

## Directive 1/2011 of the NTK Director on the publishing activity of NTK employees and on the rights to the results of ReDel

### I. Subject of regulation

This Directive deals with the issue of publishing by NTK employees, of documenting, archiving and providing access to employees' work and of exercising copyright to such work. Generally, the publishing activity of NTK employees falls under the Act No. 121/2000 Coll., the Copyright Act, as amended (further referred to as CA), as regards publishing the results of research, development and innovations accomplished with the support of public funds, and under the Act No. 130/2002 Coll., the Act on the support of research, experimental development and innovations, as amended.

### II. Definition of terms

**NTK Author** – individual who created the work and is in a labour-law relation to the NTK.

**Work** – author's work according to CA, Section 2.

**Employee's work** – work that was created to fulfill the obligations or within the scope of the obligations following from the labour-law relation of the individual to the NTK (CA, Section 58(1)).

**Other work of NTK author** – work created by an NTK employee, on the basis of his/her position and expertise; its creation is either initiated by the employee or it was created within the scope of a labour-law relation to another employer than the NTK.

**Collective work** – work that is created by a group of several authors and that is created on request and under the leadership of a legal entity or individual and published under his/her name; at the same time, the contributions contained in this work may not be used separately (CA, Section 59(1)). Collective work created on the request of the NTK is also **employee's work** (CA, Section 59(2)).

**Date of publication of the work** – date of the first legal public presentation, performance, show, exhibition, publication or another form of access to the public (CA, Section 4).

**Employer** – National Technical Library (NTK).

**Employee** – individual who is in a labour-law relation to the NTK.

**Creative Commons License** is a collection of public licenses that bring new possibilities in the field of publishing author's work: they support the author's position concerning the conditions, under which the work will be publicly accessible. For details including necessary graphical symbols see

Eva Dibuszová. Institute of Chemical Technology: *publisher* [online]. Prague, 27th April 2010 [ref. 2011-01-26]. Creative Commons : nové možnosti ochrany děl zveřejňovaných na Internetu. Available on WWW: <[http://vydavatelstvi.vscht.cz/media/files/cc\\_licence\\_informace.pdf](http://vydavatelstvi.vscht.cz/media/files/cc_licence_informace.pdf)>.

### III. Principles of publishing

1. Publication of the results of research, development and innovations (ReDel), accomplished with the support of public funds and related rights, falls under CA, Section 16, especially (3) a (4); i. e.,

principles of publishing are regulated by contracts on the use of results; after the end of the contract it is necessary to provide access under equal condition and for market price to all interested parties.

2. Publishing of employee's work is conditional upon the agreement of the NTK statutory representative. This agreement must be obtained beforehand.
3. The NTK has equal property rights to the work created by individual author(s) on request of the NTK (in the contract for work) as to employee's work only within the scope of the purpose as stated in the contract. If not stated otherwise in the contract, beyond this purpose the author is not limited in any respect to use the work him/herself or to provide the license to a third party (CA, Section 61(1), (2)). Therefore the contract should be phrased in such a way that the justified right of the NTK to a potential broader use of the work may not be violated.
4. If not stated otherwise beforehand, the property rights to employee's work are managed by the NTK. The NTK also executes property rights to all individual and collective employee's work (team publications and databases). Personal rights of the author(s) to employee's work fall under CA, Section 58(4). If the employer executes property rights, it is generally considered that the author ceded him the rights to further use of the work according to CA, Section 58(4).
5. The employee's work of NTK author(s) is published in accordance with the conditions of Creative Commons License, namely BY-NC-ND or BY-NC-SA.
6. The employee's work of the NTK author(s) must be, without exception, provided to the NTK Institutional Digital Repository, „*Study Library for Development and Research of NTK*“, (<http://repozitar.techlib.cz>), within one month after its date of publication.
7. The repository may contain work of NTK authors, employee's work and other work, as well as work of other authors. Employee's work is accessible freely/without limitation; accessibility of other work depends on the license between the author and the publisher (according to Article 8 of this Directive). If not negotiated otherwise, the accessibility is within the scope of free legal licenses according to CA, Section 31(1), point c), i. e., for the purpose of demonstration or scientific research, which is not aimed to reach direct or indirect economic or business profit; the scope corresponding to the set purpose should not be exceeded.
8. Other work of NTK authors (other than employee's work) should also be collected in the NTK Institutional Digital Repository. The NTK authors are therefore obliged to try to negotiate such license conditions with the publisher of their work that maximum accessibility to the work is ensured.
9. The NTK author(s) should consult publishing of their (other than employee's) work with their superior, or, alternatively, with the head of NTK department no. 7. Thus, the issue may be discussed with the Ministry of Education in order to prevent publication of incomplete information or information without context, which might violate the reputation of the NTK or of the Ministry of Education.
10. The head of the NTK appeals to all employees to kindly pass any articles and news that appear in daily press, journals, collections, during specialized or promotion actions etc. and that mention NTK, to NTK department no. 7.

In Prague, on 28th March 2011

Ing. Martin Svoboda  
Director