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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

Copyright: Definition, History, and Current Law

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Copyright is a term used to describe the legal right of authors to control the communication and reproduction of their original works of authorship. Thus, copyright law provides for the protection of rights of parties involved in the creation and dissemination of intellectual property. While a variety of people and entities derive benefits from copyright laws (authors, publishers, editors, composers, artists, and the producers of television and radio programs, films, sound recordings, video, computer programs, and software), few thoroughly understand the law and its basic applications. This section discusses current copyright laws and applications in scientific publishing. Copyright laws, scope,

Open-Access Publication and Scientific Journals

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The open-access movement began in the late 1990s following the proliferation of online journals available via the Internet (versions of print journals and journals published only online), the inability of declining library budgets to keep pace with increases in the numbers of journals and rising subscription prices, and demands to reduce the information gap between developed and developing countries. Broadly defined, open access is the free and unrestricted online availability of content. (In the context of biomedical publication, this refers primarily to research articles.) Strictly applied, open-access publishing means that users can freely read, download, copy, distribute, print, search, or

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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,

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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