Respecting intellectual property and copyright when distributing or reusing output

The legal framework for data and publications may seem complex, for several rights may come into play, and this is especially true of digital content. However, the Digital Republic Law (2016) has done much to clarify the issue.

Several types of rights may apply to data: intellectual property (e.g., for works produced by photographers and architects), database rights, image rights, GDPR, contractual relations entered into by subscription or between the producer and user of a website, and so on. There are exceptions to facilitate teaching and research (see Understanding data ownership in an open context).

Placing publications or data produced by your research unit online on HAL

For publications and scientific writings, the agreement of all authors is required. For articles, the Digital Republic Law (2016) authorises dissemination within one year at most after publication for publicly funded HASS research (with the embargo being managed by HAL). For books or chapters, the publisher's agreement remains necessary.

Unlike for works, the researcher generally does not hold any copyright over research data, which is held to belong to the establishment employing them and is theoretically subject in France to the obligation to make data openly available, except for exceptions relating to industrial protection, secrets, and other elements justifying restricted access.

Nevertheless, at the beginning of a research project it is useful to associate several (French or International) partners to determine ownership and distribution rights which will apply to the data produced, as set out in a data management plan.

To recuperate and reuse content, you need to address several questions

1. What type of use do you wish (commercial use, research use, print or online)?
2. What conditions apply to the content? These differ depending on the nature of the documents (publications, databases, grey literature, images, data, etc.) and the applicable rights (licences and contracts signed by the university, public tenders, terms of service or other indications on the website or which apply by default, intellectual property laws of the country of publication). It may be necessary to contact rights-holders to obtain their authorisation.
3. How to cite your sources? When reusing data, use recognised standards and be sure to respect the work (moral rights). If the document or dataset has a DOI, indicating it makes it easier to find the resource.

Contact
Johanna Sauvage
Head of scientific publications, University Library
johanna.sauvage@univ-rennes2.fr
Further information

- Frequently asked questions about copyright
- Copyright and image rights: the essential steps for using content (French)
- Citing a reference and creating a list of bibliographical references (French)