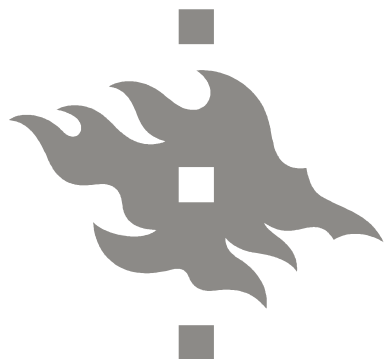


USE OF DATA IN RESEARCH PROJECTS

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Legal Counsel, Research Services



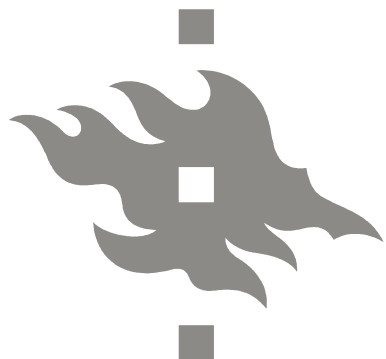
Use of Data in a Research Project

1. Background Data

- data brought to the project

2. Foreground Data

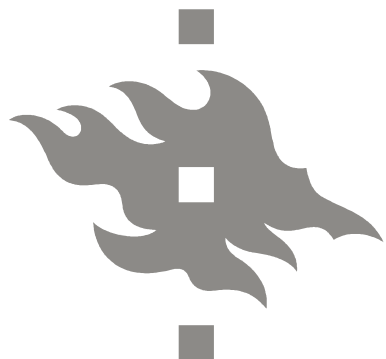
- data generated in the project



Background Data

CAN YOU USE THE DATA FOR INTENDED PURPOSE?

- How and by whom the data was collected?
- Third parties' rights:
 - Is there a permission to use the data to this project?
 - Are there any restrictions for the use?
 - Can data be transferred to other parties?
 - What kind of intellectual property protection applies to data (patents, open source licenses)?
 - Is there a permission to make derivatives works?

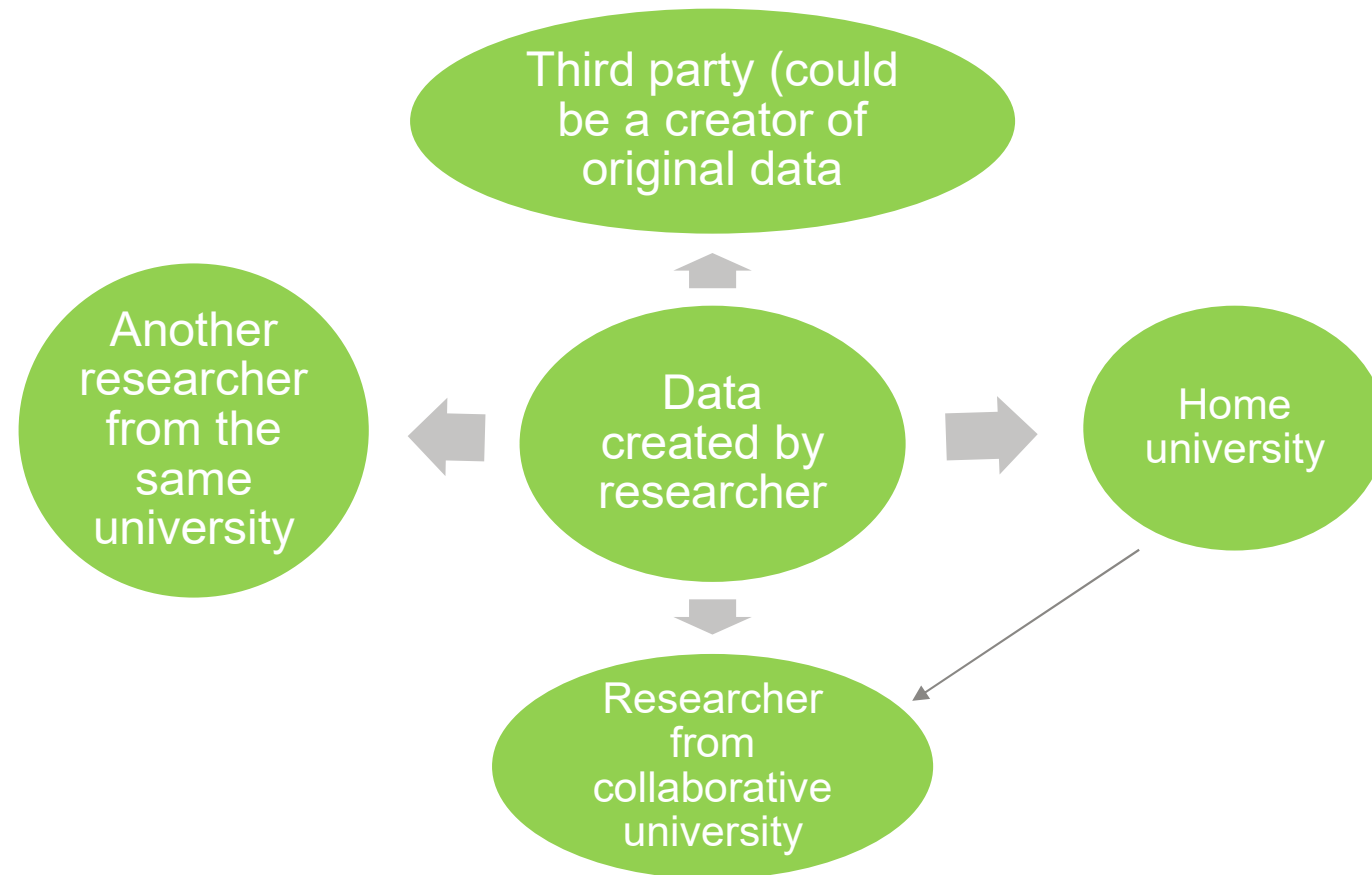


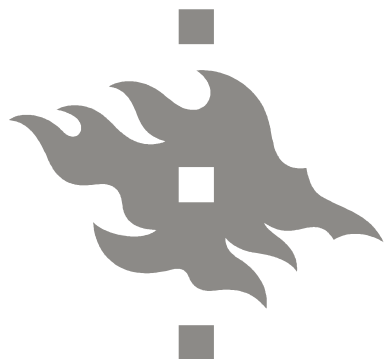
Different types of data

- Research data (examples)
 - ❖ collected health information
 - ❖ questionnaire data
 - ❖ database, software
- Biological material
 - Use is restricted by the law
- Personal data
 - Could be a part of research data or biological material, but use is restricted for legitimate purposes (consent, public interest)



Different relationships related to data





Restrictions to Use of Background Data

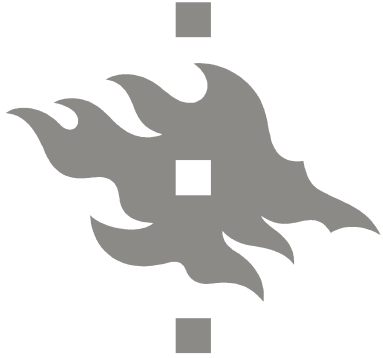
- Data is regarded as confidential information of another party
 - Use restricted by NDA or MTA -agreements
- Data is regarded as intellectual property
 - Use restricted by IP laws

Remember to agree on use of data before the beginning of your project!



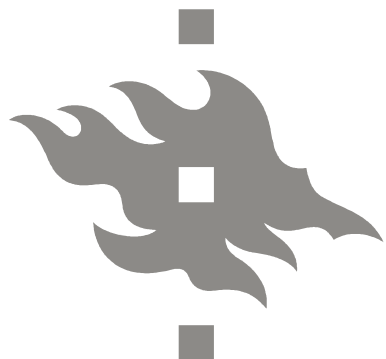
Data as Confidential Information

- In case data is not publicly available, it can be kept confidential and as trade secret
- The access to data can be limited by contractual provisions --> different types of licenses:
 - Right to use exclusively/non –exclusively
 - Commercial purposes/ non-commercial purposes (research and education)
 - Right to sublicense/ transfer further



Publicly Available Data

- Published data: how third parties's rights should be taken into regard?
 - Use can be restricted by license (CC-BY, GNU)
 - References usually allowed with a proper citation/quotation
 - Patent-protected inventions can be used for certain research purposes = to test the functionality of the invention



Intellectual Property Rights

- Data can be covered by:
 - Copyrights (e.g. publications, software, educational materials)
 - Database rights
 - Catalogue rights
 - Trade secret (protected usually by contractual arrangements)
 - Patents (Inventions)

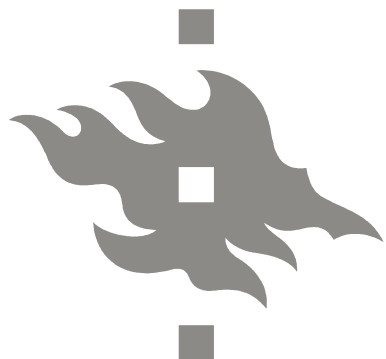


Copyright

- A legal right which belongs to its creators without a separate registration
- Expression of work shall be unique and creative
- The knowledge is not protected, only the expression

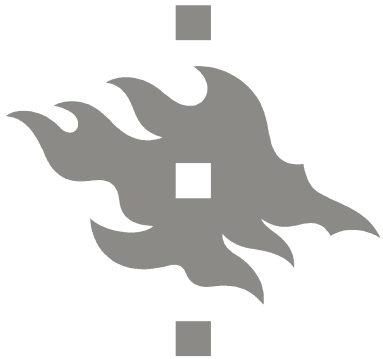
Patent

- Protects an invention, but requires a "registration"
- Invention may be a technical device, method of composition or process
- Novelty and uniqueness required, compared to state of art



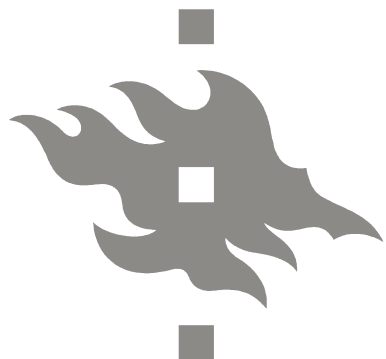
Moral Rights (copyright)

- A part of copyright
- Personal rights of the author
- Cannot be transferred from the author
- Right of attribution:
 - *Author's name should be always stated or referred*
- Right of integrity:
 - *Works cannot be changed without permission*
 - *Reputation cannot be harmed*



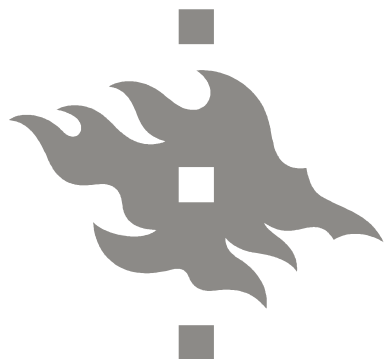
Foreground Data/Results

- Research data generated during the project (for example raw data)
- Deliverables generated during the project
 - Could be valuable as intellectual property
 - Publications?
- Regulated by:
 - Funding terms
 - the agreement between the project parties
 - Other commitments (third parties' rights to background data)



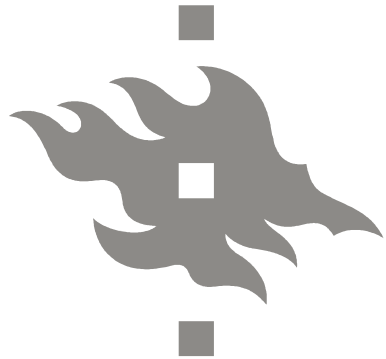
Derivative Works

- Permission to make such works is required from the original creator/copyright holder
- In case modifications of original work is permitted, only the new material is covered by a new copyright and the original material is still covered by an existing copyright



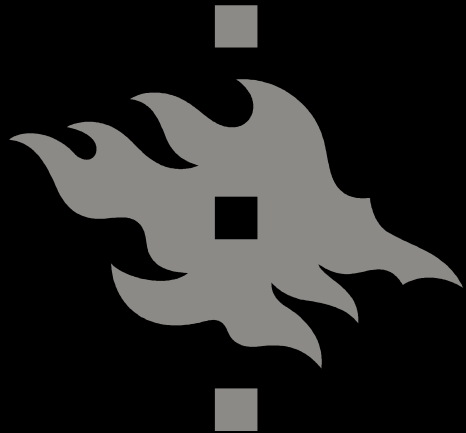
Transfer of Rights to University

- University's rights to research data:
 - Was the data generated in a project funded by an external funding (Business Finland, Academy of Finland, companies' funding etc.)?
 - all rights shall belong to the university
 - "Transfer of Rights" – agreement shall be signed before the start of the project
- University might want to protect the results by IP rights



Publications

- Authorship questions are defined by academic and ethical principles and guidelines → connection to moral rights
- Contractual agreements in the beginning of the project in order to avoid disagreements?



Thank you!