CLARIN-D AP6 report: Legal and ethical issues June 2014 – May 2015

May 2015
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1. **Introduction**

AP6, or Work Package 6, focuses on legal and ethical issues regarding the usability and re-usability of language resources in CLARIN-D. The overall goal of AP6 is to provide legal information and resources for the benefit of CLARIN-D partners, as well as the language science and digital humanities communities in general. The tasks and goals of AP6 are guided by the outline and milestones laid out in the CLARIN-D Vorhabenbeschreibung (project description).

At the Institut für Deutsche Sprache, Erik Ketzan (*Wissenschaftlicher Mitarbeiter / Research Associate* since 2011) and Paweł Kamocki (the same, since 2012) are responsible for AP6. Mr. Ketzan previously worked as an attorney in the United States and has published scholarly articles on copyright law and language technology. Mr. Kamocki is a PhD candidate at Paris Descartes University and WWU Münster, focusing on legal issues in e-Science. He also holds master's degrees in linguistics and copyright law (University of Warsaw) and IT law and comparative law (Paris Descartes), and currently teaches undergraduate and graduate students at Paris Descartes.

In addition, this year we have added John Weitzmann as AP6 team member in the role of outside counsel. Mr. Weitzmann is Attorney at iRights law firm (Berlin) and an expert on open licenses and digital copyright. He serves as European Regional Coordinator of Creative Commons, and assists the team by working on publications and providing formal legal advice. In addition, Mr. Weitzmann assists us in coordinating CLARIN-D’s voice in possible changes to German law (Bildungs- und Wissenschaftsschanke) that affect our research.

In the reporting period, the team was also assisted by interns, Julia Wildgans and Jeremy Heeck, undergraduate law students at University of Mannheim.

2. **CLARIN-D Legal Helpdesk**

IDS had previously consolidated all legal information regarding CLARIN-D at one "home", the CLARIN-D Legal Helpdesk, (http://clarin-d.de/legalissues). In this time period, the following updates have taken place:

- The Legal Information Platform was expanded by new entries on possible changes to German laws regarding research exceptions.
- The CLARIN-D Language Resources Legal Issues Bibliography has been updated to include introductory resources, where CLARIN-D community members can begin to learn about legal issues affecting research.
- The first CLARIN Legal Issues Committee White Paper Series, authored by Kamocki and Ketzan, has been archived here (see publications below).
3. Publications

The AP6 team authored the first of the CLIC White Paper Series, a process by which short paper on legal issues affecting the community will be published via editorial oversight of the CLIC. The first paper was:

- Paweł Kamocki and Erik Ketzan. *Creative Commons and Language Resources: General Issues and What’s New in CC 4.0*. In: CLARIN Legal Issues Committee (CLIC) White Paper Series. (Available at: [http://clarin-d.de/legalissues](http://clarin-d.de/legalissues))

In March 2015, guidelines for technical and legal issues in corpora were published by the German Research Foundation (*Deutsche Forschungsgemeinschaft*, DFG). These papers assembled experts from numerous institutions, including many in CLARIN-D, and the AP6 team was among the round-table of authors for the legal issues guidelines:


This extensive document has been long in the works, and with the DFG’s endorsement will serve the language resource community in Germany for hopefully years to come.

Additional publications:


4. Presentations

- Erik Ketzan. AP6 Project Achievements, CLARIN-D International Advisory Board meeting, Eberhard Karls Universität Tübingen, 17.6.2014.

- Paweł Kamocki, Should Miners go on Strike? Legal Issues in Text and Data Mining, 33rd ATRIP Congress, Montpellier, 8.07.2014.

- Paweł Kamocki, Dr. Peter Lampen, Prof. Dr. Andreas Witt. Legal Aspects of Research Data Collection and Sharing. Workshop des AK Forschungsdaten der Leibniz-Gemeinschaft, Berlin, 15.09.2014.

- Paweł Kamocki. Non-consumptive Use. For the re-definition of exclusive rights to make room for Text and Data Mining. SCIPLaw (International Scholars Conference on

- Paweł Kamocki. Legal Issues in Text and Data Mining, 3rd EUDAT (European Data Infrastructure) Conference (session on Open Access), Amsterdam, 25.09.2014.
- Paweł Kamocki, Public Licensing of Research Outcomes under Open Access/Open Source conditions, CFDip (Centre de formation des doctorants à l'insertion professionnelle), Paris Sorbonne Cité training day, Paris, 03.02.2015.

5. Committees and CLARIN Representation

The CLARIN Legal Issues Committee (CLIC) includes Witt, Kamocki, and Ketzan (Vice Chair), and a meeting took place on 27.5.2014 in Reykjavik, Iceland. In 2015, Ketzan was formally invited by the CLARIN Board of Directors to succeed Krister Lindén as Chair of the CLIC, and this transition will take place later in 2015.
Kamocki continued to represent CLARIN at the Research Data Alliance, an international group that aims to accelerate and facilitate research data sharing and exchange. He also co-chaired EUDATs Working Group on Data Access and Re-Use (EUDAT is European Data Infrastructure), and held a series of training lectures regarding legal issues in data infrastructures:


### 6. Plans for 2015 and beyond

Throughout 2015, IDS will continue to expand the Legal Helpdesk through both English and German-language content, including formal publications and CLARIN White Paper Series documents.

We have continued to take steps toward the stated goal of our M12 status update: "The eventual goal is to give CLARIN-D partners a place at any table that shapes legislation drafting and lobbying efforts in this direction." In this time, we have taken steps to ensure that CLARIN-D’s voice is heard at possible changes to German law regarding a new copyright exception to research that is being contemplated by the German Bundestag. To this end, we have met with members of the *Allianz der deutschen Wissenschaftsorganisationen* ("Alliance of German research organisations"), which represents IDS through the Leibniz Gemeinschaft and other institutions within CLARIN-D, to articulate our position. The addition of John Weitzmann to the AP6 team gives us a team member with extensive experience in changes to digital copyright laws.

### 7. License choosers

Two new license helper tools are being developed within CLARIN.

First is the **CLARIN License Category Calculator**, which uses plain language to help users identify the conditions of use for a resource (the "laundry tags"). This tool was developed primarily by CLARINO (CLARIN Norway), with input by CLIC. It is currently online at: [http://www.clarin.eu/content/clarin-license-category-calculator](http://www.clarin.eu/content/clarin-license-category-calculator)

The second tool assists users when depositing a resource within CLARIN. This software is being developed by Michal Sedláčk, Pavel Straňák, and Paweł Kamocki, and uses plain language to guide a choice of license. This tool is in beta and will go online at Clarin.eu later in 2015.