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

CC-BY 4.0 coderefinery

Intellectual property rights (IPRs)

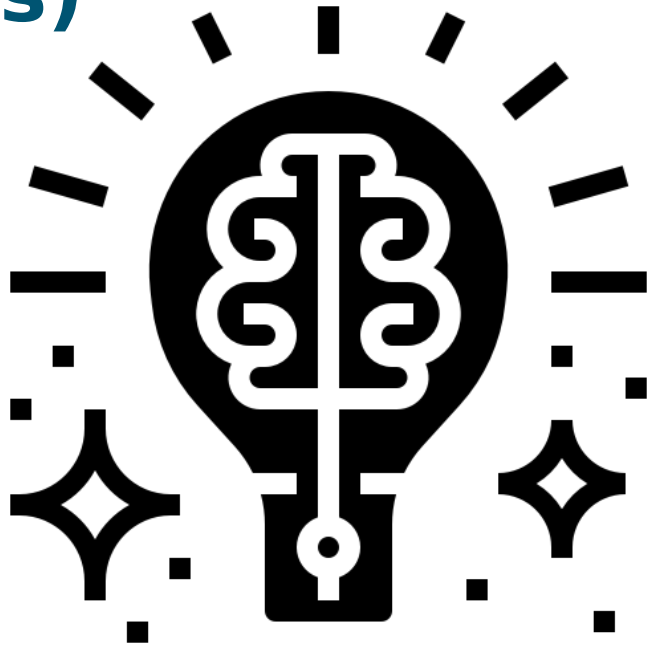
Patent: Protects novel, non-obvious, inventions

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

Database directive

Trademark: Protects a name/brand

Trade Secrets



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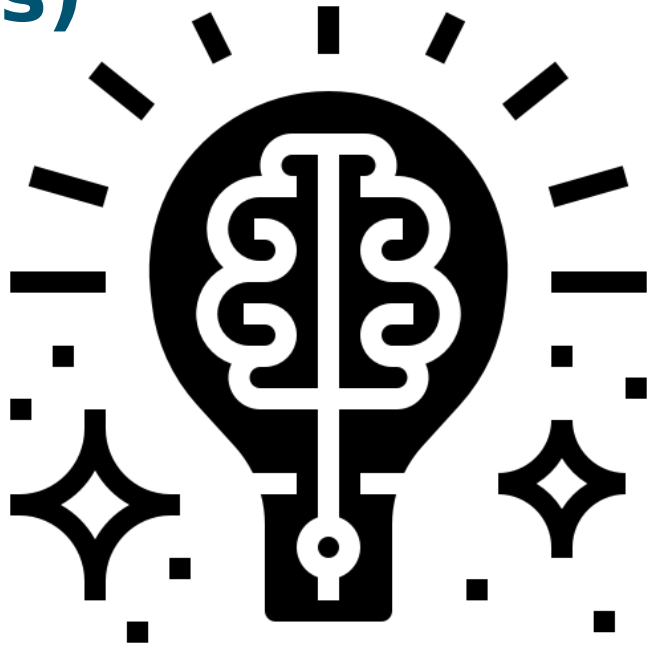

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IPR often regulated in work contract

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

https://www.digitallifenorway.org/conference/2021/digital-life-2021-know-how-workshop-ipr.html

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

http://www.epo.org/law-practice/legal-texts/html/epc/2013/e/ar52.html

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)

https://www.wipo.int/export/sites/www/tk/en/docs/ip_gr_grdataguidefin.pdf

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.

CC-BY-SA 3.0 License - Wikipedia

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

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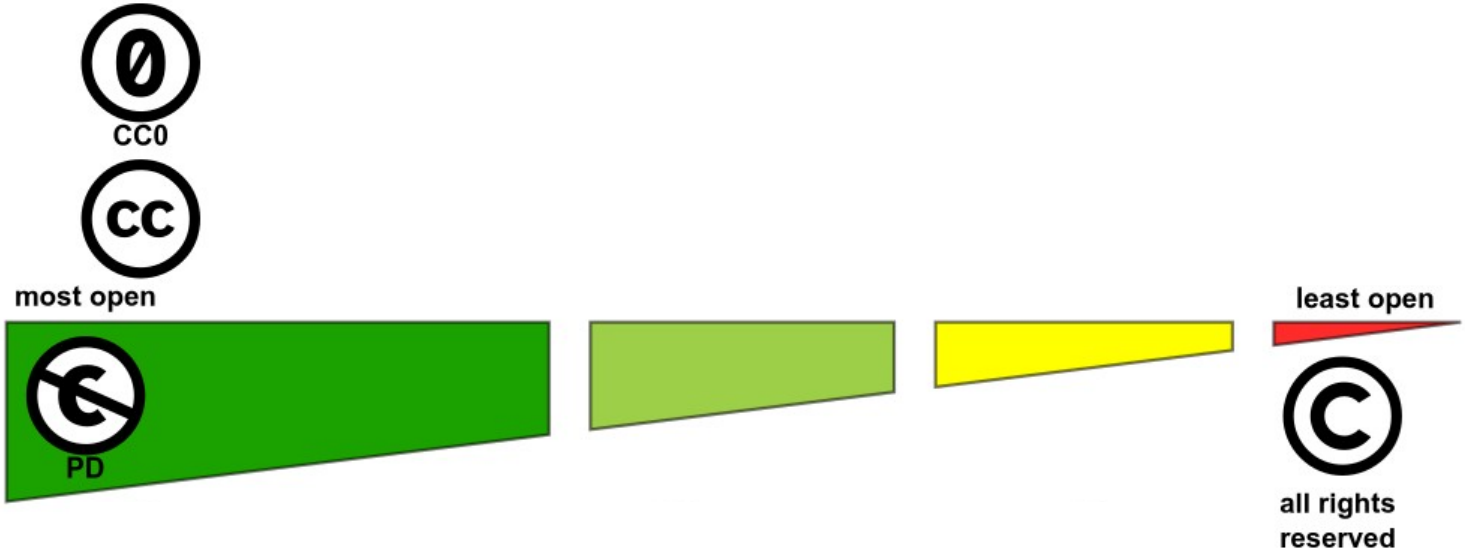

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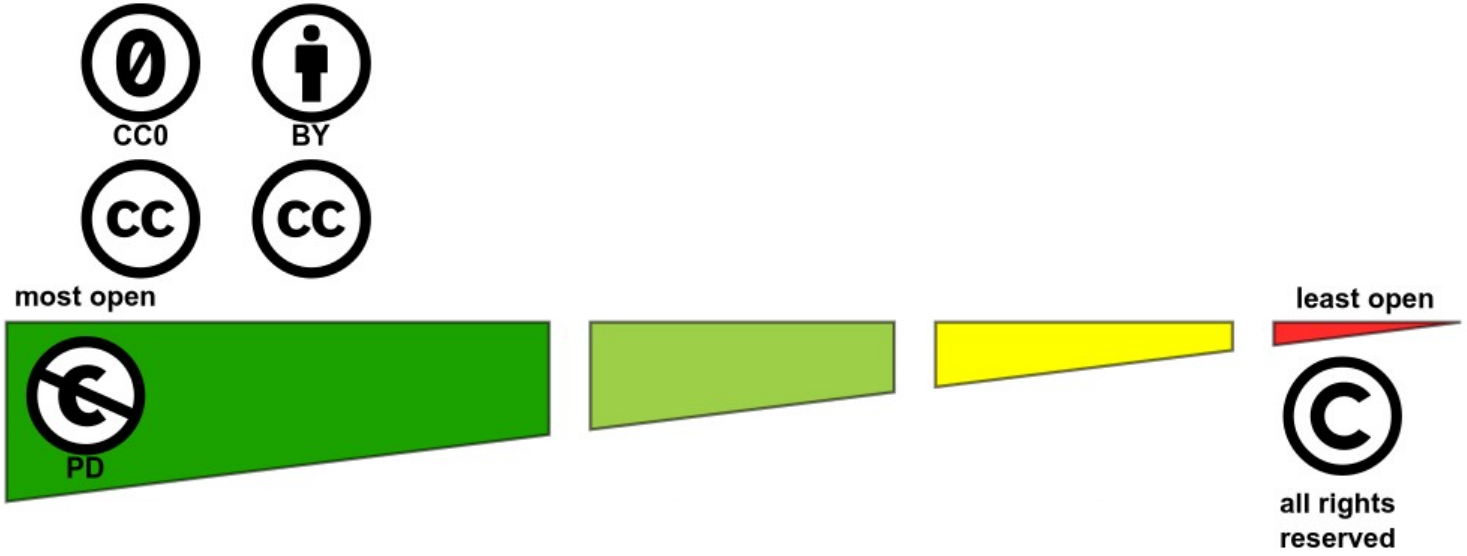

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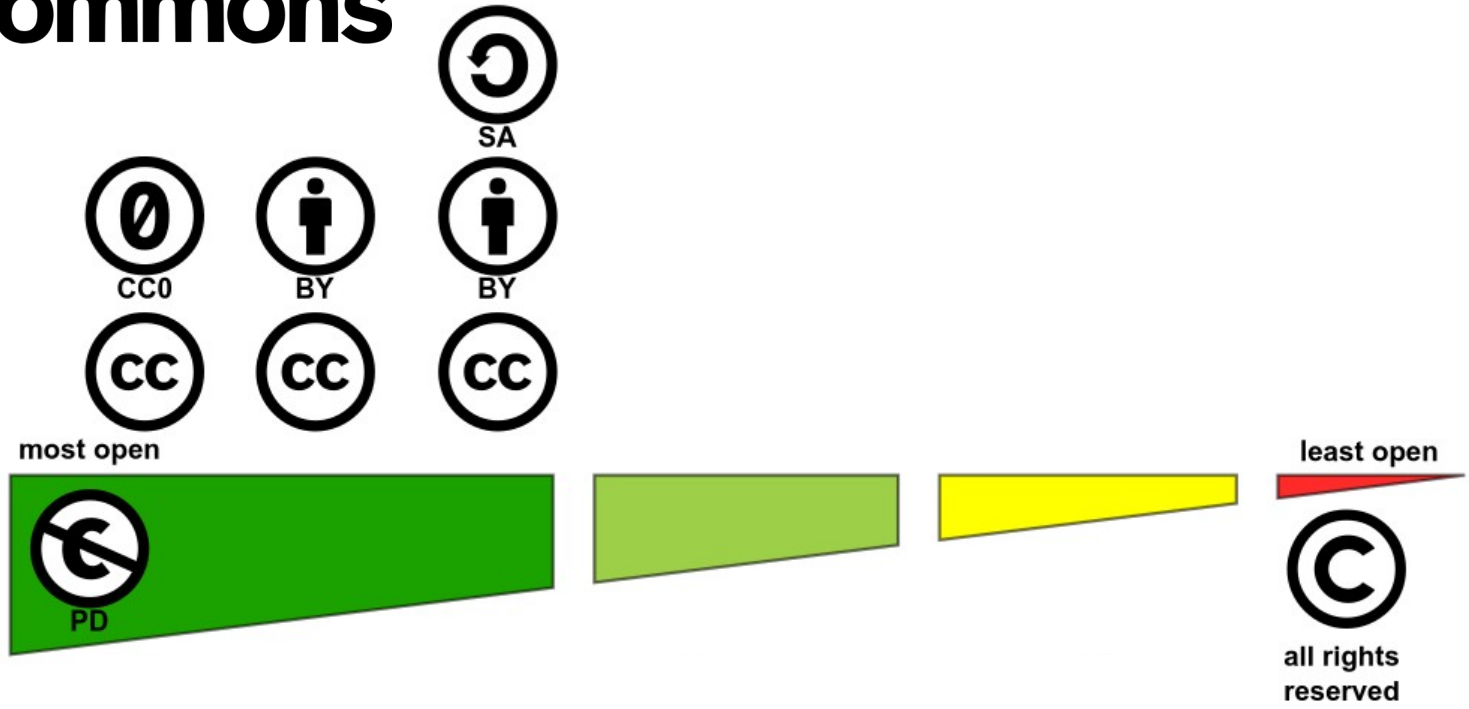

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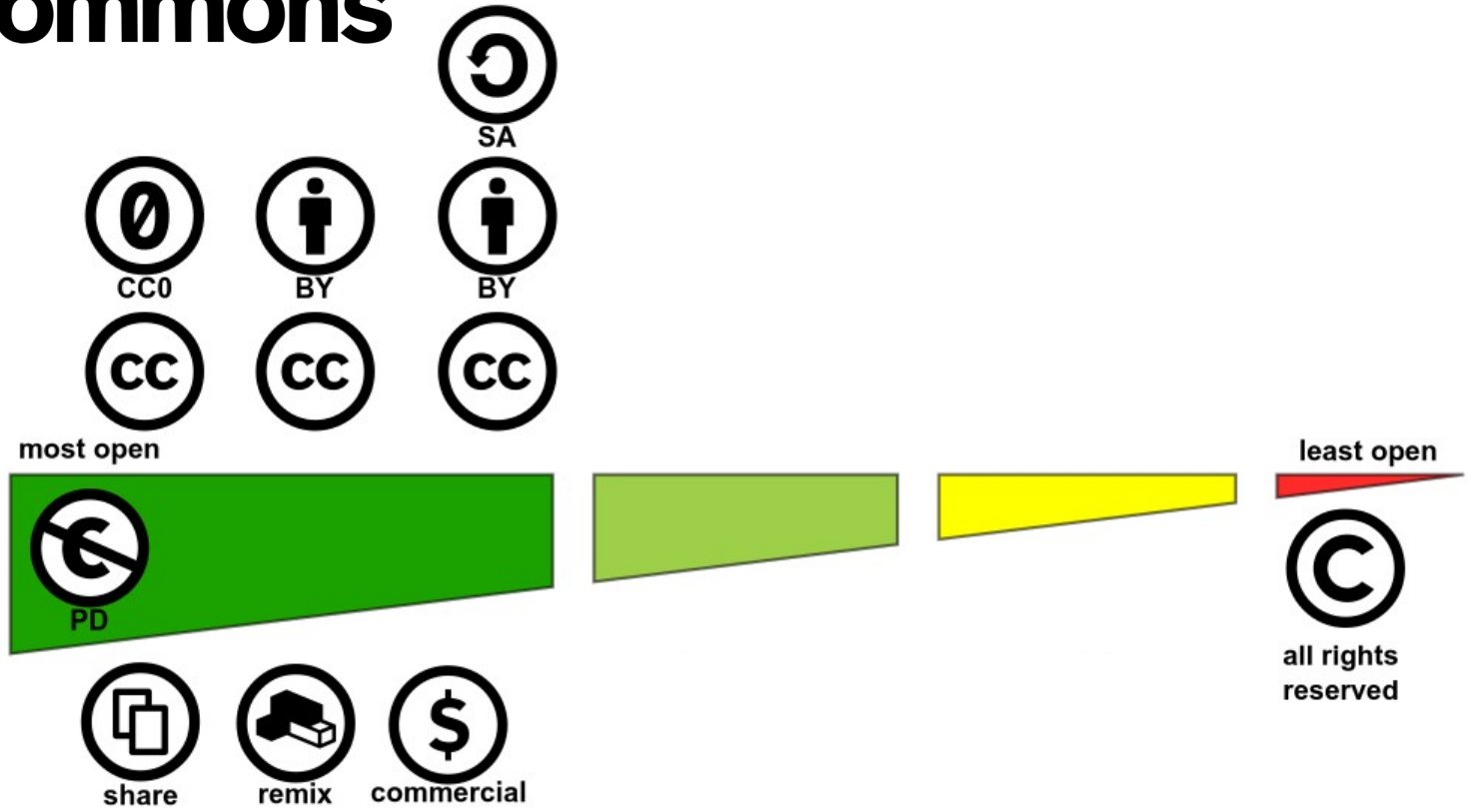

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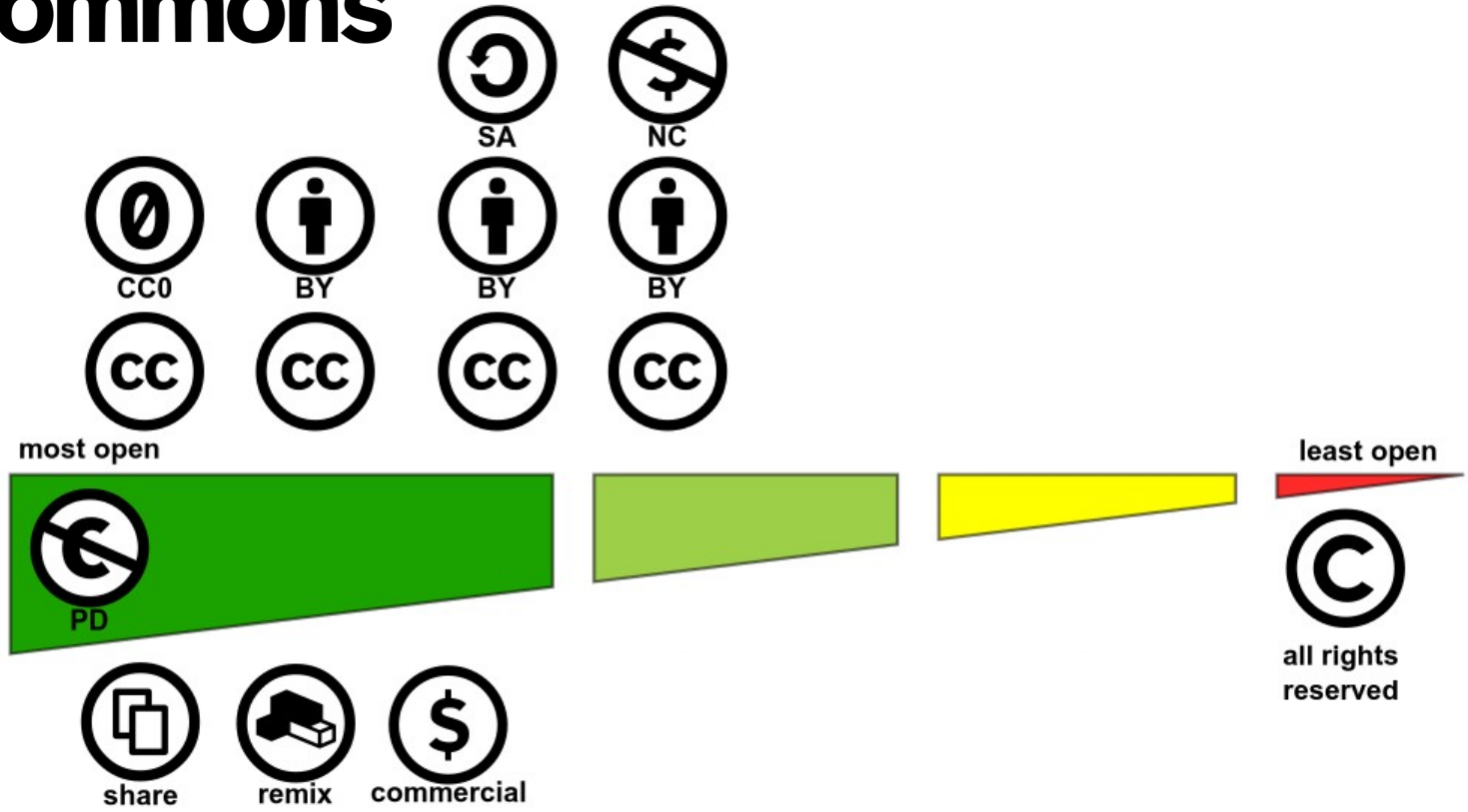

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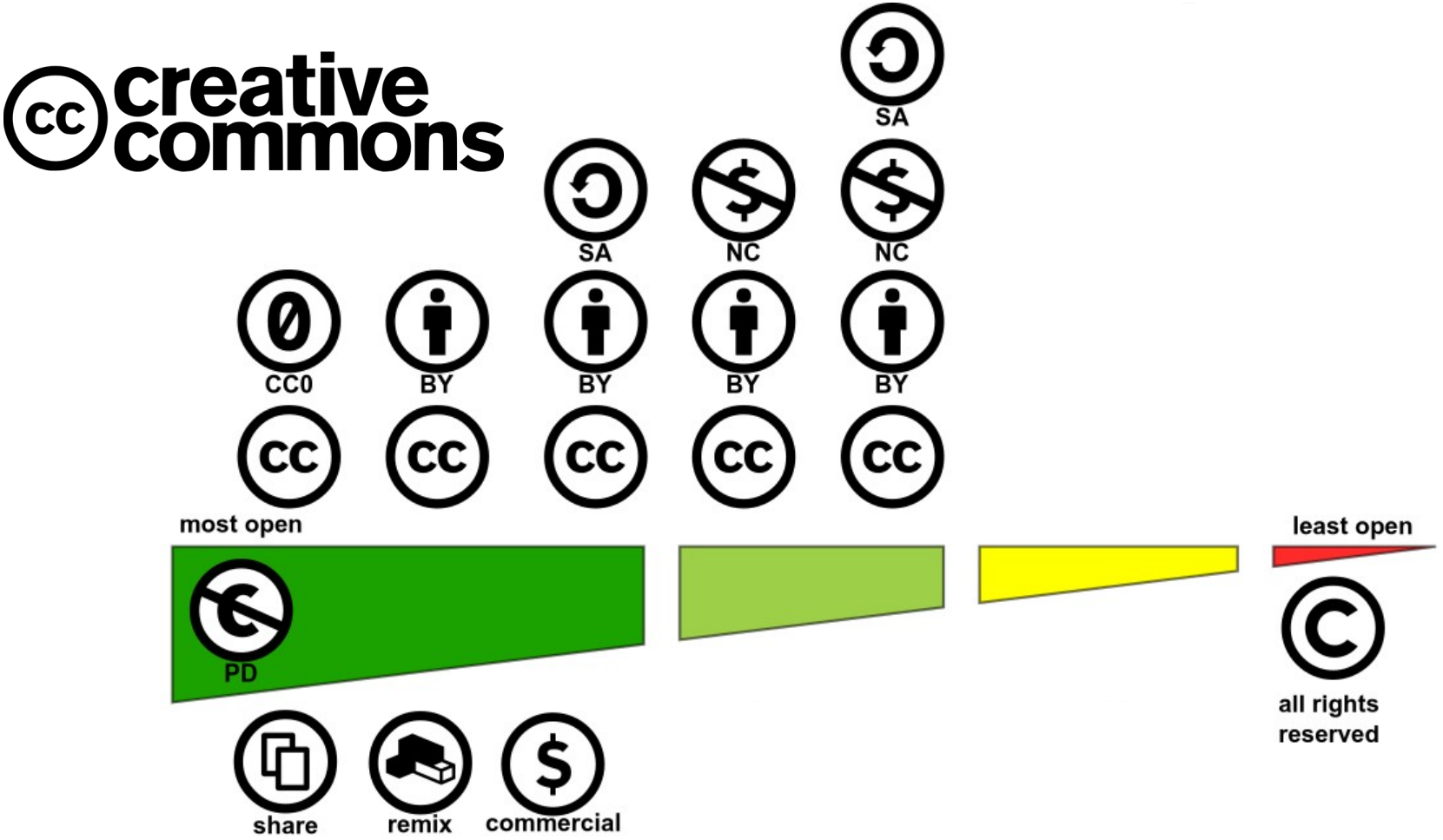

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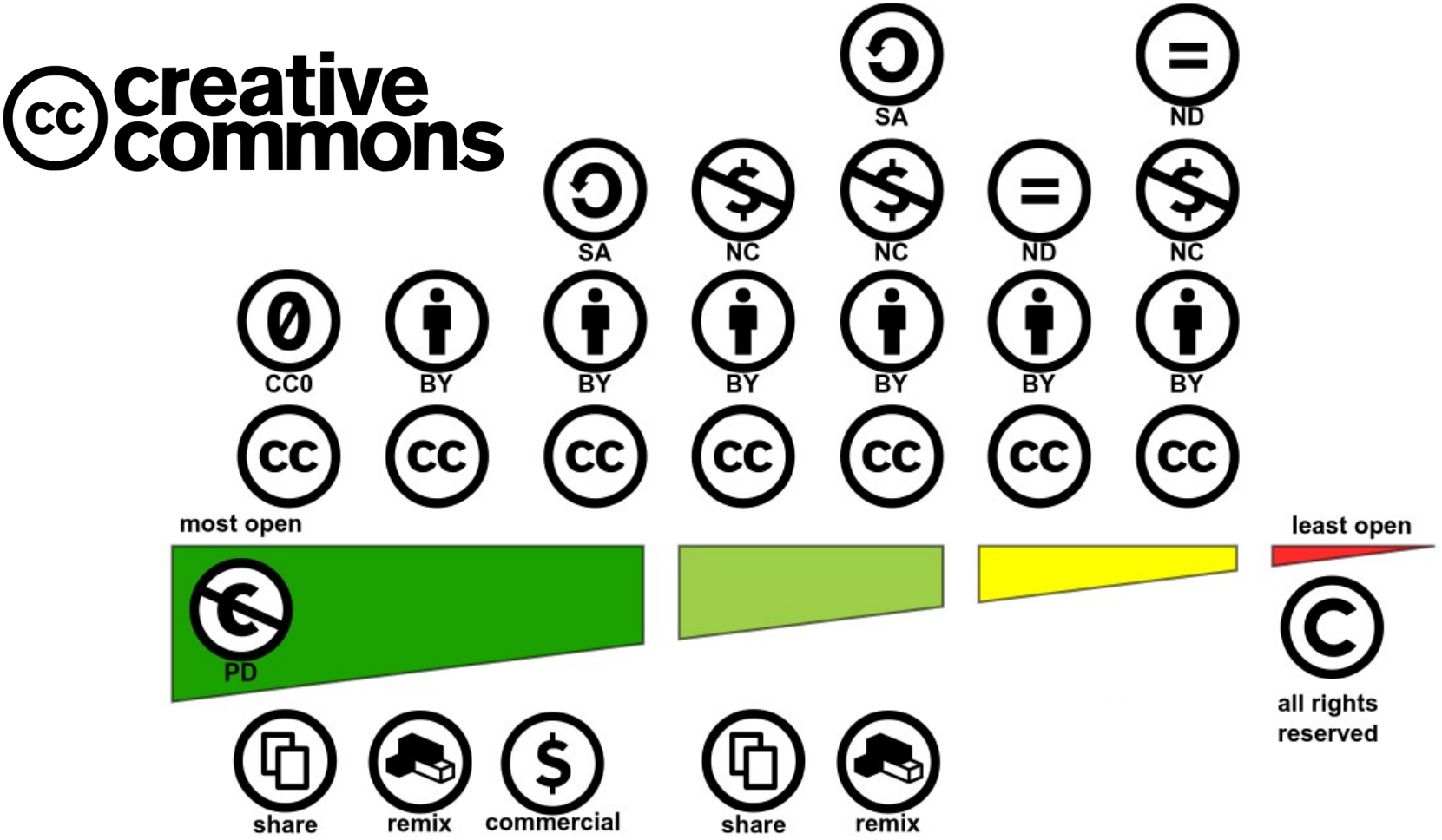

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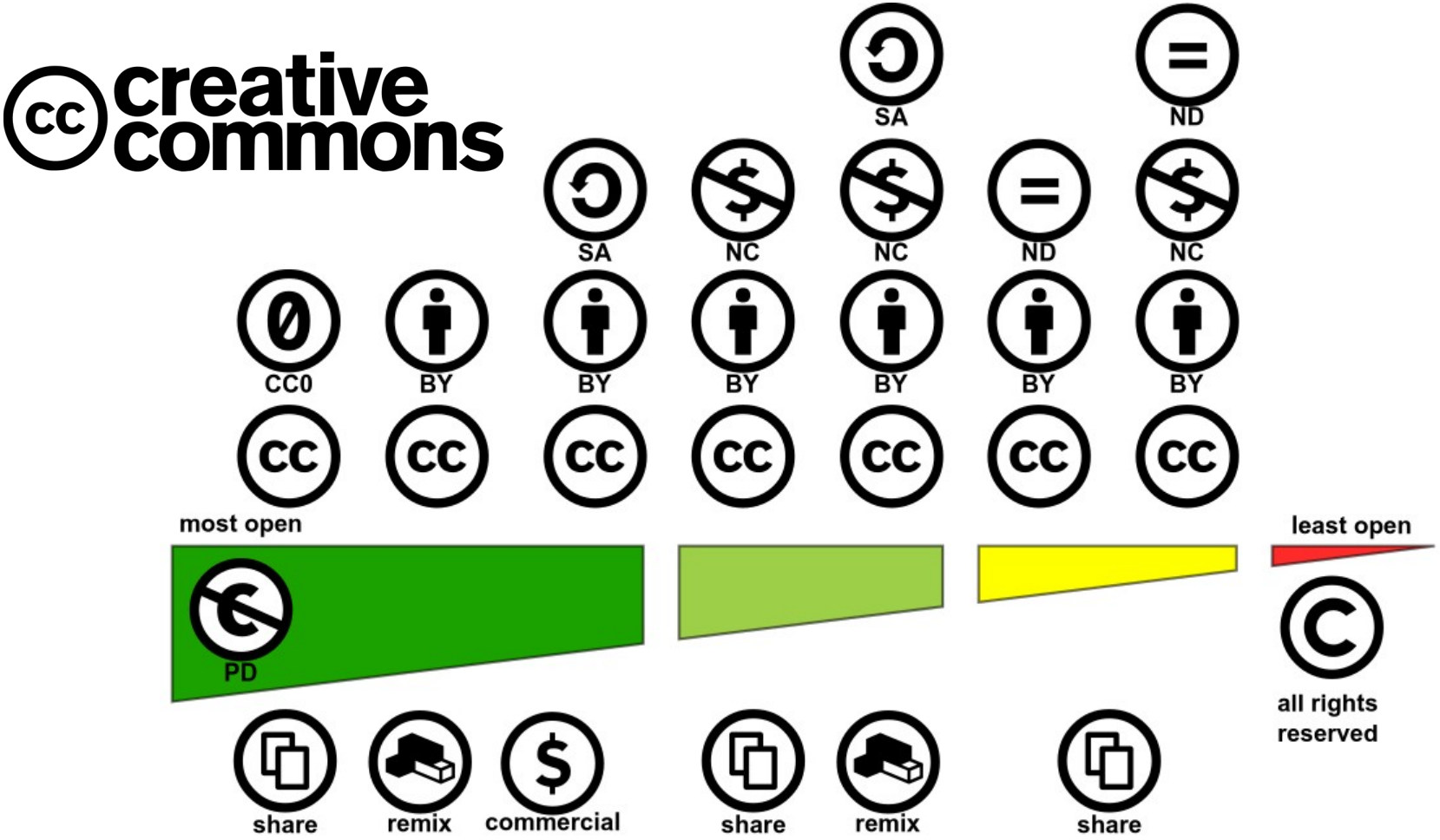

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Who to use this in practise?

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Creative Commons **- What is licensed?**

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Challenges

Multiple Attributions for several sources (license stacking)

Multiple incompatible source licenses

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

Unintentional restrictive

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Open Source Software licenses

Special considerations for Software

Liability

Warranty

Modifications

Network use = Distribution?

Open Source Software licenses

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Open Source Software licenses

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weak

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LGPL
MPL

Permissions	Conditions	Limitations
Commercial use	Disclose source	Liability
Distribution	License and copyright notice	Warranty
Modification	Same license (library)	
Patent use	State changes	
Private use		

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strong

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GPL
AGPL

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Distribution	License and copyright notice	Warranty
Modification	Same license	
Patent use	State changes	
Private use		

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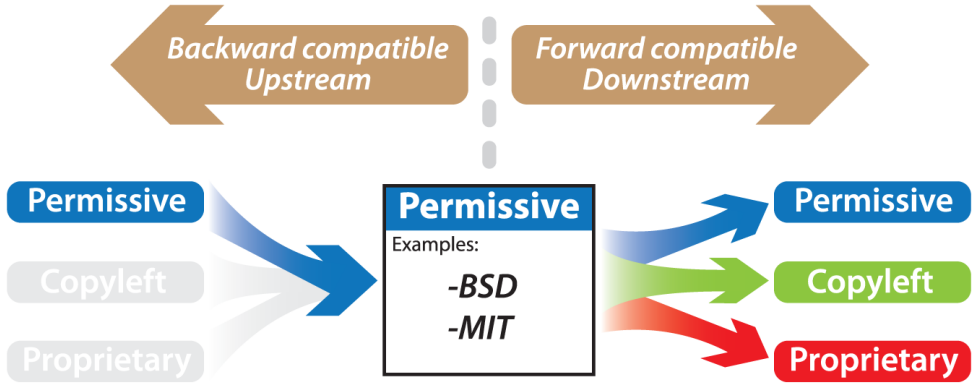
Open Source Software



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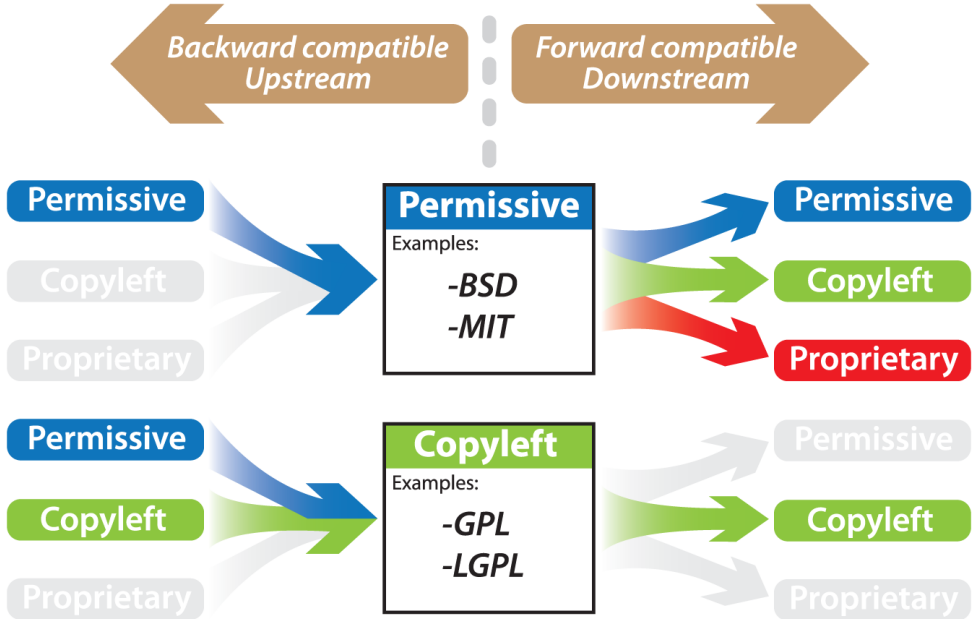

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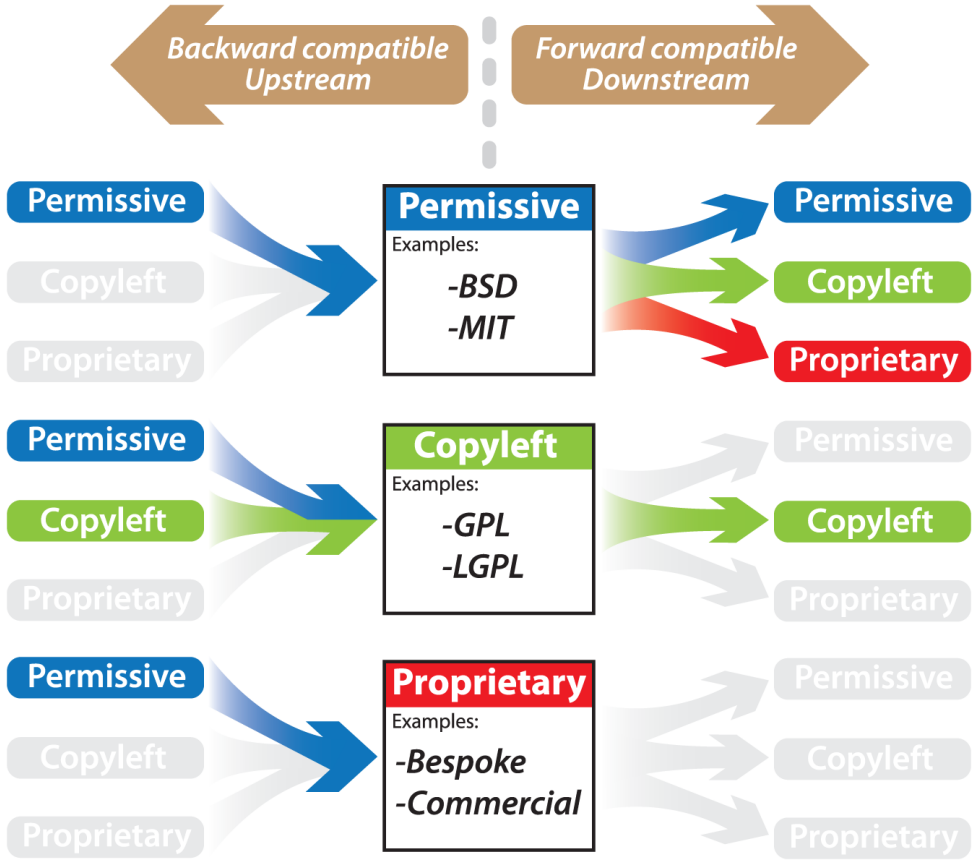

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DO

Alway add a (standard) license

Ideally: File level license indication

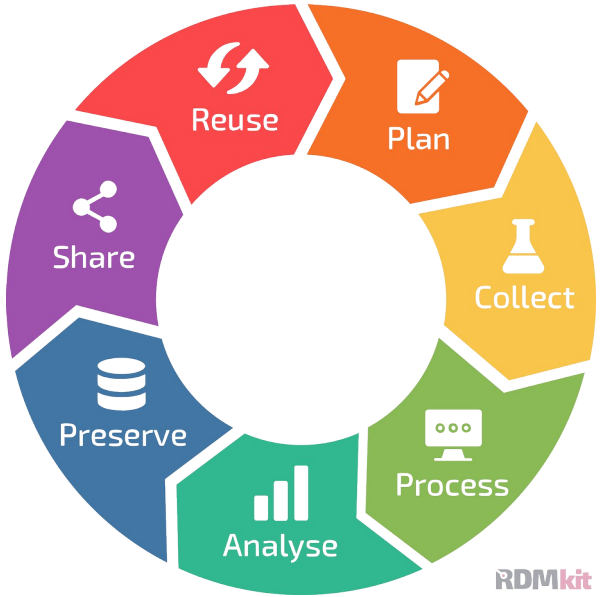
Be aware of the IPR of the code you (re-)use

DON’T

Invent your own license

Your tasks

- 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



RDMkit

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

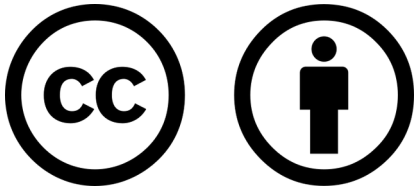
Your tasks: Licensing | RDMkit

EUDAT license chooser for data and software

Choose a License

Licenses & Standards | Open Source Initiative

Thank you!



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