

Unit 3: Rights and Licenses

Objective: In this topic looks at various author rights, licenses and rights assessment tools are discussed in details to help the librarians in strengthening their efforts in enhancing researchers' level of awareness.

Learning Outcomes

After going through this topic, the participants are expected to be able to:

- Understand the legal basis of copyrights and intellectual property;
- Explain the meaning of rights and restrictions associated with copyright;
- Understand the bases of open licensing;
- Analyse the different types of Creative Commons licensing; and
- Identify different support services available to understand adoption of OA.

Areas of focus

- Intellectual Property Rights
- Open Licenses
- Support Tools and Services

Intellectual Property Rights

- Knowledge creators and innovators are the legitimate holders of intellectual property rights.
- research literature including journal articles, conference papers, book chapters, monographs, dissertations and research reports
- In scientific and technological areas, research results often lead to scientific discovery or invention of new machines, formulae, designs and processes

Definitions

Intellectual Property - WIPO (2008) defines “Intellectual property, very broadly, means the legal rights which result from intellectual activity in the industrial, scientific, literary and artistic fields.

Patent - WIPO (2008) defines ‘Patent’ – a major instrument for protecting intellectual property as, “a document, issued, upon application, by a government office (or a regional office acting for several countries), which describes an invention and creates a legal situation in which the patented invention can normally only be exploited (manufactured, used, sold, imported) with the authorization of the owner of the patent. -new product or process or technique derived from a scientific research work

Copyright - WIPO (2008) defines ‘Copyright’ as “a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databases, advertisements, maps and technical drawings.”

Activity - *what is the difference between Intellectual property - Patent - Copyright*

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Other important terms to remember

- Copyright is the conventional method of protecting intellectual properties of authors and creators. Copyleft is a liberal method of protecting author's rights, while relaxing some rights for fair use and reuse of published literature.
- Creative Commons is another liberal form of protecting author's rights, which is most accepted in open access publishing environment.

Open Licenses

Study table 3.1 pp. 33 - 34 – Know your rights as an author – two major alternatives to Copyright regime for protecting author's rights as well as users' freedom of use, reuse, share, distribution and modification of the original work.

Copyleft and Creative Commons licenses become very helpful to the knowledge communities which are intended to guarantee your freedom to share, use, reuse, and change.

Popular Forms of Open Licenses

- Copyleft - a general method for marking a creative work as freely available to be modified, and requiring all modified and extended versions of the creative work to be free as well.
- GNU – General Public License – (GNU-GPL or GPL) - the most widely used free software license, which guarantees end users (individuals, organizations, companies) the freedom to use, study, share (copy), and modify the computer software.
- Open Content License (OCL) - mostly used in technical documentation, software manual and other related projects, e.g. the Wiki Books project
- Creative Commons – preferred mostly in scholarly communications, and creative audio-visual communications

Six types of CC licenses

- CC BY
- CC BY-SA
- CC BY-NC
- CC BY-ND
- CC BY-NC-SA
- CC BY-ND
 - ND – No Derivative works
 - SA – Share-alike
 - NC – non-commercial
 - CC BY – users can where users can copy, distribute, display, perform and remix an author's work if they credit author's name as requested by the author.

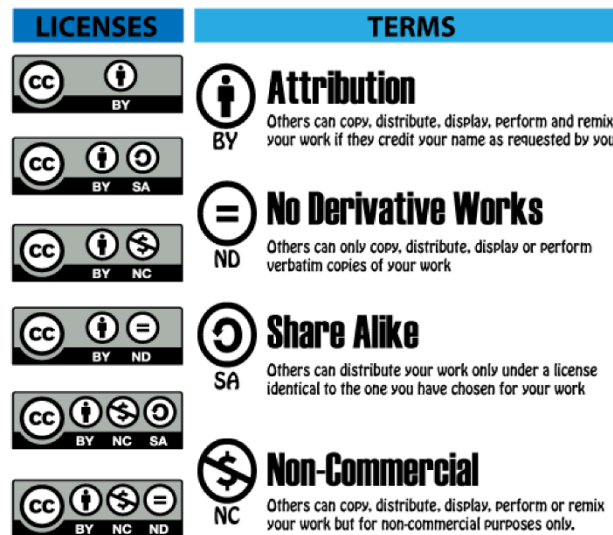
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- The most restrictive term is CC BY-NC-ND, where users can copy, distribute, display, and perform verbatim copies of an author’s work but for non-commercial purposes only.

Fig. Understanding Creative Commons Licenses - <http://education-copyright.org/creative-commons/>



Open Access Spectrum

Activity: Study table 3.2, and the Text Box pp. 37-38 – in groups discuss the rights of creators/ authors who opt to publish in open access publications.

Such rights and attributes are:

- Reader Rights
- Reuse Rights
- Copyrights
- Author Posting Rights
- Automatic Posting
- Machine Readability

Organisations that support these initiatives

- SPARC – Scholarly Publishing and Academic Resources Coalition
- PLOS – Public Library of Science
- OASPA – Open Access Spectrum

Support Tools and Services

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- a) SPARC Author's Addendum –Copyright Transfer agreement
- b) SHERPA/ RoMEO – tool designed to help authors make self-archiving decisions – web-based searchable database of publisher's copyright policies - <http://www.sherpa.ac.uk/romeo/>
- c) SHERPA/JULIET - an excellent tool for helping global authors in identifying Research Funders' Open Access Policies. JULIET is searchable by funders' name or country keywords - <http://www.sherpa.ac.uk/juliet>

Activity: pp. 41 – 42; Online Videos – pp. 42.

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