

Data copyright

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Definitions

Copyright:

- intellectual property right
- protect owner of a work from unauthorised copying

Copyright cannot:

- be taken away without consent
- be abused without the possibility of legal action

Copyright legislation

Austria: Bundesgesetz über das Urheberrecht an Werken der Literatur und der Kunst und über verwandte Schutzrechte, StF: BGBl. Nr. 111/1936 i.d.F. [BGBl I Nr. 32/2003](#), [22/2006](#) und [81/2006](#)

UK: Copyright, Designs and Patents Act, 1988

Covers:

- original literary, dramatic, musical or artistic work
- sound recordings, films, broadcasts
- typographical arrangement of publications
- computer programmes, databases

Most research materials = literary work (*Literatur*)

e.g. spreadsheets, publications, computer programs, data

Who owns copyright?

- author or creator of a work (*Urheber*)

Except:

- work made by an employee as part of employment - employer = first owner of copyright
- academic institutions and funding bodies may waive copyright in research materials and publications and assign ownership to the researchers
- check copyright policy of your institution

Who owns copyright?

- work has two authors – joint copyright for both authors (*Miturheber*)
- research project has multiple researchers institutions - joint copyright for all researchers/institutions
- research materials derived from existing data (free or purchased) – joint copyright
 - existing data may have been purchased or ‘lent’ by someone – still under copyright
 - also information ‘taken’ from *public* sources, e.g. websites, are under copyright to the creator
- interviews in research - individual interviewees have copyright in the ‘words’ of their particular interview

Copyright and data sharing

- copyright permissions need to be sought and granted prior to data sharing / archiving
- clearing copyright – reach agreement with copyright holder
- data archives publish data – they hold no copyright
- copyright holders give permission to data archives to preserve data and make them accessible to users

Secondary use of data

- obtain copyright clearance before data can be reproduced

Exceptions to copyright (*Freie Werknutzungen*):

- for non-commercial research, private study, teaching, quotations, criticism or review
- author and source must be cited
- applies to literary, dramatic, musical or artistic work, not to films or recordings