Copyright at governmental university

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JYVÄSKYLÄN YLIOPISTO
TUTKIMUS- JA INNOVAATIOPALVELUT

Copyright - general

- **Copyright protects rights of authors of literal or artistic works**

  → copyright holder decides whether his/her work can be reproduced
  or publicly performed

- **In order to be protected by copyright, a work has to be original and independent from other works**

  - no registration or application procedure needed
  - the work does not have fulfill any quality criteria (i.e. artistic quality; poor works equally protected)

- **Term of copyright: 70 years from the death of the author**

- **Besides economical rights moral rights also exist:**

  right to be acknowledged as an author according to the normal practice of the business; The work may not be modified in a way which violates author's literal or artistic value; nor may the work be published in circumstances which insult its author

- **The author is always a natural person**

  --> Economical rights can be transferred by legislation, contractually or inherited

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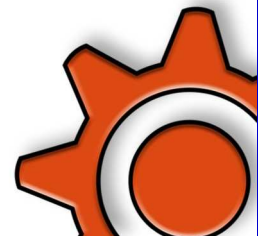
Ownership of source codes 1/2

- **Who owns the source code related to my work?**

  The basic principle is that the employee is the copyright holder of a piece of work generated in employment. Software programs are an exception – here the employer owns the software, which has been generated during employment (Copyright Act § 40b). An exception of the exception applicable to the universities is that copyright of software generated by an employee of the university, who conducts teaching or research independently (without external funding), belongs to the employee.

- **Who owns the source code not related to my work**

  Source code, which is not related to externally funded project belongs to the employee. Other way around, source code which is connected to externally funded project (and usually also subject to transfer of rights agreement) belongs always to the employer, regardless when or where it is written (at work vs. free time).

- **Can I take codes written by me once I no longer work at the University of Jyväskylä?**

  Yes, in case the source code written by you was not part of externally funded project.

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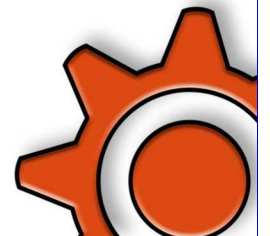
Ownership of source codes 2/2

- **Why the agreement on transfer of copyrights when working in a project?**

  Other parties involved in externally funded projects place demands regarding the results of the projects. In order to grant access rights to the results the university has to acquire the rights to all copyrights generated in the externally funded projects.

- **Is this agreement valid even if not signed?**

  Software programs generated in externally funded projects belong by law to the university. Even if the agreement is not signed by the researcher, participation in an externally funded project itself on strong indication of approval and understanding of the general transfer of rights principles followed in the University.

- **Why doesn't the researcher get own copy of the agreement?**

  The original agreement is kept at the university registry office, but signatories have a right to get a copy – ask the scientist in charge of the project.

- **May I use mathematical codes published by other when writing a code?**

  Yes, mathematical codes or models published are free to be used.

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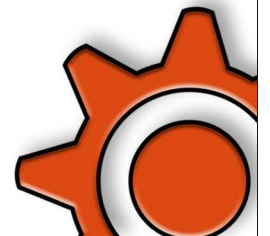
Scientific community, transparency and quality 1/2

- **Is publishing of the source code written by me under an open source license allowed?**

  Depending on the project agreement. Generally, you can publish the source code you own in the way you prefer. If the code was generated in an externally funded project, then you will have to check the project agreement and agree with the steering committee of the project.

- **If not, how does scientific community benefit from the code I write?**

  It is more up to your scientific group and the faculty to consider what are the benefits and each individual in responsible for the own motivation. Some reasons can be publications, testing of ideas and their functionality, collective learning. Sometimes in order to get funding for your research you must be prepared to give up parts of your right of self-determination.

- **Who then makes sure and how that an implementation of an algorithm is made use of?**

  There are different routes from which for each case the suitable on should be chosen. If an algorithm is not distributed freely, commercialization might be one possible way. In that case the innovation services support the inventor. Also, the faculty is planning a database for codes written at Agora.

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Scientific community, transparency and quality 2/2

- **Does JU want the scientific community to see, verify and develop the codes I write?**

  Yes. If codes are written with externally funded, the agreements with partners must be respected.

- **What incentives do I have to spend effort in making the algorithm implementation better (other that scientific article or project report)**

  The University and its researchers shall have the right to use the knowledge resulted from the research in their teaching and research work.

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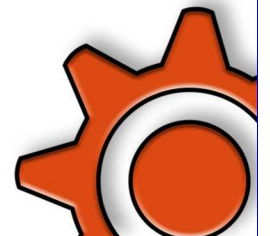
Professional ethics

- **Why does the university not encourage us to publish codes under open source licenses?**

  There is no general policy on the behalf of the university because of very diverse project starting points and funding. Also the faculty and researcher can take initiative and open a discussion on this topic.

- **What good is in selling licenses?**

  This is part of interaction of the university with the surrounding society and promotion of the societal impact of research findings. Generates competitive advantage for the licensee, jobs and supports university in getting more externally funded projects. Also gives an opportunity for the researcher (50%), the faculty (25%) and the university (25%) to earn additional income.

- **What would be the proper official channel to carry out an initiative regarding knowledgeable decision about research code licensing? How can one assess the chances that JY makes regarding this?**

  Talk with other researchers at your faculty, with the scientists in charge of projects and with the lead of your department. It is a long process but stand for the things you believe in - constructive discussion is needed.

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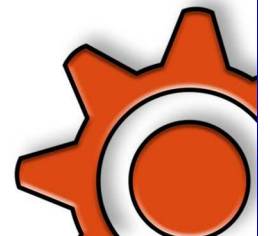
Conclusions

- **In externally funded projects, university owns the rights to software. In open research the employee owns the rights.**

- **There are optional ways to make use of codes written at the university: e.g. open source license, publishing without giving the code free and also commercializing.**

- **When choosing the exploitation method, agreements with partners and funders must be respected.**

- **It is good to be aware of the demands that partners place on results of projects and chose (if possible) your salary from projects that coincides with your personal values.**

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