

How (re)useable is Research Data?

Do you manage a data repository? Do you regularly access and use research data?

Find out what legal issues you should consider when making research data visible, and (re)using it...

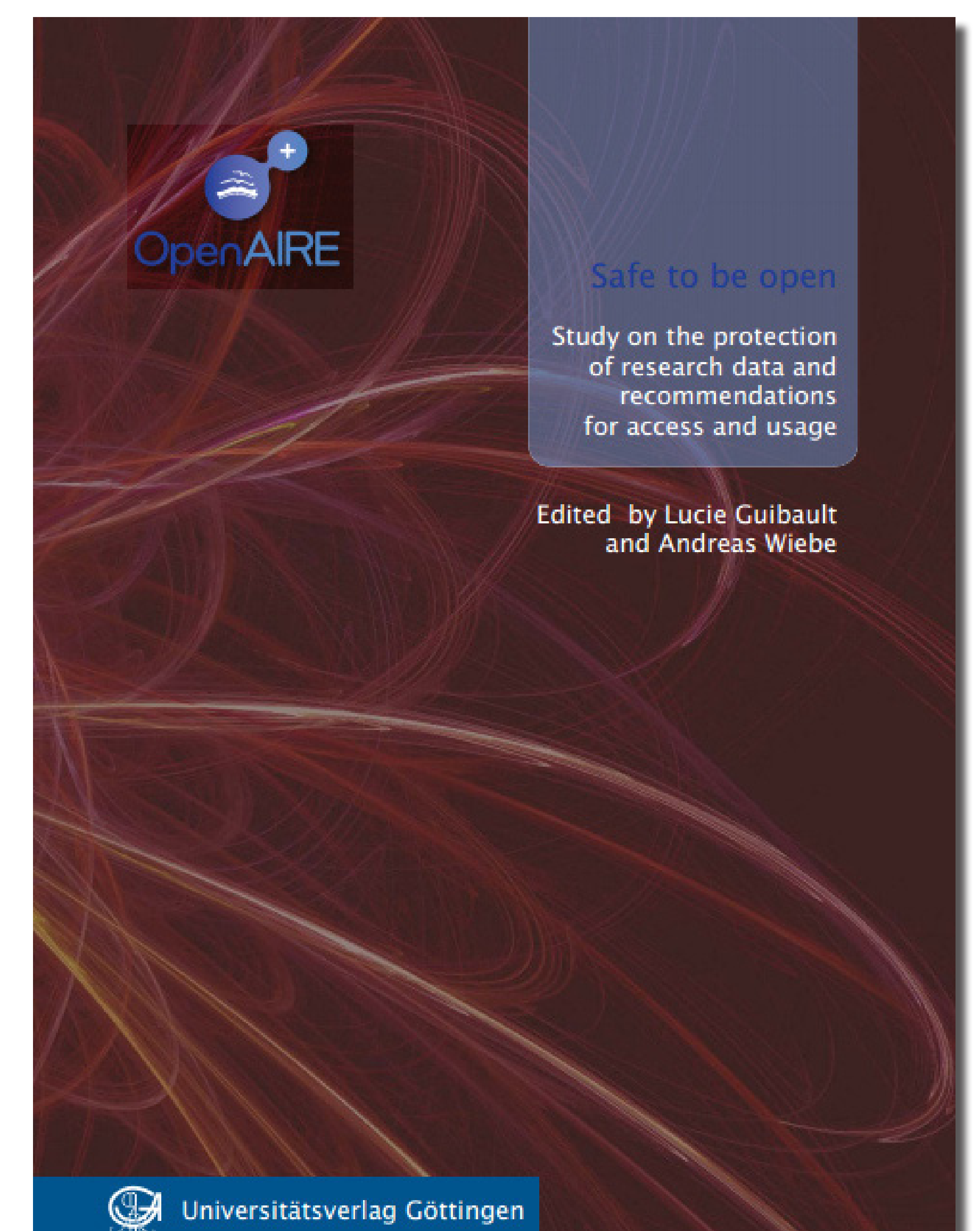
Recommendations

License your Data Sources!

- It is highly recommended that a license-based framework for the open exchange of data is established. Appropriate licences will provide open access to content, as well as the databases themselves, in order to allow the re-use of research data (e.g. data-mining, harvesting, reproduction, linking).
- To enable the mutual exchange of data, **open access licences such as CC-BY 4.0**, which covers copyright as well as the database protection right, should be used.

The scientific research exception should be broader!

- At the European level, legislative actions should be considered to improve the rights situation in relation to research data. **The exceptions to copyright and the database protection right for scientific purposes should be enlarged and made mandatory.**
- The scope of the exceptions should cover the use of a **whole database for scientific purposes**. This would lower barriers for the exchange of data and enhance the usability of data for scientific research.



This poster summarises an OpenAIRE study examining the existing **European legal framework**, and the different forms under which research data can be protected and reused in the context of open access e-infrastructures.

Lucie Guibault and Andreas Wiebe (Eds.): 'Safe to be Open'

<http://webdoc.sub.gwdg.de/univerlag/2013/legalstudy.pdf>

Did you know...

- **Research data alone** are not usually protected by copyright law. Only the actual databases and their structures may be protected.
- **Copyright:** Databases of research data will often fail to meet the requirement of an 'intellectual creation'. **However, individual elements of the database, could be protected by copyright law** even if the whole database isn't (e.g. abstracts, pictures or tables).
- **Use of data can affect copyright.** Reproduction of the whole or parts of the protected work; distribution; communication to the public; adaptation is not allowed without the consent of the right-holder.
- **The Sui Generis Database right (SGDR)** is the most important right for scientific databases. It requires the maker's substantial investment in obtaining, verifying or presenting the data. Originality is not required.

So, what are the risks?

- **'Use of' data can be affected by SGDR:** This right is infringed if all or a substantial part of the database contents is extracted or re-utilised. Any of the following actions: **Access- Linking - Mining- Reuse** can infringe as long as there is copy (even temporary) or reuse of a substantial part of the database.
- **Scientific use:** The scientific use exceptions to copyright and the database protection right are not broad enough to cover e-Infrastructures such as OpenAIRE. These exceptions are very poorly harmonized in the Member States, and this creates legal uncertainty.

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