

In your everyday scientific work, copyright will affect you when you publish or share your own work and when you cite or re-use the work of others, including modified or derivative versions.

This Info Sheet briefly introduces the fundamentals of copyright law and Creative Commons licences. It also provides a guide for choosing the right licence for your publication.

Contact & Help Desk

In Person:

At the information desks in Birmensdorf, Dübendorf and Villigen

Phone:

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E-mail:

publicationservices@lib4ri.ch

Website:

www.lib4ri.ch/copyright-cc-licences

Legal basis

Definition and scope of copyright

Note:

Raw data is not an intellectual creation and is not considered a “work” within the sense of copyright law. However, copyright may apply to data visualisations, provided the creative character is given.

Copyright is a form of intellectual property. It grants the author or group of authors of a work the recognition of their authorship as well as the exclusive right to decide on the manner of publication, the permitted use and the integrity of the published work.

Works within the sense of the [Swiss Federal Act on Copyright and Related Rights \(CopA\)](#) are “(...) intellectual creations with an individual character (...)” Common types of works in the scientific context are, for example, manuscripts, illustrations and computer programs. Designs, titles and parts of works are also protected by CopA.

Term of Protection

All works are protected by copyright as soon as they are created. Protection does not expire until 50 years (computer programs) or 70 years (all other works) after the author’s death. When protection no longer applies, a work becomes public domain and can be used legally by anyone.

Global perspective

While there is no globally binding copyright law, international treaties, such as the [Berne Convention](#), establish basic principles of mutual recognition among members. In general, the copyright law applicable is that of the country in which the work is used.

Exceptions to copyright

Exceptions to copyright allow the use of parts of a work without the requirement of permission or remuneration claims. These are among others:

Art. 19 Private use

The use of copyrighted works is permitted within the private sphere, for educational purposes and for internal information or documentation e.g. in institutions. Outside the private sphere, the “complete or substantial copying of a work obtainable commercially” is not permitted. This means, e.g., a single article may be shared, but not the complete journal issue.

Art.20 Remuneration for private use

You can claim remuneration for your work, for example for your thesis. In Switzerland, [ProLitteris](#) is the authorised copyright collecting society for (scientific) literature.

Art. 24d Scientific research

Works can be copied for scientific research, if “the copying is due to the use of a technical process and if the works to be copied can be lawfully accessed.”

Art. 25 Quotations

Short quotations that serve as references or explanations are exempt from copyright. The designation of the quotation and the indication of the source must be presented correctly and clearly.

Tip:

Detect unintentional plagiarism in your manuscript with the [Lib4RI PlagScan service](#).

Re-using text segments without appropriate attribution is considered plagiarism and constitutes copyright infringement and scientific misconduct.

Exceptions to copyright are also listed in the legislation of other countries, e.g. in [section 107](#) (“Fair Use”) in the US code, or [division 6](#) (“Limitations of Copyright”) in German law.



Copyright Transfer Agreements

Journal Publishing Agreements

Some publishers require the transfer of the exclusive copyright from the author(s) to the journal via the Journal Publishing Agreement (JPA).

Tip:

By publishing [Open Access](#), you can retain your rights in most cases.

This can include the transfer of all rights to share and re-use one’s own work, as well as the mode of self-archiving the work for internal use. Therefore, it is strongly advised to thoroughly read and understand the JPAs before signing them.

Modify copyright transfer

To retain copyright as an author or group of authors, critical topics in the JPA such as „exclusive“ transfer of „all“ rights should be modified.

Tip:

Are you unsure about the terms and conditions of the journal you are planning to publish in? The [Lib4RI Publication Service team](#) will be happy to advise you on all open questions.

Alternatively, a ready-made addendum can be enclosed:

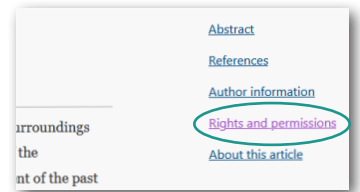
- o SPARC Author Addendum: sparcopen.org
- o Copyright Addendum Engine: labs.creativecommons.org/scholars
- o European Communities: openaire.eu

Note that acceptance of changes or addenda may require written consent of the publisher.

Re-using copyrighted work in a scientific context

Obtaining permissions

To re-use a copyrighted work permission of the copyright holder is required. This even applies to the author(s) of the work when copyright has been transferred. Crediting re-used content alone is not sufficient for copyrighted material.



Example of where to find the permissions link.

Usually, permission requests can be placed via the publisher’s website and are then processed by a license broker. Depending on nature of re-use and status of user, charges may apply.

Avoiding charges

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A comprehensive list of policies for embedding articles in theses across publishers is available under github.com/tuub/theses-publisher-policies.

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	ND	NoDerivatives	the work must not be modified	optional

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Tip:
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