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Data Management Planning

Authorship, Copyright & Licenses

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FORS and DaSCH

FORS – Swiss Centre of Expertise in the Social Sciences

- national infrastructure for Social Sciences' research data mainly funded by SNSF
- services: consulting / training / workshops /events for data management and archiving, SWISSUbase repository for the social sciences, mandates around the data collection and analysis, FORS Guides

DaSCH – Swiss National Data and Service Center for the Humanities

- national infrastructure for Humanities' research data mainly funded by SNSF
- services: consulting / training / workshops /events, virtual research environment, FAIR open data repository (DSP) including data publication and persistent identifiers at object level, metadata browser

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Programme

01 Copyright in the digital world

02 What is a protected work?

03 Who owns the rights?

04 Which rights – and for how long?

05 Using the works of others

06 Licenses, Creative Commons

07 In practice: archiving with DaSCH and SWISSUbase

08 Q&A

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Copyright in the digital world

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Copyright in the digital world

- Copyright arises automatically the moment a work is created
- No registration – and no © symbol – is required
- The © symbol has no legal effect; it only signals a claim
- Publishing online changes nothing – the same rules apply
- Our frame today: the Swiss Copyright Act (CopA / URG)
- Educational guidance – not legal advice

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What is a protected work?

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Three conditions for protection

- An **intellectual creation** – the result of human creative effort
- With **individual character** – originality that sets it apart
- In a **perceptible form of expression**

- All three must be met together
- Protection covers the form of expression – never the underlying idea!

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What is protected and what is not

Protected:

- texts, music, images, films, photographs
- scientific & technical works, software, websites

Not protected:

- mere ideas, methods and concepts
- laws and official texts
- works lacking individual character

But plagiarism and privacy rules still apply independently!

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AI generated content

- Purely AI-generated output is not protected because it has no human author
- It effectively belongs to the public domain
- Anyone may use it; no license applies
- Still label it as AI-generated
  - It is a matter of research ethics
  - It is important that we will be able to distinguish in the near future what is AI generated in order not to get caught in an AI loop

Human creativity that merely uses AI as a tool can still be protected!

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Who owns the rights?

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Author: is a human being

- Only a natural person can be an author (Art. 6 CopA)
  - Not a company, not an institution, not an AI
- Authorship is automatic and needs no formalities
- Joint authorship: several creators share the rights
- A ghostwriter remains the legal author
- Works may be anonymous or created under a pseudonym

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Author versus Copyright Holder

Author

- Has moral rights
- Human who created the work
- Cannot be transferred to another person (in Switzerland and EU)
- Is always a natural person

Copyright holder

- Has economic rights
- Who may exploit the work
- Can be transferred by contract
- Often a project, university or institution

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Employees, students & researchers

- General rule: the employee who creates a work keeps the copyright
  - Exception: software written at work – rights pass to the employer (Art. 17)
- Students and PhD candidates own their theses
- Universities acquire rights only through a separate agreement
- Watch for study regulations, employment contracts and funder rules

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Which rights and for how long?

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Moral versus Economic Rights

Moral rights

- Inalienable
- Right of first publication
- Recognition of authorship (attribution)
- Integrity of the work

Economic rights

- Transferrable
- Reproduction (copying)
- Distribution
- Making available / online use
- Broadcasting

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Right that matters online

- ‘Making a work available’ is the on-demand / online right
- Putting a work on a website or in a repository needs this right
- Digital editions depend on it directly
- Moral rights stay with the author even after economic rights are transferred
- Attribution and integrity must always be respected

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Duration & Public domain

- Protection lasts 70 years after the author’s death
- 50 years for software and for photographs without individual character
- For joint works: counted from the last surviving co-author
- Afterwards the work enters the public domain – then it is free to use
- Expired protection cannot be re-claimed (‘no re-copyrighting’)
- Are you digitising old material?
    - Verify the dates!

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Using the works of others

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Exceptions for research & teaching

- Law permits some uses without asking permission
- Quotation:
  - cite any published work, with attribution (Art. 25)
- Teaching:
  - use works for education (Art. 19)
- Private use for personal and internal purposes
- Many of these are remunerated collectively, not free of charge

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Cultural Heritage & special situations

- Archive and backup copies (Art. 24)
- Museum, exhibition and auction catalogues (Art. 26)
- Works permanently in public places – the ‘panorama’ freedom (Art. 27)
- Orphan works:
  - If an author is untraceable a regulated regime applies (ProLitteris)
- Exceptions never remove the duty to attribute!

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Licenses & Creative Commons

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From “all rights reserved” to “open”

- A license is a contract
  - the rights holder permits certain uses
  - It sets the terms: share, adapt, use commercially, attribute
- Only the copyright holder can grant a license
- Open licenses make reuse easy, legal and predictable
- Creative Commons is the most widely used license family

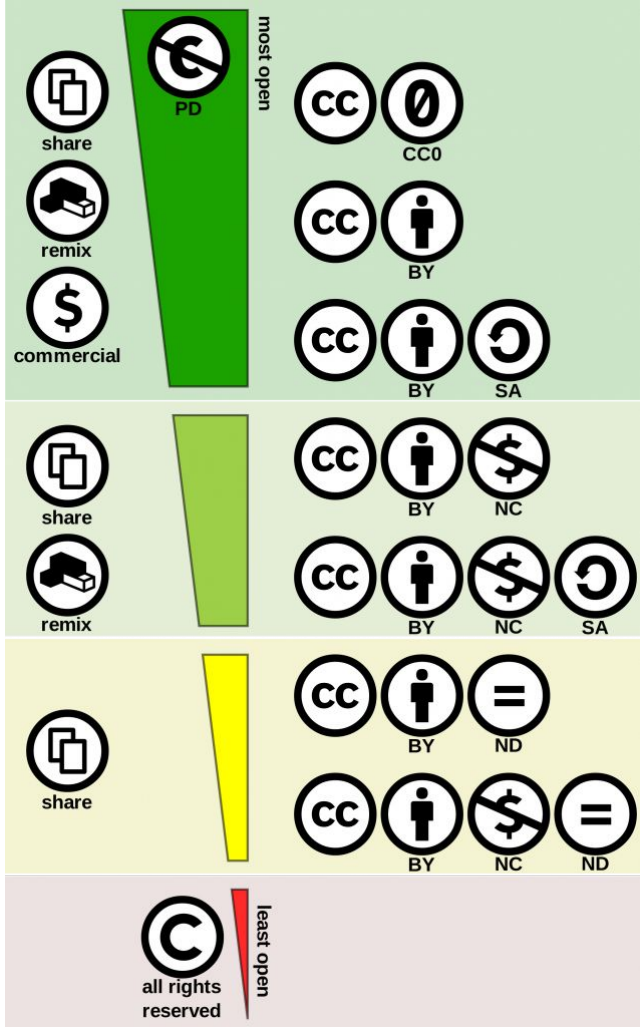
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Creative Commons licenses

- BY – Attribution (always required)
- SA – Share Alike (derivatives keep the same license)
- NC – Non Commercial
- ND – No Derivatives
- Six licenses combine these elements: CC BY, CC BY-SA, CC BY-NC, CC BY-NC-SA, CC BY-ND, CC BY-NC-ND
- CC0 dedicates a work to the public domain
- CC licenses are worldwide, free and effectively irrevocable
- No DRM: you cannot lock down what the license allows



Source: Shaddim, Wikimedia Commons.

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Cultural Heritage right statements

- https://rightsstatements.org/page/1.0/?language=en
- Three categories:
  - In copyright objects: In Copyright (InC), EU Orphan Work (InC-OW-EU), Educational Use Permitted (InC-EDU), Non-Commercial Use Permitted (InC-NC), Unknown Rightsholder (InC-RUU)
  - Not in copyright objects: Contractual Restrictions (NoC-CR), Non-Commercial Use Only (NoC-NC), Other Legal Restrictions (NoC-OKLR), In The United States (NoC-US)
  - Other: Copyright Not Evaluated (CNE), Copyright Undetermined (UND), No Known Copyright (NKC)
- Only for CH institutions – not for private individuals!

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Software licenses

MIT

- Permissive
- Modified versions may become closed source

- Derivative works may use any license
- Allows proprietary derivatives

GNU GPL

- Strong copyleft
- Source code must remain available when distributing modified versions
- Derivative works must remain under GNU GPL
- Prevents distributed derivatives from becoming proprietary

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In practice: Archiving with DaSCH Service Platform (DSP)

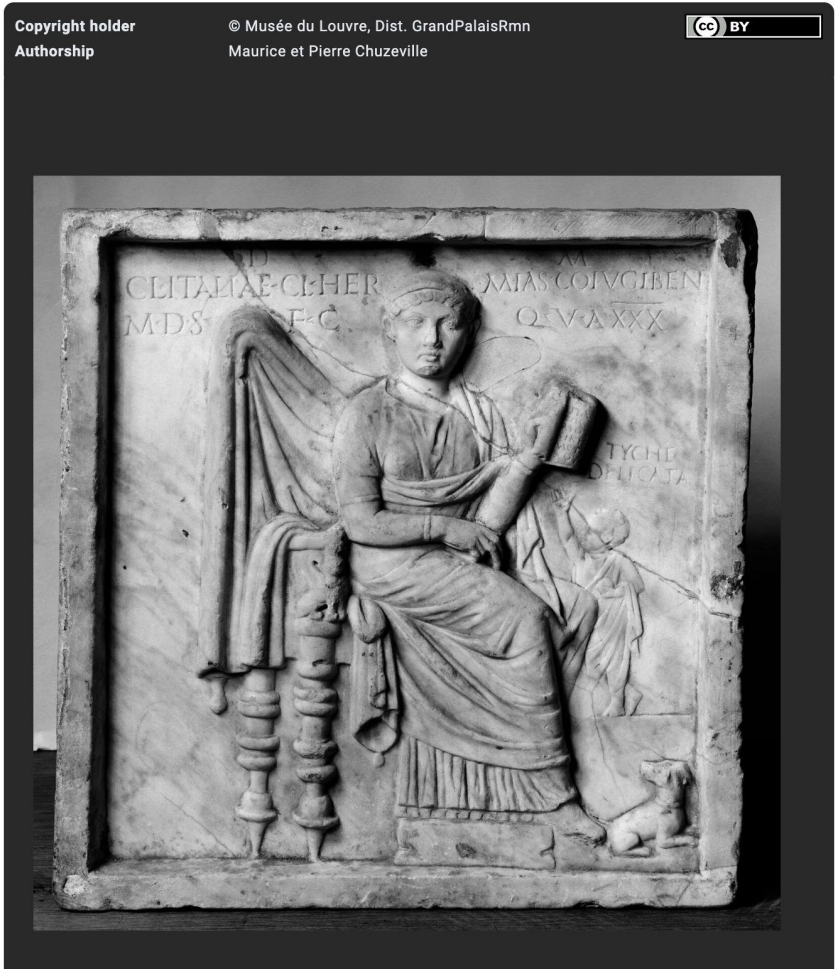
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Three pieces of legal metadata

- Authorship – who created the file (the human creator)
- Copyright holder – who owns the economic rights
- License – the terms under which the file may be used
- Authorship reflects moral rights; copyright holder reflects economic rights
- The license must be authorised by the copyright holder



Source: DaSCH Service Platform.

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Decision path

- Ask: is the file protected by copyright?
- If yes – provide all three: authorship, copyright holder, license
  - Creator grants reuse – choose a Creative Commons license
  - Creator waives all rights – use Public domain statement or CC0
  - Intentions unknown – use “Unknown license: contact the copyright holder”
- If no – provide licence / statement and authorship (if possible)

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Special cases

- Author unknown
  - state “Author unknown”
  - name a source if you can
- Copyright unclear
  - Use “Copyright Not Evaluated (CNE 1.0)”
- Public domain statement
  - not protected
  - still credit the author if known

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Special cases

- AI-generated
  - not protected
  - label it as such, e.g. “AI-Generated Content – Not Protected by Copyright”
- Orphan works
  - protected even without a license (ProLitteris regime)
- Keep it simple: one right holder and one license per file!

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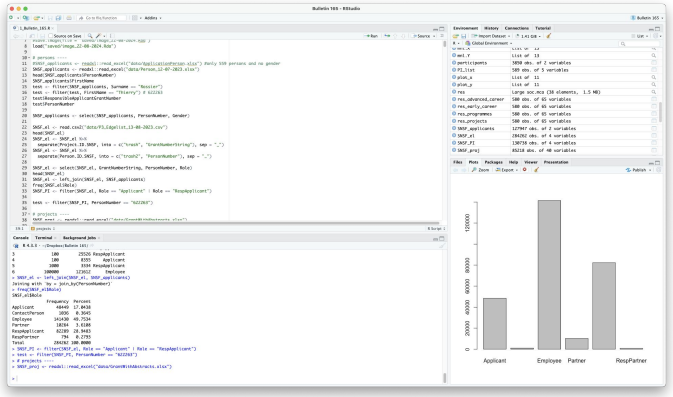
In practice: Archiving with SWISSUbase

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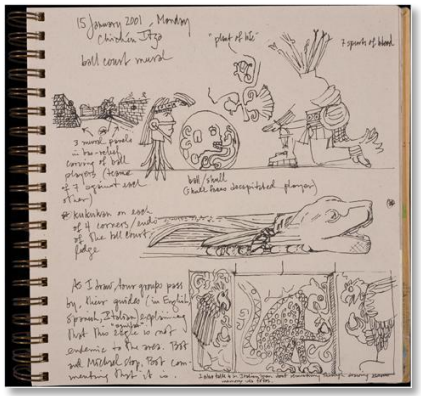
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What are research data in the social sciences?



Benz, P., Rossier, T. & Araujo, P. (2024).The role of research topics on securing funding and careers for Swiss sociologists. *Bulletin of the Swiss Sociological Association*, *165*, ??-???.



Hendrickson, C. (2008).Visual Field Notes: Drawing Insights in the Yucatan. *Visual Antropology Review*, 24(2), 117-132.

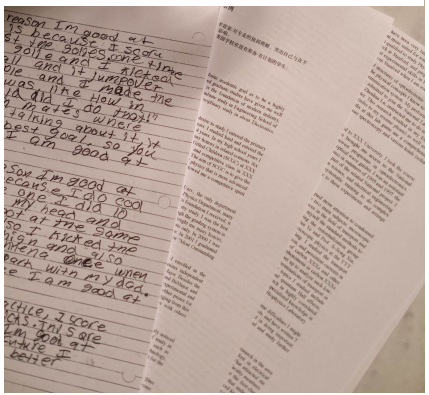


Photo de cottonbro studio: https://www.pexels.com/fr-fr/photo/ecrit-a-la-main-manuscrit-ecrite-notes-6857554/

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What are research data in the social sciences?

- Research data can consist of primary or secondary data
- It refers to facts or observations used as a basis for a scientific analysis. As such, it serves as the source material for drawing conclusions and answering research questions;
- It can take various forms, such as numbers, text, narratives, images, recordings, or computed algorithm results.
- It is stored in diverse media or formats, including databases, measurements, field notes, visual formats, and audio files.
- In the social sciences, data are often personal and sensitive

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Ownership versus copyright

- When managing and sharing research data one should both consider copyright and ownership issues
  - Copyright: who holds intellectual-property rights
  - Ownership: who has legal or contractual control over the data or dataset
- Data can be owned or controlled without necessarily being protected by copyright
- There can be multiple owners and copyright holders within the same dataset
- Clear agreements at an early stage can help avoid limitations on how data can be reused or disseminated.

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Ownership versus copyright

Example: Tabular data

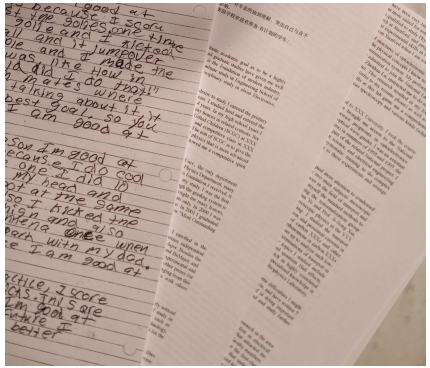
Tableau 10 : Répartition des répondant·e·s par âge (12-18 ans)

Âge	Effectifs	%
12 ans	49	6.3%
13 ans	114	14.6%
14 ans	112	14.3%
15 ans	95	12.2%
16 ans	133	17.0%
17 ans	164	21.0%
18 ans	114	14.6%
Total	781	100%

Ownership: for example the researcher, the institution, etc.

Copyright: if significant intellectual effort

Example: Text data



Ownership: for example the researcher, the institution, etc.

Copyright: multiple copyright holders possible (researcher, research participant, transcription company, etc.)

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Some special cases

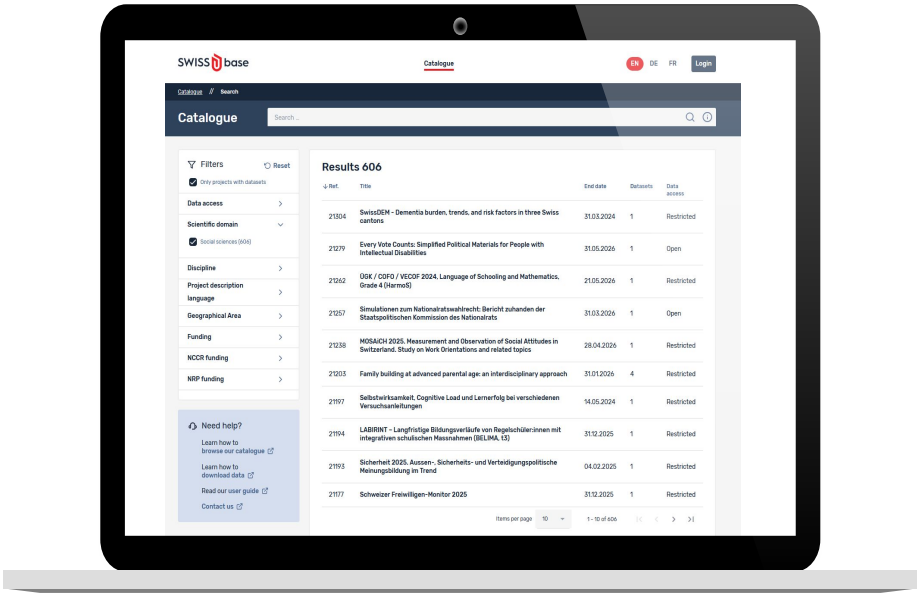
- Copyright and scales/survey questions
- Copyright and compilation of data found in the public domain
- Copyright and social media data
- Copyright and interview data

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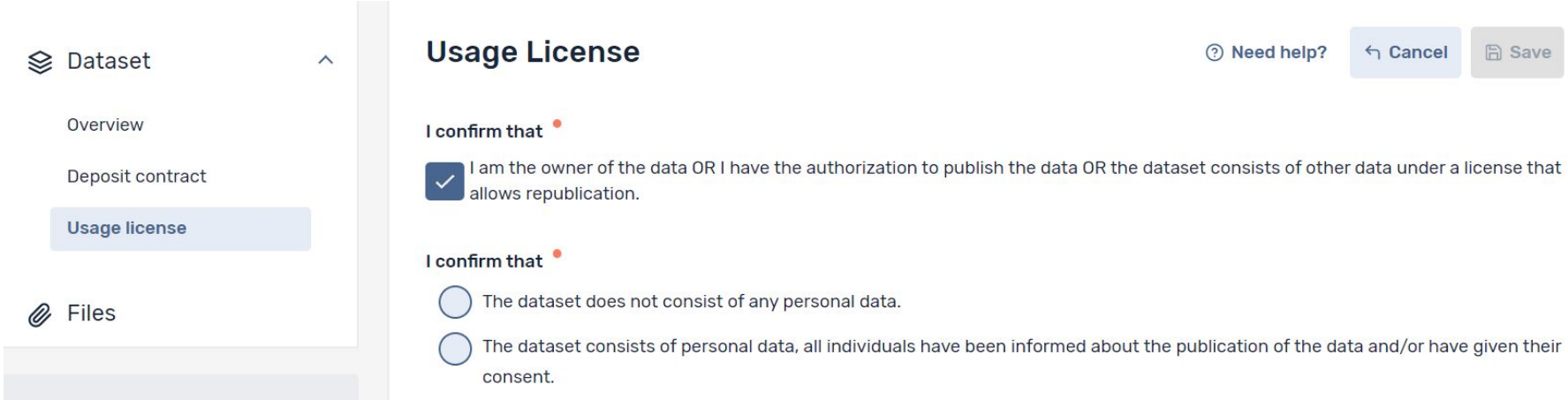
Archiving with SWISSUbse



- Various access conditions, from open to restricted
- Recommendation: “As Open as possible, as restricted as necessary”

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Conditions for depositing data



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Open licenses

- Datasets are publicly accessible for download and use under a Creative Commons License.
- No account is needed
  - No personal data are included
  - You have obtained consent from participants to publish anonymized data



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Restricted licenses

- Restricted licenses are needed when:
  - The data include personal data that have been anonymized but need restricted use to ensure ethical compliance.
  - The data include sensitive information and require controlled access despite anonymisation.
- Depending on the sensitivity of the data and the data owner's preferences, the following restricted licenses may be chosen:
  - Access upon registration: data can only be accessed by registered users who are affiliated with a research institution
  - Restricted access
    - Access only for academic research and training
    - Access only for accademic research
    - Access only granted upon request

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Restricted licenses

- For all restricted licenses a SWISSUbase account is needed to access the data (via SWITCH edu-ID)
- A description of the planned use of the data is required
- A usage license “restricted access” must be accepted
- Additional restrictions may apply

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Data Use Agreement

- Use the data within the framework of the project described and solely for the specified purposes
- Maintain confidentiality
- Cite the data, e.g. Ernst Stähli, M., Sapin, M., Pollien, A., Ochsner, M., & Nisple, K. (2025). *MOSAiCH 2024. Measurement and Observation of Social Attitudes in Switzerland. Study on Digital Societies and Related Topics* (Version 1.0) [Data set]. FORS. https://doi.org/10.48573/z3z3-y67
- Do not share the data with third parties
- Delete the data upon expiry of the agreement

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Summary

- Copyright is automatic – and applies fully online
- Only humans are authors; AI output is not protected
- Moral rights stay with the author; economic rights can move
- Public domain after 70 years – but verify, and never re-claim it
- Open licenses (CC) make sharing clear – choose deliberately

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Useful resources

- ccdigitallaw.ch: Swiss copyright, in plain language
- DMLawTool: legal decisions for research data (dmlawtool.ccdigitallaw.ch)
- DaSCH Knowledge Hub: Authorship, Copyright & Licenses
- Creative Commons: Creative Commons Licenses
- Cultural Heritage rights statements
- ProLitteris: Orphan works & collective rights

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Save the Date!

Ninth Webinar

Topic **Artificial Intelligence**

When **December 10, 2026 at 2pm**

Where **Online**



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Questions?



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