

# Can researchers protect their open data?

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One of the biggest arguments I hear against open research is the fear about not being able to protect your intellectual property, aka the fear of being scooped.

Can it happen? Of course, but it happens now and in the past in a mostly closed environment. I don't believe that open publication of research and data is inviting more data theft.

My answer to the point of data thievery is always, you can't steal what is being shared. But I've come to realize that isn't always the answer, and especially not the answer to which most scientists are looking. That way of thinking requires a major shift in thinking, which science may not be ready for.

With that said, I think the idea of providing information openly to a broad audience is very appealing, if the fear of scooping wasn't so predominant. Researchers still want their research to remain theirs, so how can we ensure that what we publish on the web remains ours?

I think the answer lies in the legal system.

In industry, and scientific institutions as well, patents exist to protect intellectual property (IP). If a patent is violated, a legal course of action is pursued and the courts decide the verdict and the punishment (should there be one).

Many people forget that [copyright laws](#) exist for those who publish on the web. The only real challenge is monitoring for potential violators of those laws. Sure the broadness of the internet makes it difficult to track use and reuse of information, but at the same time new technologies are developed that make this a little easier. For instance, any link to any of my notebook entries notify me, and I check the source.

But in the event that your research is used/reused in a way that you do not approve, there are courses of action that you can take (of course as of this writing I'm unaware of what those may be). There are also measures you can take to help dictate the use of your research. The most famous of which is the use of [Creative Commons Licensing](#).

The Creative Commons essentially did the legal work for content creators to provide them the platform to allow sharing, use, and reuse of their work. You can either waive your copyright completely and put your IP in the public domain (CC0), or you can maintain your copyright but allow it to be shared and allow for others to make derivatives of your work (CC). Essentially the use of a CC license inhibits unlawful usage of IP, while encouraging proper use/reuse and attribution.

While the system isn't perfect and there are arguments [for](#) and [against](#) the use of CC licensing, the truth is that something is better than nothing and CC licensing certainly is something. To prove the

point, there have been a few cases of lawsuits over the potential misuse of CC licenses (see [here](#), [here](#), and [here](#)). I'll need to do more research into this, but with the support of the science branch of Creative Commons (formerly **Science Commons**) scientists will be able to (hopefully) ensure IP protection for research and technological development.

While trademarks and copyrights are nice in practice, there is still a lot of theft on the internet, although I would guess that most of it is unintentional. Simply put most people don't take the time to make sure that they aren't violating any usage rules. "If it's on the internet, I can use it as I see fit."

The only way to stop IP misuse is over proper legal action (as demonstrated above). While I personally wouldn't pursue that strategy, I am a proponent of this because there is a need for precedents. If no one ever enforces their copyright (or copyleft in the case of CC), then bad behavior may be reinforced. And if scientists knew they could be sued over breach of CC licensing, then many would be inclined to obey the law and potentially adopt it.

If you can be protected while sharing your research, then why not share it?

### **Epilogue**

I have always declared that was research was in the public domain, but have never officially added the CC0 license. The motivation for this was that I wanted to encourage use and reuse without the need for attribution, and so I can avoid the whole gray area and need for legal recourse should the rights be violated.

Finally this past Sunday, I added the a Creative Commons license to officially allow use and reuse of the IP contained in this notebook. Note however that I did not give it the CC0 license. While I still am allowing the sharing of this research, and the ability to adapt it, I'm trying to encourage the sharing of the research used here. So it is all fair game if you attribute the work, and share your work like I have shared mine.

If there is any question about using the research contained in this notebook, feel free to contact me. It's that easy.