Copyright & CC Licences

- Copyright – Principles
- Copyright in a Scientific Context
- Creative Commons Licences – Principles
- Creative Commons Licences in a Scientific Context

Please, mute your microphone.

Questions? Ask them in the chat. We (try to) answer them at the end.

Thank you!
Copyright
Swiss Federal Act on Copyright and Related Rights


The Berne Convention, an international agreement governing copyright, was signed in 1886:
- slow uptake
- several revisions
- now: 179 contractors
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.

<= Patents

A patent gives its owner the right to exclude others from making, using, selling, and importing an invention for a limited period of time, usually twenty years.

(Wikipedia)
Chapter 2: Author

Art. 6 Definition
The author is the natural person who has created the work.

Art. 7 Joint authorship
1 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.
Swiss Federal Act on Copyright and Related Rights

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.
What do you think: How long is a work protected by Swiss copyright law?

- 2 years
- 20 years
- 70 years
- 70 years after the death of the creator
- for unlimited time
Swiss Federal Act on Copyright and Related Rights

Chapter 6: Term of Protection

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.

Afterwards

-Orphan works

If unclear

PUBLIC DOMAIN
Swiss Federal Act on Copyright and Related Rights

Chapter 5: Exceptions to Copyright

Art. 25 Quotations

1 Published works **may be quoted** if the quotation serves as an explanation, a reference or an illustration, and the extent of the quotation is justified for such purpose.

2 The quotation **must be designated as such and the source given**. Where the source indicates the name of the author, the name must also be cited.
Chapter 5: Exceptions to Copyright

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.
According to Swiss copyright law, which of the following «works» are you allowed to share with a colleague?

- a journal article, authored by yourself
- any journal article
- a book chapter
- a complete book, commercially available
- none of them
Swiss Federal Act on Copyright and Related Rights

Chapter 5: Exceptions to Copyright

Art. 20 Remuneration for private use

2 (...) Any person who reproduces works in any manner for private use under Article 19 paragraph 1 letter b or letter c, (...) owes remuneration to the author.

4 Claims for remuneration may only be asserted by the authorised collective rights management organisations.

Copyright collecting societies in Switzerland

- SUISA - music
- Suissimage - audio-visual works
- SSA (Société Suisse des Auteurs) - dramatic works and audio-visual works
- ProLitteris - literature, photographs and arts
- SWISSPERFORM - related rights
What do you think: Which of the following photographs are protected by Swiss copyright law?

- Christoph Meili
  Photograph: Gisela Blau

- Bob Marley
  Photograph: Max Messerli

- London, Towerbridge
  Photograph: Lothar Nunnenmacher


Since 1. April 2020: Photographic depictions and depictions of three-dimensional objects produced by a process similar to that of photography are considered works, even if they do not have individual character.
Copyright Transfer Agreements
Assignment of copyright

I hereby assign to the Copyright Owner [i.e. the publisher!] the copyright in the manuscript identified above (...). This assignment of rights means that I have granted to the Copyright Owner the exclusive right to publish and reproduce the Article, or any part of the Article, in print, electronic and all other media (whether now known or later developed), in any form, in all languages, throughout the world, for the full term of copyright, and the right to license others to do the same, effective when the Article is accepted for publication.
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Accepted Manuscript:
(i) immediately on acceptance: (...):
• via the author’s non-commercial personal homepage or blog
• (...)

(ii) after the embargo period: an author may share the Accepted Manuscript via non-commercial hosting platforms (such as the author’s institutional repository) and via commercial sites with which the publisher has a hosting agreement.

To check the embargo period for the journal, go to http://www.elsevier.com/embargoperiodlist

The publisher has agreements with certain funding agencies (...)

Downloaded from https://www.elsevier.com/.../7600/JPA.pdf.
Published Journal Article: the author may share a link to the formal publication through the relevant DOI or may share the Published Journal Article privately with students or colleagues for their personal use, or privately as part of an invitation-only work group on commercial sites with which the publisher has a hosting agreement. Additionally theses and dissertations which contain embedded Published Journal Articles as part of the formal submission may be hosted publicly by the awarding institution with a link to the formal publication through the relevant DOI. Any other sharing of Published Journal Articles is by agreement with the publisher only.
Read it, **change it** and then sign it

- Modify critical topics in the copyright transfer agreement such as „exclusive“ transfer of "all" rights. It doesn’t have to be all or nothing.
- Alternatively, add an addendum that retains these rights
… stuck between a rock and a hard place …

funder requires 6 months embargo period – and publisher allows 12 or 24 months

- publish in another journal (see SHERPA/Romeo database: https://www.sherpa.ac.uk/romeo/index.php)

- negotiate with the publisher a shorter period

- sign copyright transfer agreement «subject to the amendment»:
  - Eawag: see e-mail of Janet
  - SPARC: https://sparcopen.org/our-work/author-rights/
  - Copyright Addendum Engine: https://labs.creativecommons.org/scholars/
  - EC: https://www.openaire.eu/h2020-oa-guide-model-for-publishing
  - EPFL: https://www.epfl.ch/campus/library/services/services-researchers/open-access/

- negotiate a longer period with the funder
- ask the funder to negotiate with the publisher

- pay APC for hybrid Open Access
Re-use in a Scientific Context
How to reuse a copyright protected work?
You have to ask for permission to reuse

Copyright Clearance Center

Title: Chinese mantids gut toxic monarch caterpillars: avoidance of prey defence
Author: JAMIE L. RAFTER, ANURAG A. AGRAWAL, EVAN L. PREISSER
Publication: Ecological Entomology
Publisher: John Wiley and Sons
Date: Jan 22, 2013
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Winter cascading of cold water in Lake Geneva

Ilker Fer and Ulrich Lemmin
Laboratoire de Recherches Hydrauliques, École Polytechnique Fédérale de Lausanne, Lausanne, Switzerland

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Annual Review of Fluid Mechanics
Convection in Lakes

Damien Boffard and Alfred Wüest

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Additionally, the peculiar properties of the density function at low salinities/temperatures leave distinctive traces. In this review, we present these various processes and connect observations with theories and model results.
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Public Domain

- No Rights Reserved
- May be used without permission.
Creative Commons (CC) Licences

• Provide a standardized way to give the **public permission to share and use copyrighted works**.

• **Free** and **easy** to use.

• As the creator, you choose the conditions.

• As the user, the intended use is clear—no need to get permission, just provide the attribution.
Modular Design of CC Licences

There are 4 main elements of the Creative Commons licences:

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Type</th>
<th>Description</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image" alt="Person" /></td>
<td>BY Attribution</td>
<td>Give attribution to the author and link to licence</td>
<td>Mandatory</td>
</tr>
<tr>
<td><img src="image" alt="Creative" /></td>
<td>SA ShareAlike</td>
<td>Derivative works need to be made available under same licence</td>
<td>Optional</td>
</tr>
<tr>
<td><img src="image" alt="Creative" /></td>
<td>NC NonCommercial</td>
<td>Re-use is only permitted for non-commercial purposes</td>
<td>Optional</td>
</tr>
<tr>
<td><img src="image" alt="Creative" /></td>
<td>ND NoDerivatives</td>
<td>The work must not be modified</td>
<td>Optional</td>
</tr>
</tbody>
</table>
The 6 licences

For scientific works, prefer CC BY and CC BY-SA

Most Free

- Attribution (CC BY)
- Attribution-ShareAlike (CC BY-SA)

Attribution-NoDerivatives (CC BY-ND)

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Least Free

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The 3 Layers of a Creative Commons Licence

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How to share your work with a CC licence
Publishing in an Open Access Journal

*Use Case:* Your article is accepted in an Open Access Journal. Some publishers require you to choose a CC license for your article.

**Which CC licence should you choose?**

Our recommendation:

Choose the «most free» Creative Commons license.

If possible: CC BY

ShareAlike, NonCommercial & NoDerivatives conditions restrict re-use possibilities, but do not give you any advantages.

Disagree? Concerns? Let us know in the Chat (or write to openaccess@lib4ri.ch)
Longer answer: Go to https://creativecommons.org -> «Share your work»

Use Case: You wrote a report and want to publish it on your website. How can you share it under a CC licence?

Short answer:
• Share it under a CC BY licence. See http://creativecommons.org/licenses/by/4.0/
• Copy and paste this wherever a copyright notice would go, such as in a footer or on a cover page:

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1. The full URL (link) to the licence.
   Example: [http://creativecommons.org/licenses/by/4.0/](http://creativecommons.org/licenses/by/4.0/)
2. Optionally, the Creative Commons licence icons, including the CC logo. [https://creativecommons.org/about/downloads/](https://creativecommons.org/about/downloads/)

Further information: Licensing & Marking Your Content with Creative Commons

More info about the different options.

Answer these 2 questions!

The CC licence based on your answers.

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Publish in HTML? Use this code snippet.
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How to re-use CC-licenced images
Where to find CC-licenced images?

**Creative Commons Search**
- [https://search.creativecommons.org/](https://search.creativecommons.org/)
- Searches many sources, e.g. Flickr, Wikipedia, etc.

**Google Advanced Image Search**
- [https://www.google.com/advanced_image_search?](https://www.google.com/advanced_image_search?)
- Use the options under «usage rights»!
Re-using CC images

• When you find a CC work you want to reuse, the single most important thing to know is how to provide attribution. **All CC licences require that attribution be given to the creator.**
• The elements of attribution:
  • Title
  • Author/Creator
  • Source
  • Licence
• The attribution requirements in the CC licences are purposefully designed to be fairly flexible to account for the many ways content is used.
• Further information: [Best practices for attribution](#)
A practical example …
Figure 1. Ants rule! Picture: «Black ants» by Rakeshkdogra licenced under CC BY-SA 3.0 Unported.
All Rights Reserved vs. Creative Commons

- Copyright is the law. Licensing is what you let people do with your copyrighted content without breaking that law.
- **What goal do you hope to achieve with your content?**

**All Rights Reserved**

The primary advantage is **control**. You trade propagation for more control.

Someone who wants to re-use your content has to ask your permission and, potentially, negotiate a usage fee.

Your content won’t propagate as easily, not as many people will see it, and you risk obscurity.

**Creative Commons licences**

The primary advantage is **propagation**. You trade control for propagation.

Letting users share your work reduces friction, allowing your content to travel faster and farther. The more people who see your content, the more chances you get to build your authority.

It’s harder to monetize this type of content—but you can think of it as getting paid in credibility and authority.
Publication Services at Lib4RI

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Thank you for your attention!

Feedback!

Please give us a short feedback (max 2 min.) to this webinar
- anonymous
- link available via the chat

Questions?
- we will (try to) answer questions in the chat first
- then open up for questions via the microphones
Sources and further reading

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- Copyright Law of the United States online: https://www.copyright.gov/title17/

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