

Research Data Alliance Plenary 7 - Tokyo, JP

RDA-CODATA Interest Group (IG) on the Legal Interoperability of Research Data

Meeting Notes from March 2, 2017

RDA IG Co-Chair Paul Uhler and CODATA Executive Director Simon Hodson led the meeting with about 30 session participants. Additional information about this session is available on the RDA website at: [s://rd-alliance.org/ig-rdacodata-legal-interoperability.html](http://rd-alliance.org/ig-rdacodata-legal-interoperability.html). Questions or comments about this activity may be directed to Paul Uhler, one of the IG co-chairs, at: pfuhler@gmail.com.

Topics covered included:

1. **Brief review** of the activities and deliverables of the IG to date, with a screen demonstration of *Principle 3, Balance* from the Principles and Guidelines documents. It was noted that the IG is working with the RDA terminology group to finalize the definitions included in the Legal Interop documents.
2. **Next Steps**, as explained by Simon, are to review the Principles and Guidelines documents with stakeholder groups in the April-July 2016 period, in advance of the Adoption Stage. Discussion ensued about potential testers and reviewers of the documents in the research data community. Three primary actors in the legal interoperability arena were identified for this phase of engagement:
 - a) Individual researchers as data producers and users;
 - b) Institutions (including consortia) as data producers and users, as well as policy makers
 - c) Governments and intergovernmental agencies who devise policies and recommendations

A mix of individual and institutional perspectives is encouraged.

3. **Issues raised by the participants:**

We may want to produce some FAQs.

There is a major discussion in the EU about copyright law allowing data mining. There is a suggestion about using fair dealing/fair use, but this may be unsatisfactory.

Is Europeana or DPLA cited/consulted? They digitize cultural artifacts and are “aggregators” and use licensing agreements. Their recent report is listed in the references.

The focus of the Principles and Guidelines is mostly prospective, not retrospective. This is for both practical and conceptual reasons. From a practical standpoint, the rights holders can't change the rules they applied previously to a dataset, only prospectively. Also, since there has not yet been significant uptake of assigning datasets no or very low IP, the Principles and Guidelines will presumably have an effect in the future.

It was noted that only 2 of about 700 universities in Japan have an open access policy [Note: this may be mischaracterized].

The issue of “orphan works” is important, especially for rescued or digitized older datasets.

Some research or data projects use a CC-BY-SA license.

4. **Suggested reviewers:** Potential reviewers were identified by the participants in the session, as follows:

- a) International organizations such as the OECD, the EC, and Group on Earth Observations
- b) National research organizations such as the Japanese National BioScience Data Center
- c) Professional groups such as the US National Association of College and University Attorneys, and Creative Commons
- d) Consortia of digital resource repositories and policy organizations such as Digital Public Library of American, Europeana and HathiTrust
- e) Individual research institutions and their libraries, such as the University of Illinois' Institutional Repository, Caltech, Columbia University, and a Finish University
- f) Publishers with open data pilots such as Elsevier/Mendeley
- g) See also the types and specific organizations listed in the slide presentation (provided separately).

-- Notes recorded by IG Member Gail Clement, gclement@library.caltech.edu, and Paul Uhlir, pfuhliir@gmail.com.