

In your day-to-day 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 to what to consider when publishing your own work and correctly re-using the work of others.

Contact & Help Desk

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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

Copyright holders cannot claim remuneration for private use, unless the work is copied or reproduced. As copyright holder, you can claim remuneration for your work, for example 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

Tip:

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

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

Tip:

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

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. Alternatively, a ready-made addendum can be enclosed:

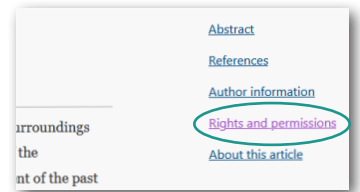
- SPARC Author Addendum: sparcopen.org
- Copyright Addendum Engine: labs.creativecommons.org/scholars
- European Communities: openaire.eu

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

Re-using a limited quantity of content in an article or book is free of charge if the publishers are [members of the STM Association](#).

Please use "Publisher (STM Signatory)" if you are an employee of an STM Signatory Publisher and/or an author publishing with an STM Signatory Publisher.

I would like to...	reuse in a journal/magazine	Portion	make a selection
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- Max. total of 3 figures/tables/images from works published by a single STM Signatory
- Max. 400 words from an individual journal article or book chapter
- Max. total of 800 words from a single book or journal issue

Acknowledging licenced content

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Here, adapted means that the re-used object has been changed, e.g. in the colours, while reproduced means that no changes have been made.

Theses and dissertations

If the copyright for a published article is no longer held by the author(s), permission often must also be obtained to embed the article in a thesis. This is also done via the rights management process on the publisher’s website. It is usually without any cost to the author.





In some cases, the publisher may have specific requirements, such as indicating their copyright or embargo periods. Such requirements are stated in the copyright agreements with the publisher.

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

Creative Commons Licences

Copyright and CC licences

Copyright restrictions can be lifted by an overlaying Creative Commons (CC) licence. While re-use of copyrighted material requires permission from the copyright holder, CC licences allow re-use without permission within the specifications contained in the licence. The specifications are defined by modular combinations of the four main elements:

	BY	Attribution	give attribution to the author and link to license	mandatory
	SA	ShareAlike	derivatives must be made available under similar license	optional
	NC	NonCommercial	re-use is only permitted for non-commercial purposes	optional
	ND	NoDerivatives	the work must not be modified	optional

Obtain your licence

You can create your licence via creativecommons.org. The licence chooser tool will guide you towards the right licence for your purpose.

Tip:

For scientific publications, prefer the most open licenses CC BY and CC BY-SA.

Once a work has been published under a particular licence, this licence cannot be revoked. It is therefore important to consider whether the selected specifications will permit the desired forms of use before issuing the licence. [Considerations for licensors and licensees](#) can be found on the Creative Commons website.

Add your licence

The licence chooser tool will provide textual, HTML and machine-readable XMP versions to mark your content. All you have to do is copy and paste the output where otherwise copyright informations would be placed, e.g. to a cover page or a footer. It is essential to include the link to the licence as well, either as hyperlink or in textual form.

Example licence (CC-BY-SA)

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