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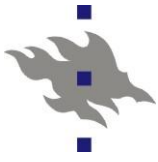
Intellectual property rights and development of data policies for RI: the legal side

**4th Nordic ENVRI workshop on data and
access management**

Oslo the 3rd and 4th of February 2016

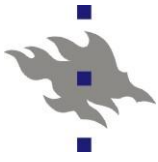
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Data

- Data as such – no intellectual property rights
- In some countries may be considered as property, though – whose property?
- And institutions may still want to restrict access – make available against contracts rights defined in the contract / license
- When something else is required to use the data – tools – IPR consideration needed

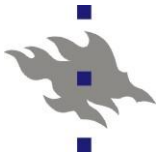


Database and software

- If enough investments made to collect data to make it available in a structured way – protected database may come out
- Special protection in Europe – based on database directive (not in USA for example)
 - 15 year protection
- In employment rights to database may belong to the employer or to the employees
 - it is not compulsory to transfer rights to database to the employer according to the database directive – national consideration allowed

Norway, Denmark, Sweden – no automatic transfer

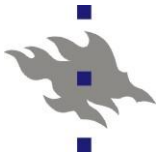
Finland – rights to database belong to the employer (special clauses for university researchers and teachers though)



Database and software

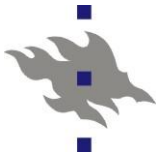
- Computer programmes protected by copyright
 - code, not the idea or algorithm
 - normal protection time, 70 years from the death of the creator
- European software directive – rights to programmes in employment belong to the employer

Finland – special clauses for university researchers and teachers, though



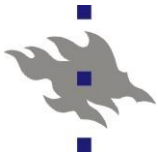
Attribution

- When there is no copyright linked to the data – no legal obligation to mention data providers
- Practices at the scientific field decisive – question about scientific ethics
- Copyright / moral rights
 - Creator needs to be named the way customary in the field
 - Concerns mainly software



How to handle and develop policies

- The one owning the rights decides
- Check your own organisations' policy - go upwards and push organisations make policies and accept common rules – handle rights
- Strategic way – protection of rights may be needed sometimes
- Open access usually the starting point – but then comes the discussions and individual aims
- But restricted access may be costly and require resources - consider carefully, maybe better foster cooperation and innovation without restricting access to data
- Payments – system which requires resources needed / consider if providing data for free easier / why would someone pay for getting data? / business plan and marketing needed
- Perhaps better consider putting up services or providing something else extra as side product to data



How to handle and develop policies

- Define on what conditions to provide data – license needed
- But no one wants to read licenses – make it easy
- Creative Commons licenses rather favoured nowadays

<http://creativecommons.org/licenses/?lang=en>

- For example CC 4.0 BY – only attribution needed the way established by the rights holder, otherwise you can use in whatever way you like

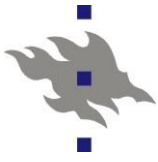
If you want to have the right holders named you have to define how –

otherwise no attribution is made

- Software – be mindful when you use open source
- For example MIT License <http://opensource.org/licenses/MIT>

Use in whatever way you like

- Always maintain the right to control what is in your database and right to abolish if needed – liability control



How to handle and develop policies

- Finnish Open Science and Research Initiative

<http://openscience.fi/>

- Suggestions

CC 4.0 BY for data and other works

CC0 for metadata

MIT License for software