Licensing

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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

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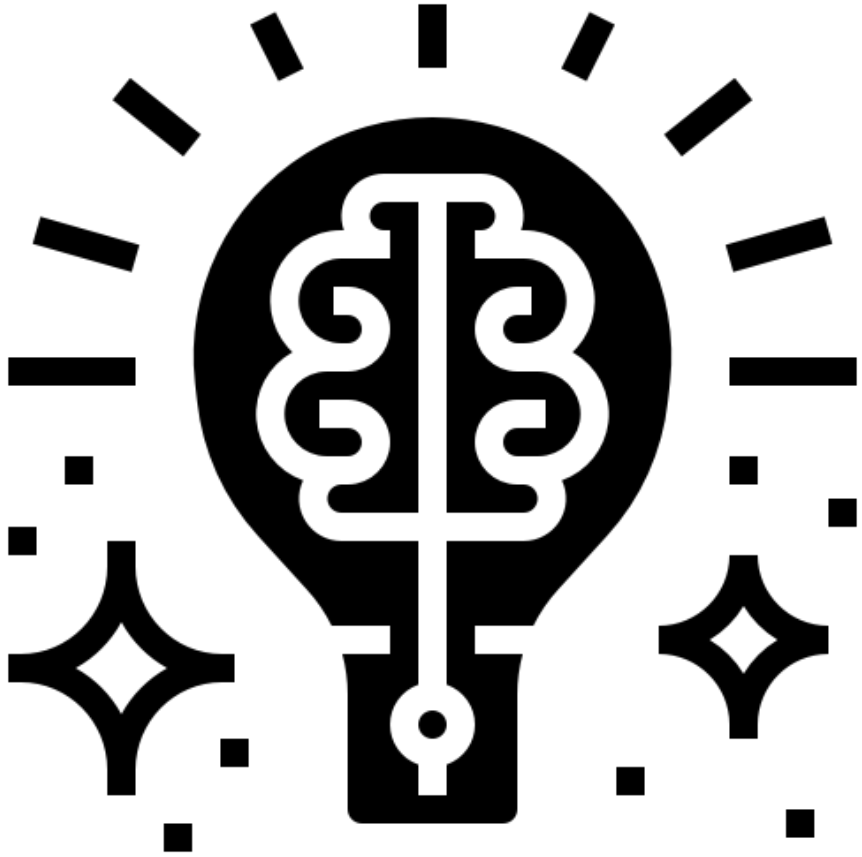
Intellectual property rights (IPRs)

Patent: Protects novel, non-obvious, inventions

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

Trademark: Protects a name/brand



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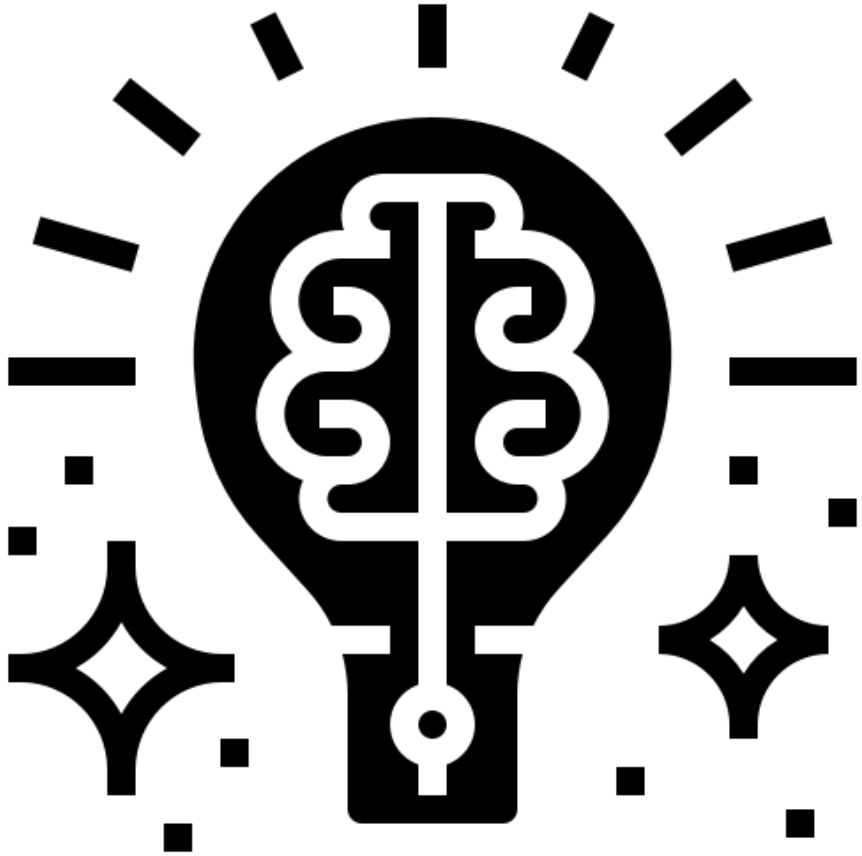

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IPR often regulated in work contract

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

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

Copyright in Europe

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

Applies by default

Does not apply for facts

Economic rights vs. moral rights

Author lifetime + 70 years

Commons:Copyright rules by territory/Norway

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.

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Why should I licence my research outputs?

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Legal security for users (Accessibility)

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Increase of willingness to reuse outputs (Reusability)

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Legal security for users (Accessibility)

Increase of willingness to reuse outputs (Reusability)

Allows deposition/mirroring in 2nd databases (Findability)

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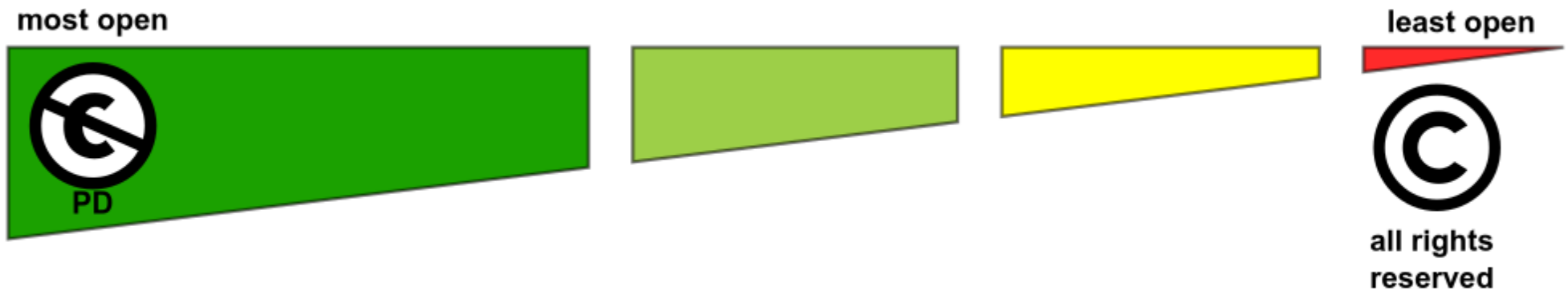

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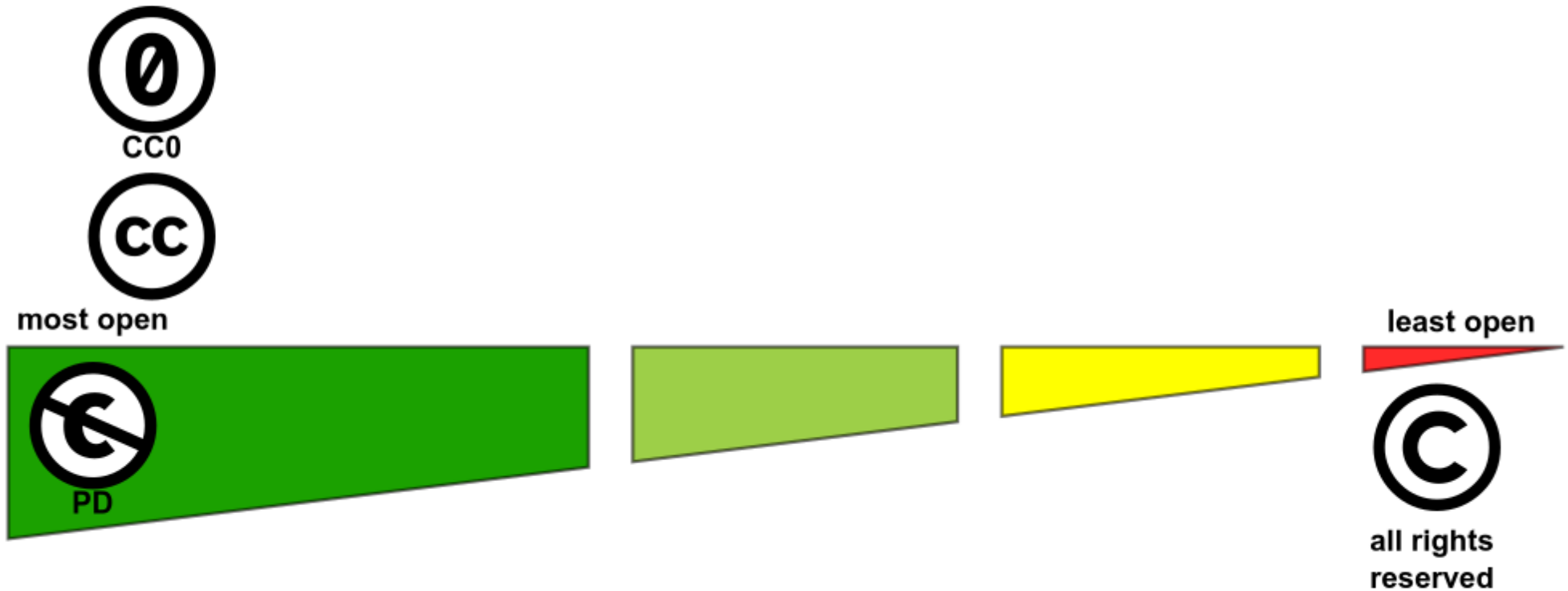

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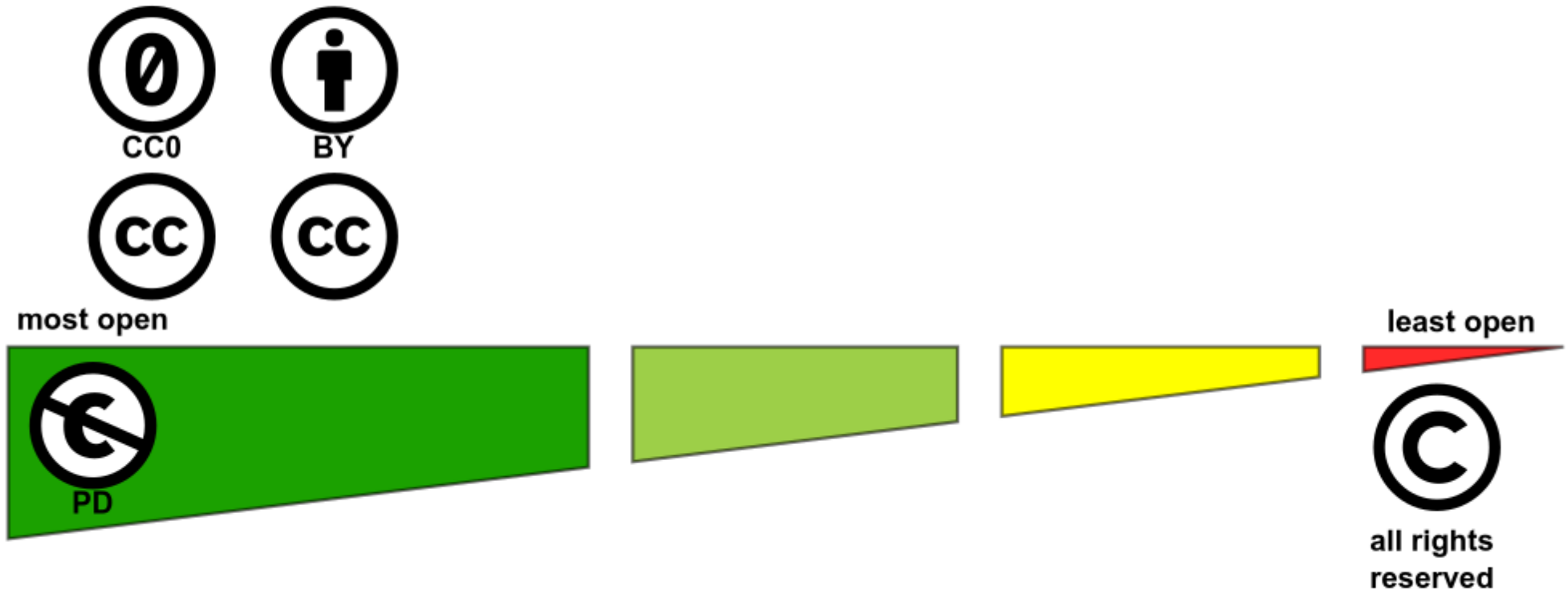

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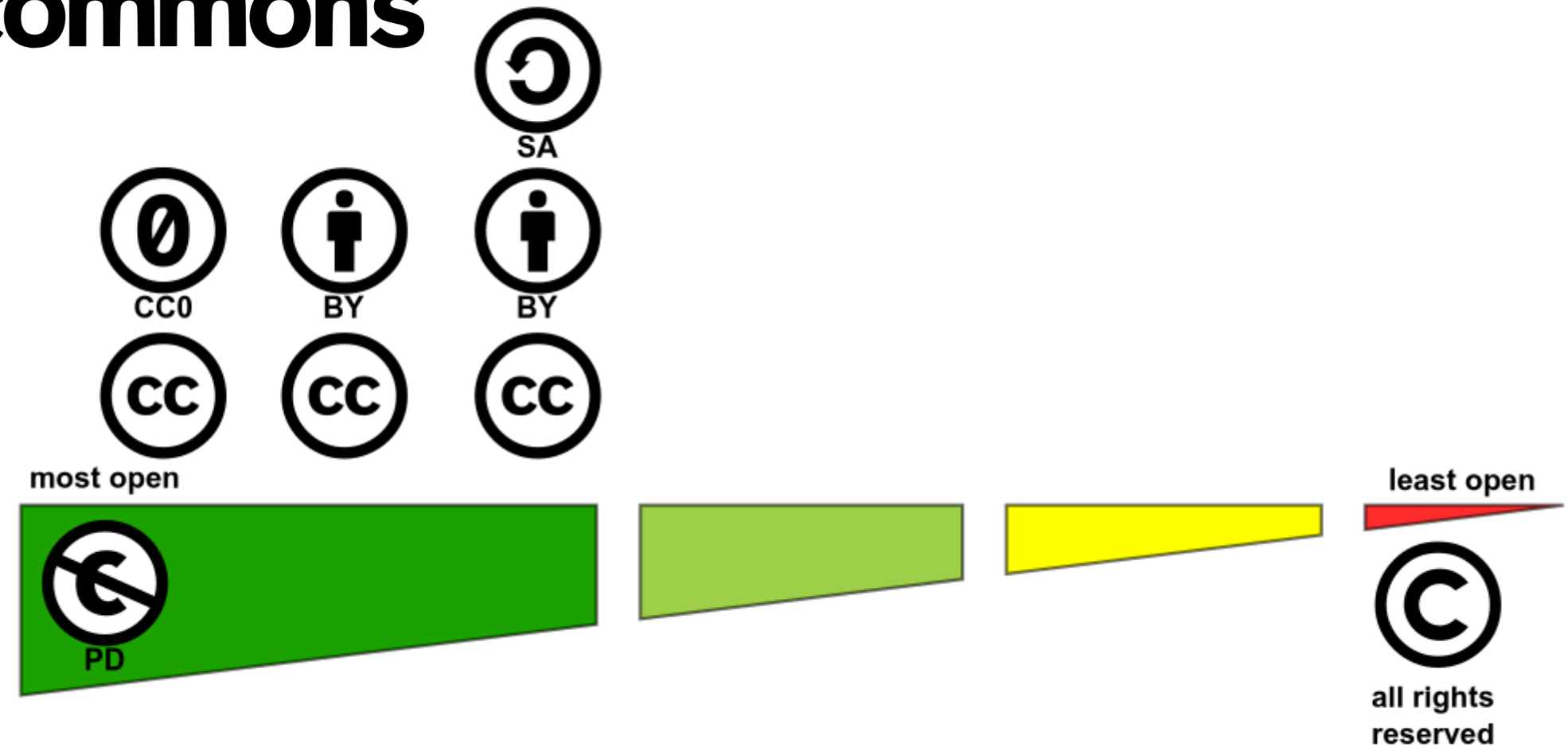

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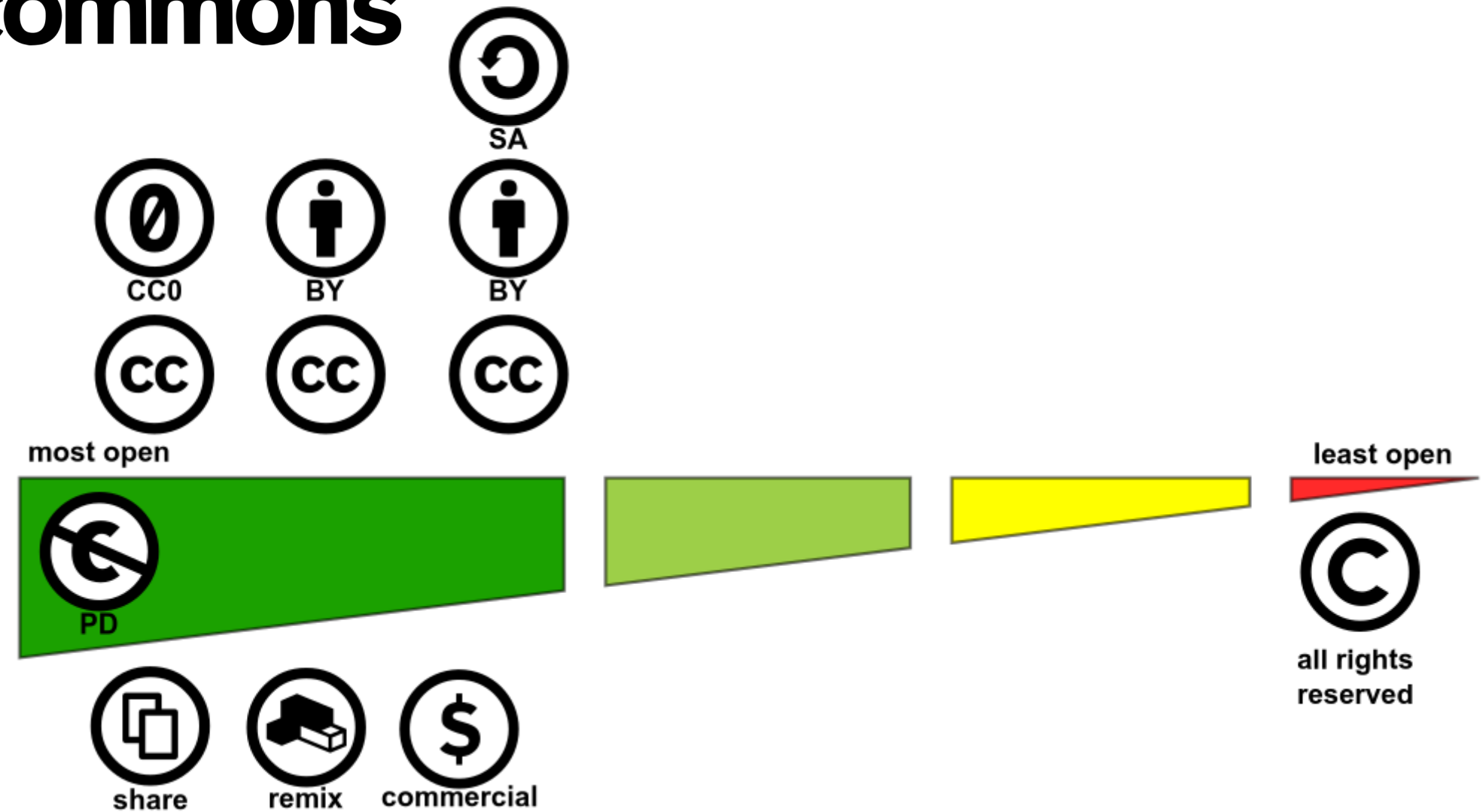

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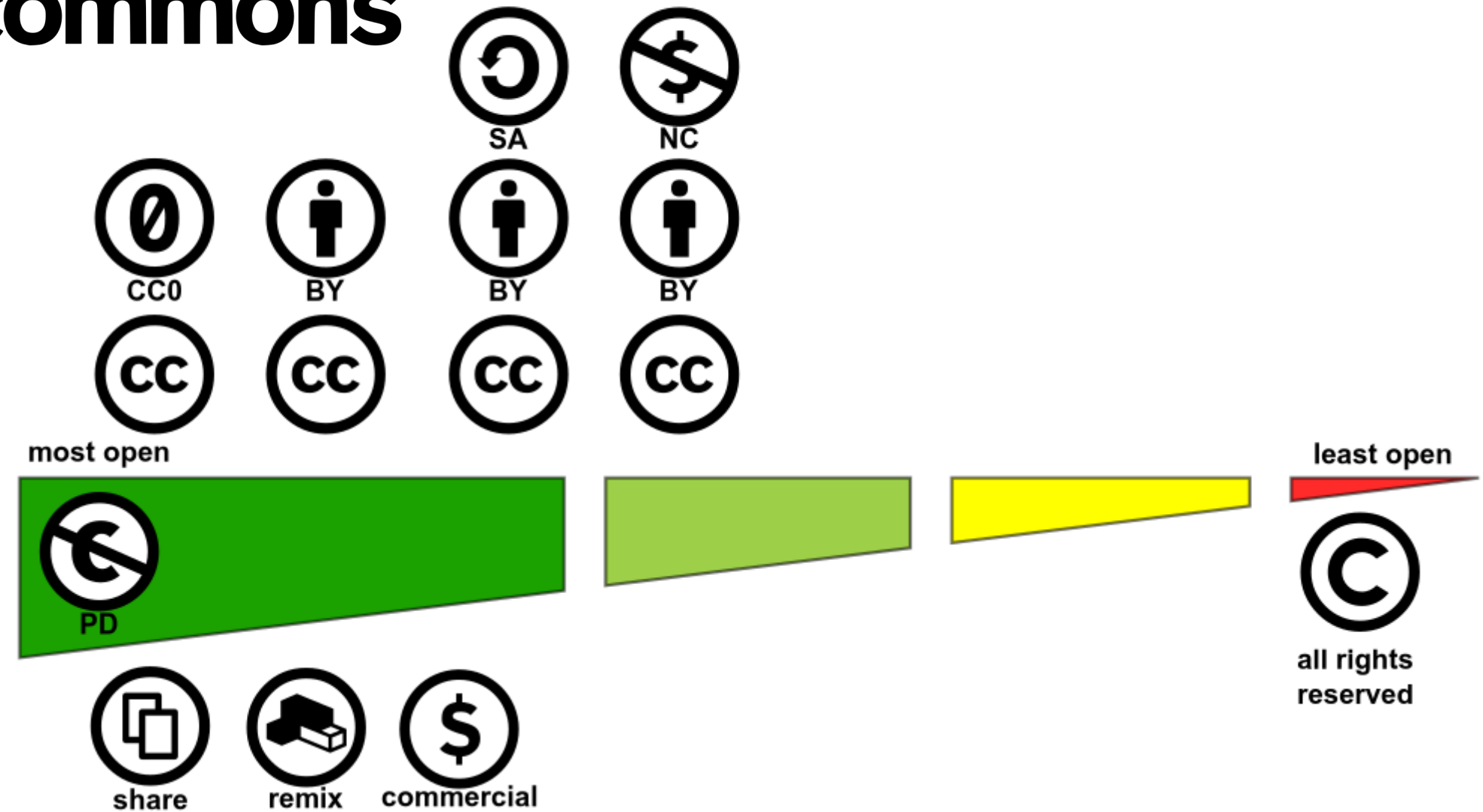

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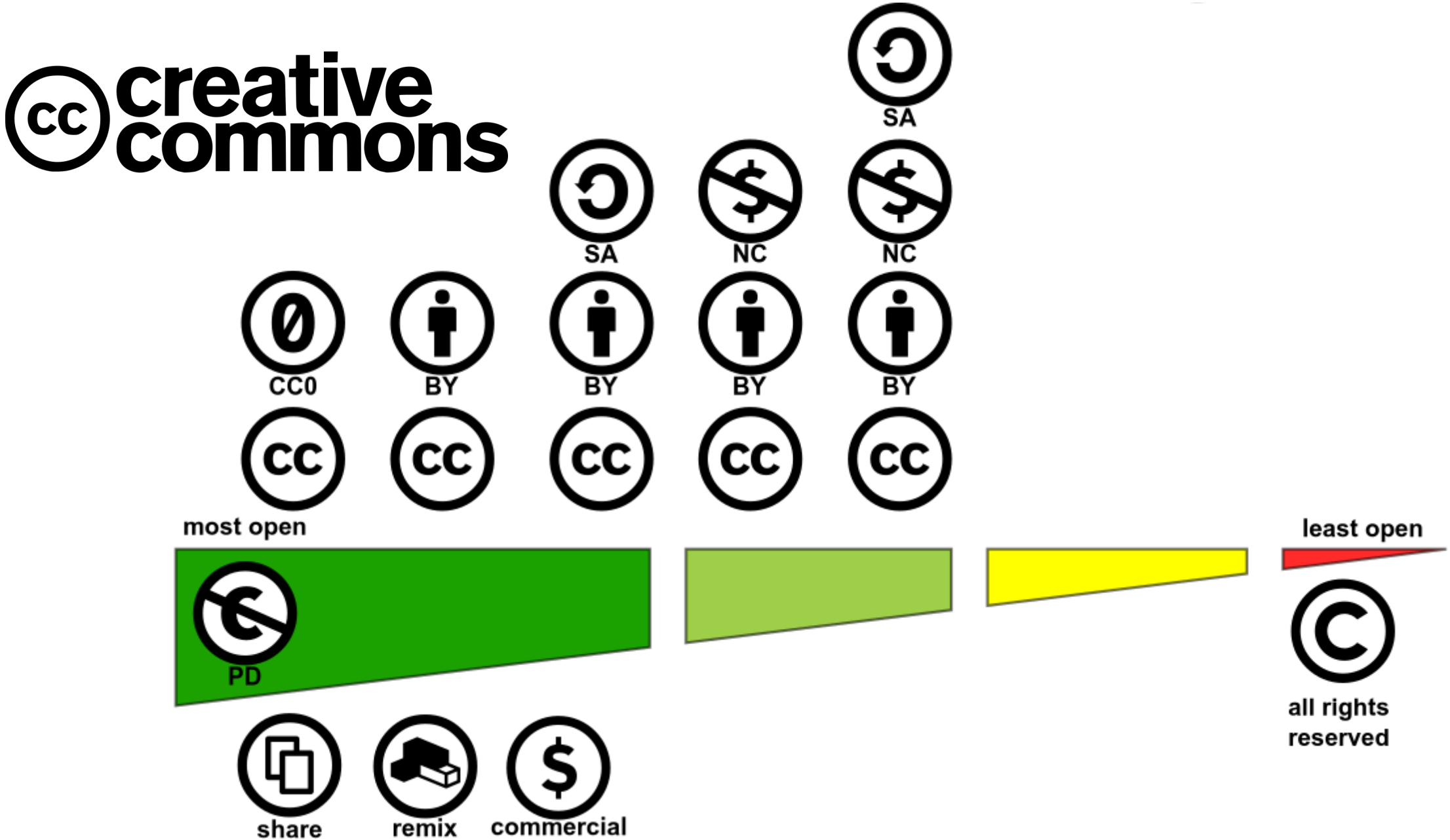

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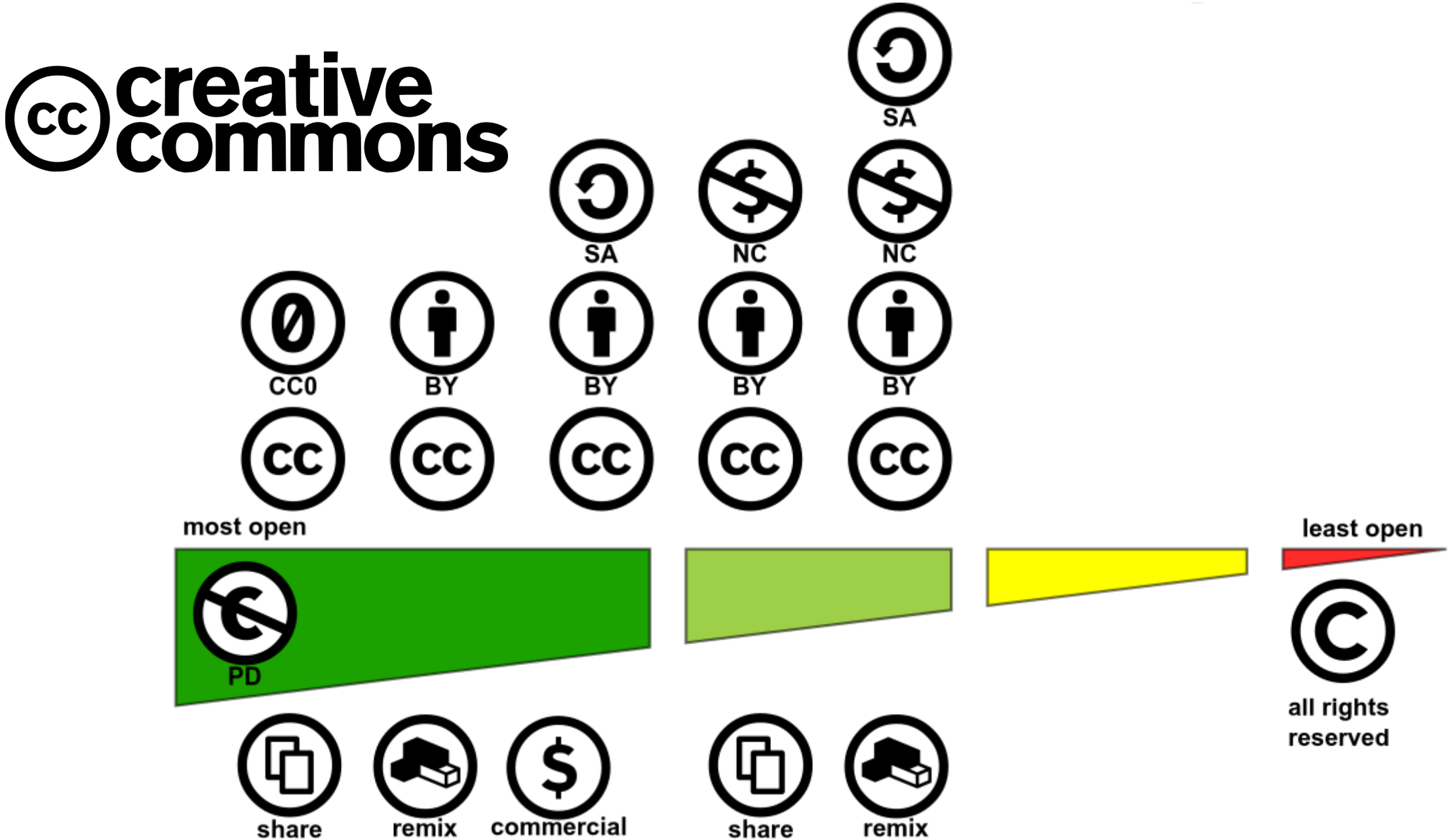

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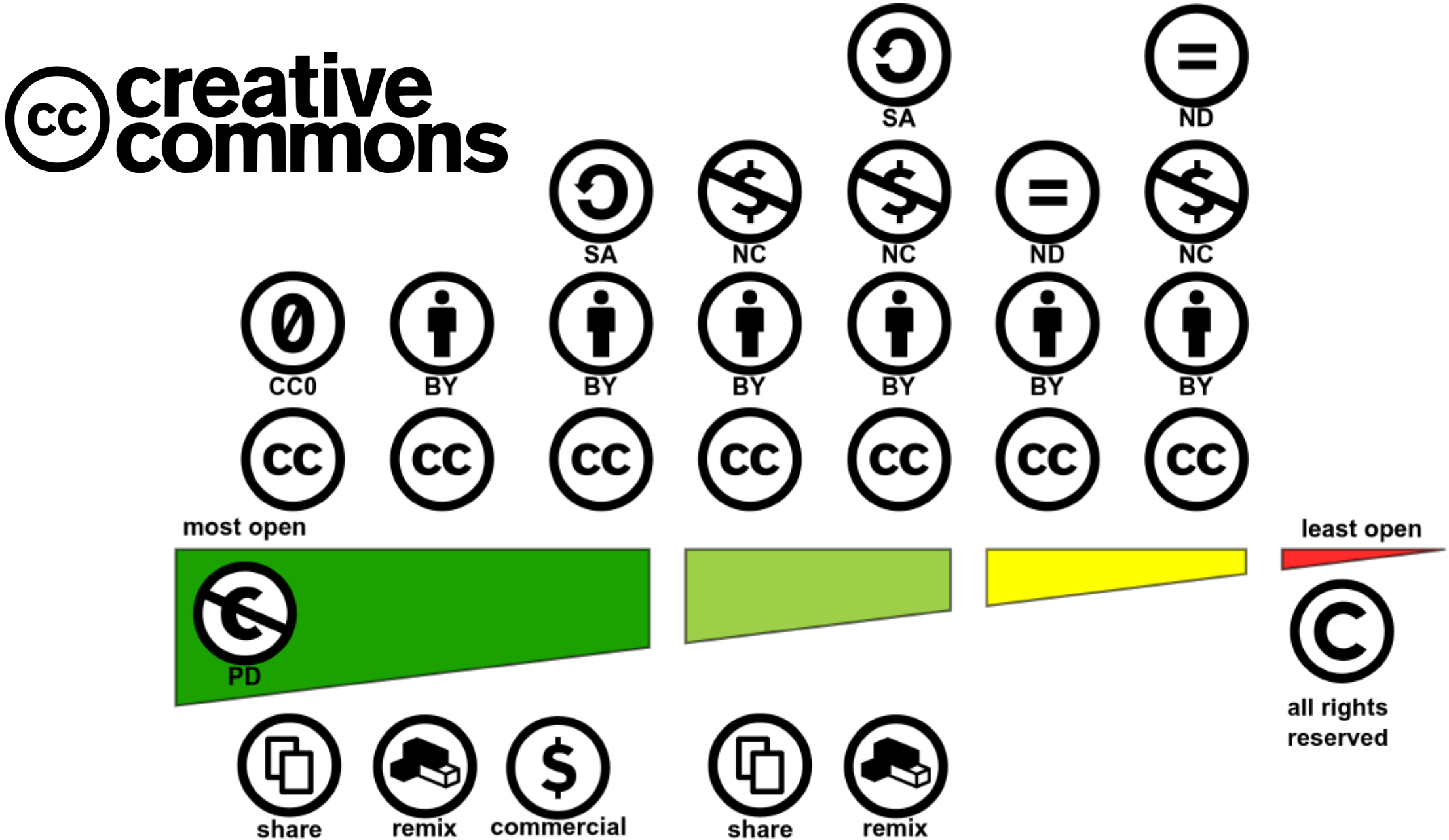

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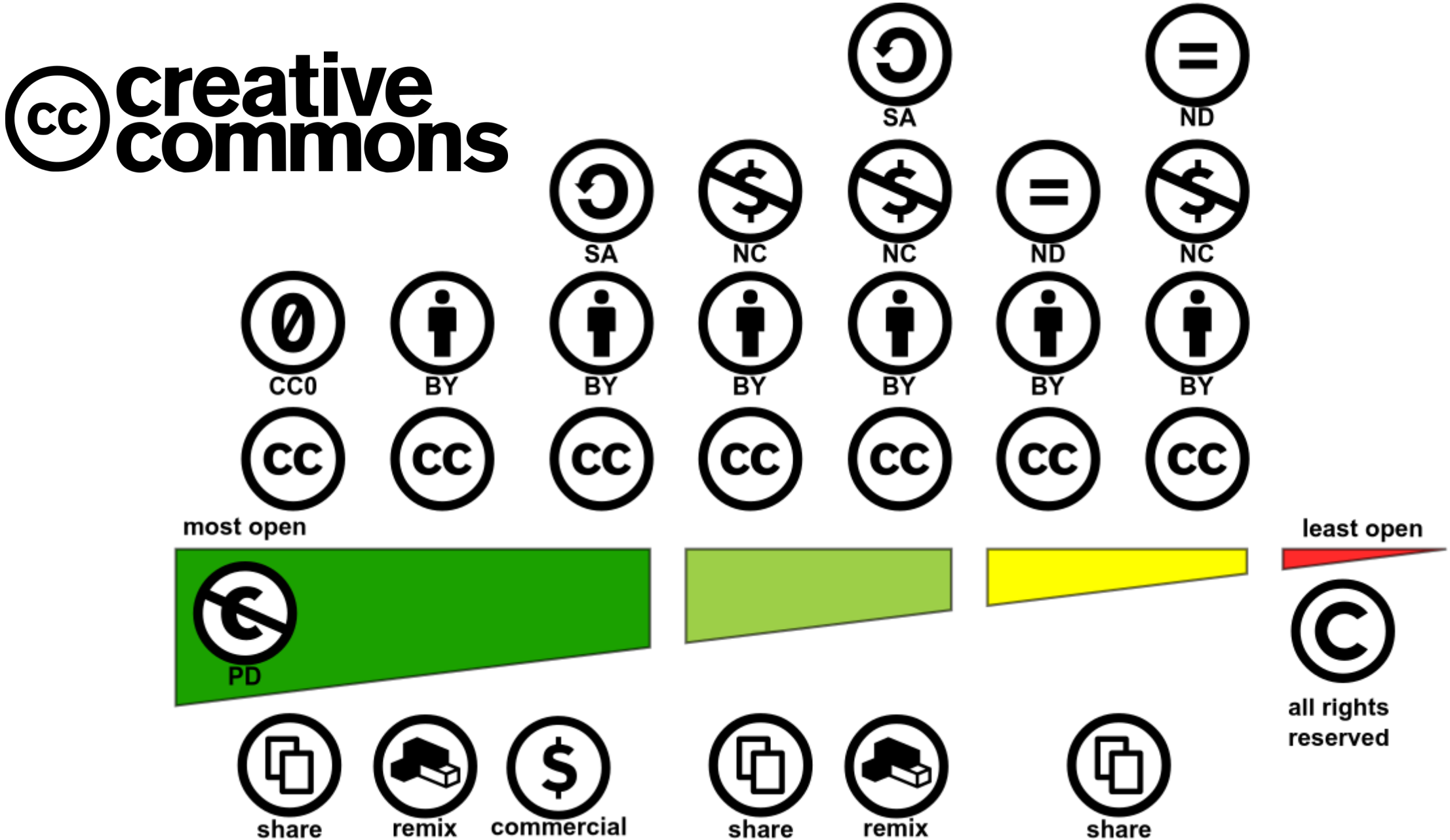

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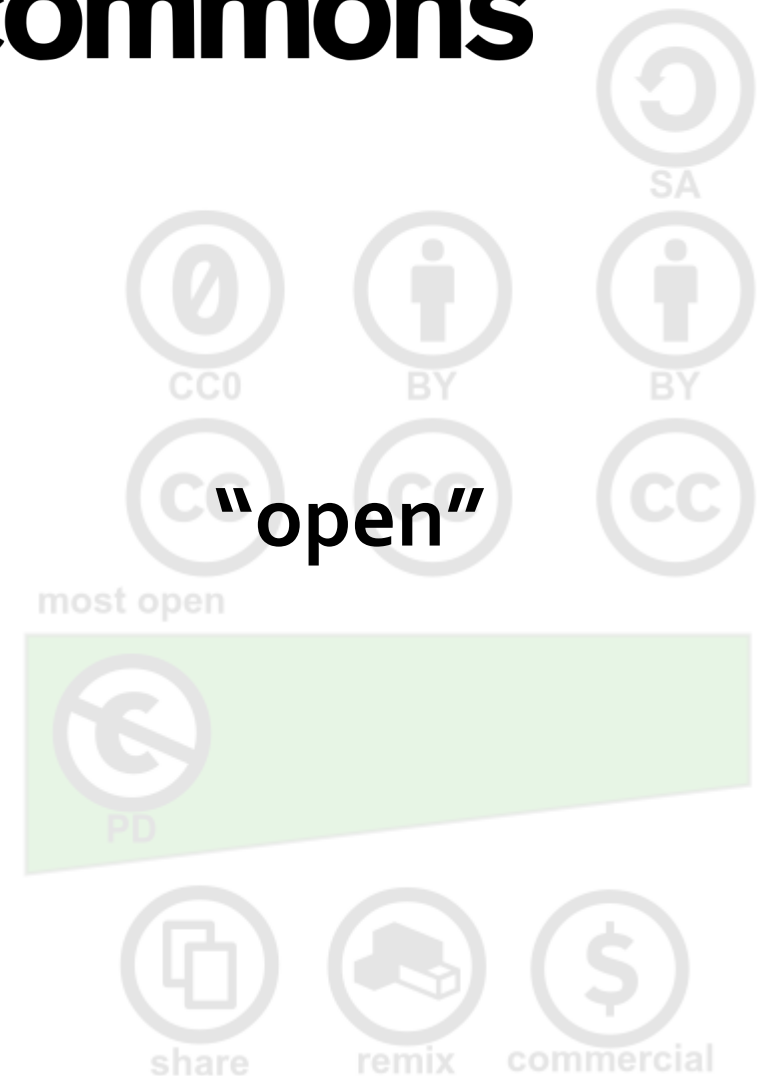

“open”

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Special considerations for Software

Liability

Warranty

Modifications

Network use = Distribution?

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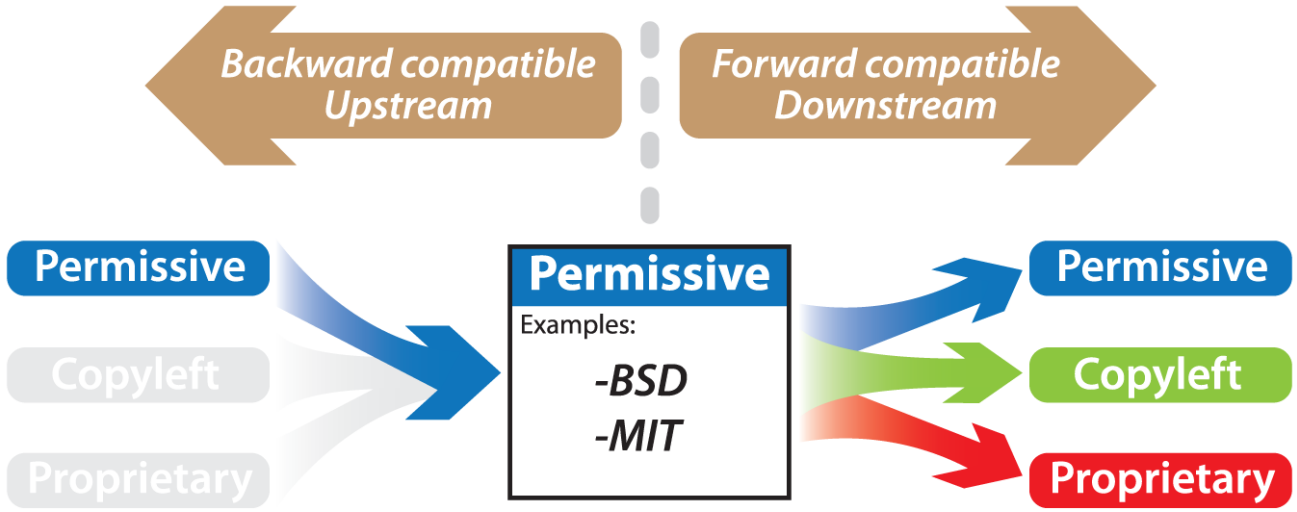

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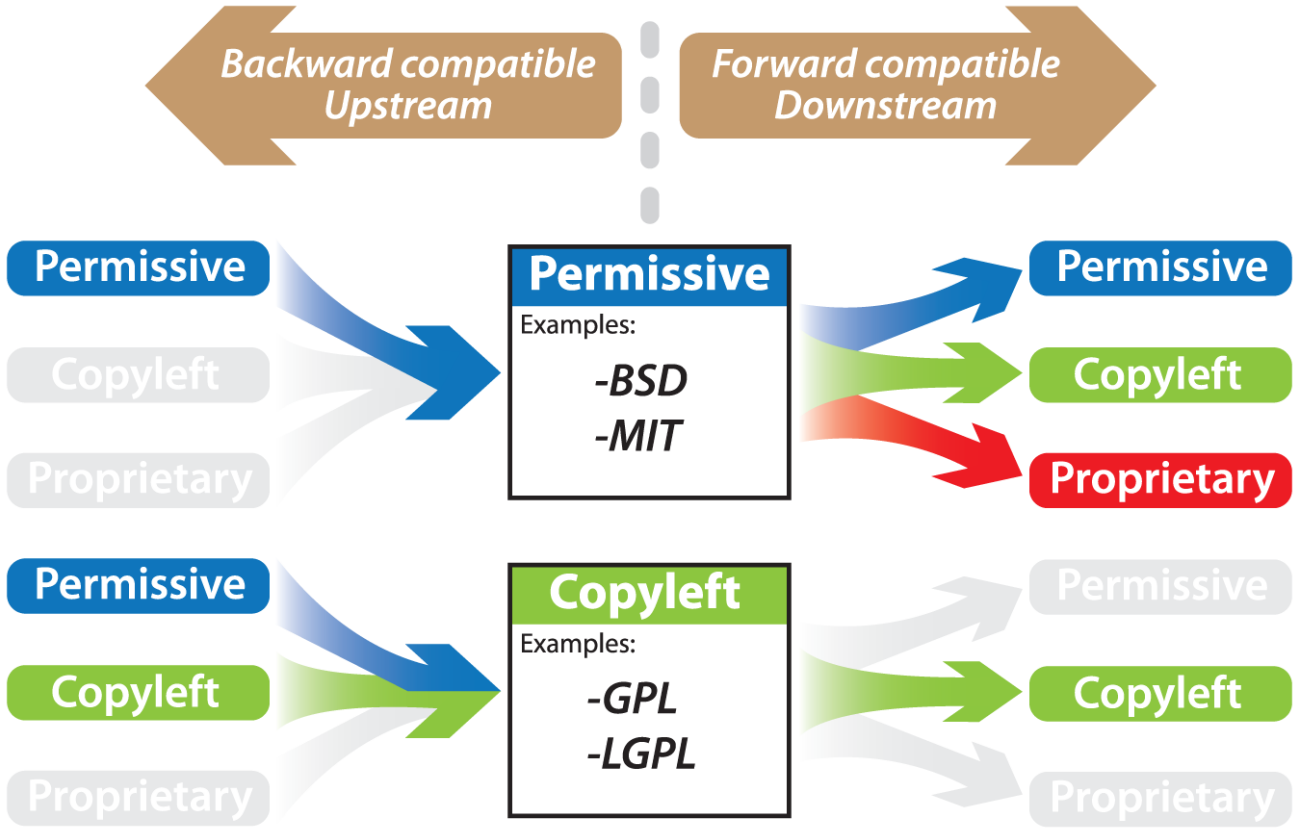

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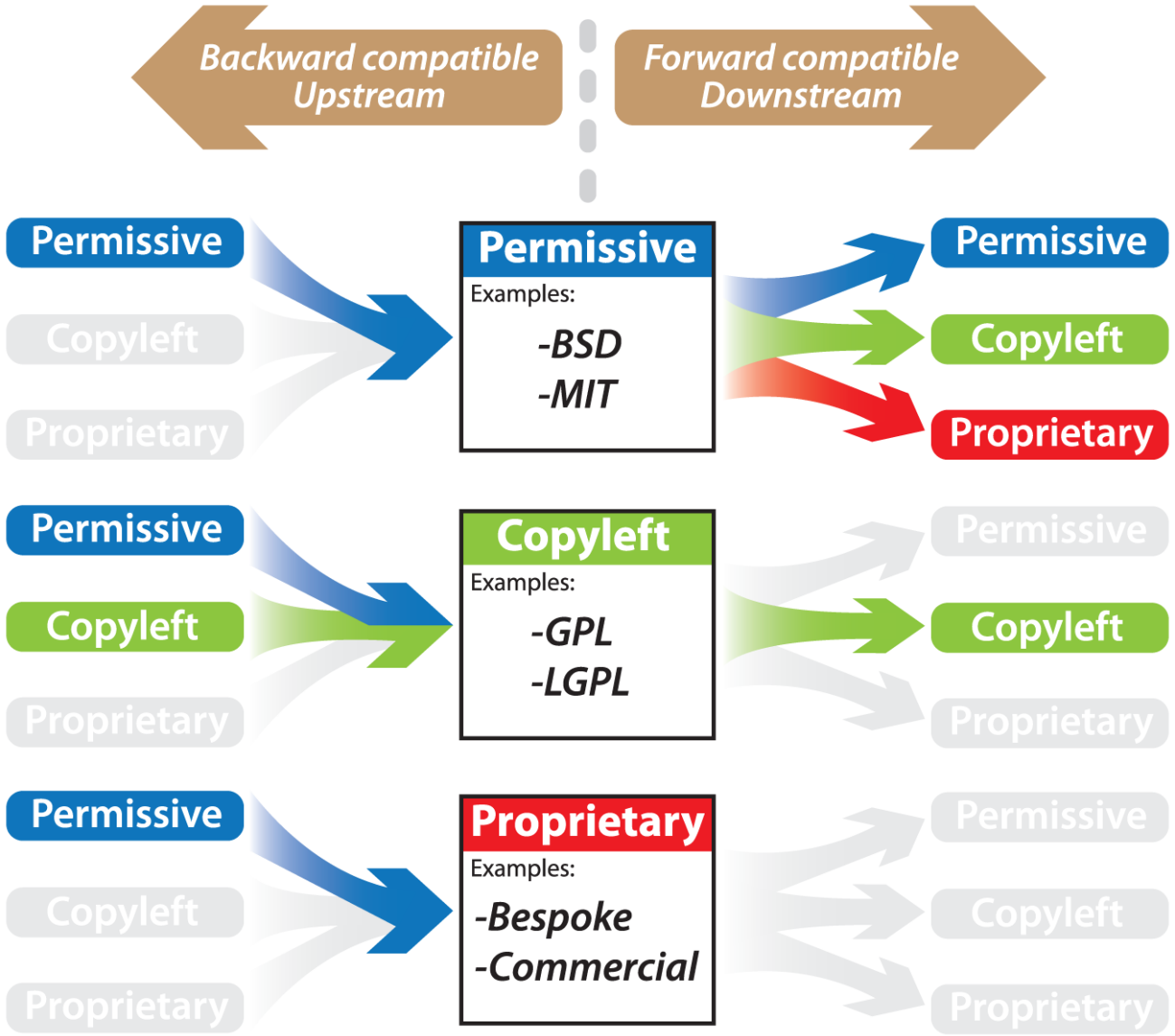

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Material Transfer Agreements

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

https://autm.net/surveys-and-tools/agreements/material-transfer-agreements/mta-toolkit/uniform-biological-material-transfer-agreement
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DO

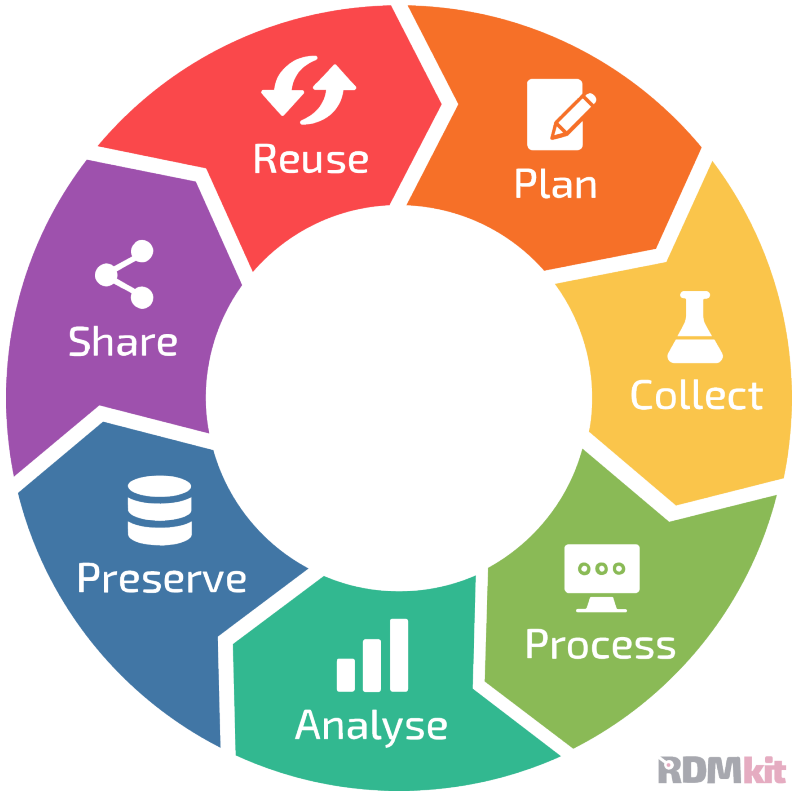
Alway add a (standard) license

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

DON’T

Invent your own license

- Data life cycle +
- Your role +
- Your domain +
- Your problem -
  - Compliance monitoring
  - Data analysis
  - Data management plan
  - Data organisation
  - Data protection
  - Data publication
  - Data quality
  - Data storage
  - Data transfer
  - Identifiers
  - Licensing
  - Documentation and metadata
  - Sensitive data
- All tools and resources
- Tool assembly +



RDMkit

Link to RDMkit: https://rdmkit.elixir-europe.org/

Further reading

- 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
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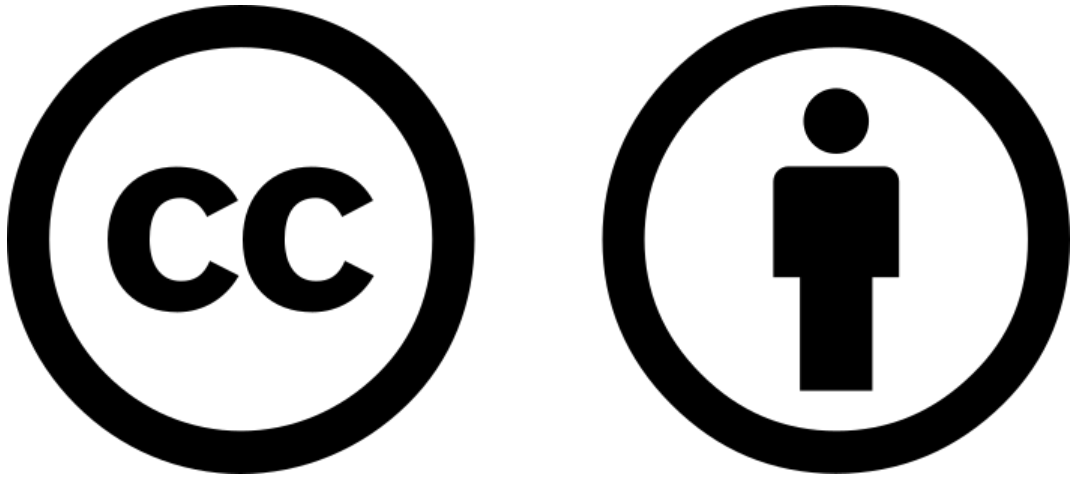

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