Intellectual property in the preparation of the thesis

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Let’s start…

You will find this presentation at

**ddd.uab.cat/record/170557**
Part 1: Author rights and another legal aspects

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Who is an author?

AUTHOR

Literary, artistic or scientific

- Scientific papers
- Books
- Websites
- Pictures, drawings
- Theses
- Musical works
- Films

Automatically gets some RIGHTS
Attribution of rights

Moral rights
- Integrity ★
- Authorship ★
- Divulgation
- Alteration △
- Access ▲
- Withdrawal ▲

Patrimonial or exploitation rights
- Reproduction
- Distribution
- Transformation
- Public communication

Non-transferable
- ★ No limits
- Author's life

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

Dissertations in TDX and DDD
Transfer of exploitation rights

All rights reserved
Copyright

it is mine. I do NOT allow you to take this material and repurpose it. You need to ask for my permission to use this.

Open License

It is mine. But I DO allow you to take my material. Just remember to make a proper attribution to me. It is free, and you do not need to ask for my permission to use it.
Creative Commons licenses (CC)

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

http://creativecommons.org
Transfer of rights

- **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.

Images: Creative Commons / CC-BY
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...

**Option 1**
Make your own pictures or drawings

**Option 2**
Use open-access contents
- Use the ‘Usage rights’ filter on the Google advanced search
- Use picture or sound search engines in the guide
- [Audiovisual resources and author rights](#)

**Option 3**
If you are using contents under special protection...
You have recourse to the CITATION RIGHT

**Option 4**
If citation right cannot be applied in your case...
AUTHOR’S PERMISSION in written form is needed for that particular use

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 començar. Mantenerse juntos es progresar. Trabajar juntos es triunfar”...


Open access image obtained from an informal source:

Imatge: Gerd Altmann / PublicDomainPictures / Public domain [Consulted 23/11/2020]
Como consecuencia de los movimientos migratorios hispanos, que —como tal—
comenzaron en el siglo XIX desde México y posteriormente continuaron desde el resto
de Latinoamérica, 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
Research, 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

\[5\] 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


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...)

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, dactyloscopical 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:

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

1. [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

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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…”

Open-access policy of the Universitat Autònoma de Barcelona - 2012

DDD ([http://ddd.uab.cat](http://ddd.uab.cat)): “doctoral students have to deposit in the repository their doctoral theses, no later than 6 months after their approval”
Legal framework

_Institutional Policy on Open Access to Research Data at Universitat Autònoma de Barcelona - 2020_

Doctoral students: you can use the DDD for final research data associated with your doctoral thesis...

- with the same rights and duties as the Academic staff (have ORCID, datasets maximum 25 GB...)

- as stated in the document Multidisciplinary Repositories for Open Access Data [https://ddd.uab.cat/record/150829](https://ddd.uab.cat/record/150829)
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

Standard record
Thesis under embargo
Copyrighted thesis
Predatory publishing and thesis

-------- Mensaje reenviado --------
Asunto: Mr. [Redacted] work at the Universitat Autònoma de Barcelona
Fecha: [Redacted]
De: [Redacted]
A: [Redacted]

Dear Mr. [Redacted],

Are you the author of work entitled [Redacted]

It was apparently written at the Universitat Autònoma de Barcelona in [Redacted]

I'm [Redacted] from the editorial team of [Redacted] Publishing.

I believe this particular topic could be of interest to a wider audience and we would be glad to consider publishing it. We would be especially interested in publishing a complete academic work of yours (a thesis, a dissertation or a monograph) as a printed book. Our services are free of charge for authors.

Mr. [Redacted], would you agree to receive more information in an electronic brochure?

Thank you in advance.

--------- Mensaje reenviado --------
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* or *Swedish* in their titles. Too long titles that start with words like *World* or *International*

 ✓ **Shady rates** - It’s not easy to know the exact rates or the payment methods. Publication rates range from 50 up to 1500 $. Sometimes it’s not mentioned or it’s difficult to locate

 ✓ **Suspicious editorial boards** - No information on editorial board members can be found

 ✓ **False indexing and impact factor** - Despite the publishers’ statements on their websites, these journals are not indexed in prestigious databases. Fake logos on the web. Indicate presence in Google Scholar (search engine, not an indexing database)
Predatory publishing and thesis

✓ **Peer review** - Supposed peer review. Acceptance of the publication too fast

✓ **Journal website** - Unprofessional. It could copy a prestigious journal. Possible spelling and grammar errors

✓ **Open access** - The journal claims to be open access but it demands the transfer of exploitation rights

✓ **Articles** - Unregulated frequency. Lack of numbering. Title and abstract with basic errors. Title and scope don't match up with results. Maybe plagiarized content

✓ **Lack of transparency** - It doesn’t follow the practices advocated by international bodies
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.
Finally... Interesting resources

www.uab.cat/propietat-intelectual
Scholarly Communication

- **Create a publication**
- **Referencing**
- **Publish**
- **Distribute**

**Manage scientific production**
- **Manage Curriculum**
- **Value Publications**
- **Value Authors**
- **Scientific Production**

www.uab.cat/biblioteques/comunicacio-recerca
AUTHOR RIGHTS: IT'S YOUR BUSINESS TOO!

CLEAR UP YOUR DOUBTS
www.uab.cat/propietat-intelectual
Thank you!