CLARIN-D AP6 report: Legal and ethical issues
May 2013 – April 2014

May 2014
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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).

Heading up work on AP6 at the Institut für Deutsche Sprache are Erik Ketzan (Wissenschaftlicher Mitarbeiter or Research Associate since 2011) and Pawel Kamocki (the same, since 2012). Mr. Ketzan previously worked as an attorney in the United States and has published scholarship 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 2014 the team was assisted by an intern, Julia Wildgans, undergraduate law student at University of Mannheim.

CLARIN-D Legal Helpdesk

IDS consolidated all legal information regarding CLARIN-D at one "home", the CLARIN-D Legal Helpdesk, (http://clarin-d.de/legalissues). This now includes:

- Information on CLARIN-D’s legal terms and licenses, including the CLARIN Deposition License Agreements (DELA), End-User License Agreements (EULA), and Terms of Service (TOS).
- The Legal Information Platform, with information on various legal topics in English and, as of 2014, German.
- the Legal Information Platform added entries on new 2013/2014 German laws regarding: orphan works law, out-of-commerce works, and scientific open access publishing.
- New German-language sections include: an introduction to copyright right, the sources of copyright law, protected works, exclusive rights, applicable law, and the new German law on open access reform.
- CLARIN-D Language Resources Legal Issues Bibliography has been added. This is the most extensive bibliography available on this topic.
- Entries are being added frequently, in English and German

Publications
Publications by the team are listed below. In addition, the CLARIN Legal Issues Committee (CLIC) approved the creation 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. This plan was approved by the CLARIN Board of Directors, and a number of papers are now in the works.


**Presentations**

- Pawel Kamocki. Legal Issues in CLARIN ERIC, Ministerium für Bildung und Kultur (Finnland), Helsinki, 31.05.2013.
- Erik Ketzan. DeReKo: An Introduction, Ministerium für Bildung und Kultur (Finnland), Helsinki, 31.05.2013.
- Pawel Kamocki, Erik Ketzan. Preparation of corpora from online and other resources: current state of German and EU law. 7th Workshop of DFG scientific network Empirikom,
• Pawel Kamocki. Legal Issues in Research Data Collection and Sharing (training), EUDAT Training on Fundamentals of Data Infrastructures, Dublin, 25.03.2014.

• Pawel Kamocki. Landscape of Legal Issues in Data Access and Re-use, APARSEN - DPHEP - EUDAT - SCIDIP-ES Workshop on Data Preservation and Reuse, Dublin, 25.03.2014.


• Pawel Kamocki. Creative Commons 4.0: a great tool for Research Data sharing, but…, Open Licensing for Scientific Content, session during RDA 3rd Plenary, Dublin, 28.03.2014.

**Committees and CLARIN Representation**

The CLARIN Legal Issues Committee (CLIC) includes Witt, Kamocki, and Ketzan (Vice Chair), and a meeting chaired by Ketzan took place in Prague, Czech Republic, at the CLARIN Annual Meeting, October 2013.

• A CLARIN legal position statement, that articulates the legal positions of the organization and the changes to law that it supports, was finalized by Ketzan and Krister Linden (Chair, CLIC), and sent to the Board of Directors on March 23, 2014.

• On February 27, 2014, the CLIC forwarded a plan to the CLARIN Board of Directors regarding the liability of service providers and takedown notice system for CLARIN. CLIC will be working closely with the technical teams to help implement these recommendations.

• Liaise with standing committee for Technical Centers: work on the Service Provider Federation Agreement was carried out by CLIC members together with Dieter van Uytvanck and Daan Broeder. A final version of the new SPF was produced in the beginning of 2014.

• Kamocki and CLIC member Ville Oksanen made substantial improvements to CLARIN deposition and end-user agreements.

In our M12 report of two years ago, the AP6 team wrote that, "IDS will continue to contribute to talks with publishers in advancement of CLARIN-D goals. In addition, IDS plans to conduct research, present and publish on the creation of EU-wide fair use-type of legislation, particularly for scientific research." Toward this goal, the AP6 team attended the European Commission initiative, "Licenses for Europe", throughout 2013, and in May 2013, Ketzan presented to the initiative’s Text & Data Mining Group on "Legal Challenges in Language Science Research, Licenses for Europe, Text & Data Mining Working Group".

Although CLARIN eventually publicly withdrew from the process, along with almost all research groups in Europe, we continue to work toward these goals. In March 2014, CLIC submitted a response from CLARIN to the Commission's call for a public consultation on copyright reform, in which we urged a copyright exception for research purposes.
In the wake of the "Licenses for Europe" process, it should be noted that a number of major publishers across Europe publicly signed a letter of commitment in November 2013, in which they committed to supporting text & data mining for scientific research, through three commitments (Commitment 1: a Sample Clause for non-commercial Text and Data Mining in scientific research; Commitment 2: Developing the Mine-ability of Content; Commitment 3: Developing the Platforms [to deliver that content]).

Although this does not affect some or most CLARIN projects, it may improve the situation for certain CLARIN projects that work closely with publishers on licensed content.

Continuing on AP6’s mission of copyright reform, in December 2013, Kamocki represented CLARIN ERIC as an observer organization at the 26th Session of the WIPO’s Standing Committee on Copyright and Related Rights (SCCR) organized in WIPO’s headquarters in Geneva. This is a key forum for global intellectual property law policy, and CLARIN now has a presence there. Additionally, Kamocki represents CLARIN at the Research Data Alliance, an international group that aims to accelerate and facilitate research data sharing and exchange. He also co-chairs EUDATs Working Group on Data Access and Re-Use (EUDAT is European Data Infrastructure), and is holding a series of training lectures regarding legal issues in data infrastructures.

### Plans for 2014 and beyond

Throughout 2014, IDS will continue to expand the Legal Helpdesk, through both English and German-language content, including through formal publications and CLARIN White Paper Series documents.

Since last year, we have made significant steps in 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."

We plan to focus 2014 on representing CLARIN-D at various tables involved in changes to German law. As of November 2013, the ruling coalition of the German Bundestag (the CSU/CDU and SPD parties) have agreed in their coalition agreement that changes in the German Copyright Act regarding scientific research will take place. To ensure CLARIN-D’s continued voice in these changes, Ketzan and Wildgans have begun attending meetings of organizations advocating changes to law in Germany, and may recommend that CLARIN-D officially join in certain organizations and statements as the year progresses.

The drafting of CLARIN legal submission policies, mentioned in our M24 report, took a back seat while the CLARIN ERIC’s overall legal position statement and service provider liability policies were finalized by the CLIC. If appropriate, we will continue work on submission policies after those recommendations have been achieved by concrete additions to the CLARIN framework.

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