



# Copyright and research data

**Research data may be protected** by copyright when they are creative intellectual works. These may be texts, creative images, processed tables, databases, software 📄 **Managing software**.

As a matter of fact, copyright protects **creative intellectual works** in the fields of literature, music, art, architecture, drama, cinema, science, regardless of the mode or form of expression. However, copyright protects the tangible form of an intellectual work; this means that copyright does not protect ideas, procedures, methods of operation or mathematical concepts as such.

## Applicable regulations

Italian Law no. 633 of 22 April 1941  
"Protezione del diritto d'autore  
e di altri diritti connessi al suo  
esercizio (Protection of copyright  
and related rights)".

## 🎬 In the field!

***I am a researcher, and I need to use copyrighted works. How do I know if copyright protection has expired?***

Check if the work is in the public domain, i.e. the term of copyright protection has expired, by counting 70 years from the death of the author or 70 years from the first publication of a collective work.

If this is the case, make sure that no cultural heritage protection restrictions apply.

***I am a researcher, and I need to use copyrighted works in my research. How can I avoid infringing copyright?***

First, check if these works come with a reuse licence and make sure that the uses you intend to make are in line with the terms of the licence. For example, free use is permitted under a Creative Common Attribution (CC BY) licence.

If this is not the case, consider if you can only use fragments or parts of these works in your research. If so, make sure that the use you intend to make complies with Article 70 of the Italian Copyright Law, under which the abridgment, quotation or reproduction of fragments or parts of a work and their communication to the public for the purpose of criticism or discussion is permitted within the limits justified for such purposes, provided such acts do not conflict with the commercial exploitation of the work. If it is for teaching or research, this use must have the sole purpose of illustration, and be non-commercial.

In all other cases, you will need to obtain permission from the rights holder (often the publisher) to use the work.

## Authors' rights

Authors' rights include **so-called moral rights**, such as the right to claim authorship of a work, the right to publish unpublished works and the right to the integrity of a work. These rights may not be waived or transferred and are not subject to the statute of limitations. They may be claimed at any time after the author's death. Authors' rights also include **so-called property rights**, which entitle authors to commercially exploit their works on an exclusive basis. Publishing, digitisation, communication (also online), modification and translation rights, among others, are property rights that may be exercised exclusively by the author. These rights may be transferred for a fee or free of charge, on an exclusive or non-exclusive basis, and may be exercised up to 70 years after the author's death.

## Databases: between copyright and related rights of database creators

Databases are defined as "*collections of works, data or other independent materials which are systematically or methodically arranged and can be individually accessible electronically or by other means*". Databases are protected by copyright when the choice or arrangement of materials are regarded as an intellectual creation of their authors. The copyright protection for databases does not extend to their contents and is without prejudice to any third-party rights on said contents.

The investments made to create, verify or present a database, requiring financial means, time or labour, are protected independently from authorship. A related right (**so-called *sui generis* right**) is thus recognised to the "database creator" (Italian: "costitutore"), preventing the extraction or re-use of the whole or of a substantial part of the database.

The term of the *sui generis* right is shorter than that of authors' rights and applies for 15 years from the first of January of the year following the date of completion of the database or the date on which it is first made available to the public.

The conditions for using a database are governed by the rights holders by means of specific licences for use. Remember to check the terms of use.

## ► Licensing intellectual property

In order to use works and materials protected by copyright and related rights, you need the **prior consent of the rights holders**.

Property rights cover the work as a whole and each of its parts; this means that the author's exclusive right also extends to any partial uses and must be authorised.

Licensing agreements allow authors to transfer their property rights and third parties to use their work, under the agreed conditions. Authors retain ownership of the rights, which are returned to them when the licence expires.

Property rights are independent of each other, i.e. each right can be transferred separately from the others. The transfer of rights must be made in writing.

A work may only be used without permission of the rights holders in the exceptional and limited cases expressly provided for by the law.

Remember to check the terms of the licence associated with a work.

## ► Creative Commons licences

Creative Commons (CC) licences are the most popular licences for digital works. They are licensing agreements under which the author grants permission to use a work to an indefinite number of people, under certain conditions, by deciding which rights to retain and which to license for use.

There are six licensing schemes available, based on four basic clauses that authors can select and combine, thus expressing the ways in which end users will be able to use their work.

Each basic clause has a graphic symbol that makes it easier to recognise:



BY – Attribution: always included



NC – Non-commercial



SA – Share Alike



ND – No derivative works

CC licences are available in three forms:

- Commons Deed (the user-friendly symbols summarising the terms of the licences);
- Legal Code (the actual, full licensing agreement);
- CC REL – Creative Commons Rights Expression Language (the set of machine-readable information).

The Creative Commons licences and often associated with datasets, in line with the principles of Open Science, are:

- CC BY, “Attribution”: enables to freely reuse and modify the work, so long as attribution is given.
- CC BY-SA, “Attribution, ShareAlike”: enables to freely reuse and modify the work, so long as attribution is given, and the modified work is licensed under the same terms as the original work.
- CC0, “No Rights Reserved”: enables authors to put their work into the public domain and/or give up their rights over it.

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	CC BY-SA	✓	✓	✓	✓	✗
	CC BY-ND	✓	✓	✓	✗	✗
	CC BY-NC	✓	✓	✗	✓	✓
	CC BY-NC-SA	✓	✓	✗	✓	✗
	CC BY-NC-ND	✓	✓	✗	✗	✗

 You can redistribute (copy, publish, display, communicate, etc.)

 You have to attribute the original work

 You can use the work commercially

 You can modify and adapt the original work

 You can choose license type for your adaptations of the work.

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<https://foter.com/blog/how-to-attribute-creative-commons-photos/>  
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## In the field!

***I am a researcher, and I would like to use materials I found online in my research. How do I know if I can do that?***

Remember that the Internet is subject to rules and restrictions, too. Always check the terms of use of each website and of the materials published in it. As a rule of thumb, the fact that a work is available online free of charge does not mean that it can be used freely without permission.

When extracting data from an online database or reading a scientific article in an e-journal, remember to comply with the terms of the associated licence.

If no Creative Commons licences are associated with a piece of content, look for the “Terms of use” page (or similar) on the website. If the terms of use are not expressly stated, it means that all rights are reserved, and you must obtain permission from the rights holder.

***I am a researcher, and I would like to use images I downloaded from a digital library in my research.***

*How do I know if I can do that?*

Check the associated licence for use; Creative Commons licences are often used.

***I am a researcher, and I want to associate a CC0 licence with the data I produced. What does it mean in practice?***

Check that the licence can be applied to the data contained in your work without prejudice to third parties’ rights and in compliance with the law or other agreements.

Remember that you are waiving all your rights to the work worldwide under copyright law, including all related and neighbouring rights, to the extent allowed by the law.

Remember that a CC0 licence applied to a dataset allows anyone to copy, modify, distribute and use the dataset and data contained therein, even for commercial purposes, all without asking for permission.

## Useful links

Regulatory framework: Italian Law no. 633 of 22 April 1941 “Protezione del diritto d'autore e di altri diritti connessi al suo esercizio (Protection of copyright and related rights)” (in Italian)

<https://www.gazzettaufficiale.it/eli/id/1941/07/16/041U0633/sg>

Regolamento in materia di proprietà industriale e intellettuale dell'Università di Bologna (in Italian):

<https://normateneo.unibo.it/regolamento-in-materia-di-proprietà-industriale-e-intellettuale-delluniversita-di-bologna>

Useful resources:

- Creative Commons licensing schemes <https://creativecommons.org/>
- Extended version of the CC0 licence <https://creativecommons.org/publicdomain/zero/1.0/legalcode.it>