

NEWS & INSIGHTS

How Copyright Law Applies to Data and Scientific Papers

INSIGHTSARTICLE

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Copyright law does not protect ideas, procedures, processes, systems or methods of operation. So, how does this apply to data and scientific papers?

Using someone's published paper or table describing data and results may be copyright infringement. Many have the misconception that if they use the paper or data solely for research and provide attribution, that is fair use and not infringement. This is simply incorrect.

This short, animated clip, illustrates an example of this point. One cannot take charts from published reports and

incorporate them into your own materials. Doing so in a commercial setting is not considered fair use. Fair use is not a right to use, but rather a defense to a charge of infringement. There are four factors that are generally used to determine fair use, including whether the use is commercial in nature or for nonprofit educational purposes, the nature of the copyrighted work, the amount and substantiality of the portion of the work in relation to the copyrighted work and the effect of the use on the market for the copyrighted work.

What to Know About Copyright

A copyright is a form of protection provided to authors of original works fixed in a tangible medium. There are many types of works that can be protected, including scientific papers, technical drawings and designs of structures. Also eligible for protection are derivative works and compilations. Derivative works are works substantially based on one or more pre-existing copyrighted works, while compilations are collections or assemblies of pre-existing data or materials that are selected, coordinated and arranged. To use the underlying work and avoid infringement when preparing a derivative work or compilation, you must first gain permission.

Rights of the Copyright Owner

The copyright owner has several main rights. These include the right to reproduce the copyrighted work, the right to prepare derivative works, distribute the works, perform the work publicly and to display the work. Without permission of the copyright owner, using a copyrighted work may result in a finding of infringement.

So, before using someone's publication, whether in whole or in part, consider whether the work is copyrighted and whether you have the rights or permission to use the work. Without such rights or permission, you may be liable for copyright infringement.

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