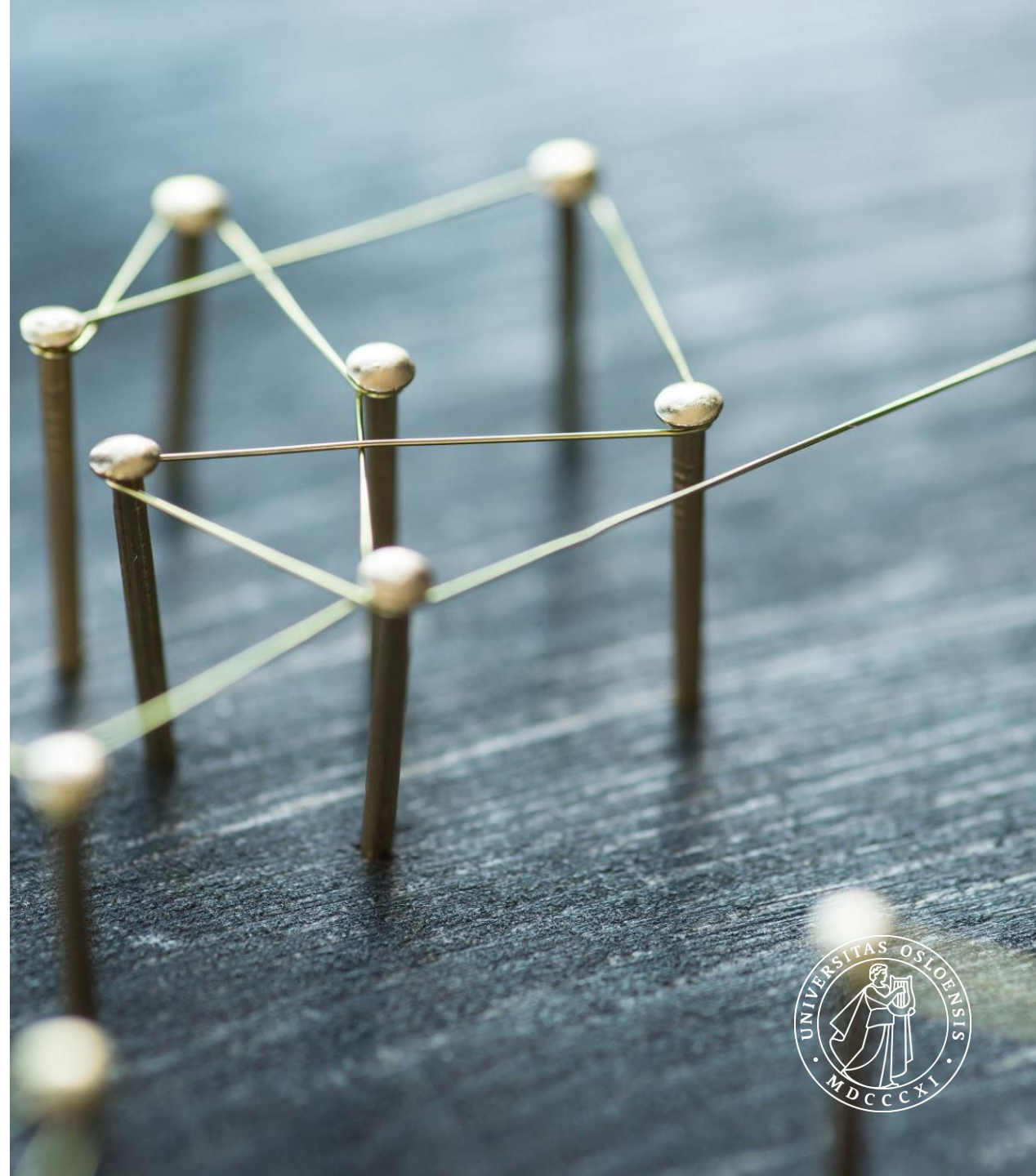


UNIVERSITY OF OSLO

Copyright and Licensing of research data

Rebecca J. Five Bergstrøm (in absentia)
Live Håndlykken Kvale
University of Oslo Library

November 13th 2023



Agenda

- What is copyright and why is it relevant for you.
 - Criteria and assessment
 - Databases
 - Photos
 - Music
- § What is a license?
 - § National recommendations for licencing of research data
 - § Creative Commons licenses
 - § Licences for Code/Software
 - § How to choose a license?

Research data | DMP

“How will other legal issues, such as **intellectual property rights and ownership**, be managed?
What legislation is applicable?”

– Science Europe Core Requirements for Data Management Plans 4.b)

Research data | DMP

“How will other legal issues, such as **intellectual property rights and ownership**, be managed?
What legislation is applicable?”

– Science Europe Core Requirements for Data Management Plans 4.b)

“licensing or sharing arrangements **that pertain to the use of preexisting** materials;

plans for **retaining, licensing, sharing**, and embargoing (i.e., limiting use by others for a period of time) data, code, and other materials;”

- Michener 2015, Ten simple rules for creating a good data management plan,
<https://doi.org/10.1371/journal.pcbi.1004525>

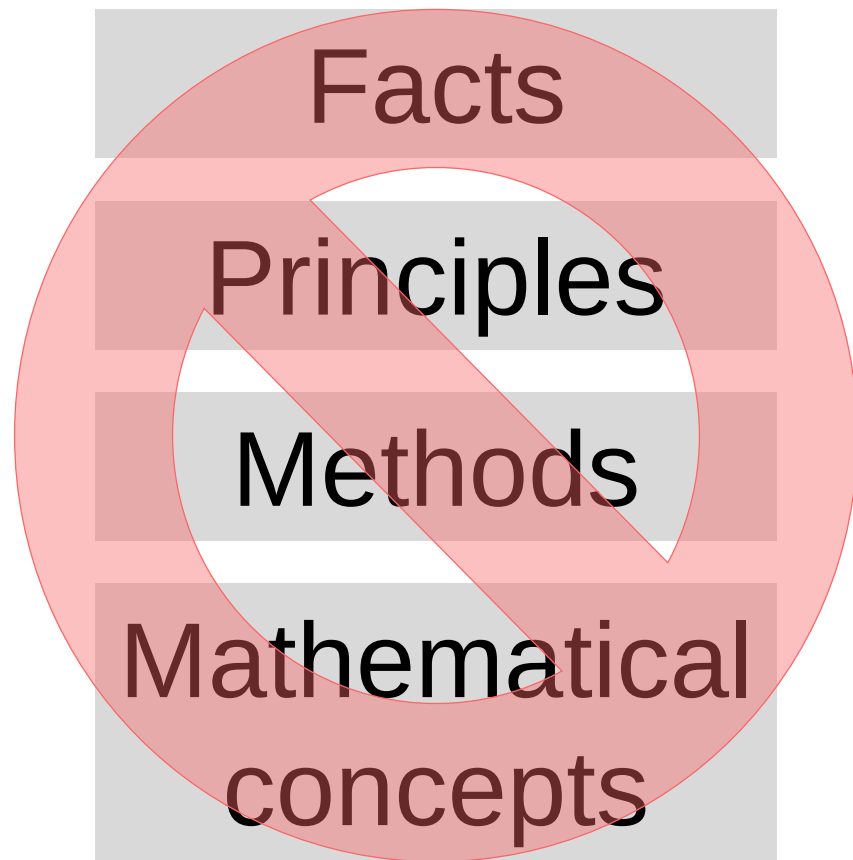
What is copyright?



Copyright (or author's right) is a legal term used to **describe the rights that creators** have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture, and films, to computer programs, databases, advertisements, maps, and technical drawings.

[Copyright \(wipo.int\)](http://wipo.int)



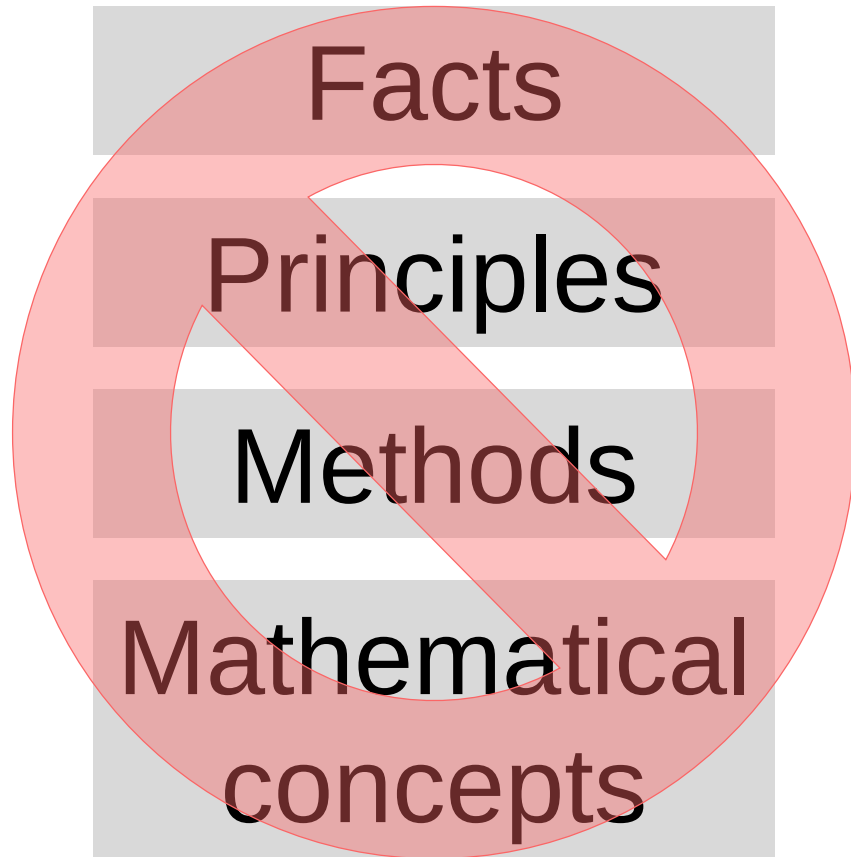


Criteria for copyright

“Copyright protection shall extend to **expressions** and not to ideas, procedures, methods of operation or mathematical concepts as such.”

TRIPS art 9(2)

[WTO | intellectual property \(TRIPS\) - agreement text - contents](#)



Level of originality



The assessment

Collate the facts and the law

Expression of original and individual characterized intellectual work.

Individual creating effort – producing something original

Level of originality - Highly unlikely that a identical work could be produced by another creator.



Huldra i fossen
(Wood nymph in the waterfall)
Rt. 2007 1329

[Ambassadør](#)
Rt. 2013 822

Tripp Trapp
Rt. 2012 1062

The broader perspective

EU-Law

International conventions

Fair-use clause



The Main Scope

Norwegian copyright act chapter 9

- Norwegian citizen or resident
- First time, or simultaneously, published in Norway
- Producer domicile or headquarters in Norway
- Buildings in Norway
- Artwork and photographic works in buildings or permanent installations in the nation

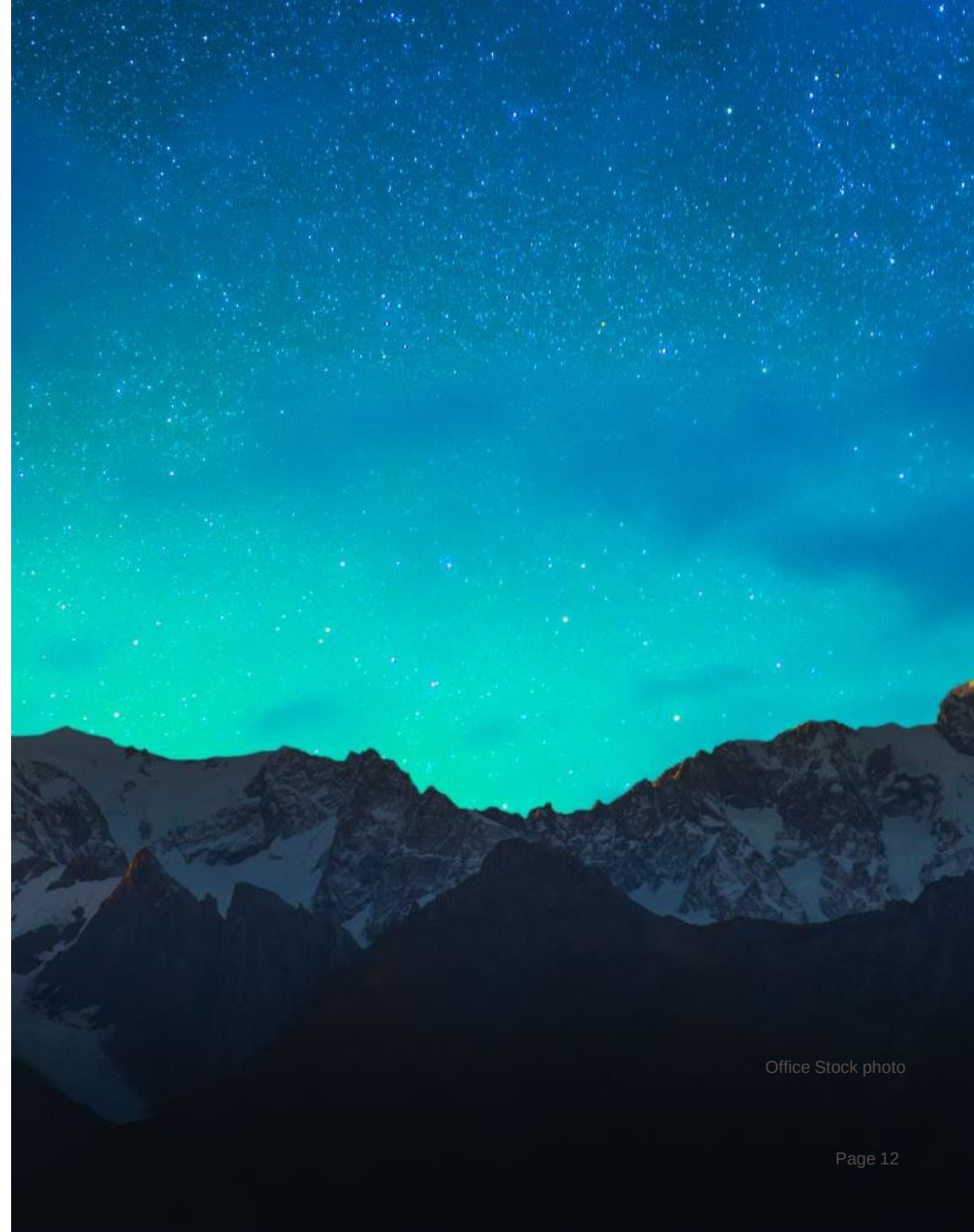
<https://lovdata.no/lov/2018-06-15-40>
in Norwegian

The Norwegian copyright act

Other key points

- Fundamental regulations – ch. 1
- Neighbouring rights – ch. 2
- Limitations and administration – ch.3
- Miscellaneous regulations – ch. 8

<https://lovdata.no/lov/2018-06-15-40>
in Norwegian



What does it mean?



You are the
copyright holder



Right of use
Moral rights
and more



Others have
copyright



Right to cite
and other
delimitations



Public domain



Free to use
Public document etc

Research data

- Facts etc. – no copyright
- Texts
- Datasets and databases
- Pictures
- Music
- And other...



Research data

- Facts etc. – no copyright
- Texts
- **Datasets and databases**
- **Pictures**
- **Music**
- And other...



Databases | related rights

For the purposes of this Directive, 'database' shall mean a collection of independent works, data or other materials arranged in a systematic or methodical way and individually accessible by electronic or other means

Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases

[EUR-Lex - 31996L0009 - EN - EUR-Lex \(europa.eu\)](#)

Databases, which group together a large volume of data, or which are the result of a significant investment (UiO IPR policy)

Databases | related rights

Norwegian copyright act §24

- The maker of a database, like a form, table, a program or similar work
- Where collection, control or presentation leads to a significant investment
- 15 years from creation or from the end of year of publication

The case of Lovdata vs Rettspraksis.no
HR 2019 1725-A

A database can be copyright protected as a collective work

A database can contain copyrighted material!

Photographs and copyright





Photographs
§ 23
(related rights)



Level of originality
Copyright protected
§ 2

Personal picture
§ 104



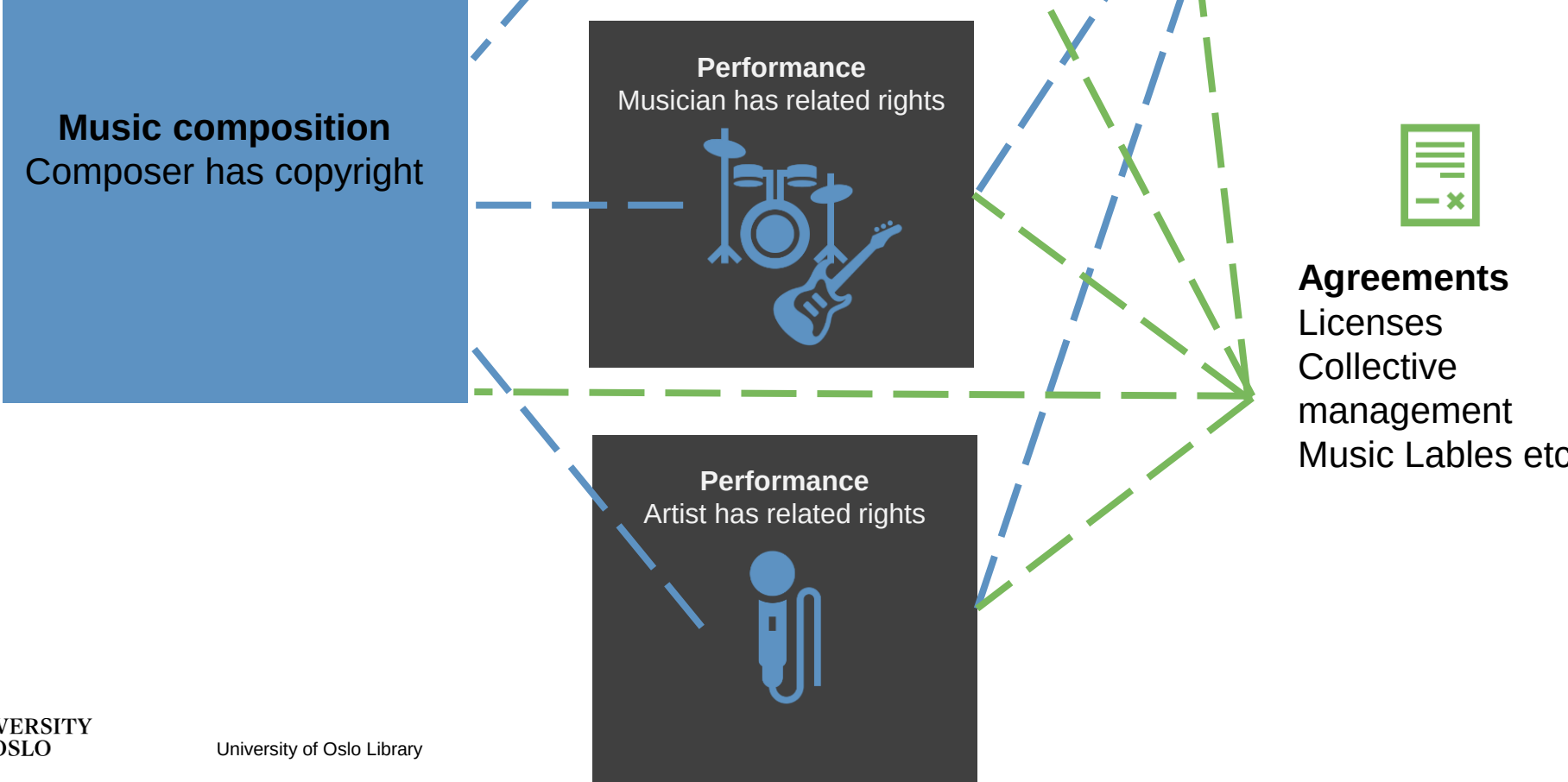
What about music?

Artists
Composers
Musicians
Producers
Collective management organisations

Period of protection



And what about music?



And what about AI?

- The data you add to AI:
 - Be equally mindful not to violate the copyright act when using AI tools.
 - If you have access copyrighted material, you are not allowed to make this accessible to others.
 - If you use UiO GPT tool, this is not a problem, as the data will never be used to further train the model.
- The data in the AI model:
 - Remember that AI tools have been trained on vast quantities of data.
 - In many cases, it is not known exactly what kind of data has been used for training, and there may be issues surrounding whether or not the use of data to train the model itself was legal.

[← Services and tools](#) [← Artificial intelligence](#)

Legal guidelines for the use of Artificial Intelligence (AI) at the University of Oslo

This is a short introduction to the aspects you will need to consider regarding data security, copyright and data privacy before using AI-based technology.



Research data | UiO IPR Policy

“Under the Norwegian Copyright Act, the **University of Oslo has rights to** catalogues, databases, etc., the development of which the University of Oslo has invested in, and to software created by employees during performance of tasks assigned as part of their employment or according to the employer's instructions”

“For results **other than those mentioned above**, the general rule is that the employee owns the results of their work, for example, articles or books that under the provisions of the Copyright Act the author owns the rights to.”

My highlighting

[Policy for intellectual property rights at the University of Oslo - University of Oslo \(uio.no\)](https://www.uio.no/ipr/)

Research data Licenses

What is a license?

- A license agreement is a legal arrangement between the creator/depositor of the data set and the data repository, signifying what a user is allowed to do with the data.
- Creative Commons licenses are often used, more licenses can be found at: <https://spdx.org/licenses/>



Committee on sharing and reuse of research data

Unresolved issues regarding rights and licenses often prevent the results of research from being made publicly available.

The Ministry of Education and Research asked the Research Council of Norway and UNIT to set up a committee to examine rights and licensing issues related to sharing of data sets produced in scientific research. The Research Council served as secretariat for the committee.

Read the final report: [How should we share research data? Report and recommendations relating to licensing and making research data available](#) (PDF).

In 2020 the committee submitted a [memo "Research data in a data-driven society" \(pdf in Norwegian\)](#) to the Ministry of Education and Research. This memo served as a starting point for an open consultation. In the memo, the committee describes the issues they believe should be addressed more thoroughly, what structural changes should be considered in order to achieve more sharing and reuse of research data in Norway, and which legislation is relevant for these issues.

Submission of comments

Individuals, networks, institutions and organisations in all sectors were invited to submit their views on the topics addressed in the memo.

The committee are now reviewing all submitted comments and will consider which parts of the memo that needs further discussion and which parts that should be included in the final report. A draft of the report will be completed before summer. The draft will be subject to of a second round of inputs from stakeholders. The final report from the committee will be submitted

Read the report

[→ How should we share research data.pdf](#)

Contact



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Forskningsdata og -infrastruktur

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Documents

LICENCE ETIQUETTE RULES

USE OF LICENCES AND DEDICATIONS TO PUBLIC DOMAIN FOR PUBLICATION OF RESEARCH DATA

- A licence or dedication to public domain should contain terms and conditions that reflect the permitted further use of the research data.
- Research data should have international standard licences that:
 - a. have as few restrictions on access and purpose as possible
 - b. promote the principles of legal interoperability for research data to the greatest possible extent
 - c. are both human-readable and machine-readable
- Metadata should always have a dedication to public domain, typically a CC0 or PDM.
- Standard licences intended for intellectual property should only be used for data that meet the copyright or database protection requirement.
- In cases where different legal terms and conditions apply to different parts of the dataset, differentiated licences should be used in accordance with Recommendation 2 in order to avoid imposing a restrictive licence on all of the data because some data require it.
- The institutions should have an overriding responsibility for ensuring that a licence or dedication to public domain as mentioned in Recommendation 1 is issued for research data produced by its employees in the course of their work.

Licensing in Horizon Europe

A licence is a statement by which a copyright holder informs users what they may and may not do with a copyrighted work. The Creative Commons copyright licences and tools provide a standardized way to grant users copyright permissions, allowing material to be shared and reused under terms that are flexible and legally sound.



European Research Council
Established by the European Commission

Licensing in Horizon Europe

- The Creative Commons Attribution International Licence (CC BY);
- To exclude commercial use a Creative Commons Attribution-NonCommercial International Licence (CC BY-NC) can be used; to exclude adaptations of the work, a Creative Commons Attribution-NoDerivatives International Licence (CC BY-ND) can be chosen. The Creative Commons Attribution-NonCommercial-No Derivatives International Licence (CC BY-NC-ND) excludes both
- Holders of copyright or database rights can use the Creative Commons Universal Public Domain Dedication (CC0) to waive all their interests that may exist in their work worldwide.
- There are other licences and public domain tools providing equivalent rights.



European Research Council
Established by the European Commission

At the University of Oslo:

Research data shall be provided with licenses for access, reuse and redistribution

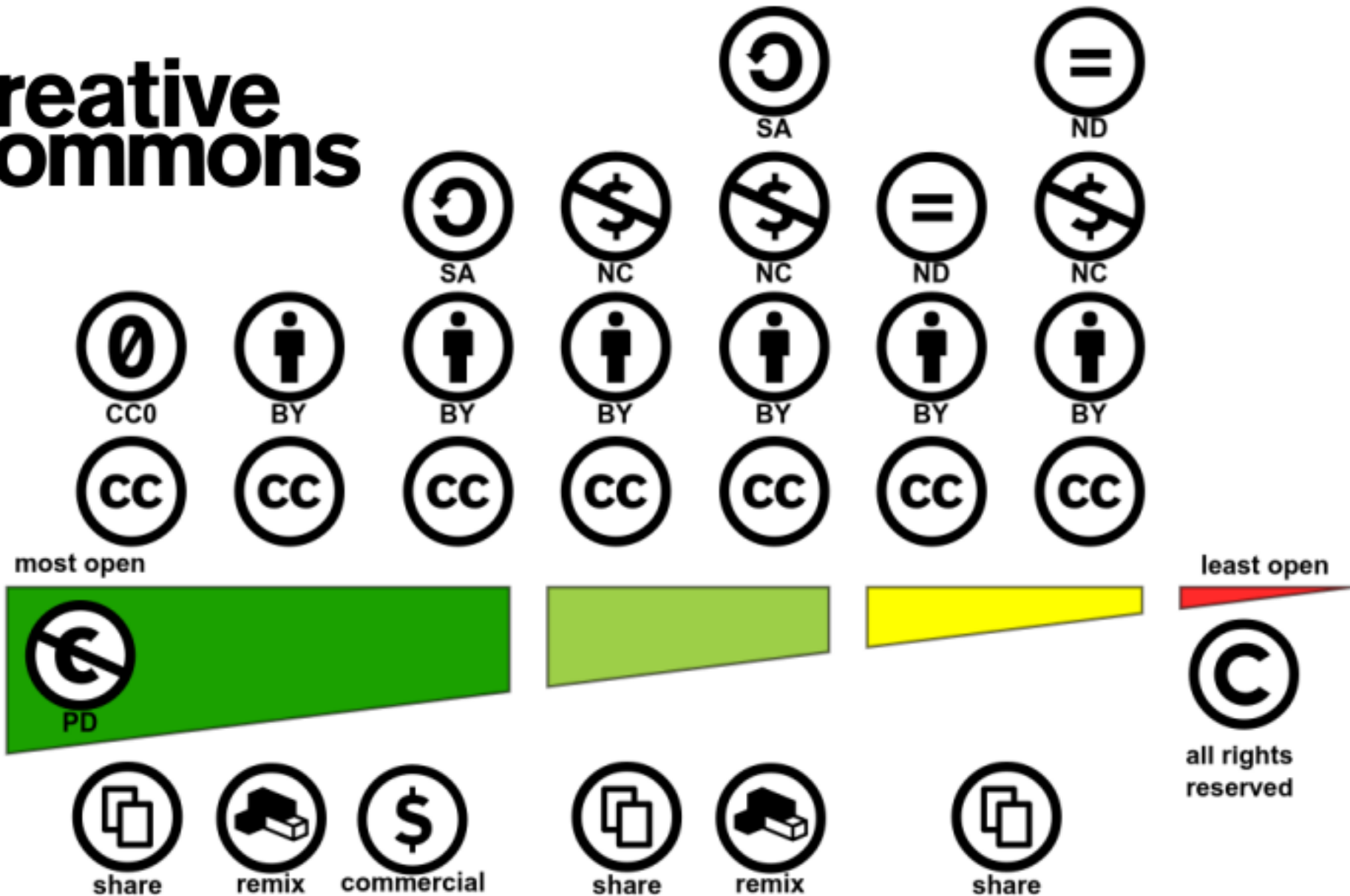
- Licenses should be internationally recognized
- The licenses should include as few restrictions as possible in respect of access, reuse, and redistribution of the data



License makes data reusable

Things to consider before licensing

- Which rights apply to the data?
- Do you hold rights to the data?
- If not, who hold rights to the data?
- Do other hold rights to the data?





- Credit must be given to the creator
- Only noncommercial uses of the work are permitted



- Credit must be given to the creator
- Adaptations must be shared under the same terms



- Credit must be given to the creator



- Is a public dedication tool, which allows creators to give up their copyright and put their works into the worldwide public domain.



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UNIVERSITY
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University of Oslo

(University of Oslo)

DataVerseNO > University of Oslo >

Replication Data for: Devonian–Carboniferous extension and Eurekan inversion along an inherited WNW–ESE-striking fault system in Billefjorden, Svalbard

Version 1.0



Koehl, Jean-Baptiste; Allaart, Lis; Noormets, Riko, 2023, "Replication Data for: Devonian–Carboniferous extension and Eurekan inversion along an inherited WNW–ESE-striking fault system in Billefjorden, Svalbard", <https://doi.org/10.18710/UCRW4L>, DataVerseNO, V1

[Cite Dataset ▾](#)

Learn about [Data Citation Standards](#).

Access Dataset ▾

Contact Owner

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Dataset Metrics ⓘ

0 Downloads ⓘ

Description ⓘ

High-resolution version of the figures in the following manuscript: "Devonian–Carboniferous extension and Eurekan inversion along an inherited WNW–ESE-striking fault system in Billefjorden, Svalbard". High-resolution versions of the figures are necessary to identify individual structures presented and discussed in the text. (2022-10-21)

Subject ⓘ

Earth and Environmental Sciences

Keyword ⓘ

Fault, Devonian, Carboniferous, Svalbard, Billefjorden, Eurekan, Late- to post-Caledonian extension, Fold, Timanian Orogeny

Related Publication ⓘ

Norwegian Journal of Geology, submitted for review.

License/Data Use Agreement



CC0 1.0

Files

Metadata

Terms

Versions

Dataset Terms ^

License/Data Use Agreement

Our [Community Norms](#) as well as good scientific practices expect that proper credit is given via citation. Please use the data citation shown on the dataset page.



CC0 1.0



- Credit must be given to the creator



Veined octopus eating a crab

Summary [\[edit \]](#)

Description	English: Veined Octopus - <i>Amphioctopus marginatus</i> eating a Crab.
Date	15 July 2009, 03:23:29
Source	Flickr 
Author	Silke Baron 

Licensing [\[edit \]](#)

This file is licensed under the [Creative Commons Attribution 2.0 Generic](#)  license.

Attribution: Silke Baron



You are free:

- **to share** – to copy, distribute and transmit the work
- **to remix** – to adapt the work

Under the following conditions:

- **attribution** – You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.



This image, which was originally posted to [Flickr](#), was uploaded to Commons using [Flickr upload bot](#) on 6 July 2010, 11:41 by [Haplochromis](#). On that date, it was confirmed to be licensed under the terms of the license indicated.

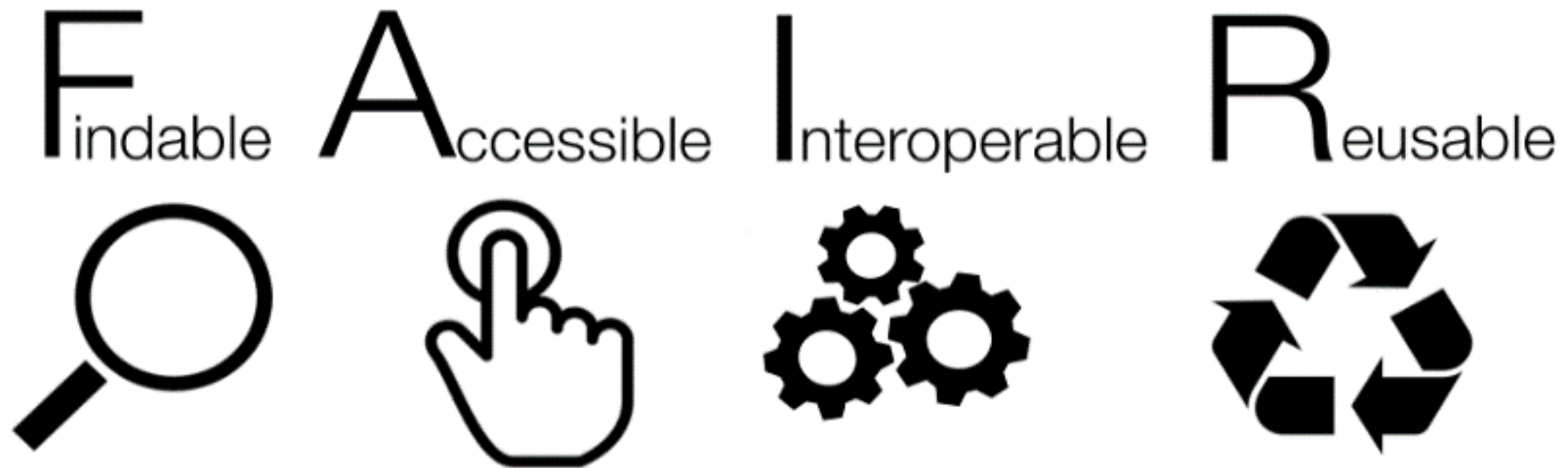
File history

Click on a date/time to view the file as it appeared at that time.

	Date/Time	Thumbnail	Dimensions	User	Comment
current	11:41, 6 July 2010		2,567 × 1,917 (1.69 MB)	Flickr upload bot (talk contribs)	Uploaded from http://flickr.com/photo/37707866@N00/3776717505 using Flickr upload bot



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III. By. Sangya Pundir /Wikimedia CC-BY-SA-4.0



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- Only noncommercial uses of the work are permitted

March 1, 2022

Dataset Open Access

Electrical half hourly raw and cleaned datasets for Great Britain from 2008-11-05

 Grant Wilson; Noah Godfrey

Project leader(s)

Grant Wilson

Researcher(s)

Shivangi Sharma; Joseph Day; Noah Godfrey

A journal paper published in Energy Strategy Reviews details the method to create the data.**<https://www.sciencedirect.com/science/article/pii/S2211467X21001280>**

2021-09-09: Version 6.0.0 was created. Now includes data for the North Sea Link (NSL) interconnector from Great Britain to Norway (<https://www.northsealink.com>). The previous version (5.0.4) should not be used - as there was an error with interconnector data having a static value over the summer 2021.

2021-05-05: Version 5.0.0 was created. Datetimes now in ISO 8601 format (with capital letter 'T' between the date and time) rather than previously with a space (to RFC 3339 format) and with an offset to identify both UTC and localtime. MW values now all saved as integers rather than floats. Elexon data as always from www.elexonportal.co.uk/fuelhh, National Grid data from <https://data.nationalgrideso.com/demand/historic-demand-data> Raw data now added again for comparison of pre and post cleaning - to allow for training of additional cleaning methods. If using Microsoft Excel, the T between the date and time can be removed using the =SUBSTITUTE() command - and substitute "T" for a space " "

2021-03-02: Version 4.0.0 was created. Due to a new interconnector (IFA2 - <https://en.wikipedia.org/wiki/IFA-2>) being commissioned in Q1 2021, there is an additional column with data from National Grid - this is called 'POWER_NGEM_IFA2_FLOW_MW' in the espeni dataset. In addition, National Grid has dropped the column name 'FRENCH_FLOW' that used to provide the value for the column 'POWER_NGEM_FRENCH_FLOW_MW' in previous espeni versions. However, this has been changed to 'IFA_FLOW' in National Grid's original data, which is now called 'POWER_NGEM_IFA_FLOW_MW' in the espeni dataset. Lastly, the IO14 columns have all been dropped by National Grid - and potentially unlikely to appear again in future.

2020-12-02: Version 3.0.0 was created. There was a problem with earlier versions local time format - where the 01:00 value was not carried through into the data properly. Now addressed - therefore - local time now has the format e.g. 2020-03-31 20:00:00+01:00 when in British Summer Time.

10,806

 views

5,133

 downloads[See more details...](#)

Indexed in

OpenAIRE

Publication date:

March 1, 2022

DOI:DOI [10.5281/zenodo.6320898](https://doi.org/10.5281/zenodo.6320898)**Keyword(s):**[electrical supply](#), [half-hourly](#), [Great Britain](#)**Grants:**[Research Councils UK:](#)

- UK Energy Research Centre Phase 3 (EP/L024756/1)

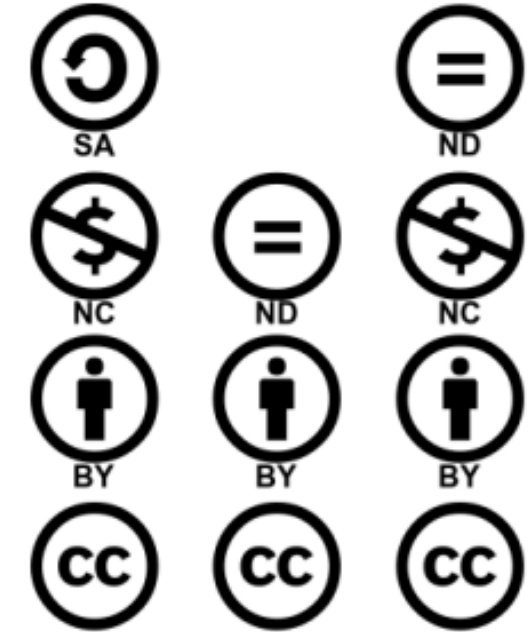
Communities:[Energy Data](#)
[Zenodo](#)**License (for files):**[Creative Commons Attribution Non Commercial 4.0 International](#)**Versions**

- Credit must be given to the creator
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- Adaptations must be shared under the same terms

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No licence specified = all rights reserved?



Reusable code

Commonly used licenses for code:

MIT (Expat)

Apache 2.0

GNU (L) GPL 3.0+

When using protected data

1. Understand the terms
2. Respect the terms, consult us if you are uncertain of what is permitted.
3. Differentiate between reusing data for research and "re-sharing" the data
4. Cite the data (regardless of the licence citation is correct research practice)

Which licence?

Choice of licence

1. What is protected in the research data?
2. Does a collaboration or funding agreement dictate terms of licensing?
3. Will the repository dictate licensing terms?
4. Should the same licence apply to all the research data?
5. Is attribution necessary or desirable?
6. How will the licence be communicated?
7. Will derivatives and re-use be permitted?
8. Is commercial use envisaged?

- Use **Creative Commons Generator**:
<https://creativecommons.org/choose/?lang=en>
- Choose an **open source license**:
<https://choosealicense.com/>

Resources:

Agreement on Trade-Related Aspects of Intellectual Property Rights (unamended): https://www.wto.org/english/docs_e/legal_e/27-trips_01_e.htm

Copyright: <https://www.wipo.int/copyright/en/>

Copyright act: <https://lovdata.no/lov/2018-06-15-40>

Creative Commons Licenses: <https://creativecommons.org>

Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases:
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31996L0009>

Open Licensing course from FOSTER: [Open Licensing | Open Licensing \(fosteropenscience.eu\)](https://fosteropenscience.eu)

Dataset Licensing from University of Glasgow: [Outputs – Dataset Licencing \(wordpress.com\)](https://www.wordpress.com)

Ball, A. (2014). 'How to License Research Data'. *DCC How-to Guides*. Edinburgh: Digital Curation Centre. Available online: [/resources/how-guides](https://resources/how-guides)

How do I license my research data? [how-do-i-license-my-research-data \(openaire.eu\)](https://openaire.eu)

Legal issues in Dealing with Research Data: [Legal issues in Dealing with Research Data \(openaire.eu\)](https://openaire.eu)

Lovdata vs Rettspraksis.no – HR 2019 1725-A

Policy for intellectual property rights at the University of Oslo: <https://www.uio.no/english/about/regulations/research/intellectual-property/>

<https://www.forskningsradet.no/en/Adviser-research-policy/open-science/open-access-to-research-data/sharing-reuse-research-data/>

<https://www.forskningsradet.no/siteassets/publikasjoner/2021/how-should-we-share-research-data.v2.pdf>

Rt. 2012 1062 –Tripp Trapp

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