

# AMA Manual of Style

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## Intellectual Property: Ownership, Access, Rights, and Management

Annette Flanagin

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[Will copyright survive the new technologies?] That question is about as bootless as asking whether politics will survive democracy. The real question is what steps it will take to ensure that the promised new era of information and entertainment survives copyright. History offers a clue. Paul Goldstein Intellectual property is a legal term for that which results from the creative efforts of the mind (intellectual) and that which can be owned, possessed, and subject to competing claims (property). Three legal doctrines governing intellectual property are relevant for authors, editors, and publishers in biomedical publishing: copyright (the law protecting authorship and

## Ownership and Control of Data

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Conceptual application of the term property to scientific knowledge is not new, but advances in science and technology and economic factors have fueled disputes and concerns over ownership, control, and access to original data. Data used in biomedical research, increasingly complex, now include large data sets, software, algorithms, and metadata (data that provide information or characteristics about other data). With the exception of commercially owned information, scientific data are viewed as a public good, allowing others to benefit from knowledge of and access to the information without decreasing the benefit received by the individual who originally developed the data. Ideally,

## Types of Works and Copyright Duration in the United States

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The length of copyright protection in the United States depends on several factors: when the work was created (key dates are before or after January 1, 1978), the number of authors, and the type of work (eg, work made for hire or owned by the federal government). See the Table for examples of types of works, conditions, and terms of copyright protection. To be protected by copyright law, a work must be original. For works created by a single author, copyright belongs to that author from the instant of its creation and for 70 years after the author's death. (§302) Copyright

## Copyright Assignment or License

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There is no international copyright law. Copyright law, scope, protections, and remedies are governed by individual nations and treaties between them. Thus, copyright laws do not automatically protect an author's work throughout the world. However, most countries offer protection to works from other nations. For a detailed discussion of the copyright laws of individual countries, consult WIPO (which is under the auspices of the United Nations) in Geneva, Switzerland. See , Copyright Resources, for contact information for WIPO. The Berne Convention for the Protection of Literary and Artistic Works (commonly known as the Berne Convention) was originally signed by 10

## Moral Rights

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Moral rights, first introduced by the French as *droit moral*, is a doctrine of copyright law intended to protect individual creators' noneconomic investments in their work and the personality of the creator as it relates to the work regardless of copyright ownership or transfer.(§26.01), Two moral rights that are most often recognized are the right to attribution and right to integrity (ie, right to prevent destruction or mutilation of work).(§26.01) This doctrine is endorsed by most member countries of the Berne Convention. Although the United States is a member of the Berne Convention, US law does not provide for moral