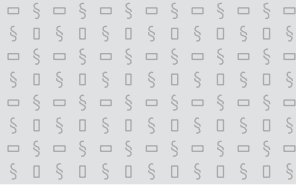




MASARYKOVA UNIVERZITA
PRÁVNICKÁ FAKULTA

Public licenses, grey literature and research data

Matěj Myška
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cyber.law.muni.cz
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Content

(Research - grey- open) data

Open Definition

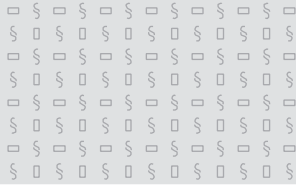
Legal protection of data and databases

Opening up the data- public licenses

Creative Commons

Open Data Commons

Future of open data



(Research - grey - open) data

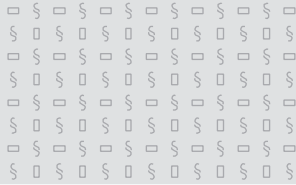
Research: *“factual records (numerical scores, textual records, images and sounds) used as primary sources for scientific research, and that are commonly accepted in the scientific community as necessary to validate research findings.”*

OECD Principles and Guidelines for Access to Research Data from Public Funding Principles

Grey: The New York definition

Open: *“A piece of data or content is open if anyone is free to use, reuse, and redistribute it – subject only, at most, to the requirement to attribute and/or share-alike.”*

<http://www.opendefinition.org/okd/>



Open Definition

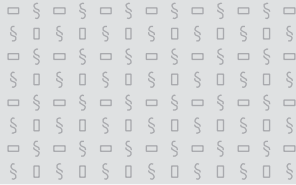
Access, redistribution, reuse

**Absence: DRM, discrimination
people or endeavor**

Attribution, (Share-Alike)

Licensing issues

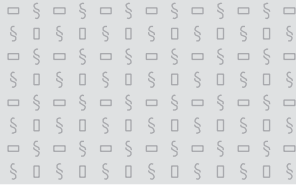
<http://www.opendefinition.org/okd/>



Data

§ 2 para. 6 CA: *the theme (subject) of a work as such, the news of the day and any other fact as such, an idea, procedure, principle, method, discovery, scientific theory, mathematical and similar formula, statistical diagram and similar item as such*

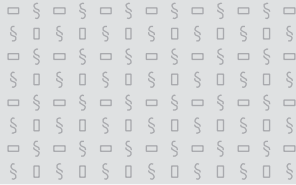
~~Other legal restrictions~~



Databases - creative

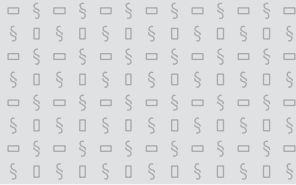
§ 2 para. 5 CA: *collection of independent works or other elements that by reason of their selection and of the arrangement of the content meet the conditions set out in para. 1, is a collection of works.*

§ 2 para. 1 CA: *a literary work or any other work of art or a scientific work, which is a **unique outcome of the creative activity** of the author and is expressed in any objectively perceivable manner including electronic form, permanent or temporary, irrespective of its scope, purpose or significance.*



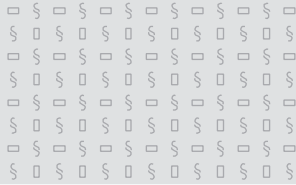
Databases - original

§ 2 para. 6 CA: A database which by the way of the selection or arrangement of its content is the author's own intellectual creation, and in which the individual parts are arranged in a systematic or methodical way and are individually accessible by electronic or other means, is a collection of works.



Databases - investment

- § 88a CA: *SGDR* pertain to the maker of the database, provided that the formation, verification or presentation of the content of the database represents a contribution, which is substantial in terms of quality or quantity, irrespective of whether the database or the contents thereof are subject to copyright protection or any other type of protection.

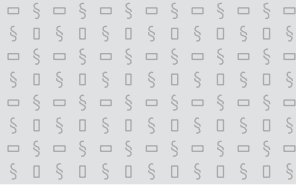


Sui generis rights (SGDR)

§ 90 CA:

***Extraction:** permanent or temporary transfer of all the content of a database or a substantial part thereof to another medium by whatever means or in whatever form.*

***Re-utilization:** any form of making available to the public all the content of a database or a substantial part thereof by the distribution of copies, by rental or by the on-line or any other forms of transmission.*



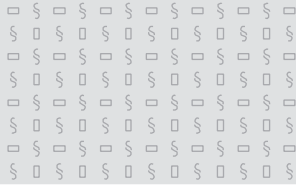
Opening up the data - public licenses

Legal nature?

Permission/waiver/license

Formation of contract

Common characteristics



Creative Commons

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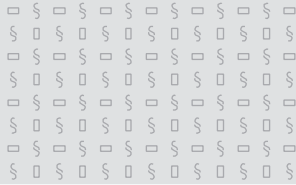
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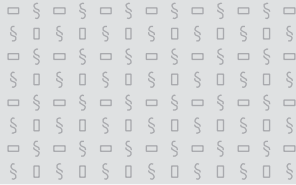
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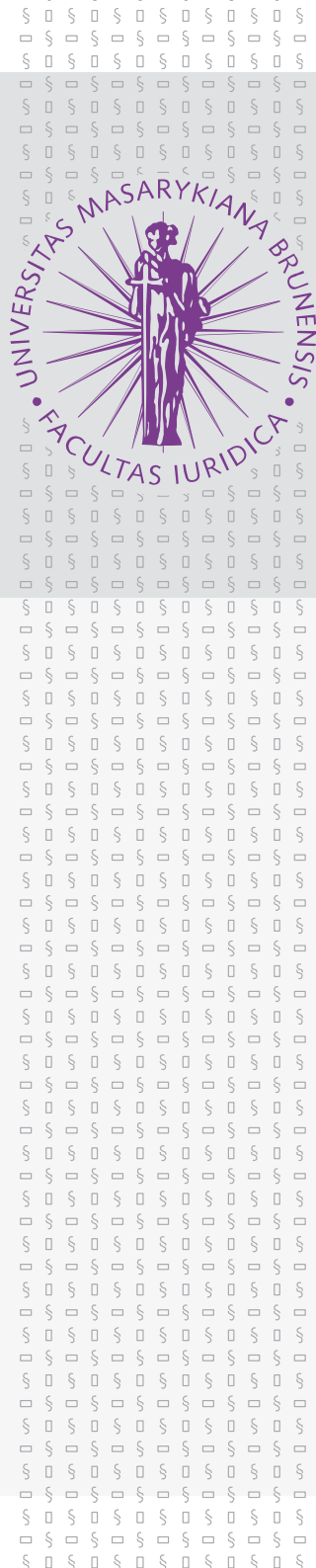
Future of open data

Towards better access to scientific information: Boosting the benefits of public investments in research

Europe 2020

Horizon 2020

Informational/Legal obstacles



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Thank you for your attention!

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