



Project no. 018340

Project acronym: EDIT

Project title: Toward the European Distributed Institute of Taxonomy

Instrument: Network of Excellence

Thematic Priority: Sub-Priority 1.1.6.3: “Global Change and Ecosystems”

C5.23 EDIT Intellectual Property Licence Options (Use Agreements) Appraisal

[A set of use template or example agreements and/or licences for use with suppliers (preferably based on a Creative Commons Licence)]

Due date of component: Month 25

Actual submission date: Month 25

Start date of project: 01/03/2006

Duration: 5 years

Organisation name of lead contractor for this component: 10 NHML

Revision: Draft 1

Project co-funded by the European Commission within the Sixth Framework Programme (2002-2006)		
Dissemination Level		
PU	Public	X
PP	Restricted to other programme participants (including the Commission Services)	
RE	Restricted to a group specified by the consortium (including the Commission Services)	
CO	Confidential, only for members of the consortium (including the Commission Services)	

C5.23 EDIT Intellectual Property Licence Options Appraisal

Context

Subsequent to the IPR Workshop held on 20th February 2008 at Kew Gardens, as part of the EDIT project, it was decided that a short licence options appraisal would be produced in order to evaluate the best licence for providing access to third parties to data and databases held on EDIT, particularly in light of developments in the creation of model licences to support access to data and databases. EDIT's unapproved access policy towards access is to provide free and open access for non-commercial purposes.

It should be noted that by providing this access, there is the assumption that to do this, either rights are owned by the institutions contributing data and databases to EDIT and/or third parties who have supplied the data and/or databases are happy for these specific uses to be made under the specific licence that it selected. It should also be flagged that the degree of access permitted by the licences below will need to be compatible with institutional policies towards the ownership and use of IP.

The table below provides a broad summary of the model licences (template use agreements) which are available online for providing free and open access to content (particularly data and databases), which is in broad accordance with EDIT's access policy and the impact of the various licence terms:

Features

Type of licence	Content that it covers	Permitted uses	Version	Jurisdiction	Citation or attribution requirement
Creative Commons	Creative content, but does not specifically cover data or databases	Access can be permitted depending upon the range of control which is sought by the person/organisation granting access. – ranging from attribution, non commercial, no derivatives to attribution only	Launched	Can select different jurisdictions	YES – All licences require recognition of authorship.
Creative Commons Zero* (still in beta form)		Rights holder grants a free, full, permanent, irrevocable, nonexclusive and worldwide license for all her or his copyright and related or neighbouring legal rights in the Work	Beta Version (not launched yet)	US	NO – there is no requirement for users to give any recognition of authorship. This will be highly problematic for EDIT which is committed to citing authorship.
Open Data	Databases, data and	Non commercial and commercial use	Launched 15 th	Licence takes effect in the	NO – there is no requirement for users

Commons Licence	information for which copyright exists	and does not exclude any field of endeavour. To the extent possible in the relevant jurisdiction, rights may be exercised in all media and formats whether now known or created in the future.	March 2008	relevant jurisdiction in which the document terms are sought to be enforced. However, the jurisdiction is not specified in the licence.	to give any recognition of authorship. This will be highly problematic for EDIT which is committed to citing authorship.
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Concluding Remarks

Although Creative Commons Licences do not specifically cover data or databases (and in this they do not address the Database Right), based upon the comparison table above, it is suggested that out of the three licences above (including those which have been specifically created to cover data, databases and the relevant rights issues), Creative Commons Licences are the most suitable of the three. This is primarily because unlike the other two options, Creative Commons licences:

- Have been tried and tested
- Facilitate the selection of the required jurisdiction (probably the UK)
- Require users of content to credit the author
- Permit the option to grant access rights for non commercial uses

If EDIT decides to choose to provide access under a Creative Commons Licence, in light of EDIT's access policy, it is recommended that the licence options below which best fit with its priorities are:

- CC Attribution Non Commercial Licence
- CC Attribution, Non Commercial No Derivatives Licence
- CC Attribution Non Commercial Share Alike Licence.

As Creative Commons do not specifically cover the Data Base Right, an alternative option would be for EDIT to consider the option of creating an open access licence which specifically addresses the issues of the Database Right. However, in light of current developments, it is suggested that EDIT best choice would be the selection of one of the Creative Commons licences above.

These recommendations are based upon the current legislative framework and licensing options available at this point in time. EDIT may need to re-evaluate the above recommendations in light of any changes to the law, new licences that become available and/or other relevant developments.

Document Author:

Naomi Korn,

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