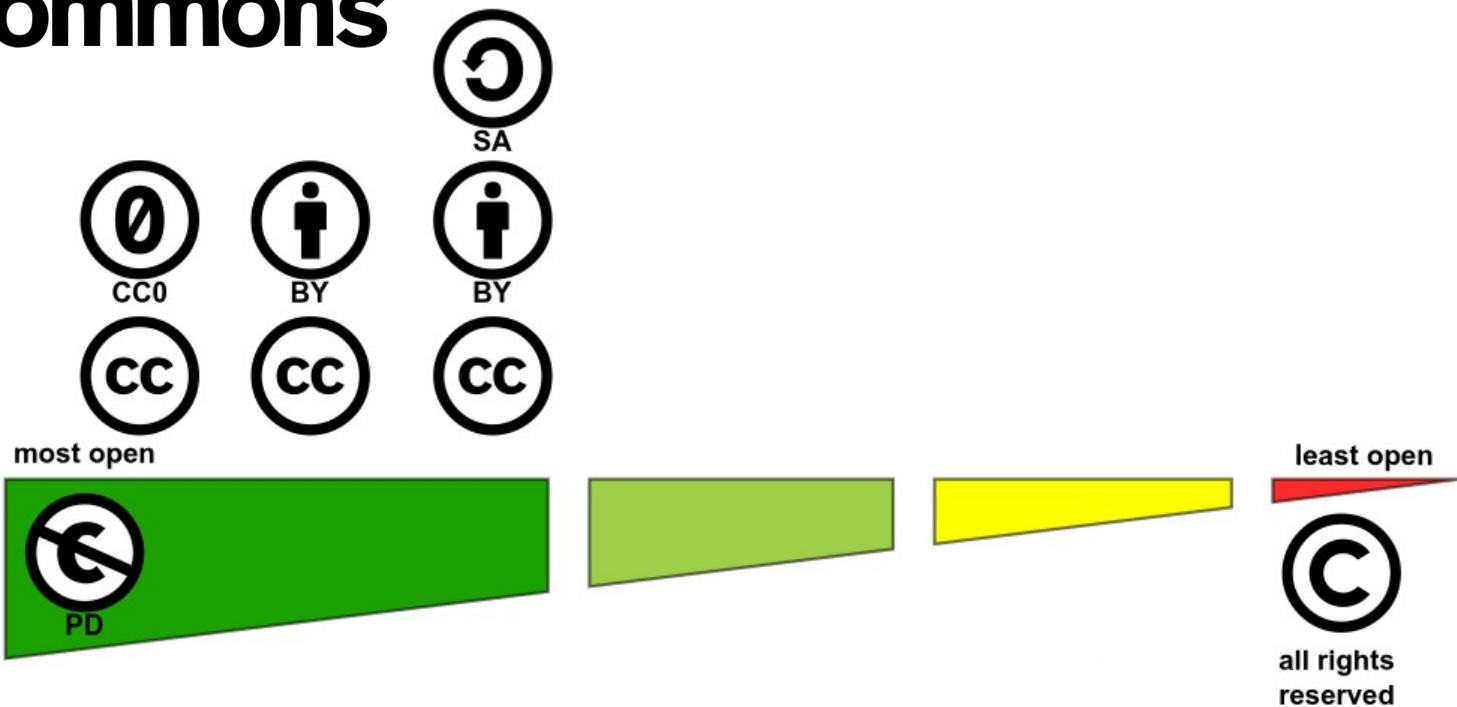


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reserved

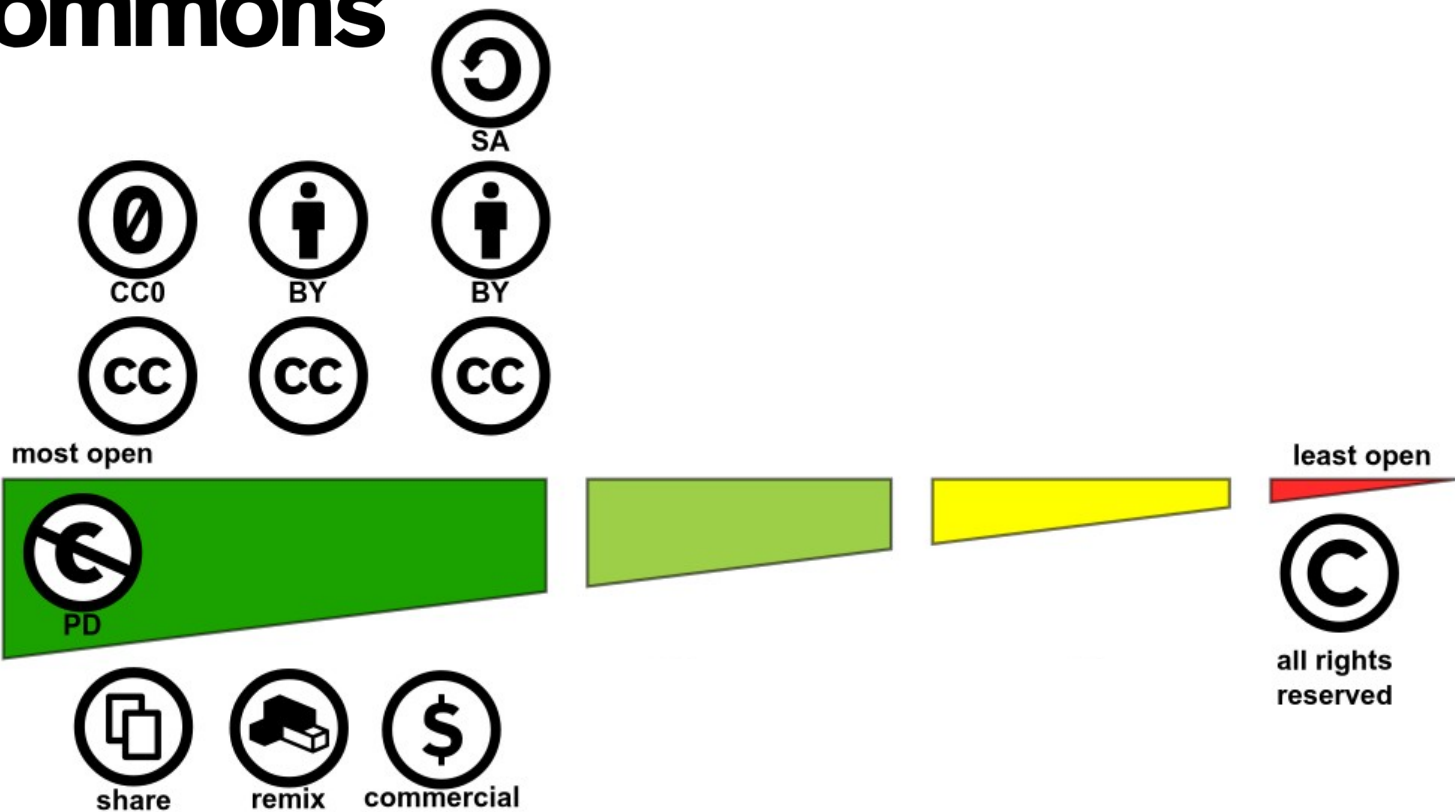




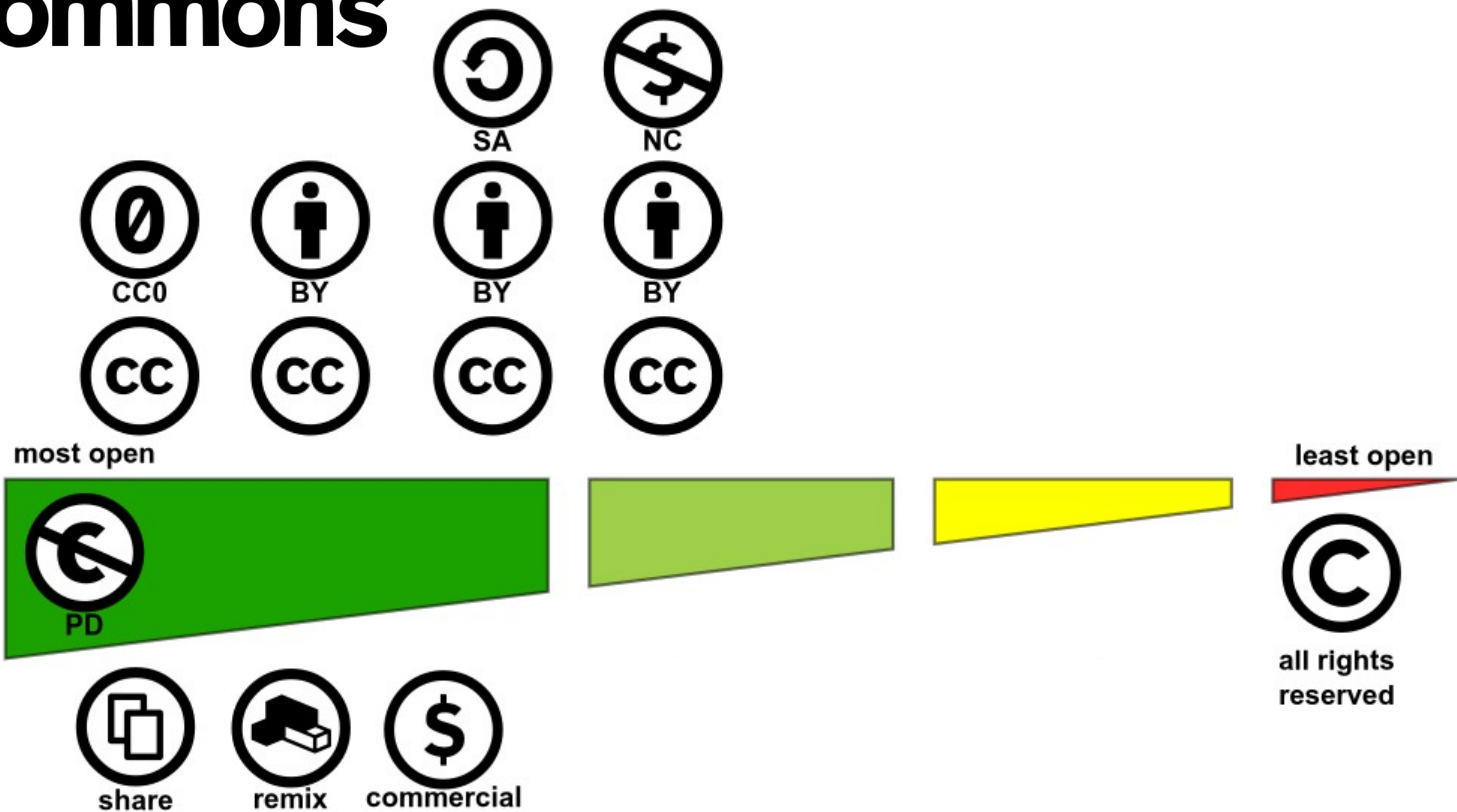
 **creative  
commons**



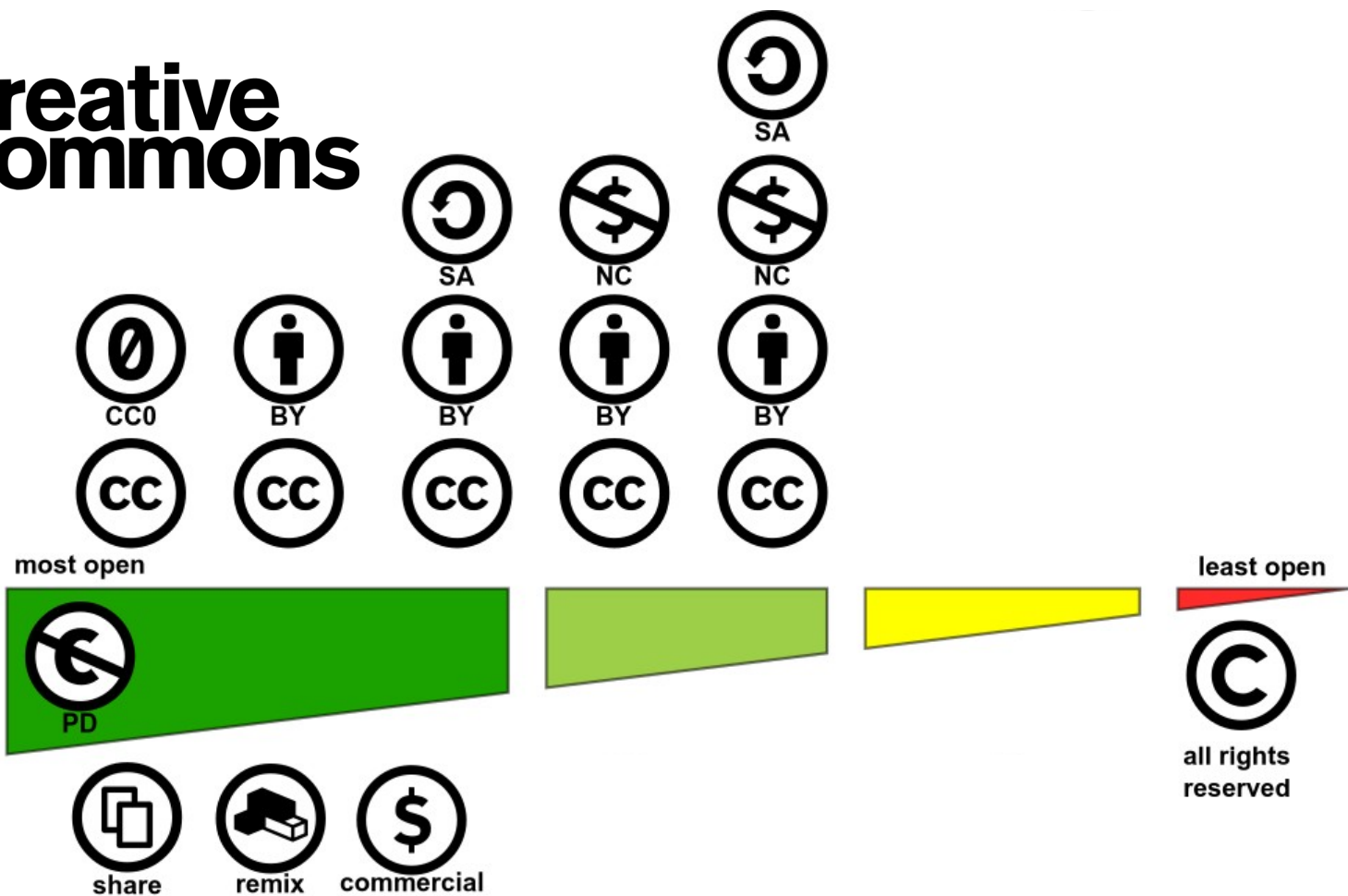
 **creative  
commons**







 **creative  
commons**

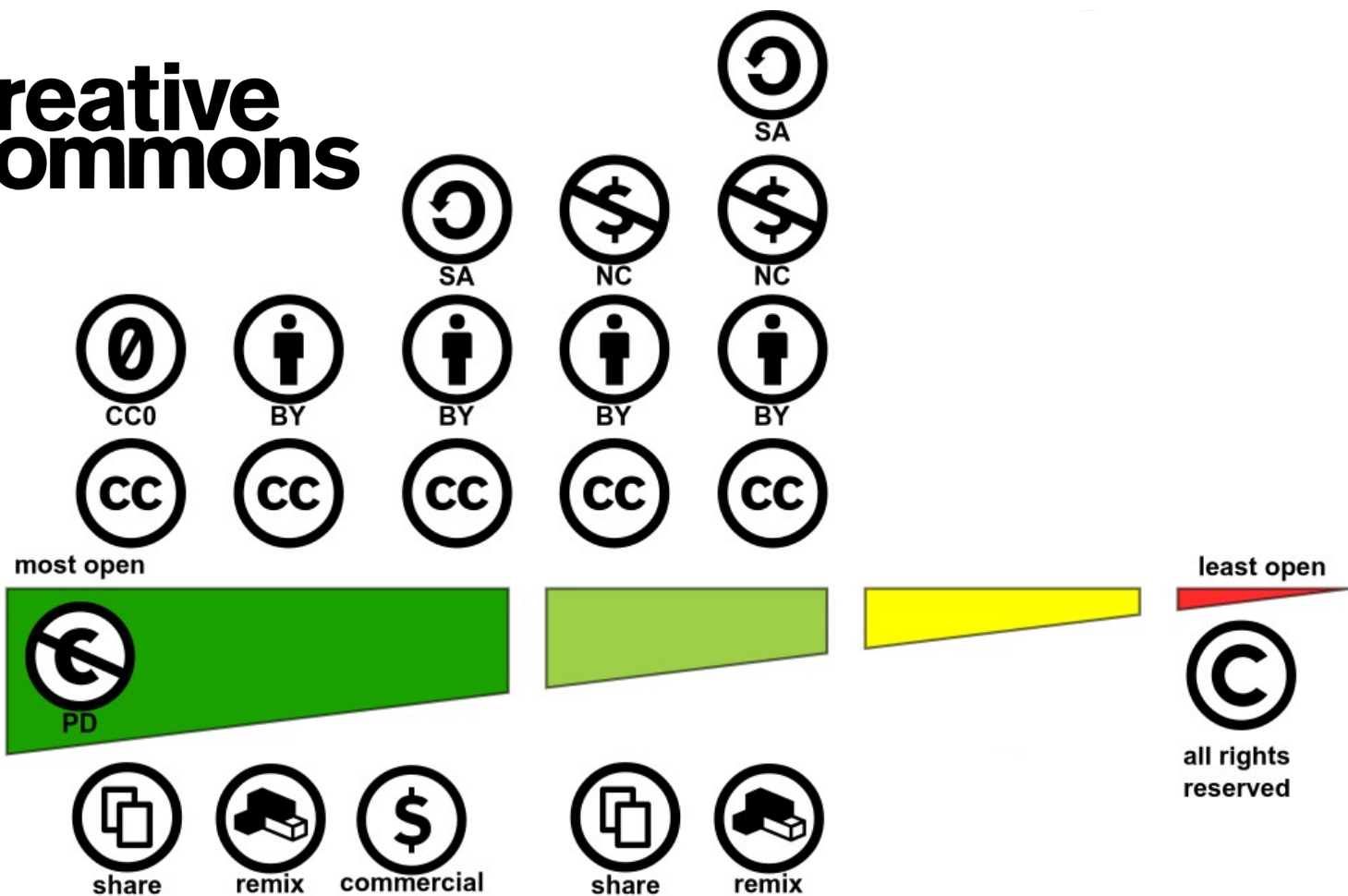


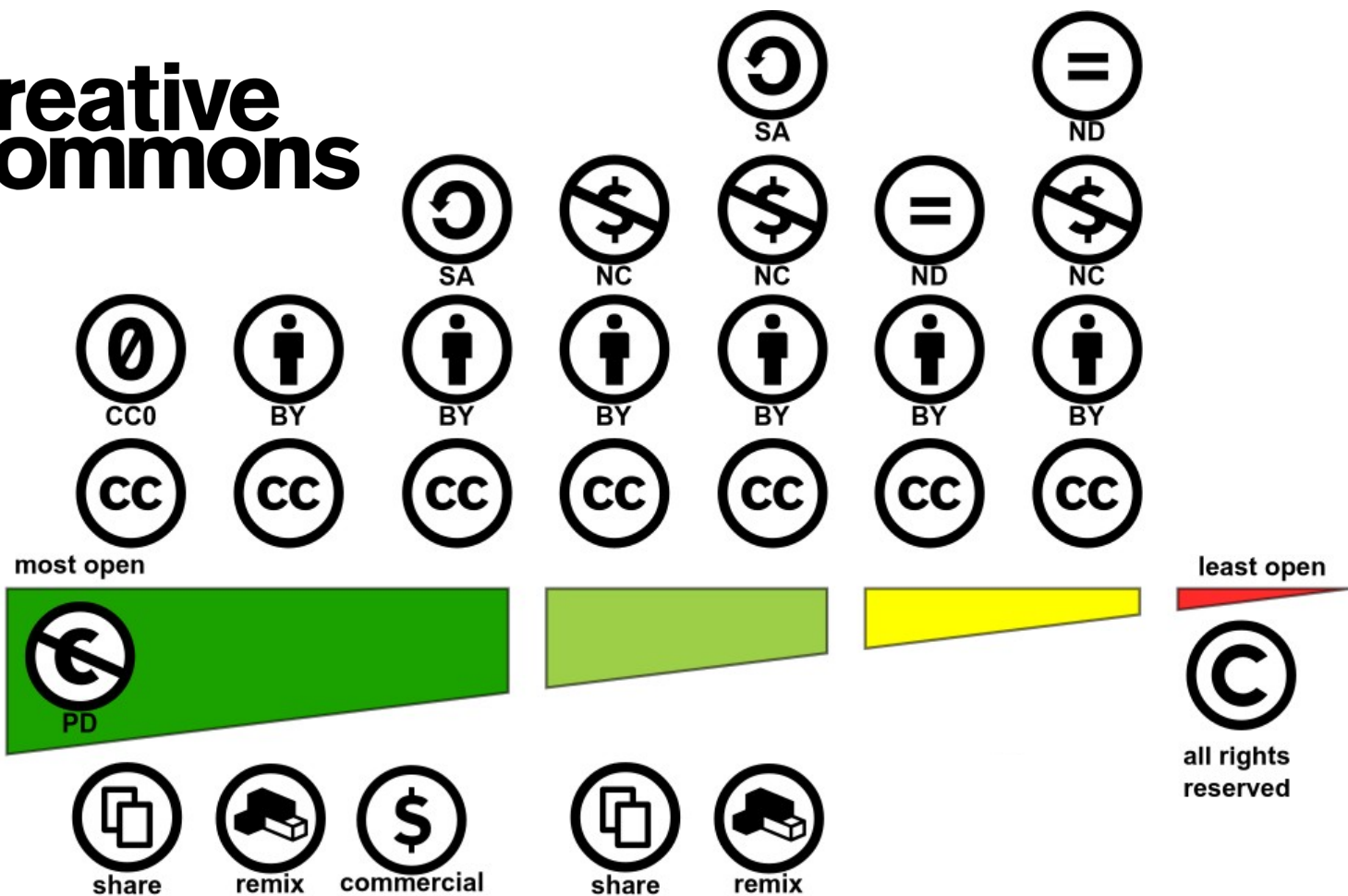
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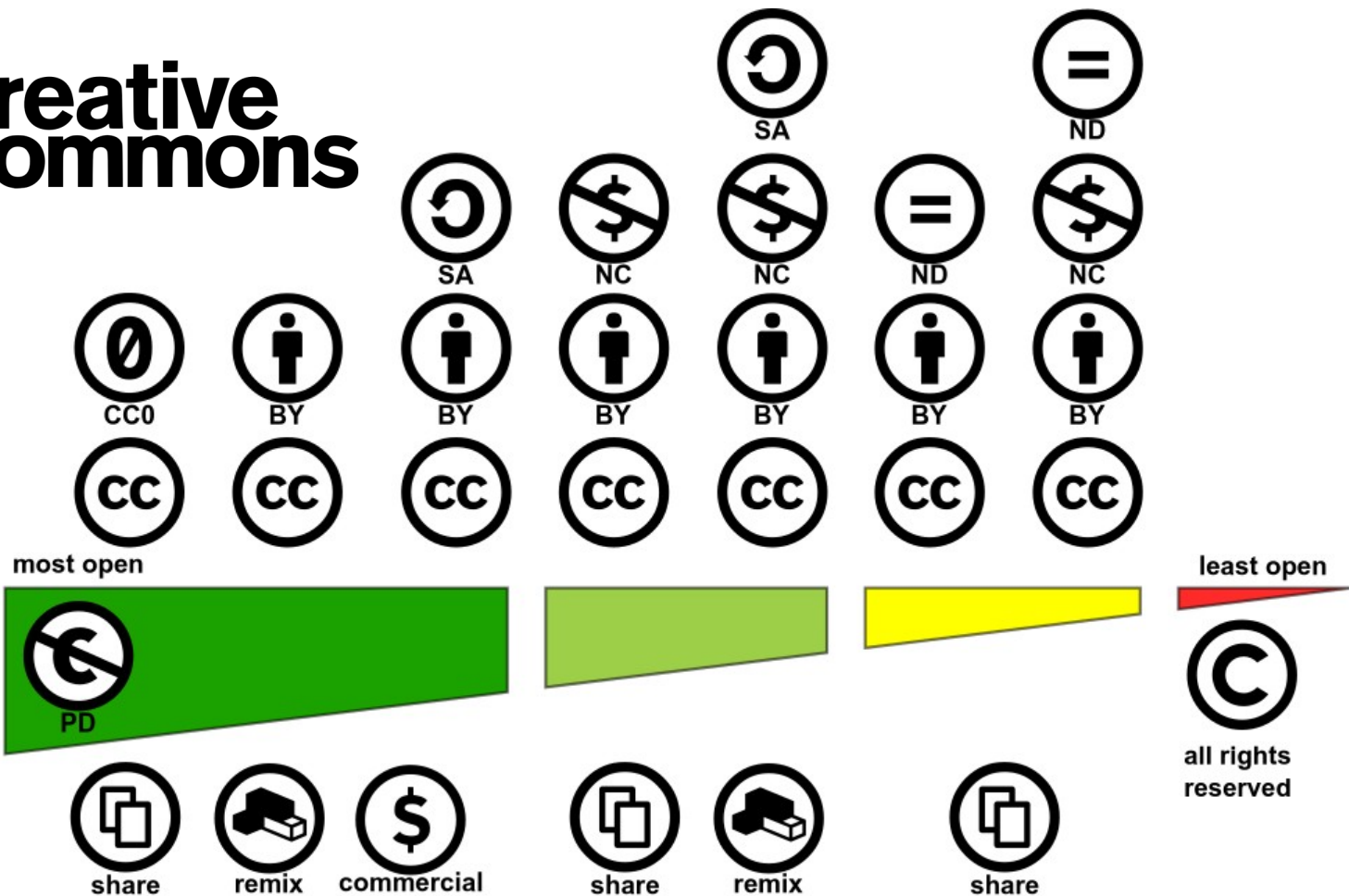


all rights  
reserved

 **creative  
commons**









**“open”**



**Legal code, harmonized for  
national/international law**





## Legal code, harmonized for national/international law







**Legal code, harmonized for  
national/international law**

**Human readable,  
understandable text**



**Legal code, harmonized for  
national/international law**

**Human readable,  
understandable text**

**Machine readable html tag  
attachable to metadata**



Who to use this in practise?



Creative Commons - **What is licensed?**

Nathan Yergler, Alex Roberts - **Who is to be attributed?**

Licensed to the public under [CC BY 3.0 Unported](#) - **Which license?**



# Challenges



# Challenges



**Multiple Attributions for several sources  
(license stacking)**



# Challenges



**Multiple Attributions for several sources**



**(license stacking)**

**Multiple incompatible source licenses**



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**Multiple incompatible source licenses**

**Legal commercial definition (e.g. use by**





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**Multiple Attributions for several sources**



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# Open Data Commons

**Databases are different to simple data (e.g.  
EU-copyright)**

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**Databases are different to simple data (e.g.**



**EU-copyright)**

**Open Data Commons Public Domain**

**Dedication and License (PDDL)**

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**Open Data Commons Attribution License**

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**Open Data Commons Attribution License**

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# **Open Source Software licenses**

**Special considerations for Software**

**Liability**

**Warranty**

**Modifications**

**Network use = Distribution?**



# Open Source Software licenses





# Open Source Software licenses



**MIT  
license**

**GNU  
AGPLv3**





# Open Source Software licenses

**BSD**  
←————→  
**licenses**



**MIT**  
**license**

**GNU**  
**Apache** **LGPLv3**  
**2.0**

**GNU**  
**AGPLv3**

**GNU**  
**GPLv3**





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**GNU**  
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**AGPLv**

**GNU**  
**GPLv3**



**GitHub**

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# Indices & Controlled vocabularies



**License List - machine readable IDs**

**on file level**

# SPDX-License-Identifier: MIT



**Approved Licenses - also EC definition  
of open source license**

## Permissive

### MIT BSD

#### Permissions

- Commercial use
- Distribution
- Modification
- Private use

#### Conditions

- License and copyright notice

#### Limitations

- Liability
- Warranty

weak

Copyleft

**LGPL**  
**MPL**

**Permissions**

- Commercial use
- Distribution
- Modification
- Patent use
- Private use

**Conditions**

- Disclose source
- License and copyright notice
- Same license (library)
- State changes

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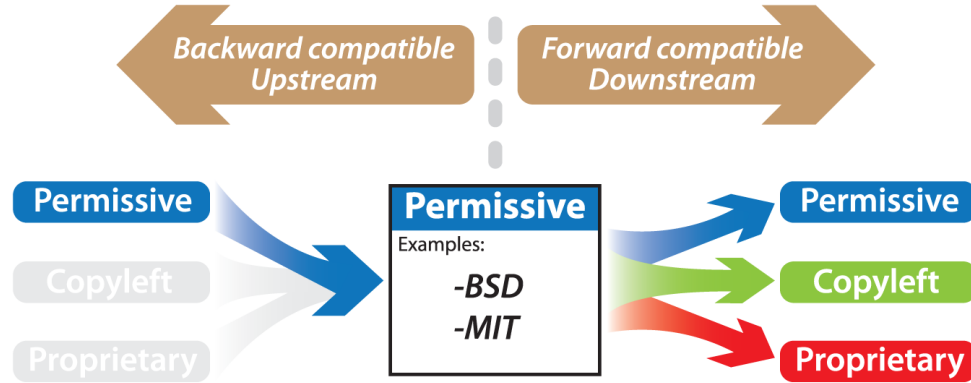
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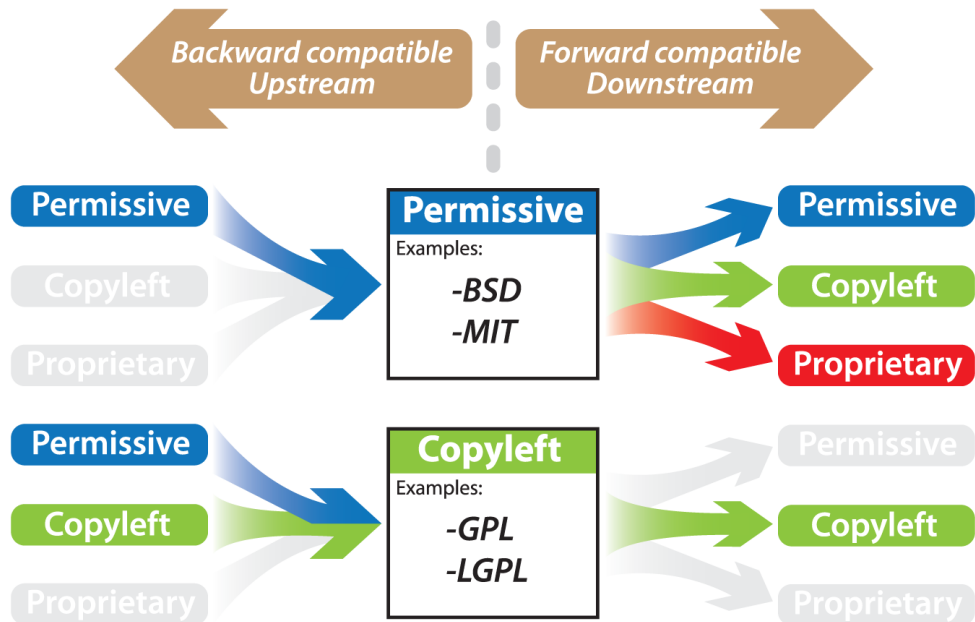
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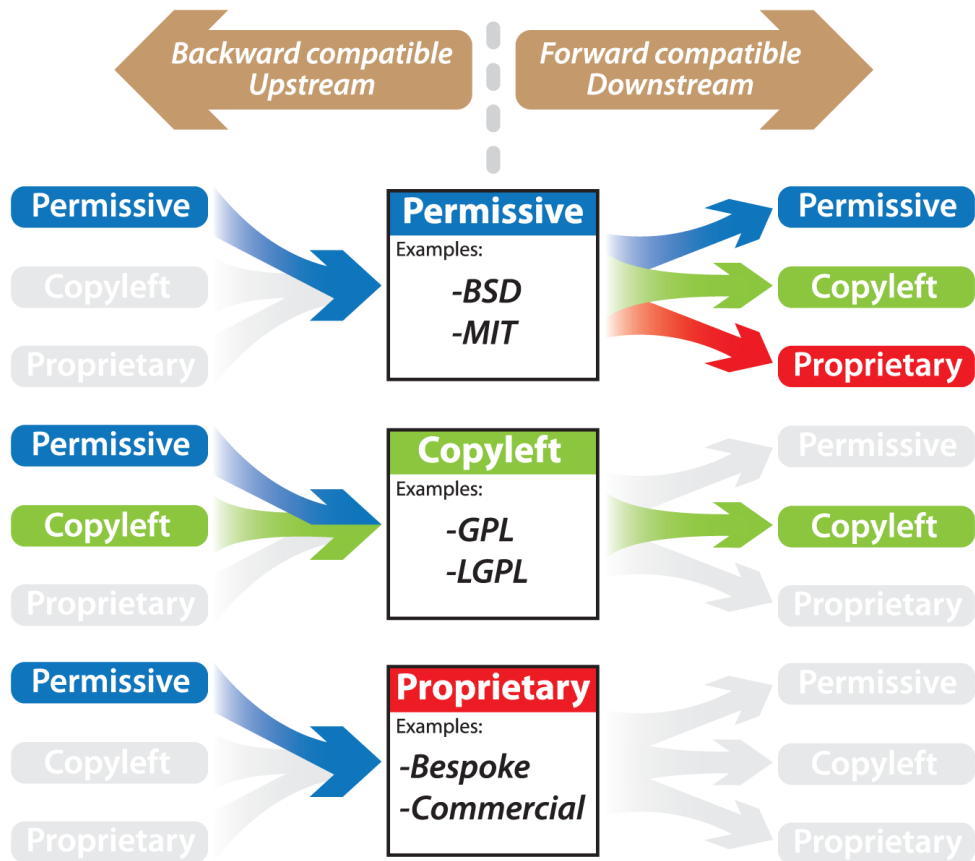
# Open Source Software



# Open Source Software



# Open Source Software



# Does it hold in court?

Yes!

## CREATIVE COMMONS ATTRIBUTION-SHAREALIKE LICENSE ENFORCED IN GERMANY

by [mike](#)

The Creative Commons Attribution-ShareAlike 3.0 Unported license (BY-SA) has been enforced by a judicial injunction in Germany. Legal analysis will be added to our [case law database](#) in the coming days. Till Jaeger [reported the case](#) (in German; [English machine](#)

**DO**

**Always add a (standard) license**

**Ideally: File level license indication**

**Be aware of the IPR situation of the code you**

**DON'T**

**(re-)use**

Compliance monitoring

Costs of data management

Data analysis

Data brokering

Data management coordination

Data management plan

Data organisation

Data security

Data sensitivity

Data provenance

Data publication

Data quality

Data storage

Data transfer

Documentation and metadata

Ethical aspects

Existing data

GDPR compliance

Identifiers

Licensing

Machine actionability



Link to RDMkit:

<https://rdmkit.elixir-europe.org/>

# Next:

[Digital Life 2021: Know-how workshop on IPR in digital biotech](#)

[Data life cycle: Sharing | RDMkit](#)

[Your tasks: Licensing | RDMkit](#)

[EUDAT license chooser for data and software](#)

[Choose a License](#)

[Licenses & Standards | Open Source Initiative](#)



CODE REFINERY

CodeRefinery workshop March 12-14 and 19-21, 2024

<https://coderefinery.org/>



# Thank you!



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