

Linked OPEN Data

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What Does it Mean to be OPEN?

- Open vs. Proprietary
 - Offered to the PUBLIC without restrictions or as “share-alike”
 - Free to use
 - Free to reuse
 - Free to redistribute

Database Rights

- “Thin” copyright
- Additional legal protection under EU Database Directive
- Rights Holders need to agree to OPEN terms
- Contributors need to agree to OPEN terms
- Users need to agree to OPEN terms

ODbL v1.0 License

- ODbL v1.0 (Open Data Commons)
 - Adopted by OCLC for WorldCat
 - Specific to databases
 - Covers the Database, the Derivative Database, and the Collective Database
 - Share-alike: Any data added to the Database must be offered under the same terms
 - A Collective Database is a collection of databases and only the Database(s) covered by the ODbL v1.0 are subject to that license

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The Problem

Dedicating works to the public domain is difficult if not impossible for those wanting to contribute their works for public use before applicable copyright or database protection terms expire. Few if any jurisdictions have a process for doing so easily and reliably. Laws vary from jurisdiction to jurisdiction as to what rights are automatically granted and how and when they expire or may be voluntarily relinquished. More challenging yet, many legal systems effectively prohibit any attempt by these owners to surrender rights automatically conferred by law, particularly moral rights, even when the author wishing to do so is well informed and resolute about doing so and contributing their work to the public domain.

A Solution

CC0 helps solve this problem by giving creators a way to waive all their copyright and related rights in their works to the fullest extent allowed by law. CC0 is a universal instrument that is not adapted to the laws of any particular legal jurisdiction, similar to many open source software licenses. And while no tool, not even CC0, can guarantee a complete relinquishment of all copyright and database rights in every jurisdiction, we believe it provides the best and most complete alternative for contributing a work to the public domain given the many complex and diverse copyright and database systems around the world.

Using CC0

Unlike the Public Domain Mark, CC0 should not be used to mark works already free of known copyright and database restrictions and in the public domain throughout the world. However, it can be used to waive copyright and database rights to the extent you may have these rights in your work under the laws of at least one jurisdiction, even if your work is free of restrictions in others. Doing so clarifies the status of your work unambiguously worldwide and facilitates reuse.

You should only apply CC0 to your own work, unless you have the necessary rights to apply CC0 to another person's work.

Technical Format Options

- Even if you offer the Database in multiple formats – Linked as well as others – the rights will not change
- You may charge fees for technical work, but you cannot restrict people's use of the Database, including uses by commercial entities

Attribution

- The creator of the Database must be identified
- Does this allow use of logos and other brand identifiers?
- At what point is the Derivative Database so different from the Database that attribution should not be permitted?
 - Moral Rights

Additional Considerations

- Even if the Database is offered on an OPEN basis and others use all or part of it in Derivative Databases, the creator of the original Database can maintain it, add to it, or cease offering it
- Enforcement of OPEN terms
 - Only applies if the Database or Derivative Database is offered to the PUBLIC; private use does not trigger OPEN requirements