

# Licenses; human subjects data

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Course web: [kbroman.org/AdvData](https://kbroman.org/AdvData)

Karl -- this is very interesting,  
however you used an old version of  
the data (n=143 rather than n=226).

I'm really sorry you did all that  
work on the incomplete dataset.

Bruce

# Intellectual property

- ▶ Manuscripts/journal articles
- ▶ Books
- ▶ Software
- ▶ Data sets
- ▶ Ideas, inventions
- ▶ Lab/research notebooks
- ▶ Instructional materials
- ▶ Web sites

# IP protection

- ▶ Copyright
- ▶ Patents
- ▶ Trademarks, Trade “dress”
- ▶ Trade secrets

# Copyright

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- ▶ In academics, it is customary that researchers control copyright
- ▶ At UW-Madison:

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- ▶ Can't affect the value/market of the original work



Breaking copyright  $\longleftrightarrow$  plagiarism

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These are totally different things.

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- ▶ Critical if you **want** your code to be reused.
- ▶ Also important to protect yourself from lawsuits.
- ▶ I choose between the MIT license and the GPL.
- ▶ **Don't** use Creative Commons licenses for software!

Pick a license, any license

– Jeff Atwood

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```
<line with the program's name and a brief idea of what it does.>  
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```

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```

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# CC licenses: issues to consider

- ▶ BY may be an unnecessary hassle.
- ▶ CC-BY on a paper would allow a company to include it in a book
  - but maybe you don't care
- ▶ ND is **really** restrictive
  - all or none
  - no modifications at all
- ▶ NC means people in a company can't use it at all
  - might not be usable within a course

# Data copyright

- ▶ Individual data points are generally considered facts
  - Can't be copyrighted
- ▶ Compilations of data can be copyrighted
  - Involves some creativity, so an “original work of authorship”
- ▶ But someone can just extract and reformat the data
- ▶ Can assign a license to the data files to prevent extraction and redistribution
- ▶ See [bitlaw.com/copyright/database.html](http://bitlaw.com/copyright/database.html)

# Keep data open

- ▶ Cite the source; cite the relevant papers
- ▶ Talk to the originator of the data
  - Even if redistribution is legal, don't piss them off.
- ▶ For your own data, use **CC0** (public domain)
- ▶ If you want more control, talk to a lawyer

# Human subjects research

- ▶ Avoid human subjects research

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(just kidding!)

# Human subjects research

- ▶ If there are humans involved, they're human subjects
  - e.g., surveys
- ▶ Human subjects research must be reviewed by an Institutional Review Board (IRB)
- ▶ Not everything is **research**
  - e.g., data used solely in a course
- ▶ Most things are research
  - If you publish a paper about it, it's research
- ▶ Anonymized data may be **exempt**
  - But the IRB wants to make that determination

# HIPAA

- ▶ HIPAA = Health Insurance Portability and Accountability Act of 1996
- ▶ Special rules about medical data with **any** identifying information
  - Private
  - Secure
- ▶ Full zip code may be considered identifying information.
- ▶ Dates of test results are considered identifying information.

# Summary

- ▶ Pick a license, any license
- ▶ Use MIT or GPL for software
- ▶ Use CC0 for data
- ▶ Cite sources of software and data
- ▶ Talk to the source of data
- ▶ Be careful with human data
  - If you're unsure, ask for help