

## BIFoR FACE: Intellectual Property and Data Protocol

### Principles for fair-use of BIFoR FACE data

1. The maximum scientific exploitation of BIFoR FACE depends on the **collaborative utilisation of all data** collected at BIFoR FACE for research.
2. The vast majority of data collected at BIFoR FACE will be **research data**. Data collected during **educational** and **outreach** events will be treated as research data and will belong to the originators of the outreach and educational events as defined in funding agreements and project forms.
3. Data collected purely for **commercial purposes** can be, by agreement of the BIFoR Board, exempt from collaborative utilisation, but will therefore forego any right to access the shared database.
4. The BIFoR FACE science community believe and advocate transparency in science assured through **open data**<sup>1</sup> after an agreed period of **privileged use**<sup>2</sup>.
5. All data acquired through BIFoR FACE projects will be deposited in a **shared database** in good time<sup>3</sup> and with appropriate accompanying metadata<sup>4</sup> (date of collection, QA/QC flags, etc) after consultation with the BIFoR Data Manager.
6. The BIFoR FACE database will use agreed common data formats and metadata fields to ensure compatibility.
7. A scientist **sharing data does not relinquish ownership** of that data but recognises that all BIFoR FACE data will become open data, with due care taken to record data **provenance**<sup>5</sup>, in a timely manner<sup>2</sup> in order to ensure transparency, to be compatible with the requirements of funding agencies, and to accelerate scientific advance.
8. **Metadata**<sup>4</sup> must include details of the individuals responsible for the origination of the data (“data originators”), a date when the data becomes open and privileged use ends, and any acknowledgements of funding required when the data is used in publications.
9. **Utilisation** of data from the shared database **requires consultation** with data originators as listed in the relevant metadata. Data originators decide to what extent they collaborate in any specific output during their period of privileged use.
10. Originators of data must be offered **co-authorship** of outputs using their data during their period of privileged use. It is expected that data originators will be involved as co-authors for most outputs deriving from the data when made open in order to ensure scientific excellence.

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<sup>1</sup> Open data is defined at <http://opendefinition.org/od/2.0/en/> ; a summary definition is “data that can be freely used, re-used and redistributed by anyone - subject only, at most, to the requirement to attribute and sharealike.” (<http://opendatahandbook.org/guide/en/what-is-open-data/> )

<sup>2</sup> A default time for data to become open will be given in the project form, subject to shortening by specifications from individual funding agencies, and subject to lengthening according to the need to protect intellectual property. Extension of privileged use beyond 1 year will require consultation Science Access Committee and Institute Board.

<sup>3</sup> The timeliness of data deposit in the database to be determined by individual project forms. The expectation is that the timescale for data deposit will be much shorter than the timescale for making data open.

<sup>4</sup> To be specified in a separate document describing the format of data for entry into the shared database.

<sup>5</sup> As discussed in T. Berners-Lee, IJISWIS, 4(2):1, 2006; and <http://5stardata.info/en/>

11. Data in the shared database cannot be used for commercial purposes without explicit agreement of the data originators during the period of privileged use.
12. Statements defining the **provenance**<sup>5</sup> of open data are the primary mechanism preserving the information content of data and facilitating attribution of scientific priority when data becomes open.
13. Investigators using data from BIFoR FACE and are planning or in preparation of journal manuscripts, at all stages, must inform the Science Access Committee (SAC) and academic lead(s), via the BIFoR administrator. The SAC should be informed of the draft title, current progress, timeline to submit and the target journal.

### Mechanisms for fair-use

Work at BIFoR FACE will be coordinated through **project forms** and cannot commence until a **Permission to Work** letter, outlining the funding and operational conditions applying, is in place. Project forms determine the science to be undertaken, how that science is to be funded, and the curation of data that is collected. The provisions regarding intellectual property rights will be described in the respective BIFoR project forms but will always adhere to the principles set out above.

The **Science Access Committee** (SAC) is charged with assessing project forms, ensuring projects do not conflict in their execution, and that funding and data curation is in place. The SAC reports to the Institute Board and, through the Board, to the Advisory Group.

The ownership of data is legally defined in **funding contracts**<sup>6</sup>, each of which will contain a data management plan and BIFoR project form as appendices. For projects funded by internal institution funding, an **exchange of letters** between executive managers at the institute and University of Birmingham will take the place of the funding contract.

At the point of signing funding contracts, it will be the responsibility of Principal and Co-Investigators to ensure compatibility with the principles for fair-use of BIFoR FACE data, to the satisfaction of the SAC, alongside any specific conditions regarding ownership of data and Intellectual Property Rights within funding agreements.

Signatories, including Associate Scientists, of funding contracts will abide by the conditions regarding ownership of data and Intellectual Property Rights as set out in data management plans and project forms.

**Disputes** will be settled through arbitration at the Science Access Committee.

The BIFoR Institute Board, acting on advice from the SAC and in consultation with the BIFoR Advisory Group, reserves the right to apply **sanctions** to those who contravene the data protocol. Sanctions begin with removal of access privileges to the database and escalate to suspension of Permission to Work at BIFoR FACE.

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<sup>6</sup> RCUK principles of open data are listed at <http://www.rcuk.ac.uk/research/datapolicy/>