

Foundations of Copyright for Researchers

iSkills session
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Chris Morrison, Copyright & Licensing Specialist
Bodleian Libraries, University of Oxford

chris.morrison@bodleian.ox.ac.uk

copyright@bodleian.ox.ac.uk



Learning Outcomes

By attending this session you will have the opportunity to:

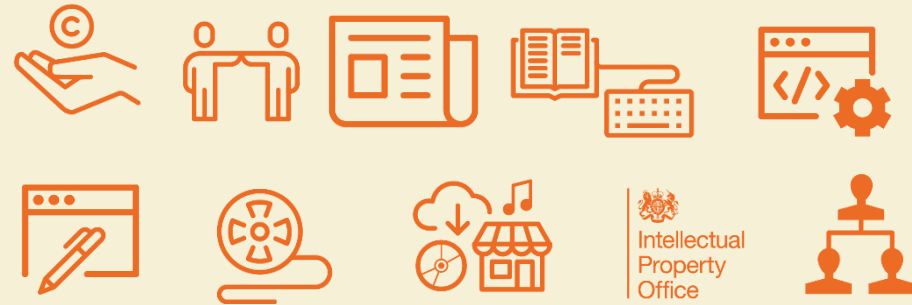
- Identify the different types of copyright work used and produced as part of the research process
- Explore your rights and responsibilities in the context of open scholarship
- Critically examine the implications of copyright on the publication and data sharing process.
- Apply a risk aware approach to the use of third party copyright material in your research

What is copyright?



Works

(The things it protects)



Licences

(Legal use with permission)



Usages

(The activities it regulates)



Exceptions

(Legal use without permission)

Copyright Works



Literary



Artistic



Musical



Dramatic



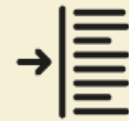
Broadcast



Sound Recording



Film



Typography



Public Domain



Crown Copyright



Database



Moral Rights



Performance



Non Qualifying

Copyright and the Research Process

Rights In

- Scholarly literature (books & journals)
- Datasets
- Interviews
- Images
- Software

Rights Out

- Journals and books created by researcher/project
- Project Website
- Shareable Datasets
- Software
- Clinical outcome measures and other tools

Copyright Ownership @ Oxford (part 1)

Statute XVI: Property, Contracts and trust

Part B: Intellectual Property

- 5. (1) The University claims ownership of all intellectual property specified in section 6 of this statute which is devised, made, or created:
 - by persons employed by the University in the course of their employment;
 - by student members only in the circumstances specified in sub-section (3) below;

Copyright Ownership @ Oxford (part 2)

6. The intellectual property of which ownership is claimed under section 5 (1) of this statute comprises:

- (1) works generated by computer hardware or software owned or operated by the University;
- (2) works created with the aid of university facilities including (by way of example only) films, videos, photographs, multimedia works, typographic arrangements, and field and laboratory notebooks;
- (3) patentable and non-patentable inventions;
- (4) registered and unregistered designs, plant varieties, and topographies;
- (5) university-commissioned works not within (1), (2), (3), or (4);
- (6) databases, computer software, firmware, courseware, and related material not within (1), (2), (3), (4), or (5), but only if they may reasonably be considered to possess commercial potential; and
- (7) know-how and information associated with the above.



Copyright Ownership @ Oxford (part 3)

7. The University will not assert any claim to the ownership of copyright in:

(1) artistic works not listed in sub-section (2) of section 6 of this statute, books, articles, plays, lyrics, scores, or lectures, apart from those specifically commissioned by the University;

(3) student theses, exercises and answers to tests and examinations save to the extent that they contain intellectual property claimed by the University under subsection (6) of section 6 of this statute;

Usages



Copying



Issuing copies to the public



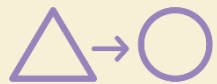
Rental or Lending



Public Performance



Communication to the public



Adaptation

Licences

- Licences provide permission to use copyright material
- Typically set out in the form of a legal contract (although licences can be verbal or implied)
- Use may be limited to specific people (e.g. university staff/students) or purposes (e.g. non-commercial use)
- Duration (term) of the licence may be time limited or perpetual
- Can be limited by territory (i.e. country) of activity

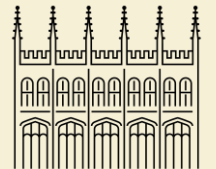
Licences vs Assignments

Licence

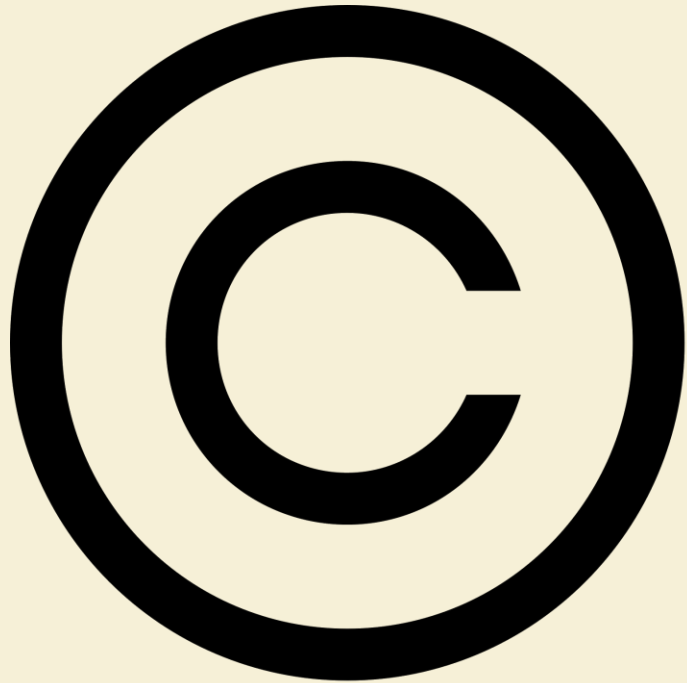
- First copyright owner retains rights
- Provides others with rights to use works in specific ways

Assignment

- First copyright owner transfers rights to another
- Can only use their work with permission of new owner



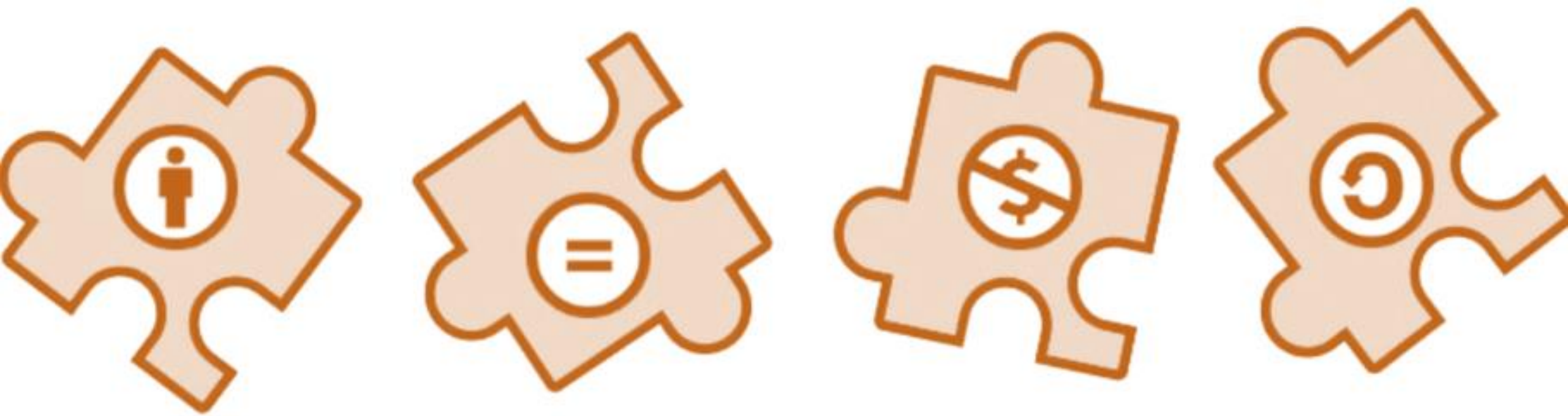
Open Licences and Creative Commons



All Rights Reserved



Some Rights Reserved



Attribution (BY)

- Use of the work is only allowed when the author is credited and any changes are indicated

Share Alike (SA)

- Modified work has to be shared under an identical license

Non-Commercial (NC)

- Use of work is only allowed for non-commercial purposes

No Derivatives (ND)

- Only verbatim sharing (no derivative work or remixes)

Quiz Time



Answer the following

1. The University of Oxford owns the copyright to all the articles I write. **TRUE** or **FALSE**?
2. If you transfer copyright to some other body you as the author can still use your own work however you wish? **TRUE** or **FALSE**?
3. What do these symbols mean?



Open Access

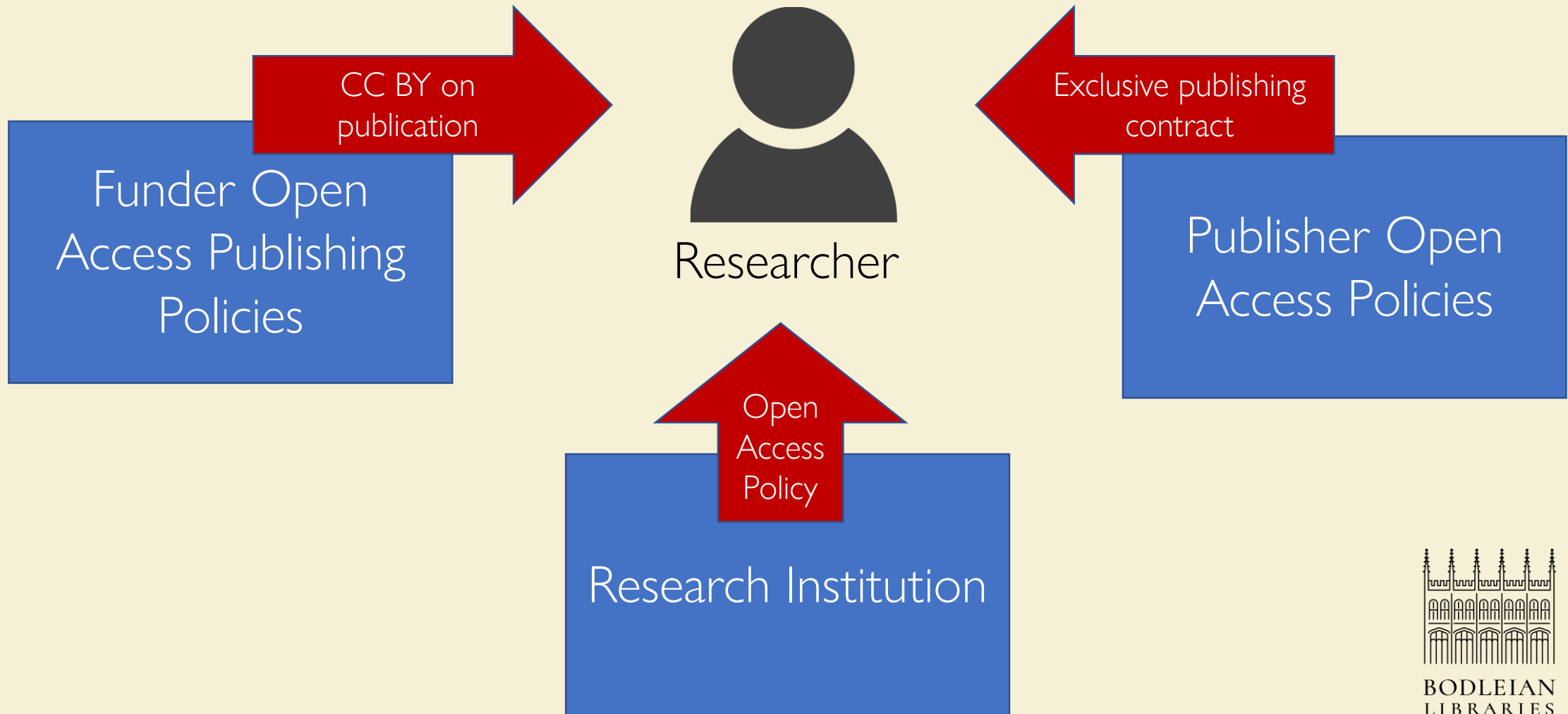


Open Access

By "open access" to this literature, we mean its **free availability** on the public internet, permitting any users to read, download, copy, distribute, print, search, or link to the full texts of these articles, crawl them for indexing, pass them as data to software, or use them for any other lawful purpose, **without financial, legal, or technical barriers** other than those inseparable from gaining access to the internet itself. The only constraint on reproduction and distribution, and **the only role for copyright in this domain, should be to give authors control over the integrity of their work and the right to be properly acknowledged and cited.**

(Budapest Open Access Initiative, 2002)

The Open Access “Policy Stack”



Open Access Support



The screenshot shows the Open Access Oxford website homepage. At the top, there is a navigation bar with links for Home, Contact us, Keeping up to date, News, Glossary, and FAQ. The main header features the 'open access oxford' logo with the tagline 'Expanding the possibilities' and the University of Oxford crest. Below the header is a secondary navigation bar with links for Home, Open access resources, OA at Oxford, Funds & Funders, REF 2021, Training & Events, and FAQ. The main content area is divided into several sections: 'Open Access to Oxford Publications' with a 'DEPOSIT' icon and 'act on acceptance' button; 'Rights retention' with a padlock icon and a brief description; 'Latest News' with three articles: 'DOIs and ORA' (May 22, 2023), 'Springer Nature Deal Accepted by Universities' (May 02, 2023), and 'Rights Retention Pilot: still open for Oxford authors' (Mar 29, 2023); 'Quick links' with a list of links including 'Contact us', 'Deposit your Work - Act on Acceptance', 'Keep up to date - Mailing lists & resources', 'Funded Researchers - Check requirements', 'Funded Researchers - Apply for APC funds', 'Symplectic - Symplectic Elements at Oxford', 'Sign up for an ORCID - ORCID at Oxford', 'FAQ - Answers to your questions', and 'Glossary - Key Terms Explained'; and 'Latest Blog - Open Access Oxford' with a post titled 'The Open Science Framework at Oxford' dated November 08, 2022, with 0 comments.

- Visit Open Access Oxford website for [funder requirements](https://openaccess.ox.ac.uk/)
- [iSkills courses](#):
 - Fundamentals of Open Access
 - Logistics of Open Scholarship
 - Forum of Open Scholarship
- Get help from openaccess@bodleian.ox.ac.uk

<https://openaccess.ox.ac.uk/>

Publishing Contracts


- Does it contain a licence or an assignment of your copyright?
- If it contains a licence, is this an exclusive licence?
- Does the contract restrict you from making use of your own work?
E.g. in your own teaching
- Does the contract allow you to meet your funder's open access requirements? E.g. CC BY licence

Publisher Policies – Sherpa Romeo

Try the new-look Sherpa

Our new site consolidates Sherpa Services (Romeo, Juliet, Fact and OpenDOAR) in to one handy tool, and brings you Open Access policy, compliance and Transitional Agreement information.

[Go to the new website >](#)



Sherpa Romeo

- About
- Search
- TJ List
- Statistics
- Help
- Support Us
- Contact
- Admin

Welcome to Sherpa Romeo

Sherpa Romeo is an online resource that aggregates and analyses publisher open access policies from around the world and provides summaries of publisher copyright and open access archiving policies on a journal-by-journal basis.

Enter a journal title or issn, or a publisher name below:

Journal Title or ISSN

Publisher Name

<https://www.sherpa.ac.uk/romeo/>



BODLEIAN
LIBRARIES

Social Media and Scholarly Outputs



ACADEMIA



ORA – Oxford University Research Archive

The screenshot shows the homepage of the Oxford University Research Archive (ORA). The header is dark blue with the ORA logo and the University of Oxford crest. Navigation links for 'ABOUT', 'DEPOSIT', and 'HELP' are visible. A search bar is prominently displayed with the text 'EXPLORE THE UNIVERSITY OF OXFORD'S WORLD-CLASS RESEARCH' above it. Below the search bar are buttons for 'COVID-19 Portal' and 'Climate Portal'. The background features a stylized map of Oxford with labels for 'Bodleian (New Library)', 'Broad Street', 'Old Clarendon Buildings', 'Sheldonian Theatre', 'The Schools & Bodleian Library', 'Chapel', and 'HERTFORD COLLEGE'. A vertical 'CONTACT' button is on the right side of the map.

ORA
OXFORD UNIVERSITY
RESEARCH ARCHIVE

UNIVERSITY OF OXFORD

ABOUT DEPOSIT HELP

EXPLORE THE UNIVERSITY OF OXFORD'S
WORLD-CLASS RESEARCH

Enter your search here / All Fields

COVID-19 Portal Climate Portal

CONTACT

Deposit

Members of the University of Oxford can deposit a wide range of research to ORA including articles, conference papers, theses and data.

> DEPOSIT

In focus

Tweets from @OAOxford

OpenAccessOxford
@OAOxford · Jun 9

Many medical research funders require a deposit into Europe PubMed Central (EPMC).

Quite often the journal will do this for you

In numbers

- Journal article
- Confere...
- Thesis
- Book section
- Workin...
- Other

More stats...

<https://ora.ox.ac.uk/>

Open Access Rights Retention at Oxford

- Provides a legal route to 'green' self-archiving of journal articles in ORA or other repositories under a CC BY licence where 'gold' or 'read and publish' options are not available.
- Pre-existing grant of rights prior to signing publishing contract
- Requirement to notify publishers in advance
- Sign up to the pilot and find more information at [Oxford Rights Retention page](#).

Consider the following scenario

A researcher signs an exclusive licensing agreement to publish a journal article. The version of record is published on a subscription only basis (i.e. not open access)

She included a rights retention statement in the submitted manuscript which the publisher has removed from the final version of record

Is she legally entitled to:

- Make the full text of the authors accepted manuscript available in ORA under a CC BY licence?
- Upload the version of record to Research Gate?

Research Data

The screenshot shows the Research Data Oxford website. At the top left is the University of Oxford logo and the Research Data Oxford logo. The main header contains the text "Research Data Oxford" and the tagline "Make your data count". A search bar is located on the right. Below the header is a navigation menu with "Welcome" selected, and links for "Tools, services, and training", "FAQs", "Quick links", "Glossary", and "Contact us".

The main content area features a sidebar on the left with a list of topics: "About data management", "Data management plans", "Ethical and legal issues", "Data handling and acquisition", "Keeping working data safe", "Post-project data preservation", "Sharing data", "University of Oxford research data policy", and "Funder requirements".

The main content area is titled "Welcome to the Research Data Oxford website" and contains four large tiles with icons and text:

- New to all this? Start here**: Icon of a question mark over binary code.
- University of Oxford policy**: Icon of a quill pen.
- Deposit your data**: Icon of a database cylinder, a cloud, and a document.
- Contact us**: Icon of an envelope with an @ symbol.

Below the tiles is a paragraph: "Welcome to the new Research Data Oxford website. We plan to continue developing this site over the next few months, so if there are additional topics you would like to see covered, or if you have any other feedback, please [get in touch](#)."

The footer contains the following text:

Research Data Oxford is a cross-departmental group providing support for all aspects of research data management, and developing and delivering RDM infrastructure and services.
Research Data Oxford governance

Copyright
Picture credits
Accessibility statement
Privacy statement

<https://researchdata.ox.ac.uk/welcome>

Research Data

Protected by copyright
and/or database rights

May contain valuable
intellectual property

Most likely that the data
belong to the University

Sharing of data is
encouraged unless
there is potential for
commercial exploitation

Sharing Data

Sharing data

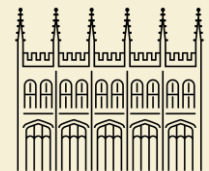
Sharing data at the end of a project makes it available for reuse by others. This is increasingly being encouraged by both funders and the research community more generally: it is very rare for the full potential of a research data set to be fully mined in one project, and sharing helps maximise the value of the data.

While not all data is suitable for sharing, the general trend is towards openness as the default, with restrictions only as necessitated by specific legal, ethical, or commercial considerations.

+ Expand All

The benefits of sharing data	▼
Open data and open scholarship	▼
Selecting and preparing data for sharing	▼
Making data FAIR	▼
How to share data	▼
Restricting access to data	▼
Data licensing	▼
ORCIDs	▼

<https://researchdata.ox.ac.uk/sharing-data>



BODLEIAN
LIBRARIES

Open Data and FAIR Data Principles

- Check funder requirements on open data
- Consider the FAIR Data Principles
 - Findability
 - Accessibility
 - Interoperability
 - Reusability
- Data may be licensed under (among others):
 - [Creative Commons](#),
 - [Open Data Commons](#) or
 - [CC Zero](#) public domain dedication.

Using the Copyright Works of others



Licences
(Legal use with permission)



Exceptions
(Legal use without permission)

Licences



Library electronic resource licences



Website terms of use



Software licences



Bespoke permission



IPO Orphan Works



Creative Commons



Open Government Licence (Crown copyright)



Your employer owns the copyright



You own the copyright

Clearing rights from others



Home > RightsLink for Scientific Communications

Software

RightsLink for Scientific Communications

Advanced scholarly communications workflow for the Open Access community

<https://www.copyright.com/solutions-rightslink-scientific-communications/>

Get permission to reuse content from books, journals and magazines.

How it works:

- 1 Search for the title you want to reuse by title, ISBN, ISSN, or URL
- 2 Fill in the Request Wizard form
- 3 Your request is automatically sent to the correct publisher rights holder
- 4 Track progress in your Request Manager inbox
- 5 If your request is successful, download your licence and pay any fees due

<https://www.plsclear.com/pages/ClearWizard.aspx>

Fair Dealing Copyright Exceptions



Research and Private Study ([S29 CDPA](#))



Criticism, Review, Quotation & News Reporting ([S30 CDPA](#))



Caricature, parody or pastiche ([S30A CDPA](#))



Illustration for Instruction ([S32 CDPA](#))

Quotation norms



Extracts from works

Entire copyright works

'Low value' works

'High value' works

Integral to the scholarship

Limited context

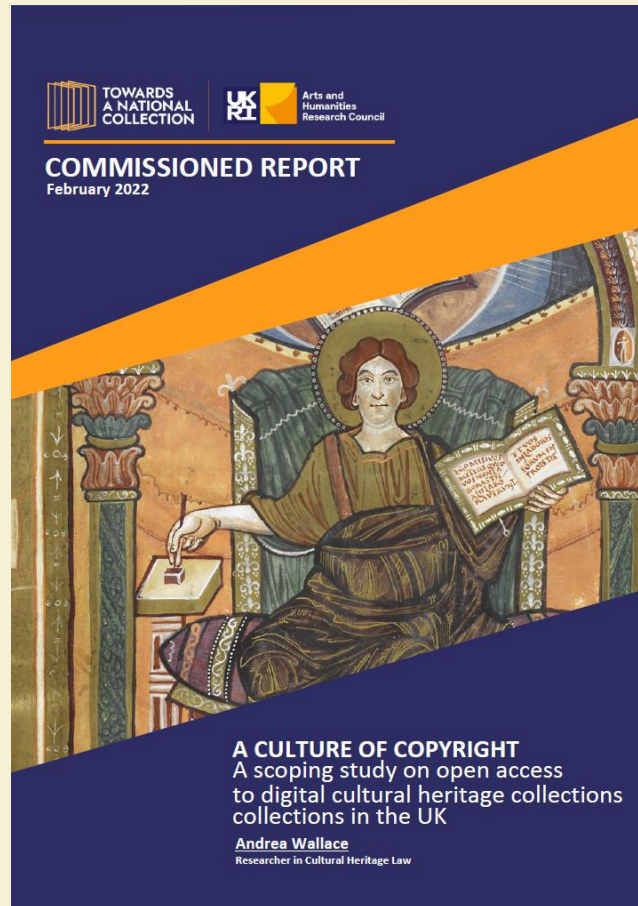
Risk Management

What's the likelihood that your activity infringes copyright?

What is the likelihood that the copyright will discover and object to your activity?

what is the impact (both financial and reputational) if the copyright holder was to take action against you or the University?

Practices in Cultural Heritage Institutions



- Tension between open scholarship strategies and revenue generation
- Claiming copyright in public domain material
- Confusion about copyright within GLAM institutions and the communities they serve

Wallace (2022), A Culture of Copyright
<https://doi.org/10.5281/zenodo.6242610>

Orphan Works

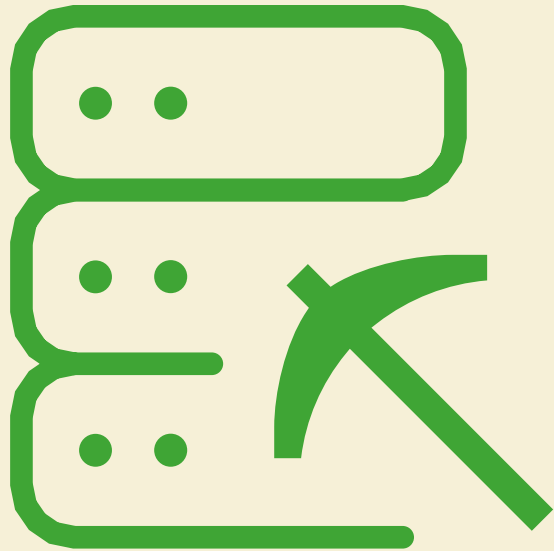


“Orphan works are creative works or performances...for which one or more of the right holders is either unknown or cannot be found.”

(Intellectual Property Office, 2022)

- Orphan Works Licensing Scheme UK use only and 7 year limit
- EU Orphan Work exception no longer available post-Brexit
- Reliance on risk-management

Text and Data Mining



Copies for text and data analysis for non-commercial research ([S29A CDPA](#))

- TDM requires copying and normalisation of datasets
- Licences to use required data may not be available
- Copyright exception introduced in 2014:
 - Non-commercial research only
 - Dataset cannot be shared with others
- Code of practice in development

Copyright Guidance

www.bodleian.ox.ac.uk/copyright

<https://www.gov.uk/topic/intellectual-property/copyright>

www.copyrightuser.org/

Contacts:

Bodleian Copyright Advice service: copyright@bodleian.ox.ac.uk

Open Access team: openaccess@bodleian.ox.ac.uk

ORA Team: ora@bodleian.ox.ac.uk

IT digital licensing specialist: rowan.wilson@it.ox.ac.uk

Patent and other IP advice: enquiries@innovation.ox.ac.uk

Credits

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