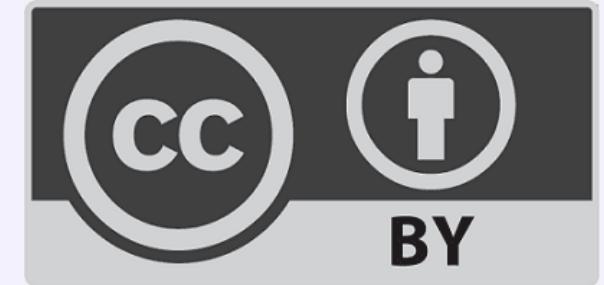
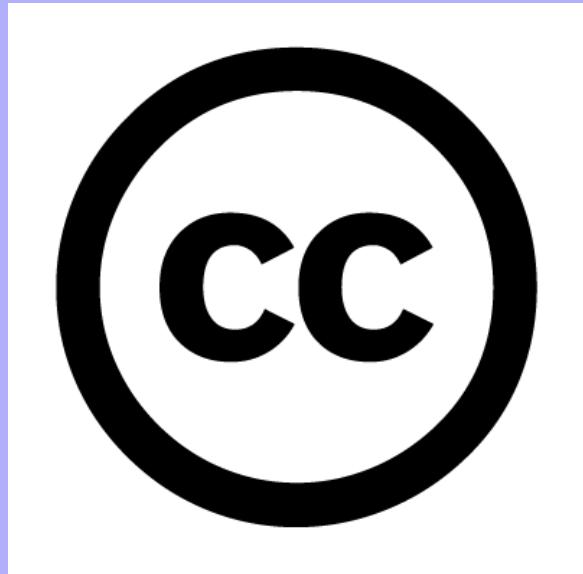


Riktig delingslisens – en forutsetning for full åpen tilgang

Presentasjon Sikts LÅT-dag 21.november 2024



Nina Karlstrøm, Sikt



Definisjonene på CC lisenser og hva de forskjellige attributtene innebærer, er hentet fra Creative Commons Norge og denne rapporten:

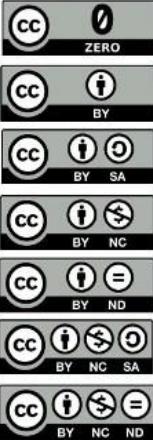
«*Rettighets- og lisensspørsmål ved åpen publisering*» av Torger Kielland på oppdrag av Unit i 2019

Rapporten kan lastes ned her:

<https://www.openscience.no/aktuelt/rettighets-og-lisenssporsmal-ved-apen-publisering-0>



MOST OPEN

Licenses

This work is a CC0 Public Domain Dedication work.

Icons

Terms of the Licenses

Public Domain Dedication (CC0)

This is considered a dedication to the public domain, and thus the creator(s) associated with this item have waived all their rights to the work worldwide under copyright law.

Attribution (BY)

Others can copy, distribute, display, perform and remix the work if they credit/cite the creator/author.

Derivative Works (ND)

Others can only copy, distribute, display or perform *verbatim* copies of the work.
(No modifications allowed.)

Share Alike (SA)

Others can distribute the work only under a license identical to the one attached to the original work.

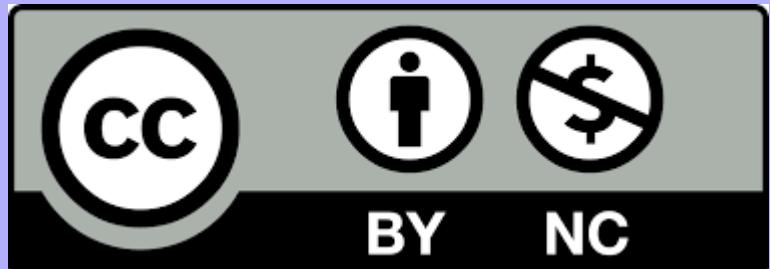
Non-Commercial (NC)

Others can copy, distribute, display, perform or remix the work but only for non-commercial purposes.

Seks standard Creative Commons lisenser

- Navngivelse (**by**)
- Navngivelse-Del på samme vilkår (**by-sa**)
- Navngivelse-Ingen bearbeidelse (**by-nd**)
- Navngivelse-ikkekommersiell (**by-nc**)
- Navngivelse-ikkekommersiell-Del på samme vilkår (**by-nc-sa**)
- Navngivelse-ikkekommersiell-Ingen bearbeidelse (**by-nc-nd**)

Kilde: <https://www.creativecommons.no/post/hvilke-typer-lisenser-tilbyr-creative-commons>



Delingslisensene gir forskjellige begrensninger og krav ved bruk og hva man kan bruke verket til. For eksempel vil CC-BY kreve korrekt kreditering og en lenke til lisensen.



- De to attributtene som er gjenstand for mest støy er
- NC (ikke-kommersiell bruk)
 - ND (ingen bearbeidelse).

CC-BY-NC



CC-BY-NC innebærer at det bare er gitt tillatelse til ikke-kommersiell bruk av verket.

Creative Commons definisjon: «Kommersiell bruk er først og fremst bruk som har til hensikt å oppnå en kommersiell fordel eller i ervervsøyemed»



Dette gjelder for alle lisenser med NC-attributtet (CC-BY-NC-SA og CC-BY-NC-ND)



- University of California og DEAL-konsortiet i Tyskland var tidlig ute med å oppdage en ny problematisk konsekvens ved bruk av CC-NC-lisenser
- Forfatteravtalen (Licence to Publish) kan inneholde betingelser der forlaget sikrer seg de økonomiske rettighetene, selv om artikkelen er utstyrt med en Creative Commons lisens.

På nettstedet til Elsevier står følgende:

Additional information on how Elsevier manages commercial licenses for open access articles published under CC BY-NC-ND or CC BY-NC licenses.

Our experience, based on requests from authors globally across decades, is that the rights that authors themselves have, when publishing open access under a non-commercial Creative Commons license (outlined above), cover the vast majority of the situations in which authors wish to use their work. Authors who are unclear whether their intended use is covered by these rights, should submit their enquiry here [opens in new tab/window](#) to obtain further guidance.

Elsevier sometimes receives direct requests from third parties, such as pharmaceutical companies, to re-use and adapt the article. Elsevier maintains relationships with service providers (such as Rightslink and other reproduction rights organizations) to manage these requests. Elsevier incurs costs in undertaking these activities, and may charge third parties a fee when granting permissions for re-use or adaptation of the article.

Authors publishing under the CC BY-NC-ND or CC BY-NC licenses agree not to license any third party to reuse their articles or any part of their articles for commercial purposes. Elsevier has the exclusive right to license third parties to do this. This enables Elsevier to ensure compliance with applicable laws and regulations and control over appropriate commercial use by third parties.





Grunnen til at forskere velger en mer restriktiv lisens (CC-BY-NC, NC-ND og NC-SA) er trolig for å forhindre kommersiell utnyttelse av den publiserte artikkelen og/eller "tukling" med verket



Bruk av CC lisenser i publiser og les avtaler (artikler publisert i 2023):

	CCBY	CCBY NC	CCBY NC ND
Elsevier	1725	13	62
Wiley	347	161	298
Springer	802	13	0
T&F	628	4	214
Sage	289	4	0
OUP	120	61	32
CUP	126	1	9



Hva tilbys av 21 152 gulltidsskrift i DOAJ?



Merk: en restriktiv NC-lisens betyr ikke at forlag/tidsskrift automatisk får disse rettighetene som i foregående eksempel.

- CC BY (10780)
- CC BY-NC (4247)
- CC BY-NC-ND (4422)
- CC BY-NC-SA (1942)
- CC BY-ND (373)
- CC BY-SA (1687)
- CC0 (269)
- Public domain (8)
- Publisher's own license (252)

Tall på lisensdistribusjonen er hentet fra DOAJ- Directory of Open Access Journals



CC-BY-ND innebærer at det ikke er lov å endre verket.
Creative Commons definisjon: «*Dersom du remixer, bearbeider eller bygger på materialet, kan du ikke distribuere det endrede materialet.*»

- I utgangspunktet ikke urimelig å forhindre "tukling" med verket, men det hindrer også oversettelse til andre språk, tekstsammanfattinger etc.
- Uønskede endringer hindres uansett av respektretten i åndsverksloven. Respektretten innebærer at andre, som har rett til å tilgjengeliggjøre verket, ikke kan gjøre dette på en måte som er krenkende for verket eller opphavsmannen.

CC BY is the best choice for your OPEN ACCESS publication

When publishing your research Open Access, choosing the right Creative Commons (CC) license is crucial. Among the various options, the DEAL-Konsortium recommends the CC BY (Attribution) license, because it stands out as the best choice for maximizing the impact and reach of your work.

OPEN ACCESS MEANS CC BY

CHOOSE CC BY WHEN PUBLISHING WITH DEAL
deal-konsortium.de

Why not "Non-Commercial" (-NC) Licenses?

Exclusive commercial rights to publishers: While choosing a "non-commercial" license type excludes commercial uses, publishers usually require you to assign those reserved commercial rights to them via the license to publish agreement. Unfortunately, many publishers typically claim these rights exclusively, limiting your control over your own work.

Commercial exploitation by publishers: Once publishers hold (exclusive) commercial rights, they can commercialize your research, including licensing it to AI companies or other commercial entities (including for commercial use), without your consent and without any revenue sharing.

Not compatible with the Open Access definitions: NC licensed material is not "Open Access" per definition.

Legal uncertainty: The definition of "non-commercial" is ambiguous under German law. This leads to considerable legal uncertainty as to whether the respective use is permitted. Very often, uses are excluded that the author does not actually want to prevent.

>> Non-commercial license types exclude many wanted use cases of your research without considerable advantages. They are no real open licenses.

DEAL

Make the smart choice for your research. Choose CC BY.

To ensure your research achieves the greatest possible impact and benefit for everyone everywhere on earth, always choose the CC BY license when publishing open access.

This choice not only aligns with global Open Access standards but also protects your work from unintended exclusive commercial exploitation and legal ambiguities.

The Advantages of CC BY

Maximized reuse and dissemination: CC BY allows others to distribute, remix, adapt, and build upon your work, even commercially, as long as they credit you. This maximizes the reach and impact of your research.

Equal commercial use for all: Yes, CC BY does allow for commercial use, but it does so equally for everyone which serves as the best protection against exploitation by individual players.

Alignment with key Open Access statements: CC BY is aligned with major Open Access declarations, such as the Berlin Declaration on Open Access. It is also the preferred license of many research funders and organizations worldwide.

Legal clarity: CC BY provides clear and straightforward terms, reducing legal uncertainties and ensuring your work can be freely used and shared across various platforms and by diverse audiences.

>> The CC BY license provides a clear and easy understandable framework for all third parties. It allows for equitable and open use for everyone consistent with the basic principles of Open Access.

LEARN MORE
<https://deal-konsortium.de/en/why-ccby>



