



Intellectual property in the preparation of the thesis

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UAB Universitat Autònoma
de Barcelona

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Let's start...

You will find this presentation at

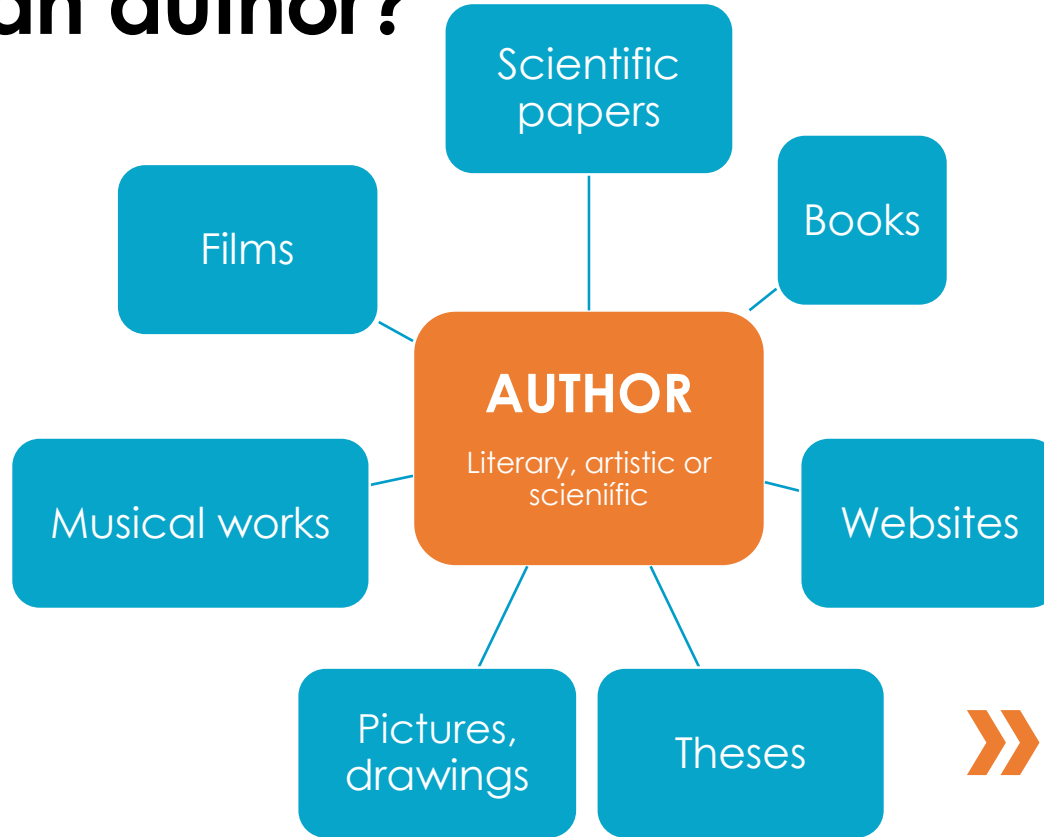
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Part 1: Author rights and another legal aspects

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Who is an author?



» Automatically gets some RIGHTS

Attribution of rights

Moral rights



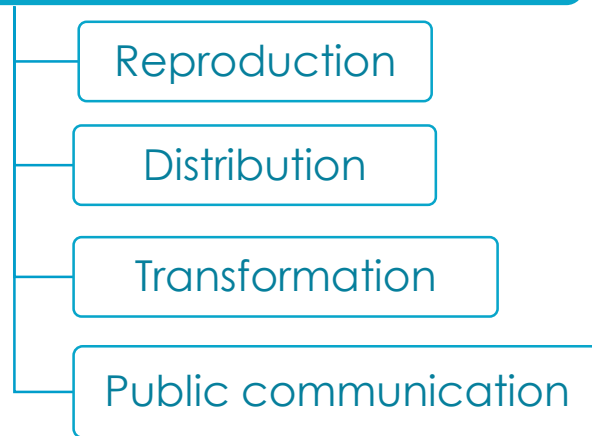
Non-transferable

★ No limits

▲ Author's life

⬡ 70 years after the author's death (if no divulgation)

Patrimonial or exploitation rights



Dissertations in TDX and DDD

Transferable

Transfer of exploitation rights



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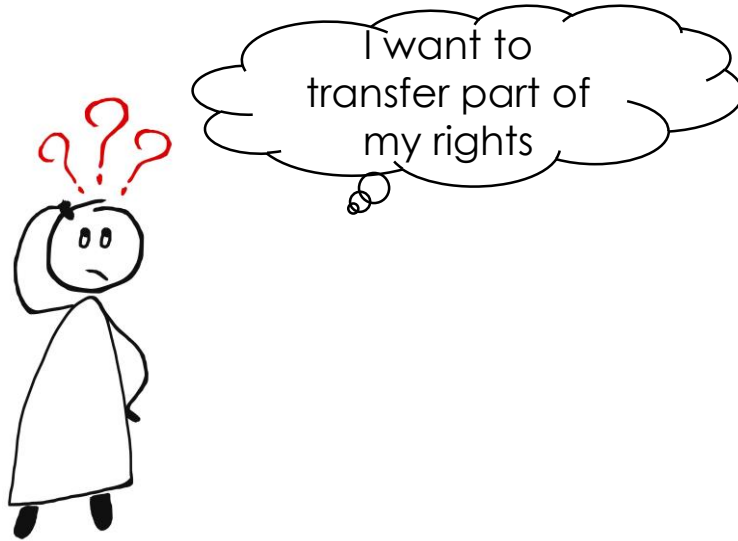


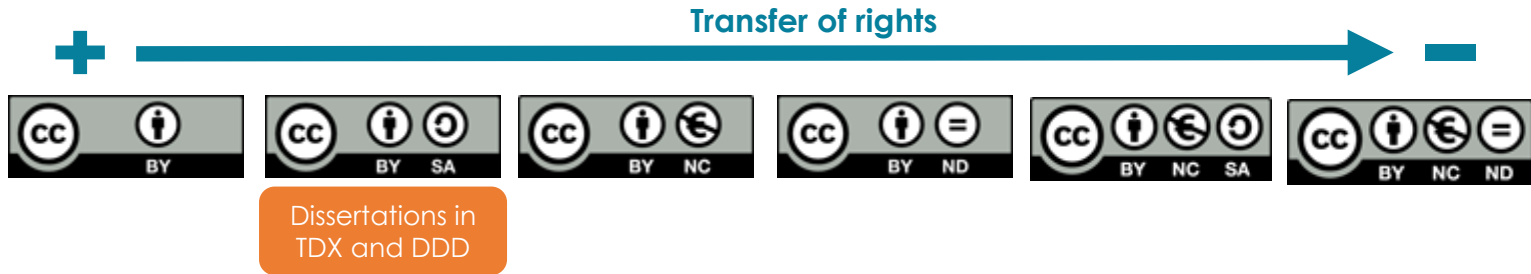
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Creative Commons: licences that allow exploitation rights transfer according to the current intellectual property law.

<http://creativecommons.org>



- **BY – Attribution.** Authorship must be properly recognized, link to licence is required and any changes must be indicated
- **NC – Non Commercial.** Commercial use of derived works is not allowed
- **SA – Share Alike.** Any derived work must have the same licence as the original
- **ND – No Derivatives.** Transformation of the original is not allowed

Public domain works

Literary, artistic or scientific works become public domain works after deadline of exploitation rights (up to 70 years after the author's death). Then they can be freely used in new works.



Images: [Creative Commons](#) / [CC-BY](#)

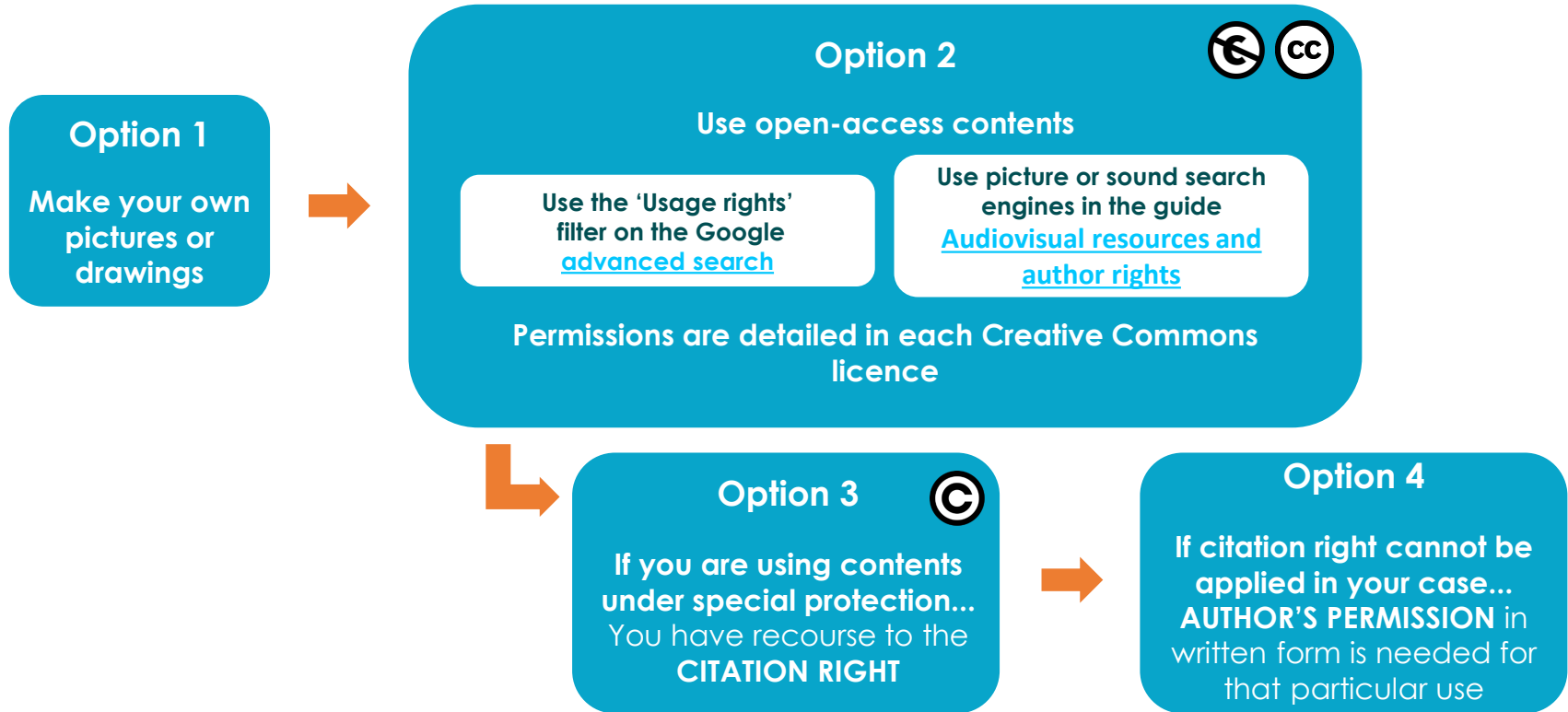
In my thesis...

Can I insert any
picture I like?

And copy a passage
from someone else's
work?



Steps to follow...



Remember: **author** and **source** must **ALWAYS** be indicated

Right to cite

It is the right to copy a passage from a protected work with some restrictions but **without the author's explicit permission** in any case.

When can I use the right to cite?

Following **ALL** these requirements:

✓ Teaching or research purposes

✓ To be used as an example for the discourse (analysis, comments or critiques)

✓ In a balanced way (entire pictures...)

✓ Pictures or texts already disseminated

✓ Author and source must always be indicated

Exception to the right to cite: **press clipping**. The author's permission is always necessary in this case.

Examples

In the writing of a text:

... Aquesta organització del treball en un entorn laboral del sector terciari ha destacat per la potencialitat del treball en equip. Perquè, tal i com deia Henry Ford, “ir juntos es comenzar. Mantenerse juntos es progresar. Trabajar juntos es triunfar”...

Source: Enprogress: <https://www.enprogress.es/clientes> [Consulted 28/01/20]

Como consecuencia de los movimientos migratorios hispanos, que –como tal– comenzaron en el siglo XIX desde México y posteriormente continuaron desde el resto de Latinoamérica⁵, el crecimiento de la población hispana en Estados Unidos es, sin duda, el fenómeno demográfico más importante que se ha producido en el país durante las últimas décadas. En el censo del año 2000, los hispanos (35,3 millones, es decir, el 12,5 %) sobrepasaron por primera vez a la comunidad negra (34,7 millones, es decir, el 12,1 %), hasta entonces la mayor minoría étnica del país, en un país con una población total de 281 millones. El último censo, el de 2010, ya arrojaba la cifra de 50,5 millones de hispanos, es decir, el 16,3 % de una población total de más de 300 millones, lo que

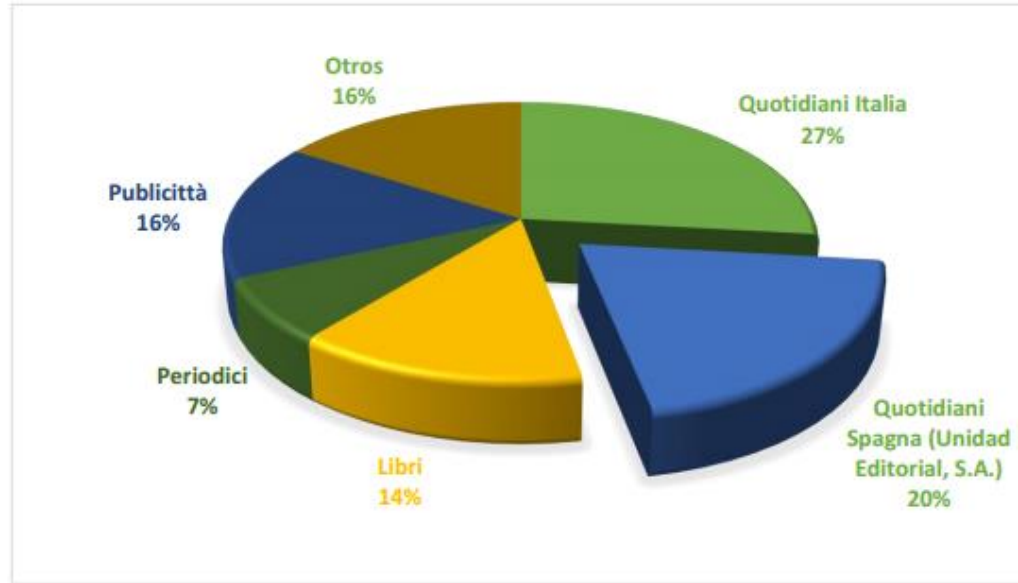
³ Cfr. LOPEZ, Mark Hugo y TAYLOR, Paul, “Latino Voters in the 2012 Election”, Pew Hispanic Center -Pew Research Center, http://www.pewhispanic.org/files/2012/11/2012_Latino_vote_exit_poll_analysis_final_11-09.pdf, 05-01-2013, p. 4.

⁴ GÓMEZ MOMPART, Josep Lluís, “Diversidad latina y comunicación panhispana en la prensa en español de Nueva York al inicio del siglo XXI”, *Doxa Comunicación*, nº 6, 2008, p. 46.

⁵ Cfr. LÓPEZ MORALES, Humberto, “Los grupos migratorios”, en LÓPEZ MORALES, Humberto (coord.), *Enciclopedia del Español en los Estados Unidos*, Instituto Cervantes-Español Santillana, Alcalá de Henares, 2008, pp. 83-84.

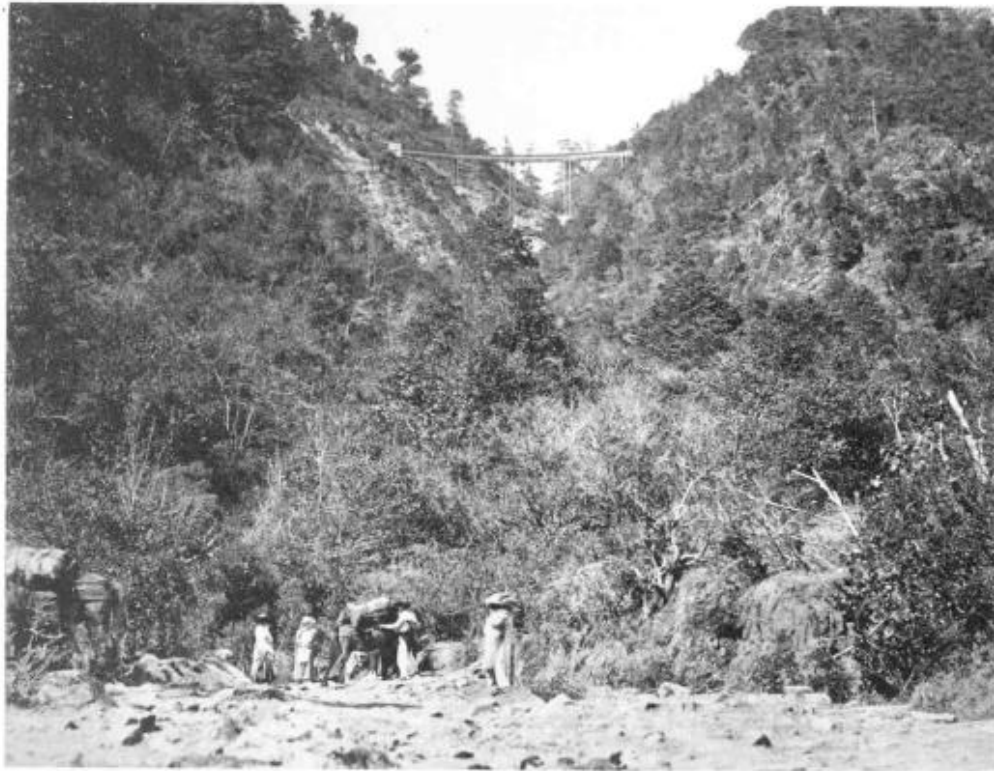
Source: Gómez Mompert, J.L. & Coperías Aguilar, M.J. (2014). Importancia de la prensa hispana. La victoria de Obama en los periódicos en español estadounidenses. *Communication & Society*, 27(2), 101-124.

GRÁFICO 24: CIFRA DE NEGOCIO RCS MEDIAGROUP POR DIVISIÓN DE NEGOCIO (2013)



➔ Fuente: Elaboración propia con datos de RCS MediaGroup (2014).

Source: Albújar, M. (2014). *La estructura de la televisión española tras el apagón analógico*. (Master's thesis). Universitat Autònoma de Barcelona.



➔ Imagen 20, Alfred Saint Ange Briquet (fot.)/Claudio Pellandini (edit.), *Cambres de Maltrata*, Colección Ildefonso Acevedo. Cortesía de Ildefonso Acevedo.

Source: Aguayo, F. (2008). Imagen, fotografía y productores. *Secuencia: revista de historia y ciencias sociales*, 71, 135-187.

Open access image obtained from an informal source



Image: Gerd Altmann / [PublicDomainPictures](#) / Public domain [Consulted 28/01/2020]

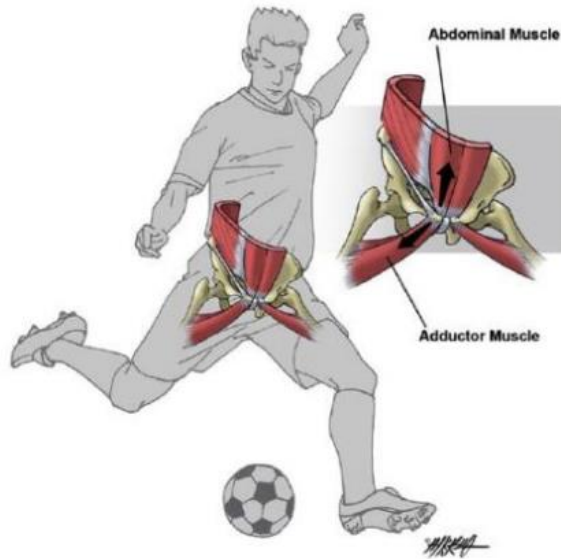


Fig. 1. Forces de tipus cisallament sobre la símfisis del pubis durant el moviment biomecànic del xut (Yuill et al. 2012)

Source: Fort, J.; Ortiga, M. (2015). Memòria científica: eficàcia de la punció seca en el tractament fisioterapèutic de l'osteopatia dinàmica del pubis (Trabajo de Fin de Grado). Universitat Autònoma de Barcelona. <https://ddd.uab.cat/record/144718> [Consulted 28/01/2020]

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Source: García San Pedro, María José. (2010). Diseño y validación de un modelo de evaluación por competencias en la universidad. (Tesi doctoral). Bellaterra, Cerdanyola del Vallès: Universitat Autònoma de Barcelona. Departament de Pedagogia Aplicada. <http://hdl.handle.net/10803/5065> [Consulted 28/01/2020]



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118 subscriptors

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Què és la Biblioteca Econòmica Carandell de la UAB?

Es un fons bibliogràfic recopilat per l'economista Joan Carandell i Marimón (1901-1988) especialitzat en temes d'Economia i Pensament Econòmic. També conté documents sobre Sociologia i Dret (segles XVI al XX), que es troba ubicat a la Biblioteca de Ciències Socials

Categoria [Formació](#)



Llicència [Llicència Creative Commons Reconeixement \(es permet la reutilització\)](#)

Source: Universitat Autònoma de Barcelona. Biblioteques UAB. "Biblioteca Econòmica Carandell". Youtube. <https://youtu.be/9I5-gqYh8n8> [Consulted 03/03/2020]

Plagiarism

Pretending some ideas or passages of your work are yours when they are not by concealing the original source.

How to avoid plagiarism?

BY CITING any data, picture or text

- ✓ Respecting paternity
- ✓ Justifying your research

BY REPHRASING: saying with your own words what someone else has said

Remember you signed a form admitting your work **to be original**.

More information: [How to cite and create your bibliography](#)
Free plagiarism detection software is available on the Internet.

Self-plagiarism

When someone entirely or partially publishes their own work pretending it is a new and original one.

Typology of self-plagiarism: duplicated, redundant, enlarged or shortened publications

Check out **publisher's conditions** prior to publishing your thesis. Point out that all this material is part of your thesis

You may be infringing author's rights if you are **reusing** entirely or partially an already published work (i.e. collection of articles). Original source must always be indicated

Further information: [The ethics of self-plagiarism](#)

Author rights and social networks

Types of contents in the social networks: screenshots, texts extracts, tweets, pictures of other people posted on social networks...

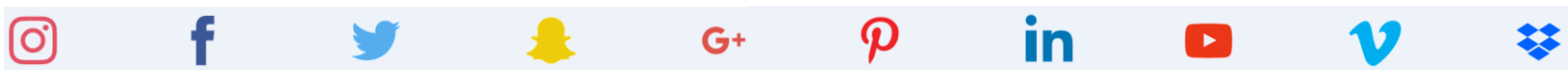
What use can be made?

Contents on social networks are under the same legal requirements as in other formats (books, websites, etc.).

Who holds the rights of contents posted on social networks?

Users are responsible for any legal infringement since the social networking site has no responsibility for its posted contents (unless the violation of author rights is known). So users must hold the rights of their contents on social networks.

Information on reserved or transferred rights is available in the “Statement of rights” section of most websites.



Example of Statement of Rights & Responsibilities: <https://www.facebook.com/legal/terms>

Image: created from [Fauno](#) / [Pixabay](#) / CC-0

Personal data

Information that can be used to identify real people:

- ✓ Name and surname
- ✓ DNI, Passport, NIU or any other identification document
- ✓ Address (postal, email)
- ✓ Age
- ✓ Sex
- ✓ Date of birth
- ✓ Nationality
- ✓ IP address
- ✓ Photographs
- ✓ Voice
- ✓ Geolocation data, etc.

Special or sensitive data

Data in connection with **fundamental rights, public liberties** or **privacy**.

- Data revealing **ideology, syndication, religion** or **beliefs**.
- Data related to **racial origin, health, sexual orientation** or **sexual life**.
- **Genetic data**: related to inherited or acquired genetic features obtained from biological samples and giving unique information on someone's physiology or health.
- **Biometric data**: related to physical, physiological or behavioral features obtained from a specific technical treatment, giving unique information and consequently allowing someone's identification (facial images, dactyloscopic data...).

Data publication

- Publication (on websites, blogs, social networks, DDD...) **ALWAYS** needs **previous consent**. This consent must be **explicit** for sensitive data. A cession of rights in written form specifying the allowed use of data is required. **Consent can NEVER be tacit** (that is: *if you don't say 'no', I assume it is 'yes'*).
- According to Spanish law (LOPD), 14 year-old **minors** or older can give permission themselves without the intervention of parents or tutors.

According to law, when permission is not obtained, once the work has achieved its purpose sensitive information must be deleted since it is not yet reusable.

Further information:

[Protecció de dades \(UAB\)](#)

[General Data Protection Regulation \(Catalan Data Protection Authority\)](#)

Image rights

A **transfer of image rights** is required if you have added **photographs** in your thesis of **any third parties**.

This is an [example](#):

TRANSFER OF IMAGE AND EXPLOTATION RIGHTS FOR VIDEO RECORDING AND PHOTOGRAPHY

I, *[full name of the person that is going to be photographed and/or recorded]*

holder of DNI *[ID number belonging to the person that is going to be photographed and/or recorded]*

Note that:

- I agree to my person appearing in images and videos recorded by *[student's full name]* aimed to be part of *[name of the activity or work]* and, consequently, I acknowledge that such dissemination does not imply contempt for my honour and dignity, nor it constitutes an unlawful interference with my privacy in accordance with the provisions of Organic Law 1/1982, of May 5, on Civil Protection of the Right to Honour, Personal and Family Intimacy and one's own image.
- In case I hold any right of ownership over the materials that may be derived from these recordings, I transfer to *[student's full name and DNI]* all my exploitation rights over them, on a non-exclusive basis, in all forms of exploitation, for everyone and for its entire duration.
- I know that the aforementioned *[name of the activity or work]* is likely to be disseminated through the UAB Digital Repository of Documents (DDD), so I sign this document in accordance with the provisions of Regulation (EU) 2016/679, of the European Parliament and of the Council, of April 27, 2016, regarding the protection of natural people with regard to the processing of personal data, and the free movement of this data (GDPR). I acknowledge that I have been duly informed by the UAB that by sending a letter together with a photocopy of my

Source: Blog de Propietat Intel·lectual i Accés Obert. <http://blogs.uab.cat/dretsautor/2016/07/12/que-es-un-document-de-cessio-de-drets-dimatge-i-dexplotacio-denregistrament-de-video-i-fotografia-i-en-quins-casos-cal-fer-ne-us> [Consulted 31/01/2020]

Interviews rights

A **transfer of interviews exploitation rights** is required if your thesis includes **total or partial reproduction of interviews or opinions**.

This is an [example](#):

TRANSFER OF INTERVIEWS' RIGHTS

I, *[interviewee's full name]*

holder of DNI *[ID number belonging to the interviewee]*









Note that:











- I authorize that my opinions and considerations gathered in an interview granted to *[student's full name]* with DNI *[student's DNI]* and whose purpose is the preparation of the *[Final Project, Doctoral Thesis, etc.]* may be reproduced partially or wholly in the work.
- In case I hold any intellectual property right on *[interview XX]*, I transfer to *[student's full name]* with DNI *[student's ID]* all my exploitation rights over the interview, on a non-exclusive basis, in all forms of exploitation, for everyone and for its entire duration.
- I am informed that the *[Final Project, Doctoral Thesis, etc.]* is likely to be disseminated through the UAB Digital Repository of Documents (DDD) <http://ddd.uab.cat> or any other platform the UAB thinks suitable.

And for the record, I sign

Source: Blog de Propietat Intel·lectual i Accés Obert. <http://blogs.uab.cat/dretsautor/2016/03/07/es-pot-incorporar-en-un-treball-de-fi-de-grau-la-transcripcio-total-o-parcial-duna-entrevista-que-lautor-del-fg-ha-hagut-de-portar-a-terme> [Consulted 31/01/2020]

Good and bad practices

Publish your thesis anywhere, since you hold the exploitation rights	
Use the right to cite according to the current law	
Attach protected articles to your thesis without previous verification	
Add personal data. Examples: phone number or e-mail.	
Insert links to documents or websites with certainty that they are not illegal. Examples: films or TV shows	
Insert passages of public domain works without proper indication of authorship. Remember paternity is a moral right with no time limitation	
Publish orders, rulings, verdicts, sentences, agreements, etc., coming from public institutions without explicit consent	
Use public domain works freely	

Insert pictures taken by people who transferred their image rights	
Add corporate information without the express permission of the company	
Insert pictures from <i>Google images</i> or social networks without having verified that they are reusable	
Use the copyright icon  without official registration	
Use works of art reproductions (paintings, drawings, sculptures, maps...) or photographs to be analyzed, criticized or commented	
Reproduce interviews (partially or entirely) without consent of the people interviewed	
Use simple photographs (non-artistic) freely after 25 years of having been taken	
Insert your own pictures, designs or graphics with no information of authorship	
Sign your thesis	

Part 2: Your dissertation in digital repositories: TDX and DDD

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TDX and DDD: what are they?

[TDX](#) (Tesis Doctorals en Xarxa)

Cooperative repository containing **dissertations** in digital format from **Catalan universities** and some Spanish universities as well (UJI, UIB, Andorra University).



[DDD](#) (Dipòsit Digital de Documents de la UAB)

Platform that **collects, manages, disseminates and preserves scientific, academic and administrative documents** generated by the university as well as digital documents that make up or complete the collections of the UAB libraries. It shows an **arranged, open-access and interoperable collection**, with a high diversity in terms of formats, subjects and tipology of documents.



Legal framework



[Real Decreto 99/2011, de 28 de enero, por el que se regulan las enseñanzas oficiales de doctorado](#)

Article 14. Evaluation and defence of dissertations

“5. Once the dissertation is submitted the university must take responsibility for open-access electronic storage in an institutional repository...”

Legal framework

[Open-access policy of the Universitat Autònoma de Barcelona - 2012](#)

✓ **What sort of documents?**

Students: dissertations

✓ **Where?**

In the DDD (<http://ddd.uab.cat>)

✓ **When?**

In 6 months time (maximum)

Always respecting the conditions stated by publishers related to storage of documents in open-access digital repositories

Legal framework

Mandate of open research data for doctoral students of the Universitat Autònoma de Barcelona

At the moment it is still a **proposal** and will be presented to the Governing Council this 2020.

It will consider doctoral students as researchers at the UAB and, therefore, can use DDD for research data:

- ➔ with the same rights and duties as the Academic staff (have ORCID, datasets maximum 5 GB...)
- ➔ as stated in the document *Multidisciplinary Repositories for Open Access Data* <https://ddd.uab.cat/record/150829>

Open-access publication: benefits

- ✓ Increases **visibility** and, consequently, dissemination and impact of scientific production. Increase in citations
- ✓ Increases the **accessibility** of research papers without further expense
- ✓ Allows authors to **decide the rights** to be kept or transferred and the conditions
- ✓ Gives **back to society** the investment made in research
- ✓ **Preserves** research results in the long term

Authorizations

[Application for depositing the thesis online](#) 

Aspects to highlight:

- Creative Commons licences
- Embargo
- Industrial Doctorate / Thesis subject to technology transfer or protection measures
- Collection-of-articles thesis

More information about thesis storage on this site:

<https://www.uab.cat/web/study/phds/online-thesis-deposit-1345799089208.html>

Some examples

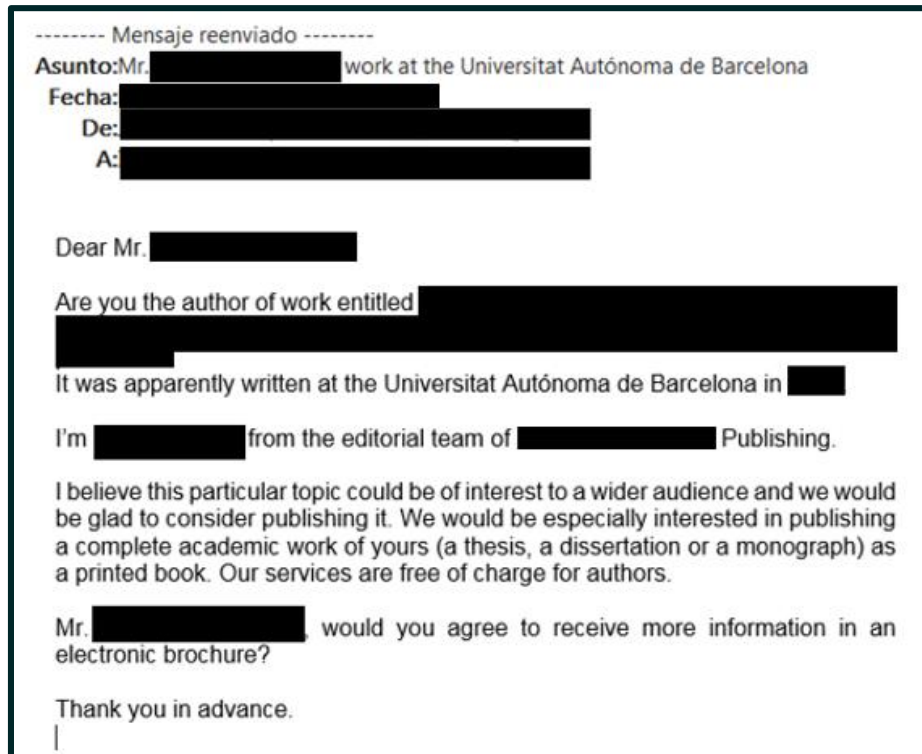
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[Copyrighted thesis](#)



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[Thesis under embargo](#)
[Copyrighted thesis](#)



Predatory publishing and thesis



Predatory publishing and thesis

- ✓ **Spam.** Predator publishers overwhelm researchers with mails inviting them to publish
- ✓ **Illogical titles.** Although most of these journals are located in India, China or Russia, they pretend to have a different origin by using the terms *American*, *British*, *European*, *Swedish*, etc., in their titles
- ✓ **Shady rates.** It's not easy to know the exact rates or the payment methods. Publication rates range from 50 up to 1500 \$
- ✓ **Suspicious editorial boards.** No information on editorial board members can be found
- ✓ **No appearance in databases.** Despite the publishers' statements on their websites, these journals are not indexed in prestigious databases

Collection-of-articles thesis

Articles can be published in open-access repositories in two cases:

- Permission of the publisher is required when they have been already published, since exploitation rights have been transferred

Examples: [Elsevier](#) & [Oxford University Press](#)

- No permission is needed if they have been previously published in open-access journals or using a Creative Commons licence

Collection-of-articles thesis: authorisations

Special conditions:

- For those articles not suitable for the previous conditions, **bibliographic references** can be listed in substitution of articles or book chapters. Authorisation of the thesis supervisor/academic tutor for the lack of this documents is required
- If the article was produced by more than one person, an authorisation signed by all the **authors involved** is needed indicating that they renounce their contributions to be part of other theses

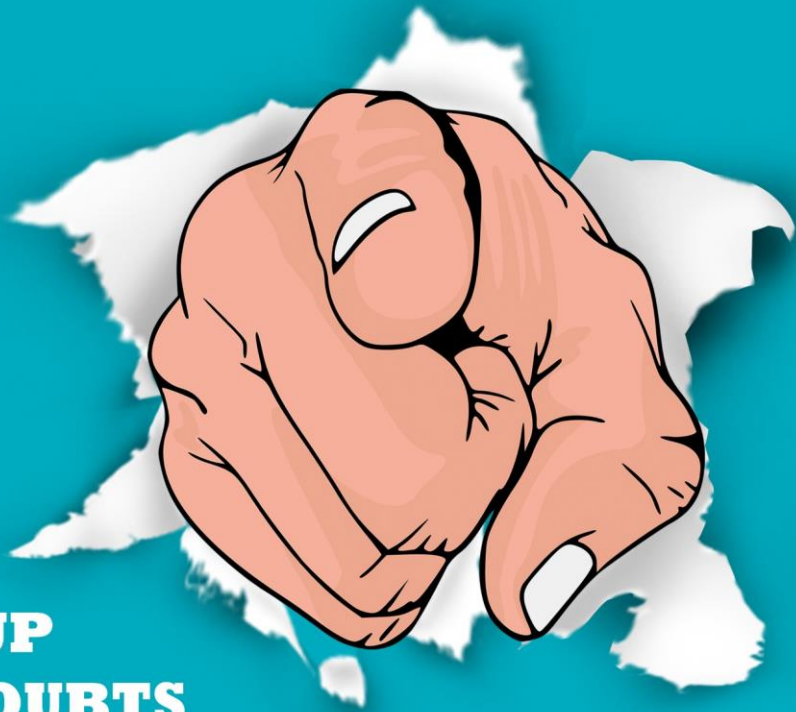
[Example](#)

Interesting resource

Intellectual property and open access blog
www.uab.cat/propietat-intellectual

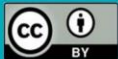


AUTHOR RIGHTS: IT'S YOUR BUSINESS TOO!



**CLEAR UP
YOUR DOUBTS**

www.uab.cat/propietat-intellectual



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Thank you!

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