

MANAGING RISK

UNDERSTANDING DATABASE COPYRIGHT & LICENSING

Legal note

Please note, I am not a lawyer and this should not be treated as legal advice.

Activity

In teams discuss and describe:

1. Database right
2. Database copyright



Quick reminder

Intellectual Property - Rights which are given that allow ownership of creations

- Patents
- Trade marks
- Design rights
- Copyright
- Database rights
- Many creations are a bundle of rights – protected by more than one or all of the above

Recent copyright changes

Parody Personal use



Exceptions to copyright:
Guidance for consumers



October 2014

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/375949/Guidance_for_consumers.pdf



Database definition

“A collection of independent works, data or other materials which are

a) arranged in a systematic or methodical way and

b) are individually accessible by electronic or other means”

Database right

- Protects investment
- Requires substantial investment in at least one of the following:
 - obtaining the contents
 - verifying the contents
 - presenting the contents
- “Substantial” could be:
 - qualitative (eg using highly skilled volunteers)
 - quantitative (eg investing lots of money)
- 15 years since database was last updated



Database copyright

- Requires one or more authors
- Protects creative authorship
- Requires that the author(s) has invested their own intellectual creation in one of the following:
 - selecting the contents
 - arranging the contents
- Life of author + 70 years from date database was created



Copyright is infringed by
(amongst other things):

Copying

Making an adaptation



In your teams

Which rights apply to:

- Football fixtures
- Football live data

See handout for details



In your teams

Was their an infringement of either database right or database copyright for a German poem dataset?

See handout.



Viral licenses

A viral licence on a work forces others to openly share works they create from that work.



Compatibility

License Compatibility : Publishing Remixes

The combining use case covers scenarios where 2 (or more) datasets are being combined together. In this case there are at least two licenses that may influence the ability of the re-publisher to license the derived work. The table shows a 2 license scenario, the table cells show the "minimum" license that applies to the dataset.

	Second License												
First License	CC0	CC-PDM	CC-BY-ND	CC-BY-NC-ND	CC-BY	CC-BY-SA	CC-BY-NC	CC-BY-NC-SA	ODC-PDDL	ODC-BY	ODC-ODbL	OGL 2.0	OS OpenData
CC0	No restrictions	No restrictions	-	-	CC-BY	CC-BY-SA	CC-BY-NC	CC-BY-NC-SA	No restrictions	ODC-BY	ODC-ODbL	OGL 2.0	OS OpenData
CC-PDM	No restrictions	No restrictions	-	-	CC-BY	CC-BY-SA	CC-BY-NC	CC-BY-NC-SA	No restrictions	ODC-BY	ODC-ODbL	OGL 2.0	OS OpenData
CC-BY-ND	-	-	-	-	-	-	-	-	-	-	-	-	-
CC-BY-NC-ND	-	-	-	-	-	-	-	-	-	-	-	-	-
CC-BY	CC-BY	CC-BY	-	-	CC-BY	CC-BY-SA	CC-BY-NC	CC-BY-NC-SA	CC-BY	CC-BY	ODC-ODbL	CC-BY	OS OpenData
CC-BY-SA	CC-BY-SA	CC-BY-SA	-	-	CC-BY-SA	CC-BY-SA	-	-	CC-BY-SA	CC-BY-SA	ODC-ODbL	CC-BY-SA	OS OpenData
CC-BY-NC	CC-BY-NC	CC-BY-NC	-	-	CC-BY-NC	CC-BY-NC	CC-BY-NC	CC-BY-NC-SA	CC-BY-NC	CC-BY-NC	-	CC-BY-NC	OS OpenData
CC-BY-NC-SA	CC-BY-NC-SA	CC-BY-NC-SA	-	-	CC-BY-NC-SA	-	CC-BY-NC-SA	CC-BY-NC-SA	CC-BY-NC-SA	CC-BY-NC-SA	-	CC-BY-NC-SA	OS OpenData
ODC-PDDL	No restrictions	No restrictions	-	-	CC-BY	CC-BY-SA	CC-BY-NC	CC-BY-NC-SA	No restrictions	ODC-BY	ODC-ODbL	OGL 2.0	OS OpenData
ODC-BY	ODC-BY	ODC-BY	-	-	ODC-BY	CC-BY-SA	CC-BY-NC	CC-BY-NC-SA	ODC-BY	ODC-BY	ODC-ODbL	ODC-ODbL	OS OpenData
ODC-ODbL	ODC-ODbL	ODC-ODbL	-	-	ODC-ODbL	ODC-ODbL	-	ODC-ODbL	ODC-ODbL	ODC-ODbL	ODC-ODbL	ODC-ODbL	OS OpenData
OGL 2.0	OGL 2.0	OGL 2.0	-	-	CC-BY	CC-BY-SA	CC-BY-NC	CC-BY-NC-SA	OGL 2.0	ODC-BY	ODC-ODbL	ODC-ODbL	OS OpenData
OS OpenData	OS Open Data	OS Open Data	-	-	OS OpenData	OS OpenData	?	?	OS OpenData	OS OpenData	?	OS OpenData	OS OpenData
Partly derived from http://wiki.creativecommons.org/Wiki/cc_license_compatibility													
Note: there is a possible additional use case, which is aggregating data, unchanged. This would allow use of ND style licenses. But only if the source data remains unchanged, see: http://wiki.creativecommons.org/Frequently_Asked_Questions#If_I_create_a_collective_work_that_includes_a_work_offered_under_a_CC_license.2C_which_license.28s.29_may_I_choose													

<https://docs.google.com/a/theodi.org/spreadsheets/pub?key=0AiswT8ko8hb4dEJ6VhYamlNMWo5WHpSV3lzVzAtZkE&single=true&qid=2&output=html>



In your teams

Put on your new barrister wigs and see how you can help OpenCorporates.

See handout.



Criminality of access

Scraping and other access to a dataset may be criminal in the UK if it is contrary to the site owner's permission.

Section 1 of the Computer Misuse Act 1990. It is an offence to access a computer if:

- the access is unauthorised
- you know the access is unauthorised



Discussion and round-up

