


Legal aspects of university publishing



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Disposition

Legal issues for universities and university libraries

Specific copyright issues in education and science

European Union copyright reform

Open Access publishing

Open Science – legal aspects

European Union data protection reform

Questions

Library law?



Contracts / Licensing

Exceptions and limitations to copyright

E-books

Open Access

Preservation of copyright protected works

Data protection

Open Science / Open research data

Making available copyright protected works

Publishing

Big data – Data mining

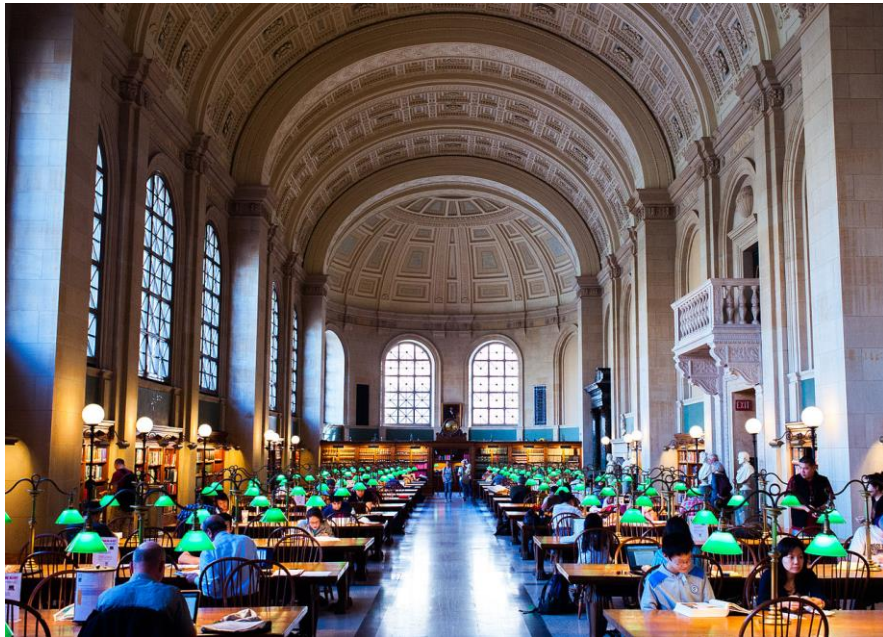
Legal deposit

Public access to information and secrecy

Availability for people with disabilities

Digitization

Copyright issues in education and science



Digitization

Making available

Disabilities - Marrakech

Text and Data Mining - Big data

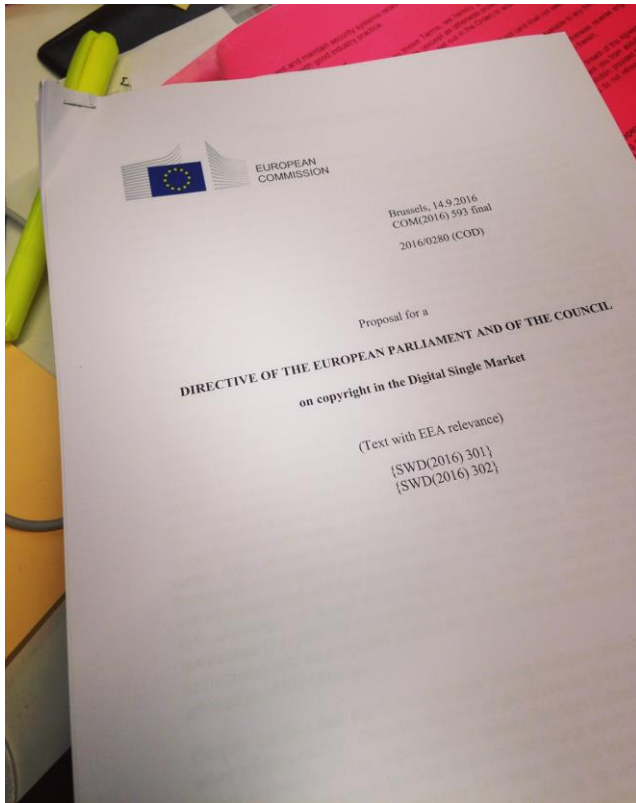
Out-of Commerce works

Orphan Works

Illustration in teaching

Extended Collective Licensing

European Union Copyright reform



EU implements Marrakech treaty

Autumn 2016: Commission proposal
”Digital Single Market” directive

Copyright exceptions: (Infosoc)
TDM

Illustration for teaching

Licensing mechanism: Out-of-
commerce

Implementation expected autumn 2017

Open Science in a European and Swedish context.

- European Commission recommendation on Open Science 2012, C(2012) 4890
 - Amsterdam Call for Action on Open Science 2016
- European Research Area (ERA)



Legal aspects of open science



Intellectual property law

- Copyright
- Patent law
- Open Access

Data protection

- EU:s General Data Protection Regulation (2018)
- Special data registry laws

Public access, secrecy, archiving

Who owns the research data?

Open Science Access

Research data
publication
Separate data/Datasets?
works
Data protection law
Public access, secrecy
law
Archive law

Open

Research

Copyright protected

Copyright

Patents

**Open Access to research data is in direct
conflict with Data protection regulation!**

Copyright and other intellectual property law

- Protecting works that reaches a certain originality

Examples: Theses, dissertations, research reports, articles

- Copyright does not protect ideas per se, only ideas in fixated form
- Patentable research is protected by Patent law
- Open Code and Open Source is protected by data copyright law
- Open learning resources has copyright protection



Swedish copyright exception for teaching

Copyright main rule: Copyright in a work is acquired by the person that creates the work

Case law in the employment situation: If a work is created within the employment, the employer acquires copyright

Special case law in higher education: The researcher acquires the copyright

Open Access publicering och Creative Commons

An interface to signal copyright licensing with Open Access



CREATIVE COMMONS LICENSES

		COPY & PUBLISH	ATTRIBUTION REQUIRED	COMMERCIAL USE	MODIFY & ADAPT	CHANGE LICENSE
PUBLIC DOMAIN		✓	✗		✓	✓
CC BY		✓	✓		✓	✓
CC BY-SA		✓	✓	✓	✓	✗
CC BY-ND		✓	✓	✓	✗	✓
CC BY-NC		✓	✓	✗	✓	✓
CC BY-NC-SA		✓	✓	✗	✓	✗
CC BY-NC-ND		✓	✓	✗	✗	✓

Legend:

- You can redistribute (copy, publish, display, communicate, etc.)
- You have to attribute the original work
- You can use the work commercially
- You can modify and adapt the original work
- You can choose license type for your adaptations of the work.

Local policies at universities

- Can encourage that theses and other university publications **may** be published open access, but it's more doubtful that they can demand that publications **should** be published open access.
- For the making available of open resource data, there is currently not the same legal barrier



EU General Data Protection Regulation



Direct effect in all member states from **May 25 2018**

- Higher demand for consent
- Specific purpose based data processing

Local work at universities

SU:s inquiry:

*Hantering av forskningsdata
vid Stockholms universitet*

Ethical research advise

Infrastructure for Open Data

Legal advise

