IP and Research Data
Managing your research data
Consider early and review often

Master Class 4 - Introduction to Intellectual Property and Copyright
Wilna Macmillan, Director of Client Services, Library
Data created or collected by HDRs

- IP Framework applies to data
- Australian case law suggests that datasets or collections compiled through significant effort are ‘covered’ by copyright, though there are debates
- In general, students will own the IP in the data they generate – exceptions as mentioned earlier
Re-using 3rd party data

- Data not created by the students e.g.
  - Downloaded from web archives or databases
  - Obtained through direct negotiation with an organisation (e.g. government agency)
  - Provided by supervisor or department

- Same rules around seeking permission apply if express permission (e.g. licence) has not already been given by the owner
- Check fine print around licences / terms and conditions for modifying & deriving data
Publishing / disseminating data

- More publishers want data available at peer review and/or on publication
- Funding agencies want outputs more available
- More options to deposit data in repositories and archives (for validation and/or impact)
- Sometimes open access (licences), sometimes restricted (usage agreements)
- Ethics & commercialisation rules still apply
Ideally, data licences should

- Have a large existing community of adopters
- Be easy to apply
- Clearly express how the data may be used
- Provide some protection of the intellectual property residing in the research data, e.g. could be used as the basis for a take-down request if infringing re-use was discovered
Data licensing

- Different schemes available – each has strengths and weaknesses
  - Creative Commons
  - Open Data Commons
  - Australian Government Open Access Licences (AUSGoal)

- Creative Commons framework seems best at the moment though momentum around AusGOAL
Licences & copyright

- Copyright is retained under most licences – but the copyright owner gives express permission for certain kinds of use / re-use (e.g. non-commercial)
- Minimum right reserved should be Attribution - data citation is likely to become a more common measure of research impact
- In general, copyright should not be waived (e.g. by use of CC0 – a public domain waiver)
Research data management

Monash University is committed to improving the way research data in all formats is created, stored, managed and disseminated. This website provides guidance on common research data management issues and highlights the portfolio of advisory and technical support services that are available to researchers.

Guidelines provide advice on common concerns

- Data management planning
- Ownership, copyright and IP
- Ethical requirements
- Durable formats
- Storage and backup
- Sharing data and controlling access
- Documentation and metadata
- Retention and disposal
- Secure destruction
- Deposit in a repository or archive

Latest
- exPERT seminars for HDR students
  1. Introduction to Data Management
     Registrations opening soon for Clayton and Caulfield campus sessions in May-June 2010
     Registrations opening soon for Clayton and Caulfield campus sessions in May-June 2010
- Seeking a customised session or individual consultation? Contact the University's Data Management Coordinator
A. OWNERSHIP, COPYRIGHT, INTELLECTUAL PROPERTY (IP)

Copyright protection

1. □ The data is protected by copyright. This will apply to most research data.
2. □ The data will be collected, created or compiled
   □ in Australia - Australian copyright applies.
   □ outside of Australia.

Complete quickly and easily using multi-choice boxes

Not sure which option applies to you? Follow the links to relevant resources and people who can help

Attach other documents and add supplementary information to create a more comprehensive data management plan

KEY DOCUMENTS ON THIS TOPIC

- Research data management guidelines: ownership, copyright and IP
- Intellectual Property Framework
- Statute 11.2 IP and Copyright and IP Regulations
- Explanatory Memorandum for IP Statute and Regulations
- Copyright at Monash website
- Practical Data Management: A Legal and Policy Guide (national guide)
- Consult the Copyright Advisers or University Solicitors.

Provide a copy of MRGS IP and Assignment Forms to help clarify ownership of the data.

A common example is research funded by a company that wants to retain copyright/IP. This might also include confidentiality agreements.
Case study – Health

HDR student wants to obtain statistical data for her PhD from the non-profit organisation that she works for. She discovers that her agency may be merged with another local government unit and she may lose her job. There is no written agreement between the student and the agency to ensure that she will continue to have access to the data if she is no longer employed there.
Case study – Science

A post-doctoral researcher created a database of water quality measurements from many sources, including online data archives and print publication tables. The research was supported financially by a local government agency that wanted to make the data available on its website. The post-doc had not kept records of which parts of the database came from which sources, and was not aware of the terms and conditions that applied to re-use of the data from the online archives.
In summary…

- New data is covered by legislation and Monash IP Framework
- Re-use of 3rd party data requires express permission or written agreement from the owners
- Licences communicate permissions upfront when publishing datasets (but ethical or commercial requirements must also be kept in mind)
- Consider IP and data management issues early, as part of data planning
More information

- researchdata@monash.edu