

Polo Fabio Ferrari, Povo1 - Room A107

Tuesday, December 4th , 2018

PhD Theses Institutional Archive Unitn-eprints PhD

Upload, mandatory deposit and copyright issues at Unitn

PART 1 – Copyright issues

PART ONE

- a. PhD Theses and authors' rights
- b. Open Access and authors' rights
- c. PhD Theses and mandatory deposit through OA

PART ONE

a. PhD Theses and authors' rights

Authors' rights: Italian legal system

L 22 aprile 1941 n. 633

modified by:

L 22 maggio 2004, n. 128

L 31 marzo 2005, n. 43

DDL S861 (approved on 21st December 2007)

Authors' rights: moral

Moral rights

last forever, cannot be transferred or sold,
are transmitted to heirs, and concern:

- attribution
- **integrity of the work: alteration, distortion, or mutilation**
- not have a work published
- have a work published anonymously or pseudonymously
- honour and reputation of the author

Authors' rights: economic

Economic rights

can be sold/transferred by the holder to a third party, give the copyright owner the opportunity to make commercial gain from the exploitation of his/her work, last for 70 years from the death of the author, and concern:

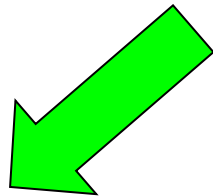
- publication
- **reproduction (photocopying, scanning, ...)**
- transcription
- performing, showing or playing the work in public
- broadcasting or other types of public communication (includes putting copyright material on the internet)
- distribution
- translation
- **adaptation** (also of a software)
- renting or lending

PhD Theses and authorship

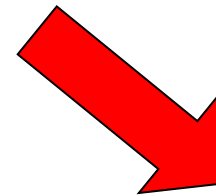
Q: Who is the author of the thesis ?

A: The student who writes the thesis.

PhD
STUDENT



his/her moral &
economic rights as
author must be
respected



**must respect the moral & economic
rights of the works he/she
cites/includes** in the thesis and not
anticipate without permission news or
information about projects carried on
by third parties

Plagiarism and scientific misconduct vs. research integrity - 1

Plagiarize = " to steal and pass off (the ideas or words of another) as one's own: use (another's production) without crediting the source; to commit literary theft: present as new and original an idea or product derived from an existing source" (*Merriam Webster, [online edition](#)*).

ALSO web contents may be plagiarized.

It is a criminal offence .

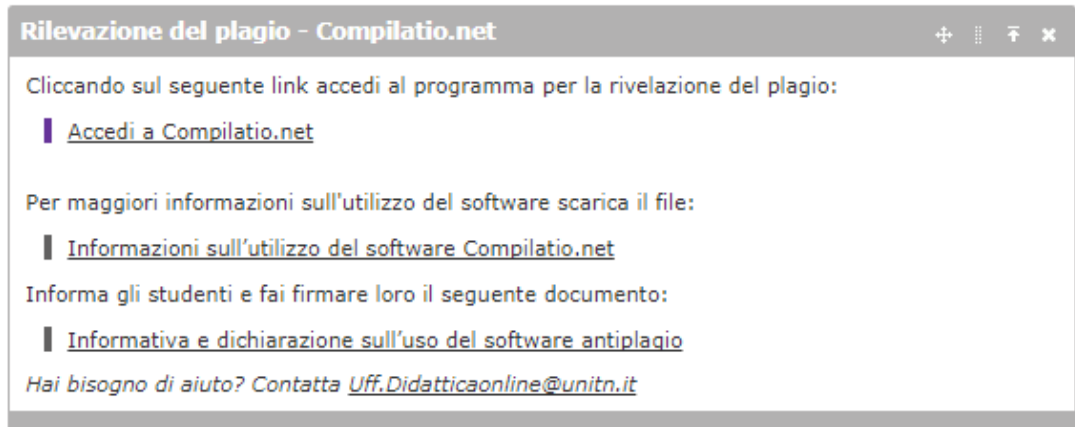
<http://www.unitn.it/en/ateneo/52919/rights-and-duties-of-doctoral-students>:

"University members must avoid any form of plagiarism or improper use of another's intellectual activity. Any plagiarism or improper use of intellectual work is even more serious if it results from negligence or abuse of a hierarchical or academic position. With particular regard to the drafting of theses and written work, as well as in the performance of the exams, it is the specific responsibility of the individual university member to respect these rules and avoid all forms of plagiarism and dishonest conduct. It is also the responsibility of each university member to report any case of plagiarism or improper use of another's intellectual work of which he or she becomes aware.."

See also: the [internal rules of each specific PhD programme](#), Unitn [Code of ethics](#), the [Regulations for Students of the University of Trento](#) and Unitn [Students Honour Code](#).

Plagiarism and scientific misconduct vs. research integrity - 2

Anti-plagiarism detection tool : COMPILATIO



The University of Trento can use and process (phd) students' personal data for its institutional purposes (among which, anti-plagiarism activities) also without a (phd) student's consent. It is (Phd) Students' duty to be informed of the regulations which rule their activities. The University may prepare an information form, signed for acknowledgement, with further details on anti-plagiarism detection.

Plagiarism and scientific misconduct vs. research integrity - 3

How to avoid plagiarism:

- Respect moral and economic rights of the authors quoted and cited in the thesis
- Do not include patents which are not public yet, or news or information about projects by third parts and/or trade secrets.
- Cite and quote all the bibliographic sources, photos, graphs, both digital and printed (footnotes/end of chapter + bibliography), even if you do not directly reproduce a part of the work but you are only paraphrasing it
- Quote in brackets (or format the paragraph in a distinctive way) the parts of the work you are reproducing directly
- Cite (in notes, in your own text) the creator/father of an idea/opinion/theory even if you do not directly reproduce a part of his/her work . (i.e.: *according to Einstein, spacetime is*).

Quotations, images, graphs - 1

Legge 22 aprile 1941 n. 633, Art. 70 **Quote !!!!!!! Use citation styles !!**

1. Il riassunto, la citazione o la riproduzione di brani o di parti di opera e la loro comunicazione al pubblico sono liberi se effettuati per uso di critica o di discussione, nei limiti giustificati da tali fini e purché non costituiscano concorrenza all'utilizzazione economica dell'opera; se effettuati a fini di insegnamento o di ricerca scientifica l'utilizzo deve inoltre avvenire per finalità illustrative e per fini non commerciali.

2. Nelle antologie ad uso scolastico la riproduzione non può superare la misura determinata dal regolamento, il quale fissa la modalità per la determinazione dell'equo compenso.

3. Il riassunto, la citazione o la riproduzione debbono essere sempre accompagnati dalla menzione del titolo dell'opera, dei nomi dell'autore, dell'editore e, se si tratti di traduzione, del traduttore, qualora tali indicazioni figurino sull'opera riprodotta.

Quotations, images, graphs - 2

Copying/pasting works directly from the web or books is forbidden and punished by law, *unless* :

- they are already in public domain
- they are licensed (es. CC) so as to permit reuse
- you have asked written permission to the copyright holder
- they are “re-elaborated” (low resolution, degradation, ...) according to LdA, art. 70 comma 1 bis:

“è consentita la libera pubblicazione attraverso la rete internet, a titolo gratuito, di immagini e musiche a bassa risoluzione o degradate, per uso didattico o scientifico e solo nel caso in cui tale utilizzo non sia a scopo di lucro [...]”.

How to search for images by type of license

The screenshot shows a Google search for "hydropeaking flow alterations". The "Usage rights" filter menu is open, showing the following options:

- Not filtered by license
- Labeled for reuse with modification
- Labeled for reuse
- Labeled for noncommercial reuse with modification
- Labeled for noncommercial reuse

The search results include various scientific plots and charts. One prominent chart shows "Tailwater elevation, m" vs "Time, h" with annotations for different flow conditions:

- $Q=9.8 \text{ m}^3/\text{s}$ (maximum ΔH and ΔQ (downramping))
- $Q=5.0 \text{ m}^3/\text{s}$ (maximum ΔH and ΔQ (downramping))
- Environmental flow $Q_e=0.35 \text{ m}^3/\text{s}$
- $\Delta H=7 \text{ cm}$
- $\Delta Q=70 \text{ cm}$
- maximum ΔH and ΔQ (upramping)

Other visible charts include "Water retention time, h" vs "SHP number", "Water retention indicator" vs "SHP number", and "Fish Index Austria" comparing Reference and Hydropeaking conditions.

Copyright on images and related rights

Here are some links about *REPRODUCTION* of copyrighted graphic material and, more in general, on related rights (film, music, ...):

- [Copyright Notice: digital images, photographs and the internet](#)
- [Image citation rights \(UBC\)](#)
- [Photos of artistic works ; copyright around the world](#)
- [The Best Ways to Be Sure You're Legally Using Online Photos](#)

(large part of) articles

They can be covered by:

- authors' rights
- publishers' rights

You can have a first glimpse of a publisher's policy in [Sherpa/Romeo website](#).

a) written by authors different from the student

- ALWAYS ASK THE PUBLISHER FOR WRITTEN PERMISSION

b) written (also) by the student

- (**WELL BEFORE** inserting the text in your thesis) ALWAYS ANALYZE THE CONTRACT SUBSCRIBED WITH THE PUBLISHER (verify if and which rights were transferred to the publisher)
- UNLESS OTHERWISE SPECIFIED, ALWAYS ASK THE PUBLISHER FOR WRITTEN PERMISSION

Publishers' policies about OA

**BEFORE PUBLISHING A PAPER (= transferring all your author's rights)
FIND OUT if a publisher allows self-archiving :**

See [Sherpa](#) e [RoMEO](#) projects:

ROME colour	Archiving policy
green	can archive pre-print and post-print
blue	can archive post-print (ie final draft post-refereeing)
yellow	can archive pre-print (ie pre-refereeing)
white	archiving not formally supported

Sensitive data

Sensitive data is data revealing, or referring to, or relating to:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- financial information
- health or sex life
- offences
- criminal convictions or security measures
- children
- Social Security Numbers
- insurance numbers or any government-issued ID numbers
- certain geolocation data

Since PhD Theses can be publicly and freely consulted at the two National Libraries of Florence and Rome, they **should not contain** sensitive data referring to identifiable people.

Projects by third parties

The PhD student is the owner of the rights UNLESS his/her research has been financed by third parties. In this case, we must refer to the contract signed with the funding institution/centre/foundation to know which economic rights are retained by whom.

If a tutor and his/her research group signed a contract with funding agencies imposing secrecy restrictions, the thesis cannot made be publicly available.



ASK YOUR TUTOR !!!!

Patenting and OA

Patents are legal titles that protect inventions. They give their holder a temporary private right to prevent others from using his patented invention. The patent system thus promotes innovation by financially rewarding inventors. In exchange for this exclusive right, the patent holder must publicly disclose details of the invention.

Patentable material: innovative ideas, new solutions to a problem which can be technologically transferred for public benefit (industrial development).

If a PhD thesis contains patentable material, THE VERY CLOSED DOOR DEFENCE ITSELF can forbid or prevent patentability. Better ask your tutor !

Therefore, it is not the Open Access option in itself to be against patentability.

REMEMBER TO ASK PATENTABILITY **WELL BEFORE** YOUR DEFENCE (not to mention OA dissemination and/or commercial publishing).

AFTER depositing the patent, you CAN upload your thesis in an Open Access archive.

Patenting: requirements

How can you verify if your material is really innovative and a similar patent has not been deposited yet? Use:

[Espacenet \(European Patent Office\)](#)

[Google Patents](#) (only for U.S. patents)

Not everything you need can be found in these databases, because:

- a. patent applications are normally published **18 months** after their first filing date
- b. parts of the innovative research could be excluded from the deposited patent (there could be more information than what has been patented)

So, for further information you can ask Unitn patent office staff:

Divisione Supporto Ricerca Scientifica e Trasferimento Tecnologico

Via Calepina, 14 - 38122 Trento

Email: lino.giusti@unitn.it

Phone: +39 0461 281203

Thesis upload and ISBN

- PhD theses are **publicly available at Florence and Rome National Libraries**. In this sense they are “publications” (= made public)
- According to Unitn “Regolamento di ateneo in materia di dottorato di ricerca” (art. 35) and “Deposit Disclaimer”, PhD students must upload their theses in Unitn-eprints PhD and guarantee the perfect correspondence between the content of the electronic copy of the self-archived thesis and **the one defended during the final examination**.
- ISBN was created in 1965-67 to rationalize the computerized management and commerce of books, by univocally identifying each sample of a book printed edition using a standardized numerical code. Although not mandatory, ISBN has lately become essential for a book which is about to enter **commercial distribution channels**.
- If PhD theses (*in the form they are defended*) are not intended for commercial distribution channels, they are not assigned an ISBN.
- If PhD theses are (later) published in their original form or re-elaborated for distribution channels, they may be assigned an ISBN.
- **In Unitn-eprints PhD you must upload the thesis in the form it was defended: which means - in most cases – without ISBN.**

PART TWO

b. Open Access and authors' rights

OA and EMBARGO

Embargo is a period during which the thesis is **kept secret** in an institutional archive. Only bibliographic metadata are made visible.

You can request a period of embargo (up to **24 months**) and give your **reasons**:

- **theses about to be published** (If the publisher forbids Open Access diffusion before publication)
- **theses with third parties agreements** (If the thesis is part of a wider research project in agreement with a third party (external research centre/foundation, funding agency). See the specific contract/agreement)
- **public security reasons** (if the content can put at risk national or public security)
- **privacy reasons** (if the thesis is about a person (dead or alive) whose privacy can be put at risk by the information revealed)
- **patentable contents** (see slides 36-37)

OA and authors' rights

moral and economic rights – RETAINED

- Italian copyright law (L633 - 22/04/1941)
- Creative Commons / Science Commons
- Stevan Harnad (University of Southampton) :
easier to detect plagiarism on the web (digital
form) than in print.

CREATIVE COMMONS LICENSES - 1

The idea of **universal access to research**, education, and culture is made possible by the Internet, but our **legal and social systems** don't always allow that idea to be realized. This can make it hard to legally perform actions we take for granted on the network: copy, paste, edit source, and post to the Web. The default setting of copyright law requires all of these actions to have **explicit permission**, granted in advance by the copyright holder.

By using **Creative Commons licenses** the authors **keep their copyright** while **allowing certain uses** of their work — a “*some rights reserved*” approach to copyright.

CC uses **three levels of "language"**: embeddable metadata ("machine-readable"), legal code layer, and commons deed ("human readable"), which all go together.

By looking at the symbols, or clicking on them, or searching CC-covered material in search engines, users **understand what they can or cannot do without asking for the author's written permission**.

CREATIVE COMMONS LICENSES - 2

WEBSITE = <http://creativecommons.org/>

LICENSE-CHOOSING TOOL = <https://creativecommons.org/choose/?lang=en>

LICENSES = <http://creativecommons.org/licenses/?lang=en>

IMPLICATIONS =

- A **commercial publisher could refuse** to publish a work already available under CC licenses; better verify your future publisher's policies about the matter.
- Some commercial publishers do not accept (parts of) previously published works available under CC licenses, unless the final work is **going to be formally different** (it's the form to be protected, not the content).



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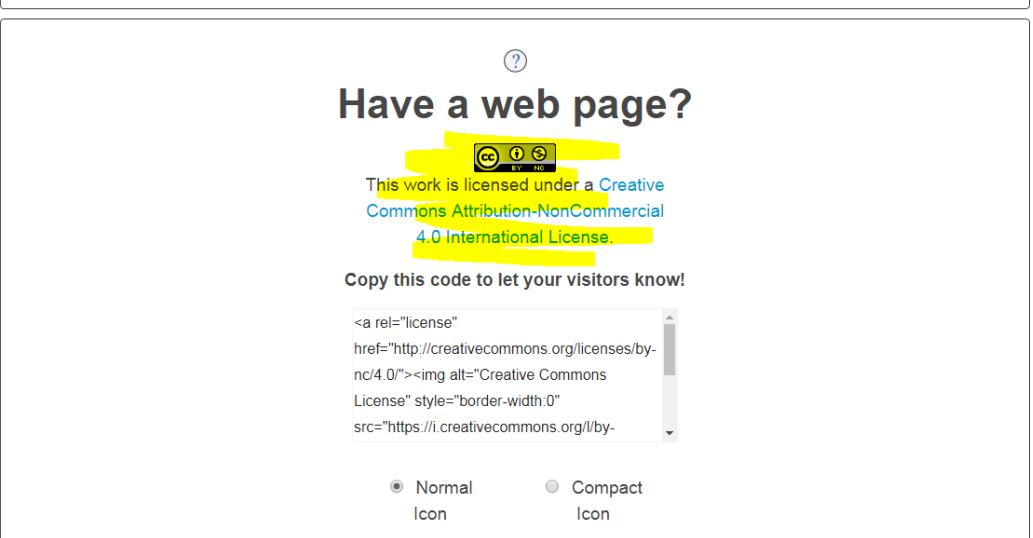
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LICENZE CREATIVE COMMONS - 4


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and copy ALSO IN YOUR PHD THESIS PDF the logo you obtained with its
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```
<a rel="license"
href="http://creativecommons.org/licenses/by-nc/4.0/"><img alt="Creative Commons
License" style="border-width:0"
src="https://i.creativecommons.org/l/by-
```

Normal Icon Compact Icon

WEB, OA AND PLAGIARISM

Diffusion/publication on the web *does not* enhance plagiarism

- It is just a fallacy
- On the contrary: it is easier to detect plagiarism on the web
- The biggest deterrent is the judgment of a researcher's (web) scientific community

Works on the Internet *are* protected

- Each work published on the web is protected exactly as its analogical counterpart
- It is a fallacy to believe that everything you find on the web is in public domain !!!
- “Open Access” means not “public domain” !!!
- What you find on the web is freely readable, downloadable, quotable, but you can not (re)use it or insert it in derived works without written permission (if not otherwise stated; es. Creative Commons)

OA and PUBLISHING CONTRACTS (CTA)

Is Open Access compatible with commercial publishing?

WHAT EVERY AUTHOR SHOULD KNOW

- In order to publish, it is not necessary to sell all economic rights to a publisher, who just needs the right to publish
- Unfortunately, most Copyright Transfer Agreements and contracts envisage these clauses.
- The author has better propose a publishing addendum in which he/she retains some rights for teaching (lecture notes, lessons, ...), reasearch purposes (re-publish (part of) the work in other ways: antologies, collections, proceedings, ...; re-elaborations; ...) and OA dissemination in an institutional or subject-based repository
- The author should better read the contract in every part and clause
- If there is no publishing contract, the author is free to reuse and republish his/her works.

Authors, know your rights !

Conosci i tuoi diritti

Diritto d'autore

(edited by A. De Robbio, University of Padua)

PART TWO

c. PhD Theses and mandatory deposit through OA

Mandatory deposit (Florence, Rome and Trento)

- L 15 aprile 2004, n. 106
- Law implementation guidelines: D.P.R. 3 maggio 2006, n. 252

By simply uploading your thesis in Unitn-eprints PhD, the Mandatory Deposit obligation towards National Libraries is fulfilled (automatic harvesting)

- Mandatory deposit for PhD Theses Project
- Mandatory deposit for born digital resources Project



depositolegale.it

Il progetto

Le Biblioteche Nazionali Centrali di Firenze e di Roma, nell'ambito del progetto Magazzini Digitali della Fondazione Rinascimento Digitale e in collaborazione con il gruppo di lavoro Open Access della CRUI, hanno realizzato e testato un servizio di raccolta automatica (harvesting) dei dati e dei metadati delle tesi di dottorato di ricerca ai fini del deposito legale, così come previsto dalla Circolare MiUR n. 1746 del 20 luglio 2007.

Il servizio di raccolta automatica (harvesting) consente a tutte le Università italiane che raccolgono le tesi di dottorato in formato digitale in un archivio aperto, secondo le raccomandazioni contenute nelle [Linee guida per il deposito delle tesi di dottorato negli archivi aperti](#) approvate dalla CRUI, di ottemperare agli obblighi di legge (senza ricorrere all'invio di documentazione cartacea).

La raccolta automatica dei dati e dei metadati delle tesi di dottorato da parte delle Biblioteche Nazionali consente un miglioramento dei servizi documentali e bibliografici riducendo i tempi di catalogazione e aumentando la visibilità delle tesi rendendo i record disponibili attraverso il Servizio Bibliotecario Nazionale.

Le tesi oggetto di embargo, per ottemperare agli obblighi di legge, verranno comunque raccolte. Secondo la normativa vigente in materia di dottorato, esse saranno consultabili nei locali delle Biblioteche Nazionali su PC privi di periferiche dopo il trattamento biblioteconomico in SBN.

La Sperimentazione

Alla sperimentazione della procedura di deposito legale delle tesi in formato digitale via harvesting automatico hanno partecipato l'Alma Mater Studiorum – Università di Bologna, l'Università Federico II di Napoli e l'Università di Trieste. Hanno contribuito alla definizione delle specifiche tecniche l'Alma Mater Studiorum – Università di Bologna per il software EPrints e l'Università di Trieste per il software DSpace. Hanno successivamente aderito alla sperimentazione la LUISS, l'Università di Parma, l'Università Cattolica di Milano, l'Università degli Studi di Milano-Bicocca.

Alla redazione di questo documento hanno contribuito le Università coinvolte nella sperimentazione.

NEWS

tutti i gestori degli archivi istituzionali, sia scientifici che culturali e agli esperti di Digital Curation.

Plugin NBN per EPrints, Dspace ed OJS disponibili on line.

Il codice e le modalità di installazione dei plugin NBN per le

Depositolegale.it

Servizio nazionale coordinato di conservazione e di accesso a lungo termine per le risorse digitali.

info@depositolegale.it

Tesi di Dottorato

[Il progetto](#)
[Adesione al servizio](#)
[Istruzioni tecniche per il deposito](#)
[Tesi in embargo](#)
[Ricevuta di deposito](#)

[Registra il repository OAI-PMH](#)

National Bibliography Number

[Il progetto](#)
[Flusso di lavoro](#)
[Istruzioni tecniche API NBN](#)
[NBN attivi](#)
[Resolver](#)
[Plugin NBN disponibili](#)

Tools and policies in depth

[Unitn deposit disclaimer](#)

[Unitn PhD policy \(in Italian\)](#)

[CRUI Guidelines \(in Italian\)](#)

[Universities applying CRUI PhD Guidelines](#)

[Doctoral Thesis and authors' rights \(in Italian\)](#)

[PhD Theses and copyright \(in Italian\)](#)

[Mandatory deposit and automatic harvesting \(in Italian\)](#)

THANK YOU !

Contacts:

Dott. Francesca Valentini
Responsabile Ufficio Pubblicazioni scientifiche
Direzione Ricerca e Sistema Bibliotecario di Ateneo
Università degli Studi di Trento
Via Verdi, 8 I-38122 Trento
Tel. + 39 0461 28 30 44
Fax + 39 0461 28 29 10
URL: <https://www.biblioteca.unitn.it/en/346/research-registry-institutional-archives-and-publishing-activities-support-office>



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Thanks to Antonella De Robbio at Padua University