The Legal Interoperability of Research Data

Board on Research Data and Information
Policy and Global Affairs Division
National Academy of Sciences

SUMMARY
An ad hoc committee of the Board on Research Data and Information (BRDI) will convene a workshop at the National Academy of Sciences in Washington, DC to bring together key stakeholders for intensive and structured discussions in order to obtain a better understanding of the ways in which the law of intellectual property, contracts and licenses affect scientific data interoperability, integration, and data sharing (referred collectively below as "data sharing").

At the same time, BRDI will work with its collaborating organizations through an international Research Data Alliance-CODATA Working Group on Legal Interoperability of Research Data that is currently being proposed as well. The international WG would develop best practices guidelines in this area across scientific disciplines, and to publicize the results in the national and international research community. Specifically, the first workshop organized by BRDI will be performed pursuant to the following statement of task:

1. Opportunities and Benefits of Data Sharing: What are the opportunities over the next 5-10 years for improving data sharing among researchers, both nationally and internationally? What are the potential benefits to science and society of data sharing?

2. Legal Framework for Data Sharing: What rights does the law grant to data generators or their employers or funders in the United States and in other countries? What rights might these parties create by agreement (waiver, license, or contract)? How have these rights been used to impede or promote data sharing among researchers? To what extent does the law provide a right to attribution when another researcher uses a data set? To the extent that it does not, how might a researcher's interest in proper attribution or citation be recognized while also encouraging data sharing?

3. Proprietary Barriers to Data Sharing: What are the major legal and policy barriers to data sharing at both the national and international levels in the open online environment within the scientific community? To what extent is uncertainty or misinformation about the law a barrier to data sharing independent of the law itself? What needs to be known and studied about each of these barriers to help achieve the opportunities for interdisciplinary science and complex problem solving?

4. Range of Options: Based on the results obtained in response to items 1-3 above, define a range of options that can be used by the sponsors of the project, as well as other similar organizations, to obtain and promote a better understanding of the legal framework for data sharing. Discussion also will cover whether standardized legal tools, such as those provided by Creative Commons, can improve data sharing by removing legal barriers and clarifying the rights and expectations of researchers who generate and who reuse data. The objective of defining these options is to improve the activities of the sponsors (and other similar organizations) and the activities of researchers that they fund externally in this emerging research area.