Property rights and licenses

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A Practical introduction to acquisition, validation, quality control and access to (biodiversity) data

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Copyright
(“All rights reserved”)
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(“All rights reserved”)

- legal concept that grants the creator of an original work exclusive rights to its use and distribution

- usually anyone creating an original work* automatically holds the copyright on it

- normally expires 70 years after the death of the creator

- exceptions to copyright and to its duration exist

* Certain individual data (e.g. observations) cannot be copyrighted – but it's a legal grey zone. In the context of a dataset, they may have been assembled through intellectual effort – and thus the “sweat of brow” doctrine applies – i.e. the dataset as a whole might fall under copyright.
Licenses
(“Some rights reserved”)
Licenses
(“Some rights reserved”)

creativecommons

sciencecommons

Open Data Commons
Licenses
(“Some rights reserved”)

- can be applied to creative works to define what can be done with these works
- not antagonistic to copyright but based on it.
- A violation of a CC license is a copyright violation
Three “Layers” Of Licenses

- Legal Code
- Human Readable
- Machine Readable
BY : Attribution required
NC : Non-commercial
SA : Share alike
ND : No derivatives
Licenses
(“Some rights reserved”)
Licenses
("Some rights reserved")
Licenses
(“Some rights reserved”)

Waiver
(“No rights reserved”)
Licenses
(“Some rights reserved”)

Waiver
(“No rights reserved”)

CITATION = GOOD PRACTICE!
<table>
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<th>License</th>
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<th>GBIF practice?</th>
<th>Open data?</th>
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11,000+ GBIF registered datasets

Usage = legal grey zone

Hagedorn G, Mietchen D, Agosti D, Penev L, Berendsohn W, Hobern D (2011) **Creative Commons licenses and the non-commercial condition: Implications for the re-use of biodiversity information.** ZooKeys 150: 127-149. doi: [10.3897/zookeys.150.2189](https://doi.org/10.3897/zookeys.150.2189)


Egloff W, Patterson D, Agosti D, Hagedorn G (2014) **Open exchange of scientific knowledge and European copyright: The case of biodiversity information.** ZooKeys 414: 109-135. doi: [10.3897/zookeys.414.7717](https://doi.org/10.3897/zookeys.414.7717)