



Managing Licenses



CODATA-RDA Data Science School South Africa Online

A significant number of research funders now require that data produced in the course of the research they fund should be made available for other researchers to discover, examine and build upon. Merely releasing data without making clear their terms of use can be somewhat counter-productive, though. The default legal position on how data may be used in any given context is hard to untangle, not least because different jurisdictions apply different standards when judging the copyright or similar rights of creative work. The situation is complicated by the fact that different aspects of a database – field values, field names, the database structure and model, data entry interfaces, visualisations and reports derived from the data – may each be treated quite differently.



<https://www.dcc.ac.uk/sites/default/files/documents/publications/reports/guides/How To License Research Data.pdf>



I would strongly advise that you start with this DCC guide prepared by Alex Ball when considering how to license your research data. We are looking at both data and information today and therefore the purpose of this session is to share information regarding the Creative Commons licenses as well as how to interpret the licences. It is not to go into all the complexities of data licensing which could be addressed through, for example, multiple licensing.

A **licence** is a legal instrument that specifies a standard set of terms and conditions regarding sharing and re-use of something (a tool, research data, a service) that belongs to someone else. You have to be the legal owner before you can issue a license.

For data repositories: Each **data** repository usually has its own unique **licensing** options. Some repositories require you to use a certain **licence** if you deposit your **data** with them. Most, nowadays, use the Creative Commons licences. These are popular because the terms and condition of use have been standardised.

Note that commercial licenses do not need to be standardised. Make sure that you properly check the terms and conditions – as for any/all legal instruments.



- Most of us are familiar with copyright legislation when it comes to the traditional protection of intellectual property. That legislation remains in place and is still applicable when a Creative Commons licence is not allocated to your work. Similarly, the use of any document or dataset that you **access** & that does not explicitly display a creative commons license, is guided by the applicable copyright law. Copyright is complex because each country protects intellectual property differently. The Creative Commons initiative attempts to standardise and simplify the use of all intellectual property that is openly available.
- A **licence** is a legal instrument that specifies a standard set of terms and conditions regarding sharing and re-use of something that belongs to someone else (a tool, research data, a service). It is a legal document. Therefore, make sure that you fully understand the terms and conditions.

Licensing concepts

- Only the rights holder(s) can grant a licence;
- Some licences are presented within contracts, and contracts can place additional restrictions on the licensee;
- Once a CC licence is allocated it cannot be revoked;
- A waiver, by contrast, is a legal instrument for giving up one's rights to a resource; the CC0 Creative Commons license is similar to a waiver.
- Before CC v4.0 data was excluded – licences were only applicable to documents.
- All versions of the licences treat datasets and databases as a whole: they do not treat the individual data elements themselves differently from the collection/database.



- Please remember that only the rights owner (the person who created the document/dataset) is able to grant a license. You, as the user, cannot decide what license is applicable!
- Some licences are presented within contracts, and contracts can place additional restrictions on the licensee;
- Once a CC licence is allocated it cannot be revoked;
- A waiver, by contrast, is a legal instrument for giving up one's rights to a resource; the CC0 Creative Commons license is similar to a waiver.
- Before CC v4.0 data was excluded – licences were only applicable to documents.
- All versions of the licences treat datasets and databases as a single entity (a whole): they do not treat the individual data elements themselves differently from the collection/database.

Creative Commons License



Three “Layers” Of Licenses


























- a traditional legal tool
- “human readable” version of the license
- “machine readable” version of the license



5

- This was taken from the Creative Commons website:
- Our public copyright licenses incorporate a unique and innovative “three-layer” design. Each license begins as a traditional legal tool, in the kind of language and text formats that most lawyers know and love. We call this the Legal Code layer of each license.
- But since most creators, educators, and scientists are not in fact lawyers, they also make the licenses available in a format that normal people can read — the Commons Deed (also known as the “human-readable” version of the license). The Commons Deed is a handy reference for licensors and licensees, summarizing and expressing some of the most important terms and conditions. Think of the Commons Deed as a user-friendly interface to the Legal Code beneath, although the Deed itself is not a license, and its contents are not part of the Legal Code itself.
- The final layer of the ‘license design’ recognizes that software, from search engines to office productivity to music editing, plays an enormous role in the creation, copying, discovery, and distribution of works. In order to make it easy for the Web to know when a work is available under a Creative Commons license, we provide a “machine-readable” version of the license — a summary of the key freedoms and obligations written into a format that software systems, search engines, and other kinds of technology can understand. We developed a standardized way to describe licenses that software can understand called CC Rights Expression Language (CC REL) to accomplish this.

License or Public Domain

- ☐   CC0
- ☐   Public Domain Mark
- ☐   BY
- ☐    BY-SA
- ☐    BY-NC
- ☐    BY-ND
- ☐     BY-NC-SA
- ☐     BY-NC-ND

<https://creativecommons.org/>



As you can see from the slide the creative Commons initiative has been around for more than 20 years. The standard licenses are categorised in accordance with the four basic attributes. Although there is also a CC0 or public domain license, it is usually used in conjunction with another license – more about that later. We are rather going to focus on the six other licenses (known as attribution licenses) because they all require that the author/owner is acknowledged. We are familiar with attribution because it is also a requirement of the copyright law.

The Core Creative Commons License Attributes



by

Attribution: You let others copy, distribute, display, and perform your copyrighted work - and derivative works based upon it - but only if they give you credit the way you request



nc

Non-Commercial: You let others copy, distribute, display, and perform your work - and derivative works based upon it - but for noncommercial purposes only.



nd

No Derivative Works: You let others copy, distribute, display, and perform only exact copies of your work, not derivative works based upon it.



sa

Share Alike: You allow others to distribute derivative works only under a license identical to the license that governs your work.

<https://creativecommons.org/share-your-work/licensing-examples/#by>



There are four different attributes (or variables) that are combined in different ways to provide the six different attribution licenses.

- The first variable is 'attribution'. This is where the author indicates that he/she would like to be cited as the originator/owner of the intellectual property. (As an aside - I personally have a concern when the author waives this right – when he/she does not want to be associated with a piece of work. I immediately question the quality of such work. I know there are exceptions to this.)
- The second attribute relates to the commercial use of the product. Non-commercial indicates the user may not sell the item/gain financially from making it available to anyone else.
- The third attributes indicates whether the product could be changed (updated for example).
- The fourth attribute, share alike, means that it is possible to use the product to create a new product but the new product must be shared using the same licensing condition.

CREATIVE COMMONS LICENSES

	COPY & PUBLISH	ATTRIBUTION REQUIRED	COMMERCIAL USE	MODIFY & ADAPT	CHANGE LICENSE
PUBLIC DOMAIN	✓	✗	✓	✓	✓
CC BY	✓	✓	✓	✓	✓
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.

DCC how-to guide: www.dcc.ac.uk/resources/how-guides/license-research-data

Here is a colourful matrix that provides a summary of the possible licences and what each means.

- Our workshop material uses the most lenient of the attribution licences. You may therefore use our content for your own purposes (copy & publish, sell the material, make derivatives and release the new product with a different license) but you have to indicate that we are the owners of the original material.
- The most strict of these licences allow you to copy and distribute the material but you may not sell it, adapt it (make derivatives) or change the distribution license.

CC0 license: Public domain

- Good for
 - most databases and datasets
 - data to be used by anyone or any tool
 - data to be used for any purpose
- Watch out for
 - lack of control over how database is reused
 - lack of protection against unfair competition

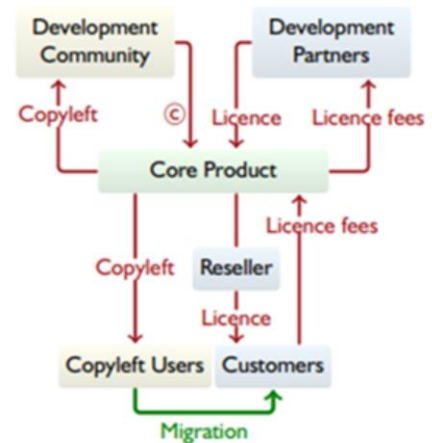


Figure 1: Licence streams of a core product in a simplified dual licensing



- Just a few words on the public domain or CC0 license.
- This license is good to use when your product/data will be merged with other products or data to but take note that there are some pitfalls to keep in mind as well.
- Please check the Ball resource if you would like to learn more about dual and multiple licensing -where the public domain license applies for only part of the product.

<https://opendatacommons.org/>



Open Knowledge
Foundation



Open Data Commons

LEGAL TOOLS FOR OPEN DATA

Home

Open Data Commons is the home of a set of legal tools and licenses to help you publish, provide and use open data.

Learn more about how to apply the licenses to your material:



12

For example the Open Data Commons promote the totally open use of data - with absolutely no restrictions. If your discipline requires the merging and expansion of datasets, where you would need to contribute the data that you have collected for the wider public good, you will want to have a better look at this.

References

- Ball, A. 2014. How to license research data. Available: https://www.dcc.ac.uk/sites/default/files/documents/publications/reports/guides/How_To_License_Research_Data.pdf
- Consortium of European Social Science Data Archives. N.d. Licensing your data. Available: <https://www.CESSDA.eu/Training/Training-Resources/Library/Data-Management-Expert-Guide/6.-Archive-Publish/Publishing-with-CESSDA-archives/Licensing-your-data>
- Creative Commons. <https://creativecommons.org/licenses/>
- Open data commons. Home. Accessible: <https://opendatacommons.org/>
- Vollmer, T. 2013. Deciphering licensing in Project Open Data. Available: <https://creativecommons.org/2013/05/20/deciphering-licensing-in-project-open-data/>



- Here are a number of references for items that were used in this presentation.
- See these as a start to the licensing journey.
- Remember that a license is a legal contract and that it is better to make use of a legal expert if you are unsure what to do when licensing your material.