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First Year Activity Report – Legal and Ethical Issues

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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 useful legal information and resources for CLARIN-D partners. 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 award-winning scholarship on copyright law and language technology. Mr. Kamocki is currently completing his degree in copyright law at Paris Descartes University and, additionally, holds a Masters degree in linguistics.
2 Legal Information Platform

IDS has begun the creation of a comprehensive legal issues platform in furtherance of Milestone 6. A bi-lingual (English and German) legal issues and best practices guide is currently available at the CLARIN-D website (http://clarin-d.de, under Aktivitäten / AP6), which addresses best practices regarding:

- When to consult institutional and private lawyers
- Licensing issues
- Copyright and author’s rights under German and international law
- Copying and distribution exceptions for scientific research under the Urheberrechtsgesetz (UrhG, German Copyright Act)
- Term/length of copyright protection
- Database rights under the EU Database Directive (96/9/EC) and its incorporation in German law, plus a discussion of how this differs from international approaches
- Patent issues
- Data privacy issues under the Bundesdatenschutzgesetz (BDSG) and international law, including standards for the handling of personal data and anonymization

The best practices guide currently online at http://clarin-d.de gives an introduction to these issues and special attention regarding how they affect research data and language science. This guide will expand greatly in 2012 to include extensive discussion of these issues.

A number of useful documents, such as sample contracts and forms, will also be added to the information platform. Examples of such documents include license agreements and disclaimers for participants in recorded interviews or dialogues. These would allow CLARIN-D researchers who perform common tasks to visit the Legal Information Platform, download the documents they need, compare licenses and permission forms used by other researchers.

Resources

3 Legal Help Desk

The CLARIN-D Legal Help Desk was created at IDS in 2012 and will launch officially in Summer 2012, with a dedicated web page at http://clarin-d.de. So far in 2012 the Legal Help Desk has provided legal information to five CLARIN-D partner researchers in the form of substantial memos and/or email correspondence. The Legal Help Desk exists to offer CLARIN-D partners useful information in making research decisions. Until the formal launch, the Help Desk can be reached by contacting Erik Ketzan directly (ketzan@ids-mannheim.de).

So far in 2012 the Legal Help Desk has provided information to CLARIN-D partners on:

- Building corpora from public domain resources and interpretations of public domain under German and international law
- Interpretation of international licensing contracts
- Corpora creation from Internet content and data privacy implications
- Our experience in dealing with publishers to license content for language resources
- Risk management and responding to legal gray zones

In the future the help desk plans to coordinate with the help desk being implemented by AP7, as well as conduct and publish research relating to copyright law and language research.

Since the staff of the Legal Help Desk do not have or form an attorney-client relationship with CLARIN-D partners, the Help Desk provides legal information and advises partners to consult the legal departments of their home institutions. The goal is to guide researchers in making decisions along with their directors, bosses, colleagues, and counsel.

Publications

4 Long-term plans

Throughout 2012, IDS will continue to expand the legal information platform and continue providing individual attention to questions through the Legal Help Desk. The formal web site will launch in Summer 2012 within http://clarin-d.de and the process of requesting and receiving information will continue to be formalized.

IDS will continue to contribute to talk 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. IDS will continue to coordinate with groups such as META and the LREC conference, which are exploring similar plans. The eventual goal is to give CLARIN-D partners guidance in adding their voices to the process of legislation drafting and lobbying. In 2012, this includes the proposed Orphan Works Directive and Public Sector Information law.

IDS will continue its research and publications relating to protection of privacy rights in language data, including the anonymization of corpora, multimodal resources, and data in general.

IDS will continue to investigate and advise on the incorporation of legal issues in technical solutions, such as:

- Legal requirements for access to resources through IdP (identity provider) software and access for various user groups
- Connecting to AAI (Authentication and Authorization Infrastructure)
- Distributed user- and license-based authorization
- Incorporation of legal/license issues into metadata
5 Publications & Presentations


E. Ketzan, P. Kamocki, " CLARIN-D: Legal and Ethical Issues", Clarin-D Konsortiumstreffen, University of Saarbrücken, Saarbrücken, Germany, 28.03.12 – 29.03.12.


E. Ketzan, A. Witt, "Rechtliche und ethische Fragestellung im Zusammenhang mit der (Nach-) Nutzbarkeit von Sprachressourcen", Clarin-D Konsortiumstreffen, University of Hamburg, Hamburg, Germany, 05.09.11