

Property rights and licenses

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

Vlissingen, Netherlands, 14.06.2015



Copyright

("All rights reserved")

Copyright

(“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”)

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Open Data Commons

Licenses

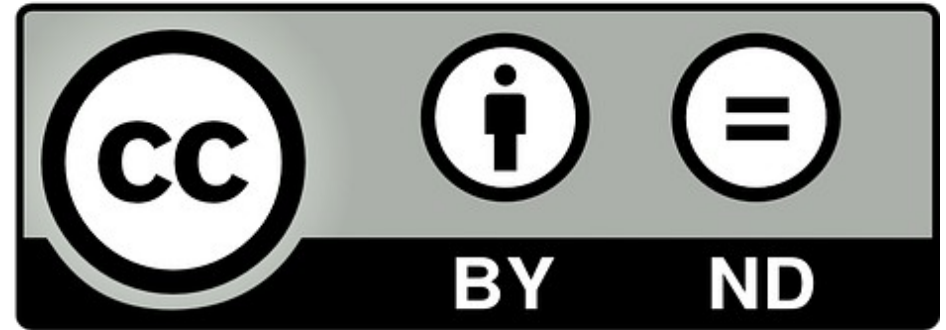
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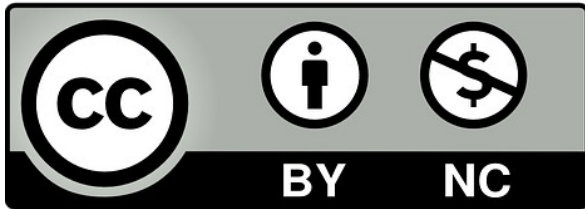
- can be applied to creative works to define what can be done with these works
- not antagonistic to copyright but based on it.
- A violation of a CC license is a copyright violation

Three “Layers” Of Licenses





BY : Attribution required
NC : Non-commercial
SA : Share alike
ND : No derivatives



Licenses

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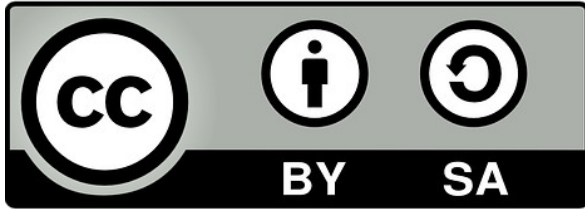




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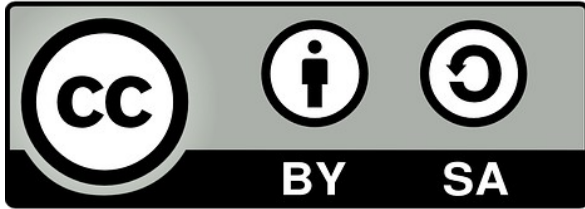




Licenses
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Waiver
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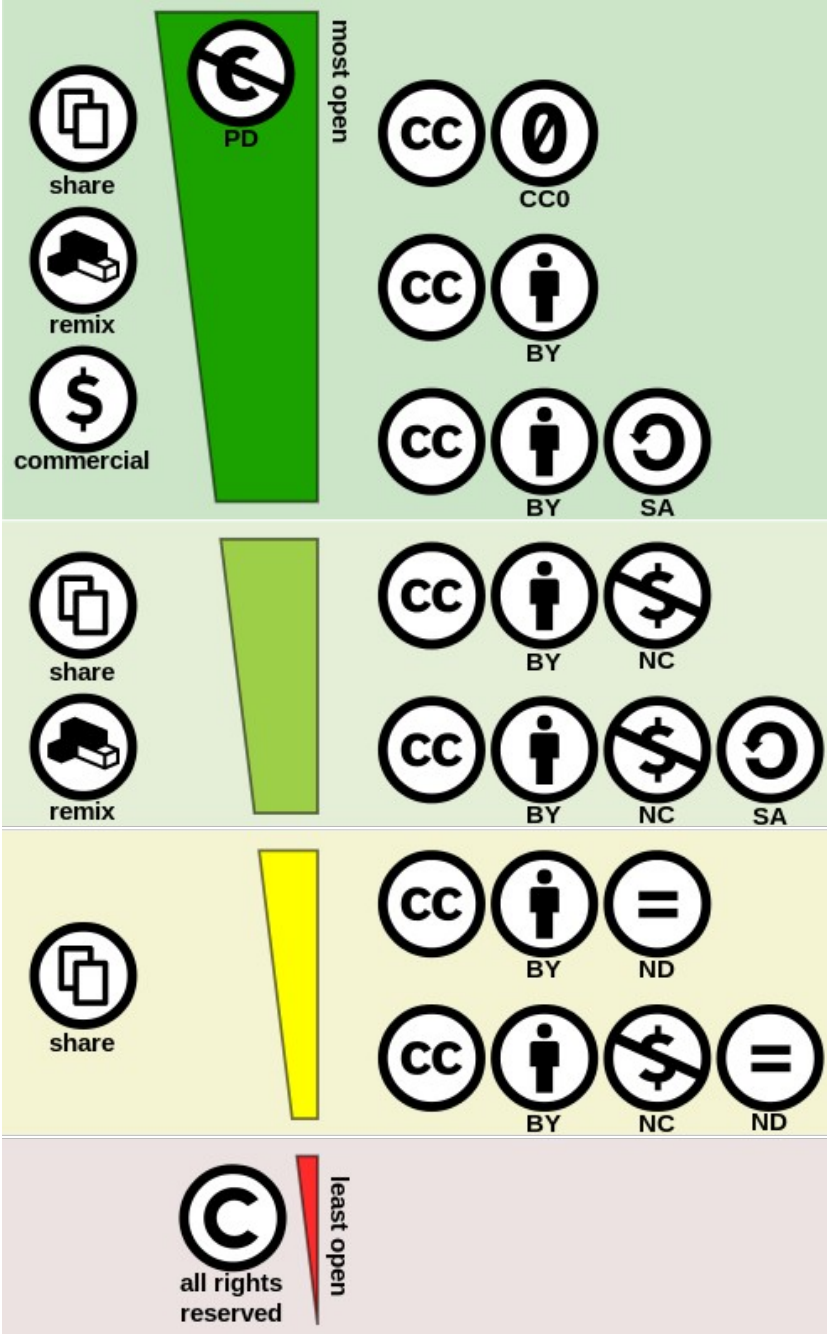


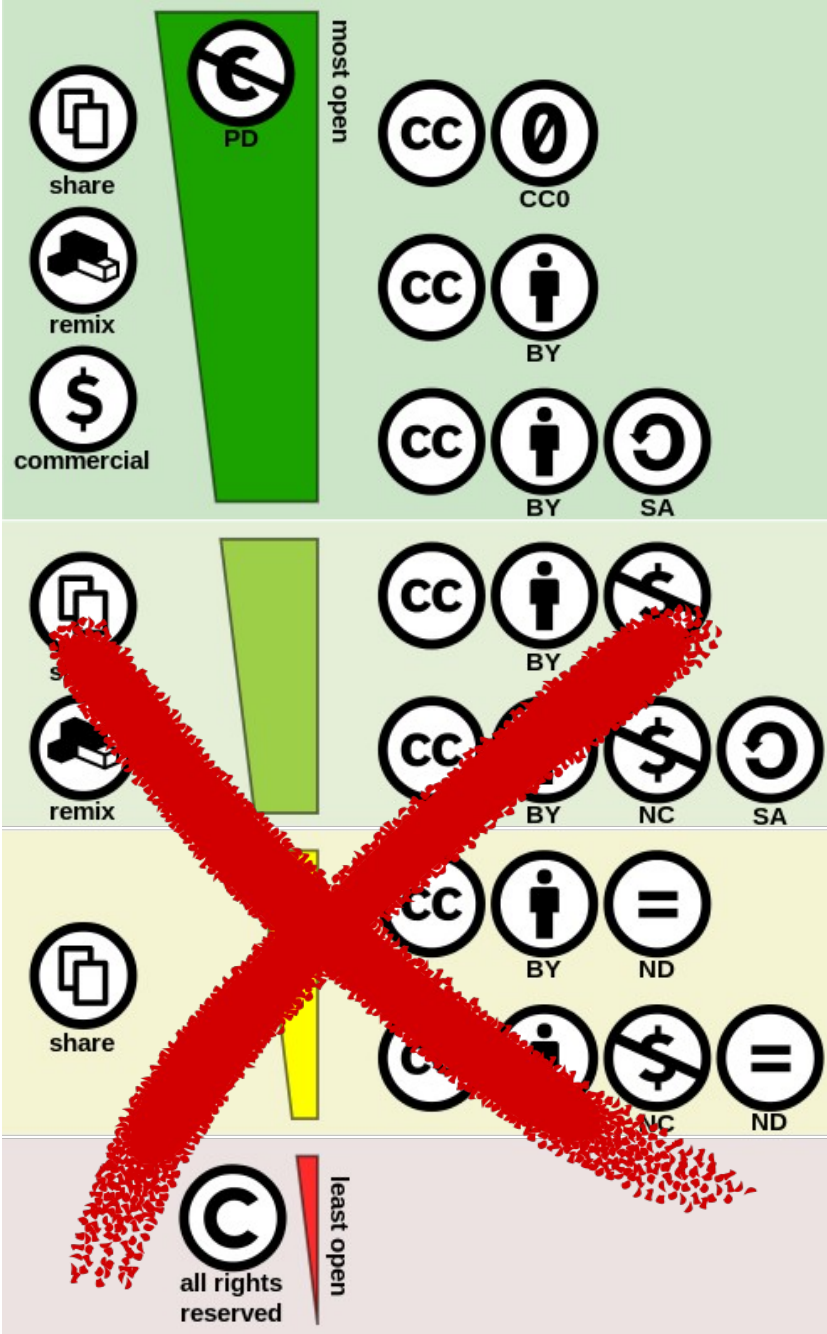
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CITATION = GOOD PRACTICE!

Waiver
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License	# of datasets	# of records	% of records	GBIF practice?	Open data?
CC0	105	2,155,108	0.5%	yes	yes
CC BY	8	2,240,674	0.5%	yes	yes
ODC-By	11	567,675	0.1%	yes	yes
CC BY-SA	16	450,421	0.1	no	yes
ODbL & DbCL	3	864	0.0%	no	yes
CC BY-NC	10	4,308,627	1.0%	expected by some	no
CC BY-NC-SA	17	569,040	0.1%	no	no
CC BY-NC-ND	1	26,132	0.0%	no	no
Non-standard license	1,069	100,062,731	24.1%	?	?
No license	10,734	305,546,382	73.5%	?	?

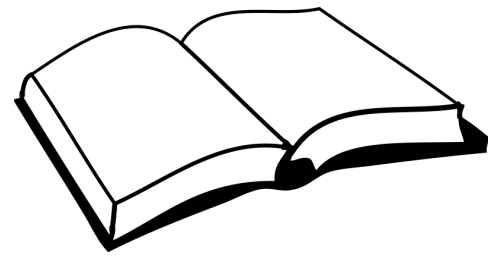
● Standard license ● Non-standard license



● Standard license ● Non-standard license



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)

Patterson D, Egloff W, Agosti D, Eades D, Franz N, Hagedorn G, Rees JA, Remsen DP (2014) **Scientific names of organisms: attribution, rights, and licensing.** BMC Research Notes 2014, 7:79, doi: [10.1186/1756-0500-7-79](https://doi.org/10.1186/1756-0500-7-79)

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)