Copyright & Creative Commons licences

- Principles of
  - Copyright
  - Creative Commons licences
- How to … in a scientific context
A very short history of copyright

Until late 19th century: The pirate publisher – an international burlesque that has had the longest run on record

1886: The Berne Convention, an international agreement governing copyright, was signed
- slow uptake
- several revisions
- now: 172 contractors

Berne Convention for the Protection of Literary and Artistic Works

Swiss Federal Act on Copyright and Related Rights

Chapter 1: Works

Art. 2 Definition of works

1. Works are literary and artistic intellectual creations with an individual character, irrespective of their value or purpose.

2. They include, in particular:
   a. literary, scientific and other linguistic works;
   b. musical works and other acoustic works;
   c. works of art, in particular paintings, sculptures and graphic works;
   d. works with scientific or technical content such as drawings, plans, maps or three-dimensional representations;
   e. works of architecture;
   f. works of applied art;
   g. photographic, cinematographic and other visual or audiovisual works;
   h. choreographic works and works of mime.

3. Computer programs are also works.

4. Drafts, titles and parts of works, insofar as they are intellectual creations with an individual character, are also protected.
Chapter 2: Author

Art. 6 Definition

The author is the natural person who has created the work.

Art. 7 Joint authorship

Where two or more persons have contributed as authors to the creation of a work, copyright belongs to all such persons jointly. (…)

US Copyright Law

(Exceptions)

105. Subject matter of copyright: United States Government works

Copyright protection under this title is not available for any work of the United States Government, (…)

201. Ownership of copyright

(b) In the case of a work made for hire, the employer or other person for whom the work was prepared is considered the author for purposes of this title, and, unless the parties have expressly agreed otherwise in a written instrument signed by them, owns all of the rights comprised in the copyright.
Chapter 3: Scope of Copyright

Art. 9 Recognition of authorship
1. The author has the exclusive right to his own work and the right to recognition of his authorship.
2. The author has the exclusive right to decide whether, when, how and under what author's designation his own work is published for the first time. (…)

Art. 10 Use of the work
1. The author has the exclusive right to decide whether, when and how his work is used. (…)

Art. 11 Integrity of the work
1. The author has the exclusive right to decide:
   a. whether, when and how the work may be altered;
   b. whether, when and how the work may be used to create a derivative work or may be included in a collected work.
2. Even where a third party is authorised by contract or law to alter the work or to use it to create a derivative work, the author may oppose any distortion of the work that is a violation of his personal rights.
3. It is permissible to use existing works for the creation of parodies or other comparable variations on the work.
Art. 29 In general

1 A work is protected by copyright as soon as it is created, irrespective of whether it has been fixed on a physical medium.

2 Protection expires:
   a. in the case of computer programs, 50 years after the death of the author;
   b. in the case of all other works, *70 years after the death of the author*.

3 Where it is has to be assumed that the author has been dead for more than 50 or 70 years respectively, protection no longer applies.
Swiss Federal Act on Copyright and Related Rights

Chapter 5: Exceptions to Copyright

Art. 19 Private use

1 Published works may be used for private use. Private use means:
   a. any personal use of a work or use within a circle of persons closely connected to each other, such as relatives or friends;
   b. any use of a work by a teacher and his class for educational purposes;
   c. the copying of a work in enterprises, public administrations, institutions, commissions and similar bodies for internal information or documentation.

2 Persons entitled to make copies of a work for private use may also have them made by third parties subject to paragraph 3; libraries, other public institutions (…)

3 The following are not permitted outside the private sphere defined in paragraph 1 letter a
   a. the complete or substantial copying of a work obtainable commercially; (…)

US Copyright Law

Chapter 1: Subject Matter and Scope of Copyright

107. Limitations on exclusive rights: Fair use

(…) the fair use of a copyrighted work, (…) for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.

In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include

(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
(2) the nature of the copyrighted work;
(3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
(4) the effect of the use upon the potential market for or value of the copyrighted work.
Swiss Federal Act on Copyright and Related Rights

Chapter 5: Exceptions to Copyright

Art. 20 Remuneration for private use

(...) private use under Article 19 paragraph 1 letter b or letter c, (...) owes remuneration to the author. (...) asserted by the authorised collective rights management organisations. (....)

Copyright collecting societies in Switzerland

- SUISA - music
- Suiissimage - audio-visual works
- SSA (Société Suisse des Auteurs) - dramatic works and audio-visual works
- ProLitteris - literature, photographs and arts
- SWISSPERFORM - related rights
Remuneration for private use

Possible for
- Dissertations
- Books or book chapters
- Articles in Swiss or international journals

The premise
- Published work must be sold in CH (at least 500 copies) or it must be available to the public in print (in at least 2 Swiss libraries)

What to expect (examples from 2013)
- Disbursement once a year
- Dissertation (350 pp.) -> CHF 78
- Article (20'000 characters, 850 issues in CH at CHF 37) -> CHF 99
How to get remuneration from ProLitteris

To become a member

- Prerequisite: Residence in Switzerland
- No online-registration. Simply mail to mitglieder@prolitteris.ch and ask for an account.

Register individual works online.
Swiss Federal Act on Copyright and Related Rights

Chapter 5: Exceptions to Copyright

Art. 25 Quotations

(...). Published works may be quoted (...) quotation must be designated as such and the source given.
You can allow the usage of your works

Wanna Work Together? by Creative Commons, https://creativecommons.org/about/videos/wanna-work-together/, CC BY.
Give attribution + different options to limit reuse

BY - Attribution
NC - Non-Commercial
ND - No Derivatives
SA - Share Alike

«No Known Copyright» PUBLIC DOMAIN «No Rights Reserved» CC0
Components of the license

Three “Layers” Of Licenses

![Image of three layers: Legal Code, Human Readable, Machine Readable]

The legal code

- Human readable
  - A link to the explanation

- Machine Readable
  - code in a website
  - often provided by the platform itself

Creative Commons Attribution 4.0 International (CC BY 4.0)

This is a human-readable summary of (and not a substitute for) the license.

You are free to:

- Share — copy and redistribute the material in any medium or format
- Adapt — remix, transform, and build upon the material for any purpose, even commercially.

The licensor cannot revoke these freedoms as long as you follow the license terms.

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- Attribution — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.

- No additional restrictions — You may not apply legal terms or technological measures that legally restrict others from doing anything the license permits.
State of the Commons

1.2 BILLION
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Copyright

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- How to reuse a copyright protected work?

Exceptions («fair use»)
How to get a license?

It is easy:

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- Share your work
- Choose a License
How to find CC-licensed works?

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- Images
- Tools
- Usage rights

creativecommons.org
- Use & remix
- Search the Commons
Exercise

Assume, that you are creating a presentation with the topic «Plastic Materials in the Ocean». The presentation slides will be on the web.

1. Can you find a photo on the web, that you can use for this presentation?

2. What exactly is the licence for the photo, you have chosen.
How to reuse CC-licensed works? – An Example

Just give attribution:

- Creator
- (Title)
- Link to the source
- License

NOAA Marine Debris Program: «Marine debris laden beach in Hawaii»
https://flic.kr/p/cEzQ37, CC-BY-2.0
Exercise

1. Please join the search options in Google (image search) with the proper license:

- CC-BY
- CC-BY-SA
- CC-BY-ND
- CC-BY-NC
- CC-BY-NC-SA
- CC-BY-NC-ND

Not filtered by license
- Labeled for reuse with modification
- Labeled for reuse
- Labeled for noncommercial reuse with modification
- Labeled for noncommercial reuse
Exercise

2. Please join the search options in the CC Search with the proper license:
Reusability

Scientific Information: Exponential Increase

(From: Larsen PO & Mins, 2010: The rate of growth in scientific publication and the decline in coverage provided by Science Citation Index. *Scientometrics* 64, 575–603. DOI: 10.1007/s11192-010-0202-z. CC-BY-NC).


**Fig. 2** Cumulative number of records for nine databases 1907–2007 (semi logarithmic scale)
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Chinese mantids gut toxic monarch caterpillars: avoidance of prey defence?
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Evan Preisser, Department of Biological Sciences, University of Rhode Island, Kingston, RI 02881, U.S.A.
E-mail: preisser@uri.edu

Abstract
1. Monarch caterpillars, Danaus plexippus (Linnaeus), feed on milkweed plants in the genus Asclepias and sequester cardenolides as an anti-predator defence. However, some predators are able to consume this otherwise unpalatable prey.

2. Chinese mantids, Tenodera sinensis (Saussure), were observed consuming monarch caterpillars by gutting them (i.e., removing the gut and associated internal organs). They then feed on the body of this herbivore without any apparent ill effects.

3. How adult T. sinensis handle and consume toxic (D. plexippus) and non-toxic [Ostrinia nubilalis (Hübner) and Galleria mellonella (Linnaeus)] caterpillars was explored. The differences in the carbon/nitrogen (C:N) ratio and cardenolide content of monarch tissue consumed or discarded by mantids were analysed.

4. Mantids gutted monarchs while wholly consuming non-toxic species. Monarch gut tissue had a higher C:N ratio than non-gut tissue, confirming the presence of plant material. Although there were more cardenolide peaks in the monarch body, no mantids rejected monarch caterpillars, even those that were gilled.
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Dr. Lothar Nunnenmacher
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