COPYRIGHT IN THE CONTEXT OF OPENSCIENCE

Open Access Week 2021

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COPYRIGHT IN THE CONEXT OF OPEN SCIENCE

- Context: Open Science
- Swiss Copyright Law
- Copyright Compliance Bingo – Part I
- Creative Commons Licenses
- Copyright Compliance Bingo – Part II
OPEN SCIENCE

Open Science

- Open Access
- Open Research Data
- Open Educational Resources
- Citizen Science

Unique Identifiers
Creative Commons Licences
SWISS COPYRIGHT LAW

- Protected: Literary and artistic intellectual creations with individual character (Art. 2 CopA)
- The author has the right to recognition of his authorship and decides exclusively whether, when, how and under what designation his/her work is published for the first time (Art. 9 CopA)
- The author has the exclusive right to decide whether, how and when his/her work is used (Art. 10 CopA)
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  - private use in the personal sphere or in a private circle (Art. 19 para. 1(a) CopA)
  - educational purposes (Art. 19 para. 1(b) CopA)
  - professional purposes (Art. 19 para. 1(c) CopA)
- More info: https://ccdigitallaw.ch
COPYRIGHT AND (OPEN) SCIENCE

Copyright protects the rights holder

Scientific Research
The author transfers the copyright to the publisher

Open Science
The author keeps the copyright and allows sharing
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<th>... in my PhD candidacy project</th>
<th>... in my teaching course material?</th>
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CREATIVE COMMONS – EASY TO RE-USE

- Toolbox for the creation of licenses that allow the sharing of works and ideas
- Easily understandable (symbols)
- Complete legal agreement
- International

https://creativecommons.org
  - Share Your Work → Licence Chooser
  - Use & Remix → CC Search
CREATIVE COMMONS – PRINCIPLES

- Comprehensive assignment of rights
- 4 Elements
  - Minimum
    - BY (Attribution)
  - Restrictions
    - SA (Share Alike)
    - NC (No Commercial)
    - ND (No Derivatives)
- 6 Licenses
CREATIVE COMMONS – SOME POINTS TO CONSIDER

▪ No contract necessary
▪ No revocation
▪ No additional restrictions (legal or technical)
▪ Reused material must mention original license
▪ Violation of CC = Violation of Copyright
▪ Restrictions may hinder distribution in some contexts

➢ Choose a license as open as possible
CC Definition:
The person who associated a work with this deed has dedicated the work to the public domain by waiving all of his or her rights to the work worldwide under copyright law, including all related and neighboring rights, to the extent allowed by law.

CC0 should not be used in an academic context!
# COPYRIGHT COMPLIANCE BINGO – SOLUTION 2

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THREE OTHER POINTS

- Multiple Authors
  - Hold copyright together
  - Agreement on copyright issues necessary
  - Advice: Designation of a representative (corresponding author)

- Copyright law ↔ Citation rules
  - Copyright allows citation
  - Citation rules are defined in the respective academic context

- Attention with images and illustrations
  - Clarify copyright from the beginning
  - Pay attention to restrictions of CC licensed materials
    e.g. ND restriction often makes sharing in educational context impossible