



Licensing of research outputs



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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)

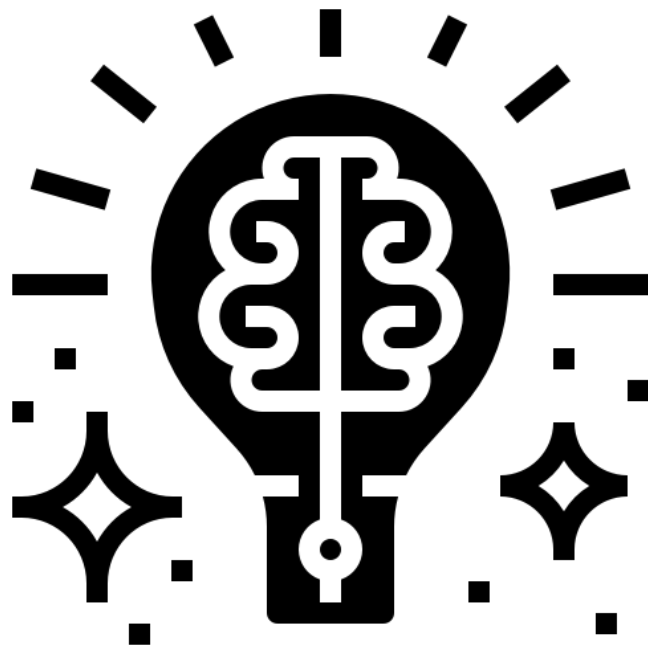
Patent: Protects novel, non-obvious, inventions

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

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://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

<https://eur-lex.europa.eu/eli/dir/1996/9/oj>

<https://lovdata.no/pro/#document/NLX2/avtale/avt-1992-05-02-1-v17>

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 license my research outputs?

Legal security for users (A)

Requirement from the funding bodies

Increase of willingness to reuse outputs (R)

Allows deposition/mirroring in 2nd databases (F)

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



Non-commercial



Cannot be shared with others in adapted form



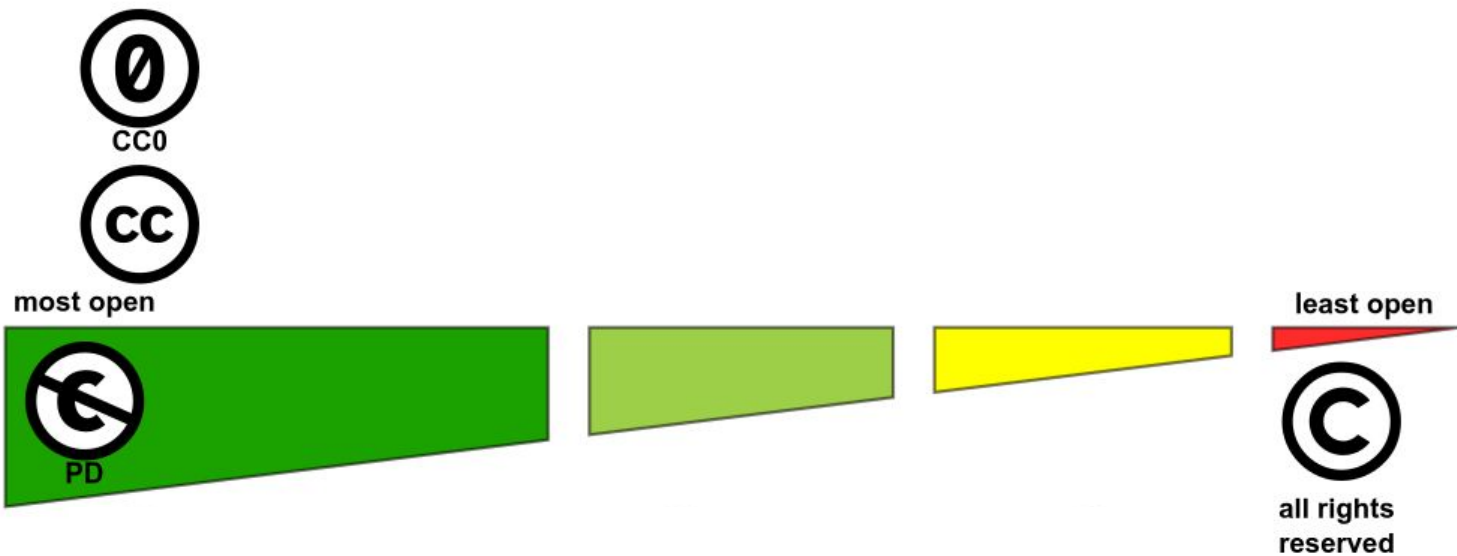
most open

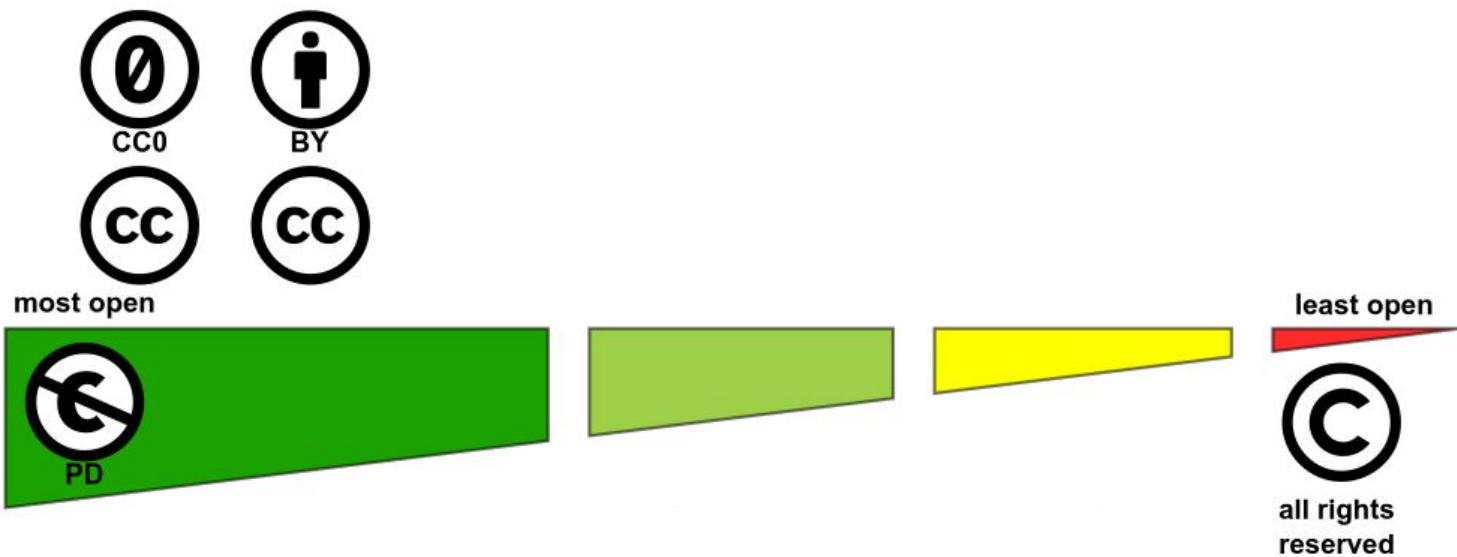


least open

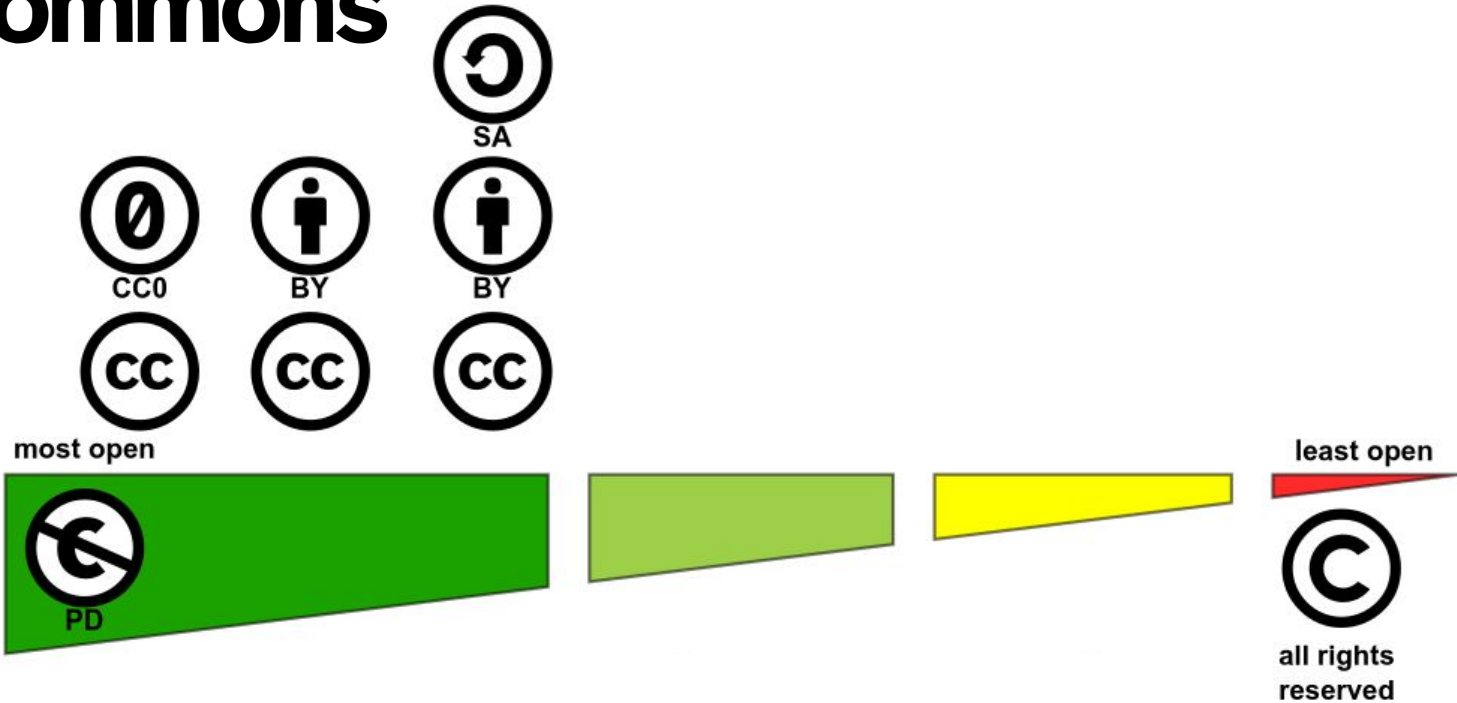


all rights
reserved

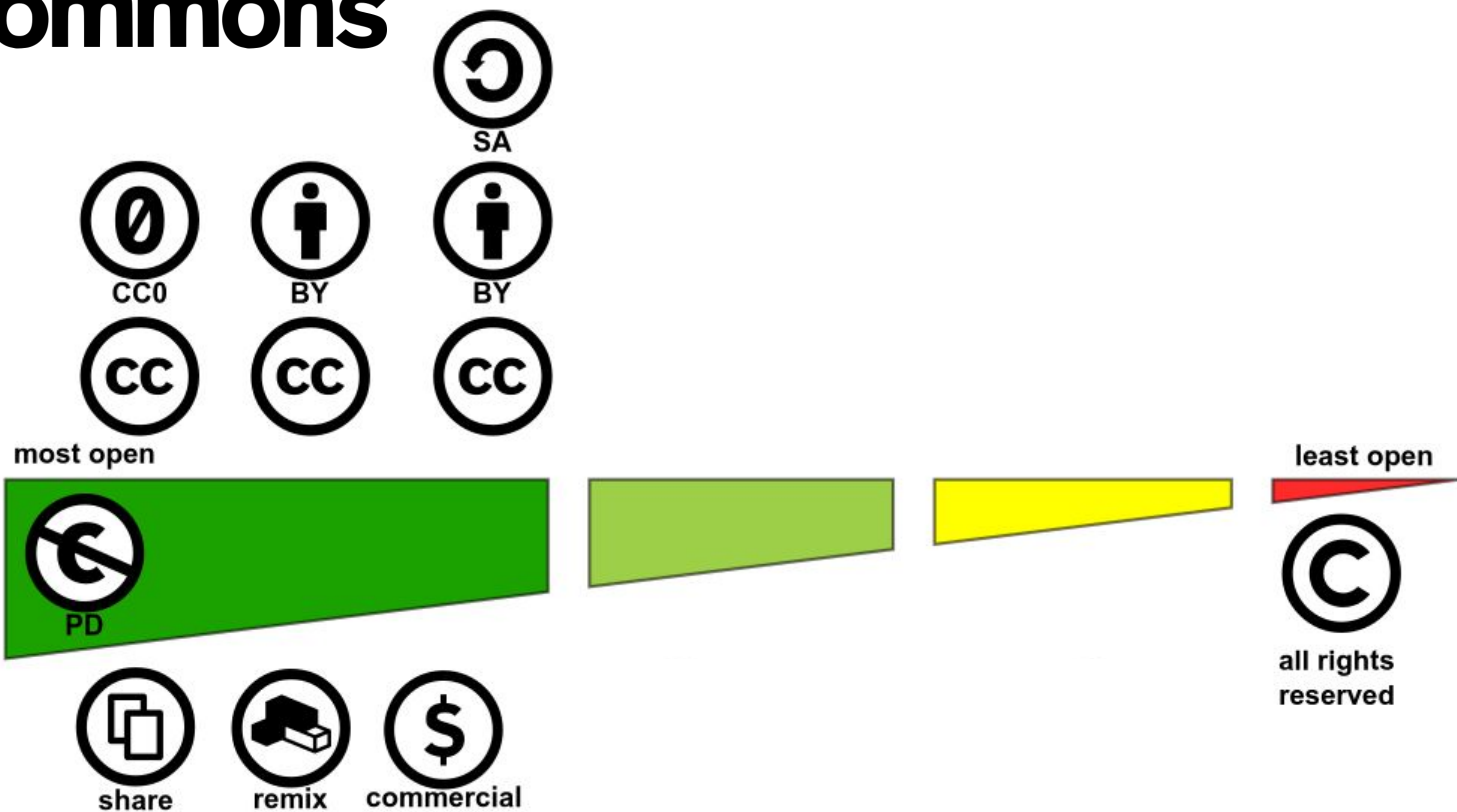


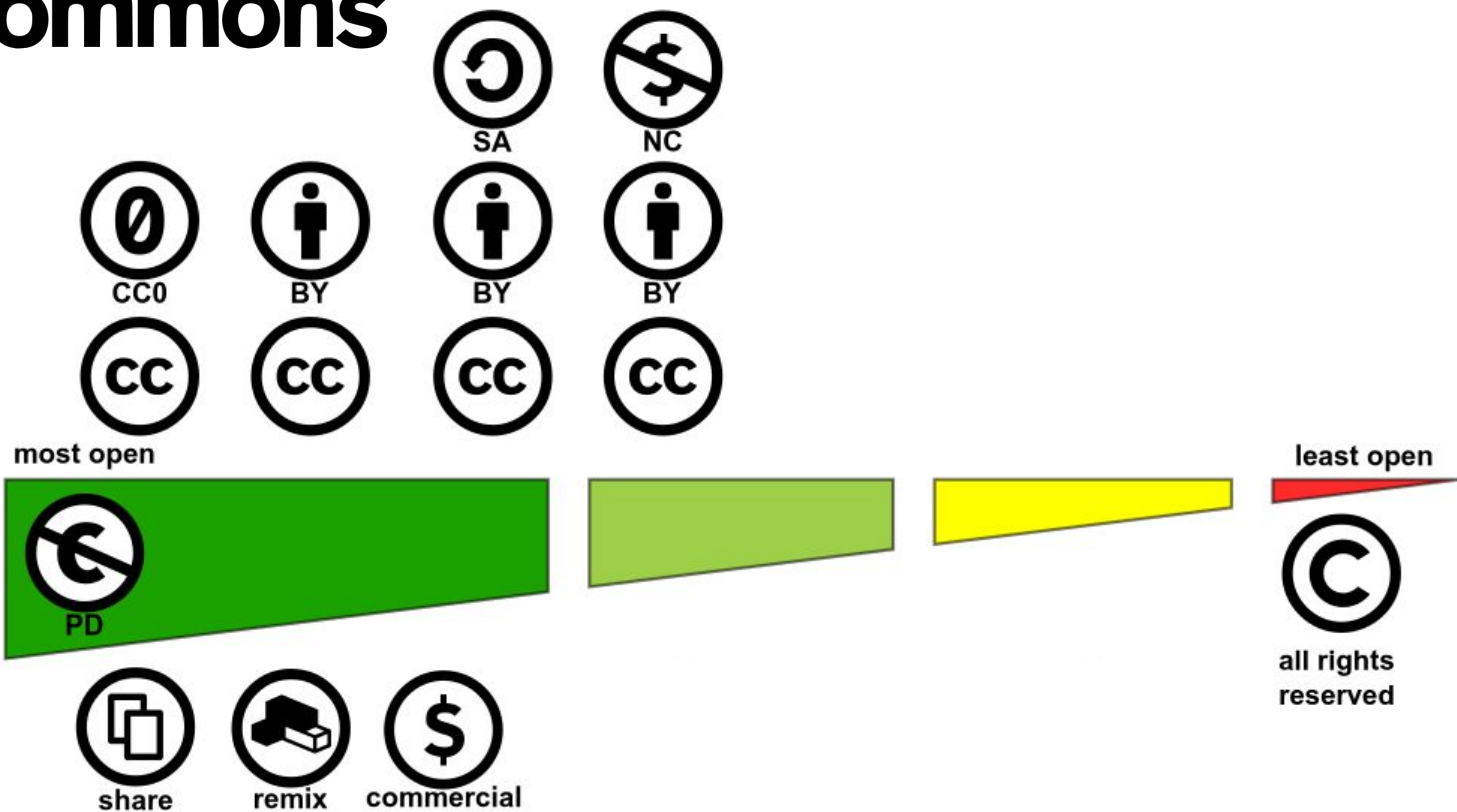


 **creative
commons**

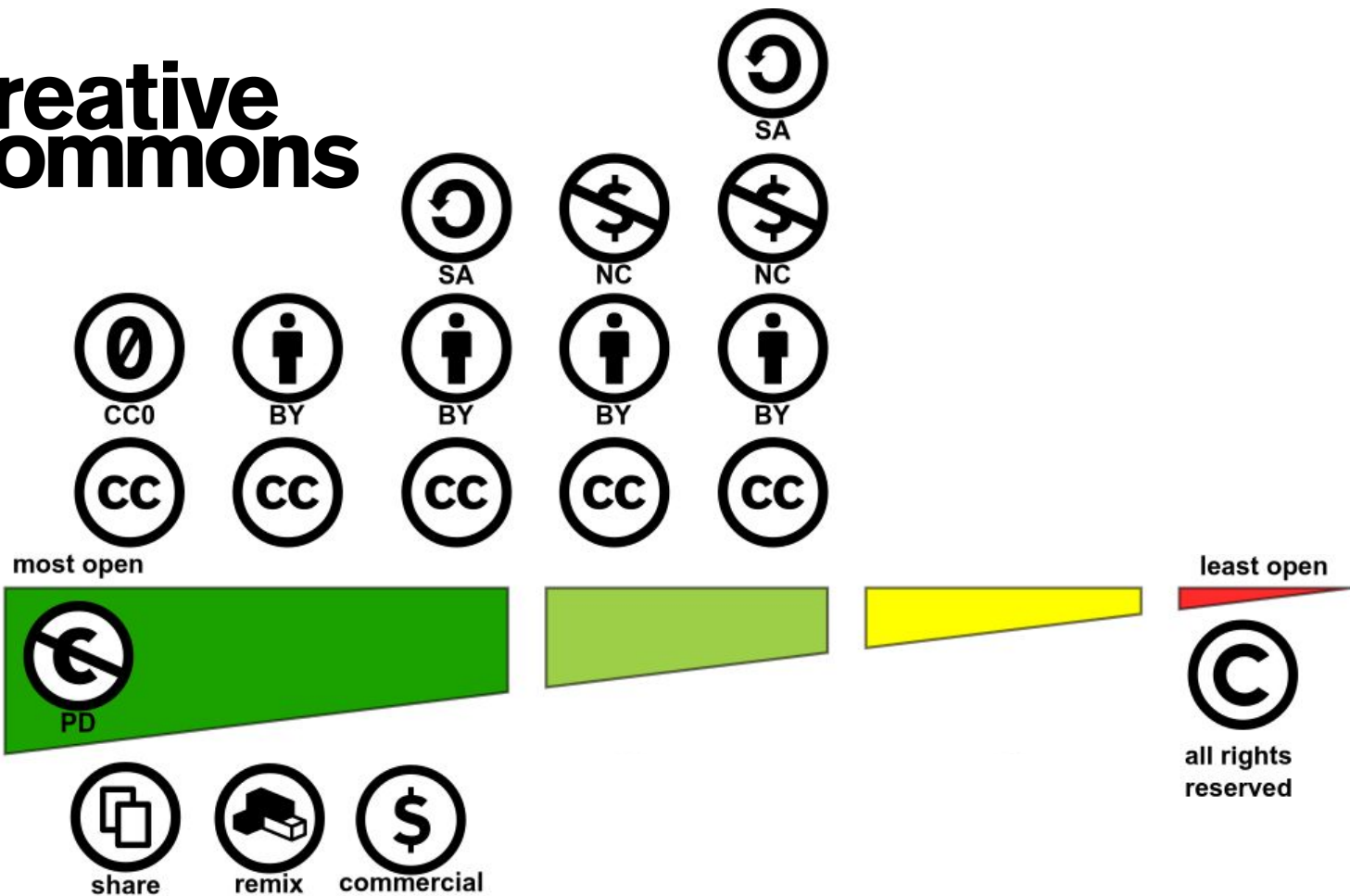


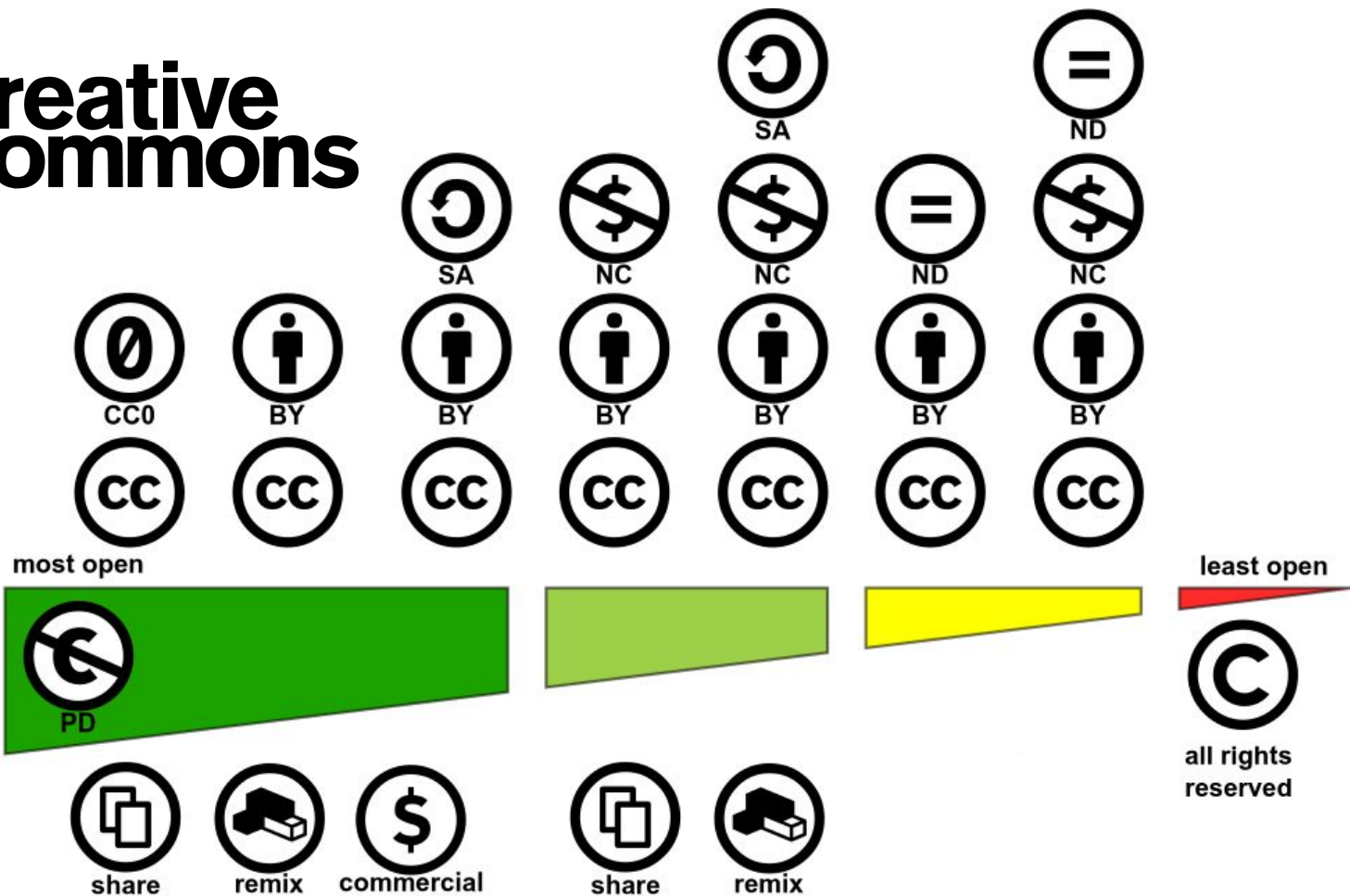
creative commons

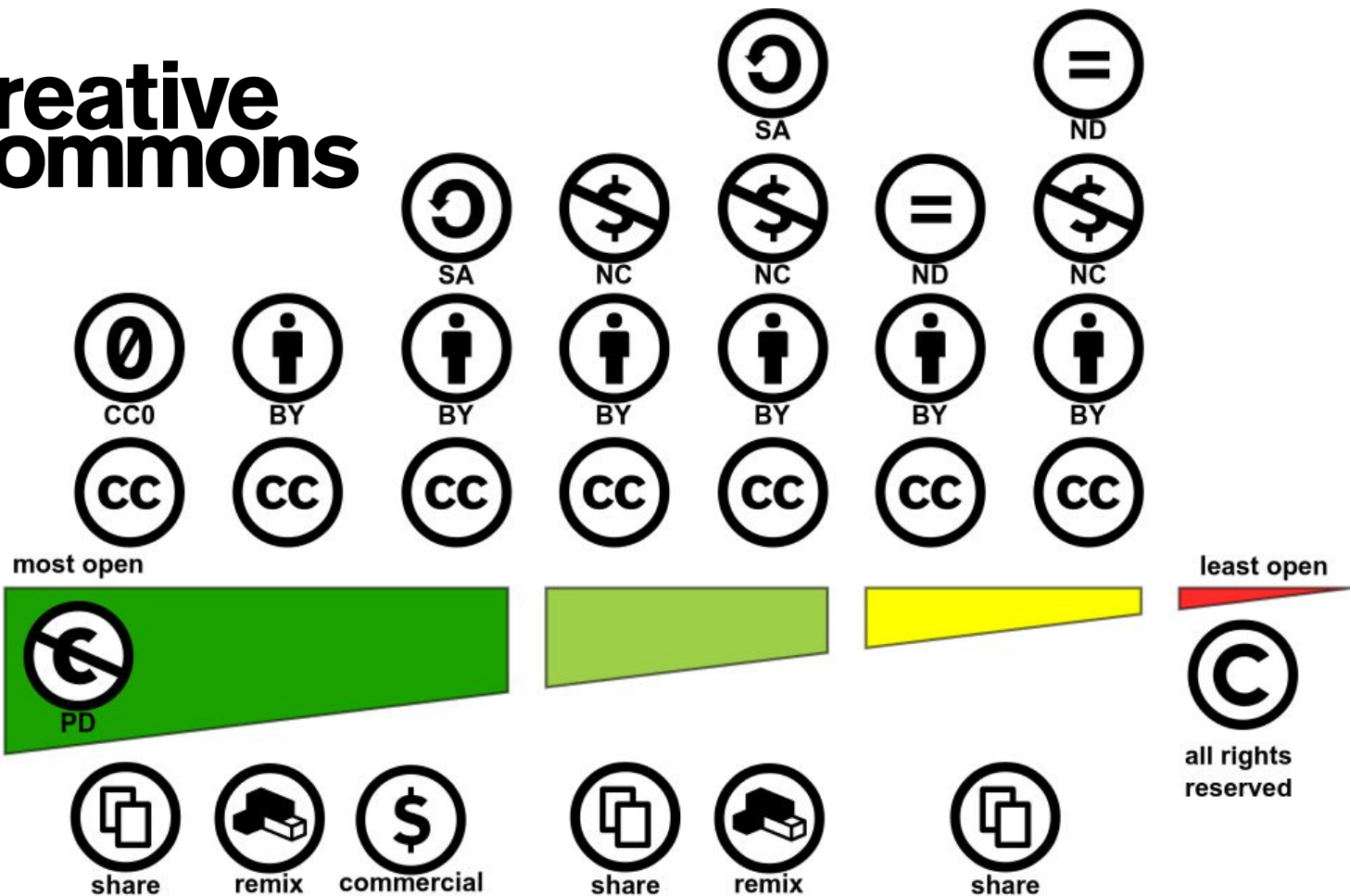




 **creative
commons**

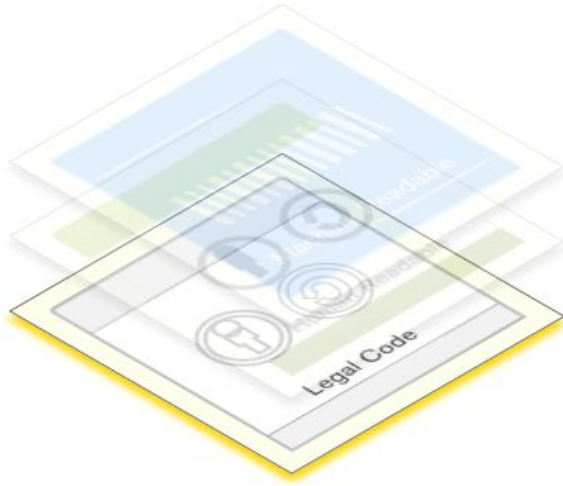








Legal code, harmonized for
national/international law





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?**



Multiple Attributions for several sources (license stacking)



Multiple incompatible source licenses



Legal commercial definition (e.g. use by journals)



Unintentional restrictive

Open Data Commons

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



Open Data Commons Public Domain Dedication and License
(PDDL)



Open Data Commons Attribution License (ODC-BY)



Open Data Commons Open Database License (ODbL)

Repository specific regulations



Individuals submitting data to the international sequence databases managed collaboratively by DDBJ, EMBL, and GenBank should be aware of the following:

- The INSDC has a uniform policy of **free and unrestricted access** to all of the data records their databases contain. Scientists worldwide can access these records to plan experiments or publish any analysis or critique. Appropriate credit is given by citing the original submission, following the practices of scientists utilising published scientific literature.
- The INSDC will **not attach statements to records that restrict access to the data**, limit the use of the information in these records, or prohibit certain types of publications based on these records. Specifically, no use restrictions or licensing requirements will be included in any sequence data records, and no restrictions or licensing fees will be placed on the redistribution or use of the database by any party.



Norwegian Licence for Open Government Data (NLOD) 2.0



Digitaliseringsdirektoratet
data.norge.no



A licence compatible by contract shall mean the following licences:

for all information: Open Government Licence (version 1.0, 2.0 and 3.0), **Creative Commons Attribution Licence (international version 4.0 and norwegian version 4.0)**

for those parts of the information which do not constitute databases: **Creative Commons Attribution Licence (generic version 1.0, 2.0, 2.5 and unported version 3.0) and Creative Commons Navngivelse 3.0 Norge**

for those parts of the information which constitute databases: **Open Data Commons Attribution License (version 1.0).**

Open Source Software licenses

Special considerations for Software

Liability

Warranty

Modifications

Network use = Distribution?



Open Source Software licenses





Open Source Software licenses



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GNU
AGPLv3





Open Source Software licenses

← BSD licenses →



MIT license

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GNU LGPLv3

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GNU LGPLv3



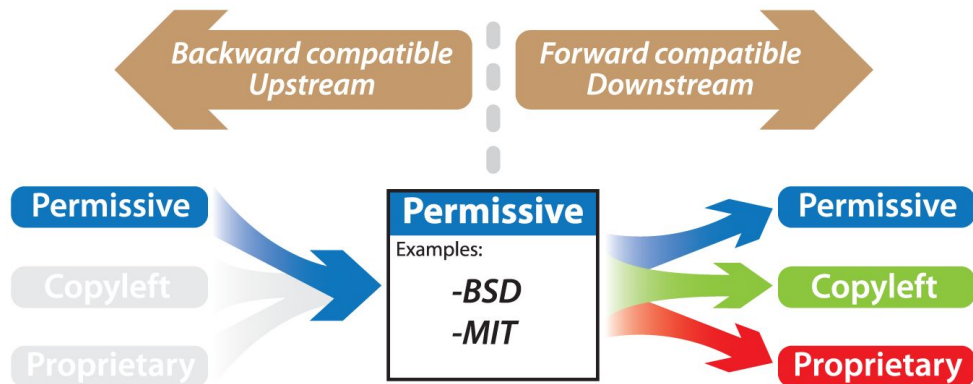
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<https://choosealicense.com/>



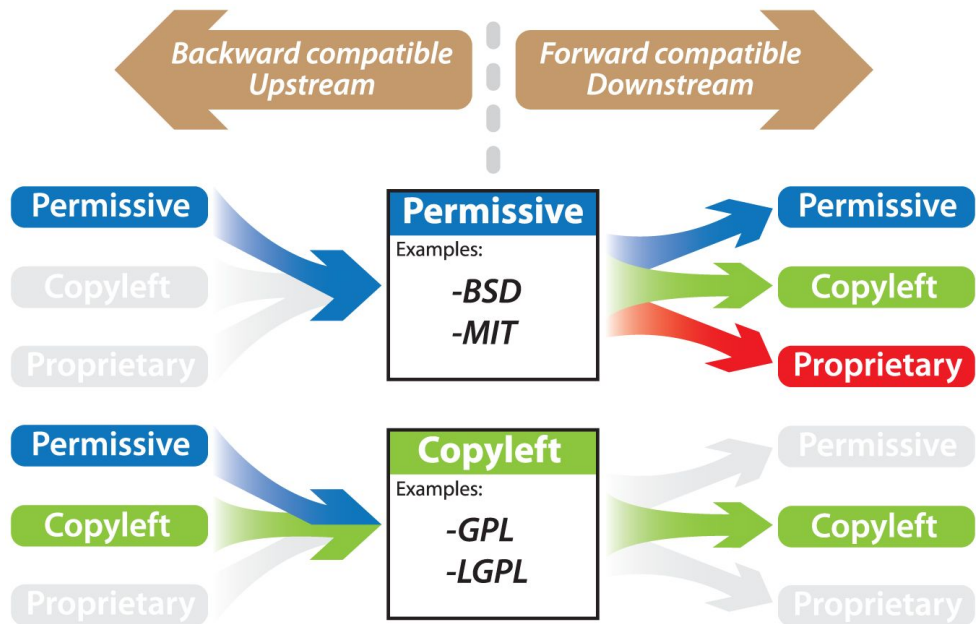
GitHub

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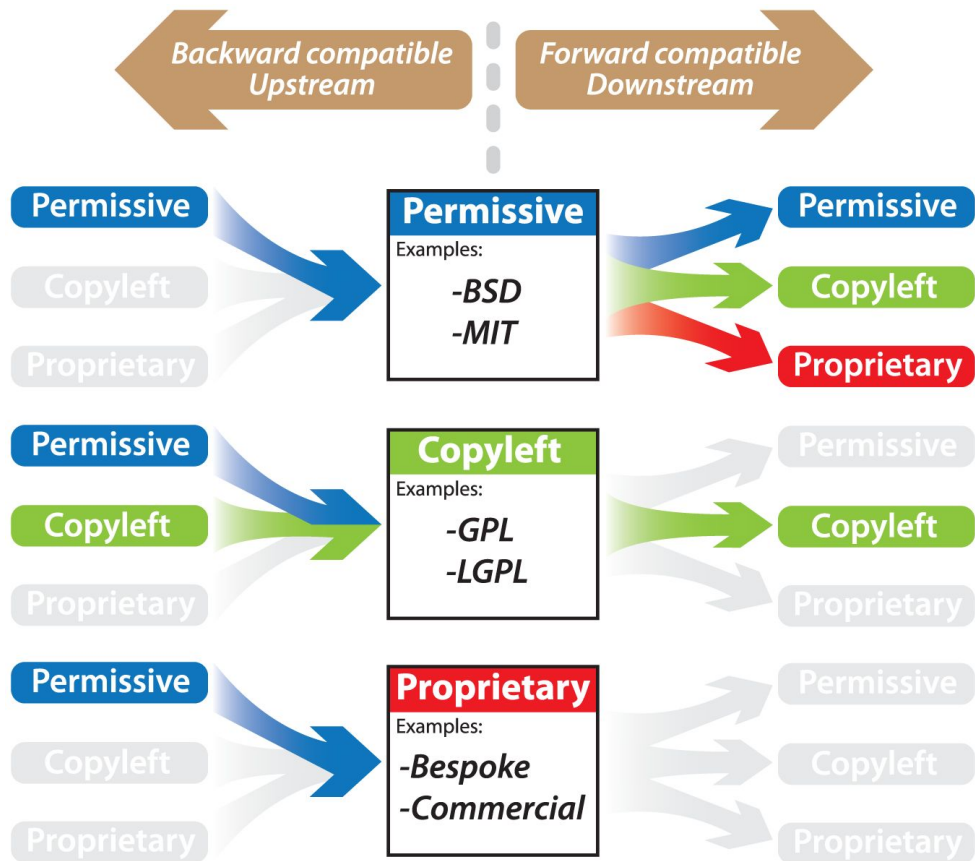
Open Source Software licenses



Open Source Software licenses



Open Source Software licenses



Material Transfer Agreements

Used for e.g. reagents, cell lines, plasmids, mice, ...

Can safeguard your commercial interest, while allowing others to use your material for research

Can ensure attribution

Can enforce remain in Public Domain

Uniform Biological Material Transfer Agreement



Benefits to the Recipient:

Permission to use material for research or teaching purposes

Rights to all research results, modifications, and invention

Patent applications on modifications or inventions

Publishing without editorial comment or review by provider

Limited liability

DO

Always add a (standard) license

Ideally: File level license indication

Be aware of the IPR of the code you (re-)use

DON'T

Invent your own license

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](#)

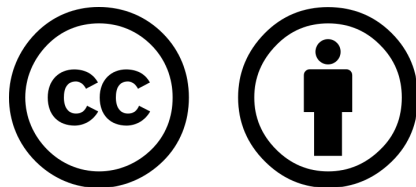
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