

April 2023

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Dr. Lothar Nunnenmacher, Lib4RI





Copyright

Swiss Federal Act on Copyright and Related Rights

https://fedlex.data.admin.ch/eli/cc/1993/1798_1798_1798

The screenshot shows the Fedlex website interface for the Swiss Federal Act on Copyright and Related Rights (CopA). The page title is "231.1 Federal Act of 9 October 1992 on Copyright and Related Rights (Copyright Act, CopA)". The main content area includes a table with the following information:

Additional information	
This text is in force	
Decision	October 9, 1992
In force	July 1, 1993
Source	AS 1993 1798
Publication language	DE FR IT RM EN

Below the table, there is a section for "All versions of this law" with a list of dates and document types (HTML, XML, PDF, DOC). The main text of the act is partially visible, starting with "English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force."

The Berne Convention, an international agreement governing copyright, was signed in 1886

- slow uptake
- several revisions
- now: 180+ contractors

The screenshot shows the WIPO website page for the Berne Convention for the Protection of Literary and Artistic Works. The page title is "Berne Convention for the Protection of Literary and Artistic Works". The main content area includes a section for "Title 1 Subject-Matter" and "Art. 1". The text under "Art. 1" states: "This Act regulates: a. the protection of authors of literary and artistic works; b. the protection of performers, producers of phonograms and audio-visual fixations and broadcasting organisations; c. the federal law provision of the collective rights management organizations".

Swiss Federal Act on Copyright and Related Rights

Chapter 1: Works

Art. 2 Definition of works

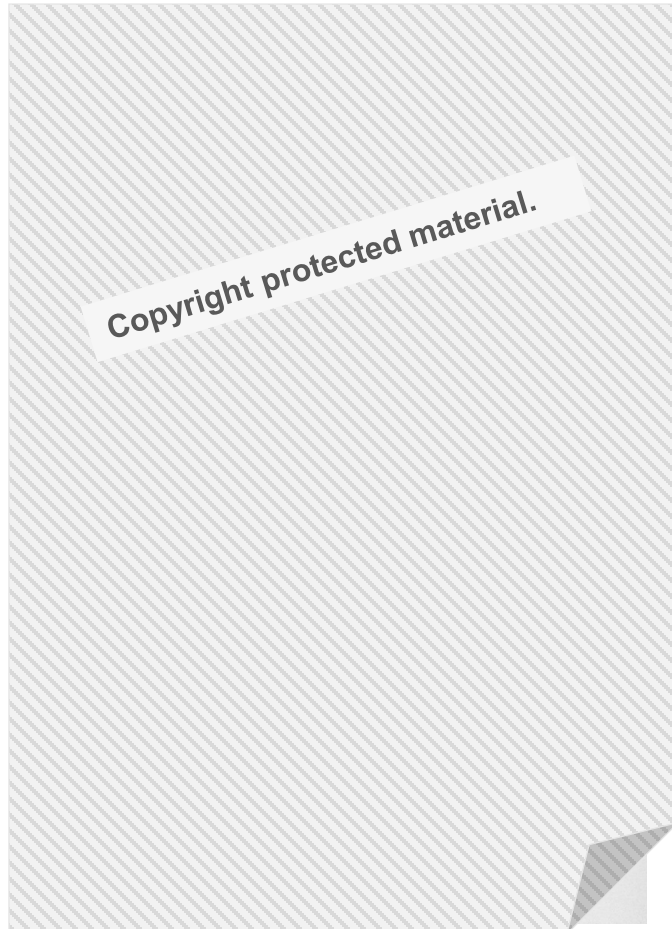
- 1 Works are literary and artistic **intellectual creations with an individual character**, irrespective of their value or purpose.
- 2 They include, in particular:
 - a. literary, **scientific** and other linguistic works;
 - b. musical works and other acoustic works;
 - c. works of art, in particular paintings, sculptures and graphic works;
 - d. works with scientific or technical content such as **drawings, plans, maps** or three-dimensional representations;
 - e. works of architecture;
 - f. works of applied art;
 - g. photographic, cinematographic and other visual or audiovisual works;
 - h. choreographic works and works of mime.
- 3 **Computer programs** are also works.
- 4 **Drafts, titles and parts of works**, insofar as they are intellectual creations with an individual character, are also protected.

<=> Patents

↪ A patent gives its owner the right to exclude others from making, using, selling, and importing an invention for a limited period of time, usually twenty years.

(Wikipedia)

What do you think: Which of the following photographs is protected by Swiss copyright law?



Christoph Meili
Photograph: Gisela Blau



Bob Marley
Photograph: Max Messerli



London, Towerbridge
Photograph: Lothar Nunnenmacher

Hug G, 2005: Bob Marley vs Christoph Meili: ein Schnappschuss. Sic-online 9(1): 078, https://www.sic-online.ch/fileadmin/user_upload/Sic-Online/2005/documents/057.pdf.

Since 1. April 2020: Photographic depictions and depictions of three-dimensional objects produced by a process similar to that of photography are considered works, even if they do not have individual character.

Swiss Federal Act on Copyright and Related Rights

Chapter 2: Author

Art. 6 Definition

The author is **the natural person who has created the work.**

Art. 7 Joint authorship

¹ Where **two or more persons** have contributed as authors to the creation of a work, copyright belongs to all such persons jointly. (...)

US Copyright Law

(Exceptions)

105. Subject matter of copyright: United States Government works

Copyright protection under this title is **not available for any work of the United States Government, (...)**

201. Ownership of copyright

(b) **In the case of a work made for hire, the employer or other person for whom the work was prepared is considered the author for purposes of this title, and, unless the parties have expressly agreed otherwise in a written instrument signed by them, owns all of the rights comprised in the copyright.**

Swiss Federal Act on Copyright and Related Rights

Chapter 3: Scope of Copyright

Art. 9 Recognition of authorship

- 1 **The author has the exclusive right to his own work** and the right to recognition of his authorship.
- 2 The author has the exclusive right to decide whether, when, how and under what author's designation his own work is **published** for the first time. (...)

Art. 10 Use of the work

- 1 The author has the exclusive right to decide whether, when and how his work is **used**. (...)

Art. 11 Integrity of the work

- 1 The author has the exclusive right to decide:
 - a. whether, when and how the work may be **altered**;
 - b. whether, when and how the work may be used to create a **derivative work** or may be included in a collected work.
- 2 **Even where a third party is authorised by contract or law** to alter the work or to use it to create a derivative work, **the author may oppose any distortion** of the work that is a violation of his personal rights.
- 3 It is permissible to use existing works for the creation of parodies or other comparable variations on the work.

What do you think: How long is a work protected by Swiss copyright law?

- 2 years
- 20 years
- 70 years
- 70 years after the death of the creator
- for unlimited time

Swiss Federal Act on Copyright and Related Rights

Chapter 6: Term of Protection

Art. 29 In general

- 1 A work is protected by copyright as soon as it is created, irrespective of whether it has been fixed on a physical medium.
- 2 Protection expires:
 - a. in the case of computer programs, 50 years after the death of the author;
 - b. in the case of all other works, **70 years after the death of the author**.
- 3 Where it is has to be assumed that the author has been dead for more than 50 or 70 years respectively, protection no longer applies.

Afterwards



If unclear



Orphan works



Exceptions to Copyright

Swiss Federal Act on Copyright and Related Rights

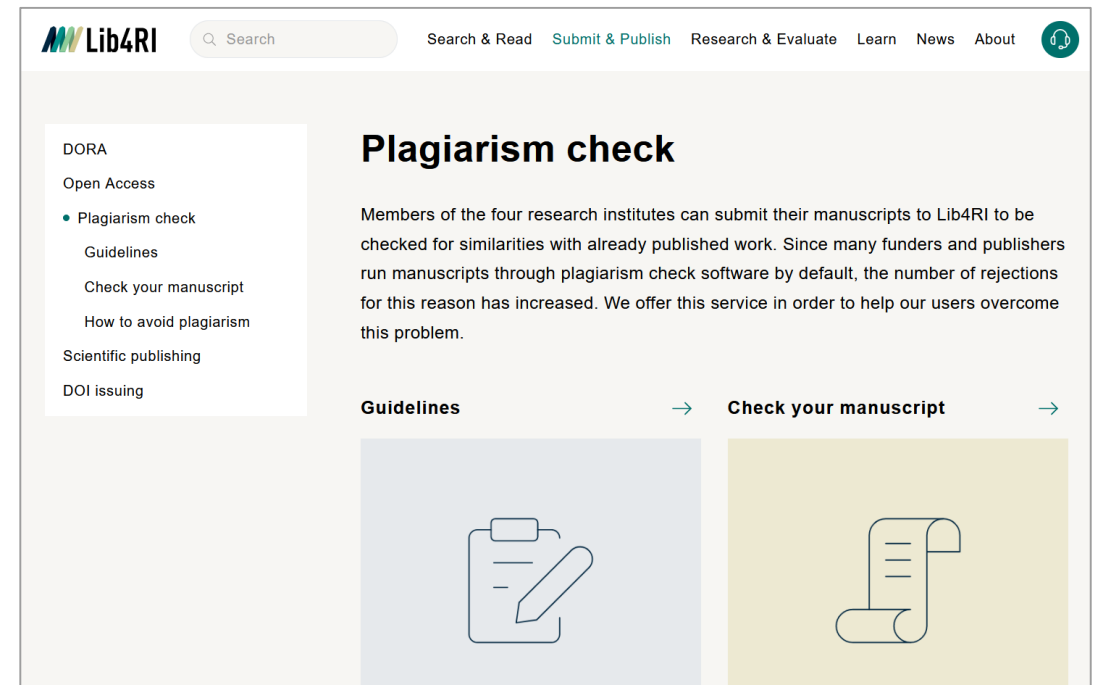
Chapter 5: Exceptions to Copyright

Art. 25 Quotations

- 1 Published works **may be quoted** if the quotation serves as an explanation, a reference or an illustration, and the extent of the quotation is justified for such purpose.
- 2 The quotation **must be designated as such and the source given**. Where the source indicates the name of the author, the name must also be cited.

Hot Topic: ChatGPT

See also: Our lecture series on AI tools & LLM.



The screenshot shows the Lib4RI website interface. At the top left is the Lib4RI logo. To its right is a search bar with the text 'Search'. Further right are navigation links: 'Search & Read', 'Submit & Publish', 'Research & Evaluate', 'Learn', 'News', and 'About'. A user profile icon is visible in the top right corner.

The main content area features a left-hand navigation menu with the following items: 'DORA', 'Open Access', 'Plagiarism check' (which is highlighted with a blue dot), 'Guidelines', 'Check your manuscript', 'How to avoid plagiarism', 'Scientific publishing', and 'DOI issuing'.

The main heading is 'Plagiarism check'. Below it is a paragraph of text: 'Members of the four research institutes can submit their manuscripts to Lib4RI to be checked for similarities with already published work. Since many funders and publishers run manuscripts through plagiarism check software by default, the number of rejections for this reason has increased. We offer this service in order to help our users overcome this problem.'

At the bottom of the main content area, there are two buttons: 'Guidelines' with a right-pointing arrow, and 'Check your manuscript' with a right-pointing arrow. Below these buttons are two large, light-colored rectangular areas. The left one is light blue and contains a white icon of a clipboard with a pencil. The right one is light yellow and contains a white icon of a rolled-up document.

Swiss Federal Act on Copyright and Related Rights

Chapter 5: Exceptions to Copyright

Art. 19 Private use

- 1 **Published works may be used for private use.** Private use means:
 - a. any personal use of a work or use **within a circle of persons closely connected to each other**, such as relatives or friends;
 - b. any use of a work by a teacher and his class **for educational purposes**;
 - c. the copying of a work in enterprises, public administrations, **institutions**, commissions and similar bodies **for internal information** or documentation.
- 2 Persons entitled to make **copies of a work for private use may also have them made by third parties** subject to paragraph 3; libraries, other public institutions (...)
- 3 The following are **not permitted** outside the private sphere defined in paragraph 1 letter a
 - a. **the complete or substantial copying of a work** obtainable commercially; (...)

US Copyright Law

Chapter 1: Subject Matter and Scope of Copyright

107. Limitations on exclusive rights: Fair use

(...) the fair use of a copyrighted work, (...) for purposes such as **criticism, comment, news reporting, teaching** (including multiple copies for classroom use), **scholarship, or research**, is not an infringement of copyright.

In determining whether the use made of a work in any particular case is a fair use the **factors** to be considered shall include

- (1) the **purpose and character of the use**, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the **nature of the copyrighted work**;
- (3) the amount and substantiality of **the portion used** in relation to the copyrighted work as a whole; and
- (4) the **effect** of the use **upon the potential market** for or value of the copyrighted work.

According to Swiss copyright law, which of the following «works» are you allowed to share with a colleague?

- a journal article, authored by yourself
- any journal article
- a book chapter
- a complete book, commercially available
- none of them

Swiss Federal Act on Copyright and Related Rights

Chapter 5: Exceptions to Copyright

Art. 20 Remuneration for private use

- ² (...) Any person who reproduces works in any manner for private use under Article 19 paragraph 1 letter b or letter c, (...) **owes remuneration to the author.**
- ⁴ Claims for remuneration may only be asserted by the authorised **collective rights management organisations.**

Copyright collecting societies in Switzerland

- ↗ SUISA - music
- ↗ Suissimage - audio-visual works
- ↗ SSA (Société Suisse des Auteurs) - dramatic works and audio-visual works
- ↗ **ProLitteris - literature, photographs and arts**
- ↗ SWISSPERFORM - related rights



The screenshot shows the ProLitteris website interface. At the top left is the ProLitteris logo, which consists of a green triangle pointing right followed by the text 'ProLitteris'. To the right of the logo are navigation links: 'Dokumente', 'FAQ', 'Suche' (with a magnifying glass icon), and 'Sprache'. Below the navigation is a main heading 'Urheber, Verlage' and a sub-heading 'Urheber, Verlage'. The main content area contains the following text: 'Registrierung bei ProLitteris', 'Verteilung der Vergütungen', and 'Generalversammlung'. To the right of this text is a paragraph: 'Publizieren Sie Texte oder Bilder, als Journalistin, Fotograf, Wissenschaftlerin, Schriftsteller, Künstlerin, Illustrator? Vertreten Sie einen Verlag?'. At the bottom right, there is a paragraph: 'ProLitteris ist in der Schweiz und in Liechtenstein für die Verwertung bestimmter Rechte zuständig (Texte und Bilder)'.

Swiss Federal Act on Copyright and Related Rights

Chapter 5: Exceptions to Copyright

Art. 24d Use of works for the purposes of scientific research

- ¹ For the purposes of scientific research, it is permissible to reproduce a work **if the copying is due to the use of a technical process** and **if the works to be copied can be lawfully accessed**.
- ² On conclusion of the scientific research, the copies made in accordance with this article may be retained for archiving and backup purposes.
- ³ This article does not apply to the copying of computer programs.

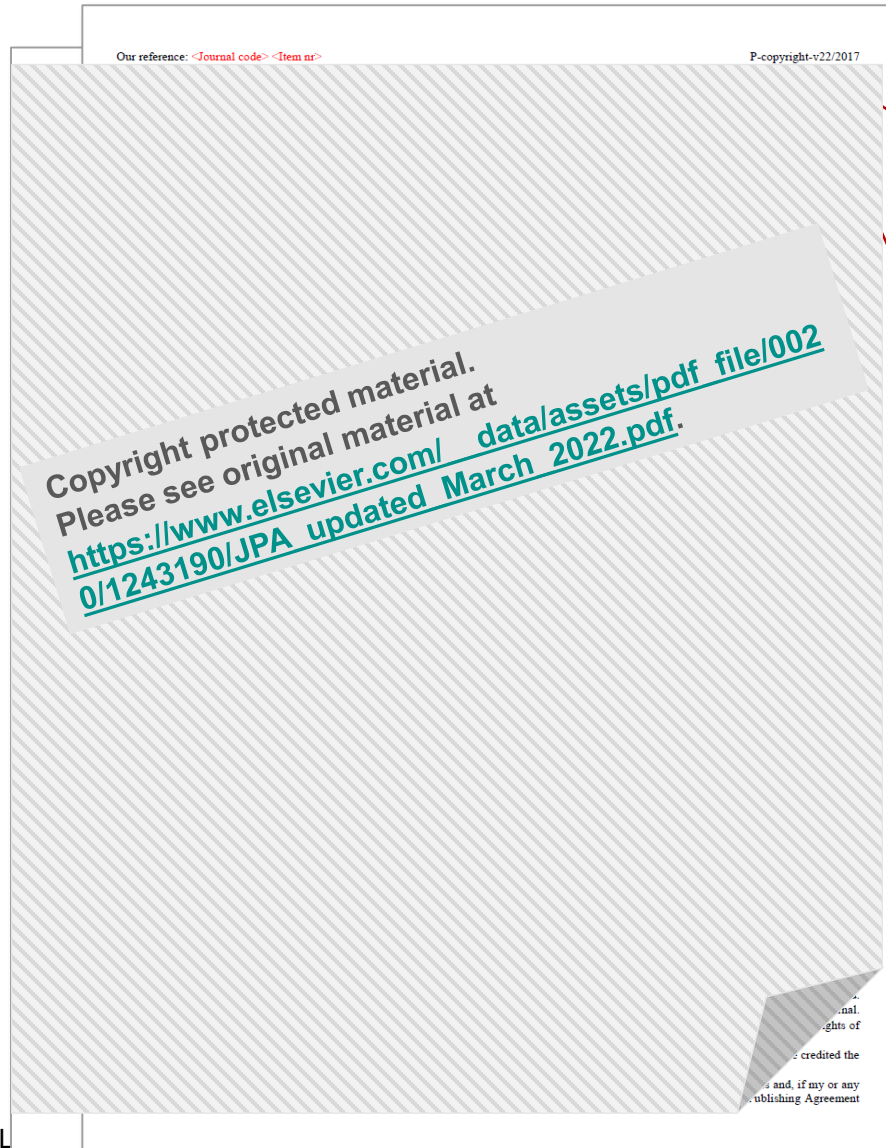
More information to come:

Text & Data Mining



Copyright Transfer Agreements

Journal Publishing Agreement – Elsevier

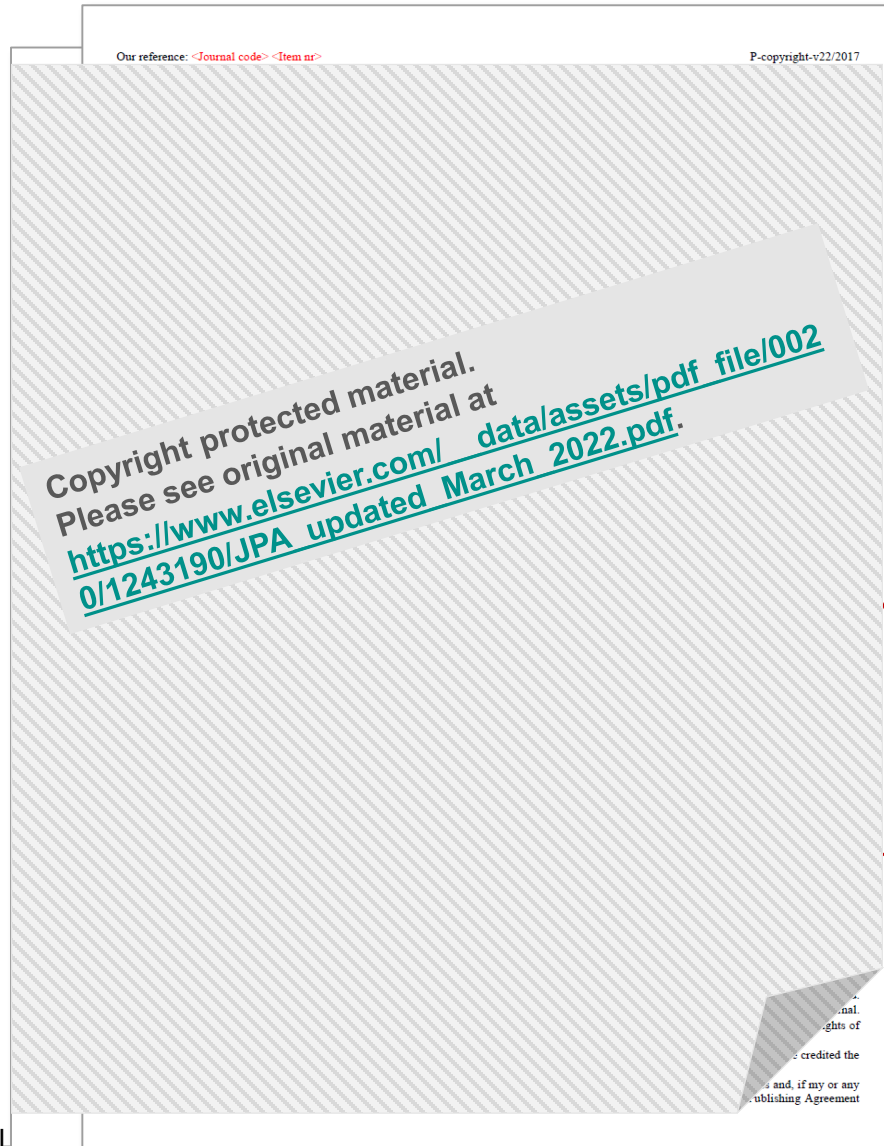


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Journal Publishing Agreement - Elsevier



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Elsevier – Definitions



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[see <https://www.lib4ri.ch/research-funders-oa-policies#Remove-the-embargo-for-Elsevier-accepted-manuscripts-in-DORA>]

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- **via the author's non-commercial personal homepage** or blog (...)

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To check the embargo period for the journal, go to <http://www.elsevier.com/embargoperiodlist>

The publisher has agreements with certain funding agencies (...)

Elsevier

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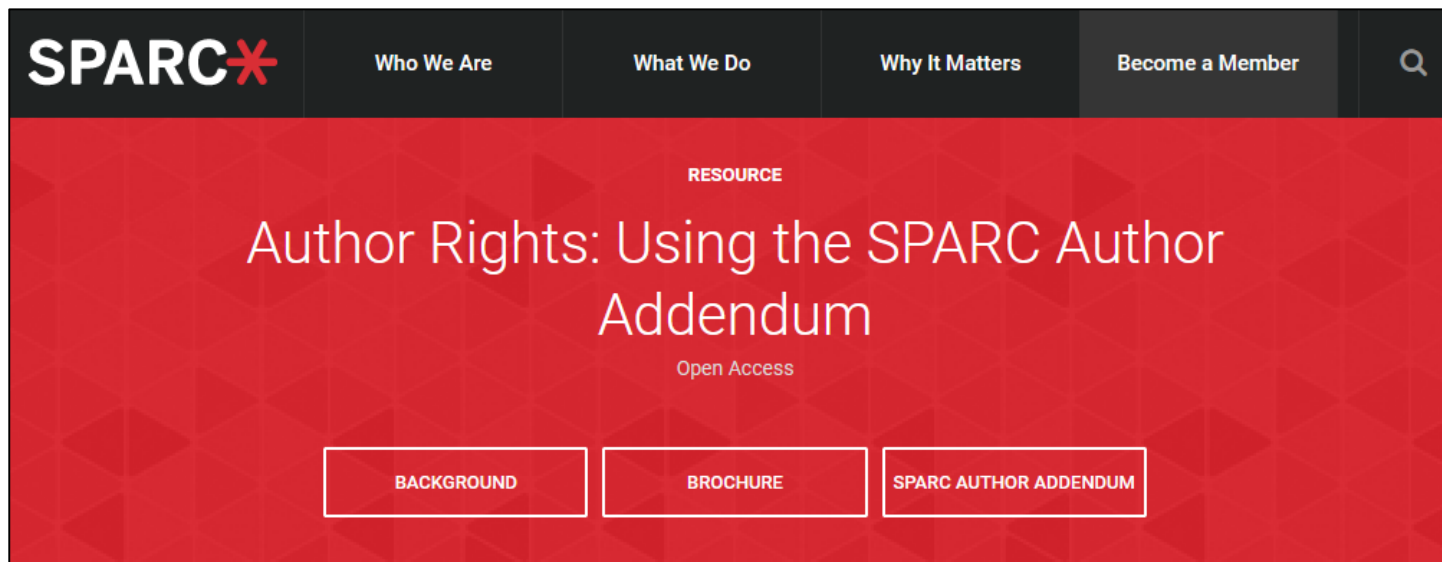
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Read it, **change it** and then sign it

- Modify critical topics in the copyright transfer agreement such as „exclusive" transfer of "all" rights. It doesn't have to be all or nothing.
- Alternatively, add an addendum that retains these rights
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 - Copyright Addendum Engine: <https://labs.creativecommons.org/scholars/>
 - EC: <https://www.openaire.eu/h2020-oa-guide-model-for-publishing>
 - EPFL: https://www.epfl.ch/about/overview/wp-content/uploads/2019/09/Instructions_Author_Amendment_EN.pdf



SPARC* Who We Are What We Do Why It Matters Become a Member

RESOURCE

Author Rights: Using the SPARC Author Addendum

Open Access

BACKGROUND BROCHURE SPARC AUTHOR ADDENDUM



Re-use in a Scientific Context

How to reuse a copyright protected work?

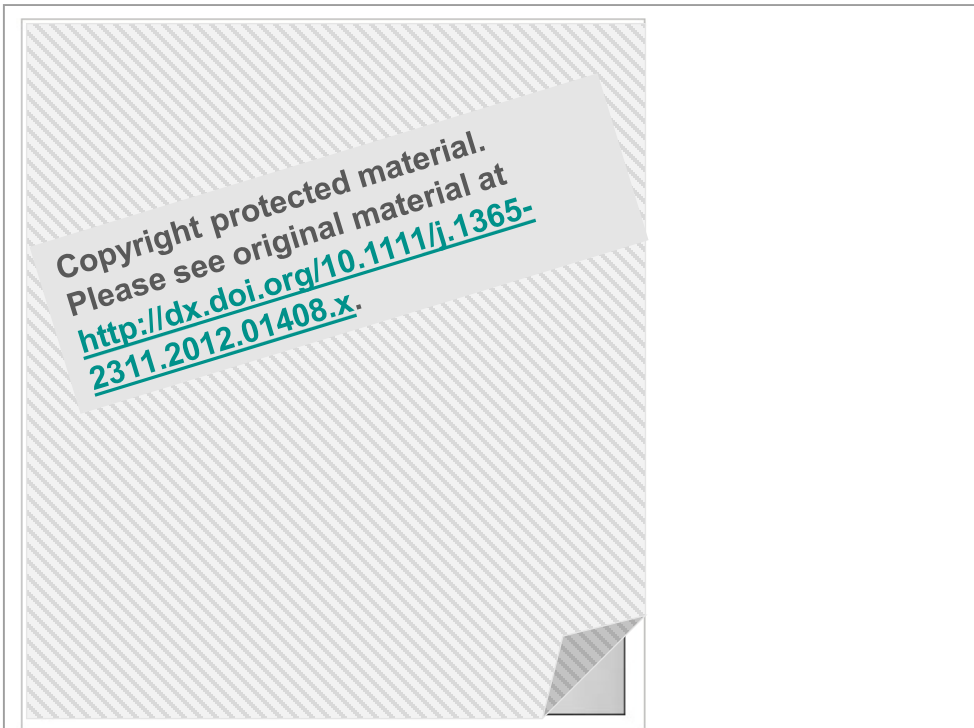


Figure 1

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Adult Chinese mantid (*Tenodera sinensis*) gutting a final-instar monarch (*Danaus plexippus*) caterpillar. For scale, mantid forelegs are ~3 cm in length. Photo credit: Alex Allaux.

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Ecological Entomology

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Chinese mantids gut toxic monarch caterpillars: avoidance of prey defence?

JAMIE L. RAFTER, ANURAG A. AGRAWAL, EVAN L. PREISSER

First published: 22 January 2013 | <https://doi.org/10.1111/j.1365-2311.2012.01408.x> | Cited by: 14

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Abstract

1. Monarch caterpillars, *Danaus plexippus* (Linnaeus) feed on members of the genus *Asclepias* and sequester cardenolides as a defence against predators. However, some predators are able to consume this otherwise unpalatable herbivore without ill effects.
2. Chinese mantids, *Tenodera sinensis* (Saussure) are predators of monarch caterpillars by 'gutting' them (i.e. removing the gut and associated organs). They then feed on the body of this herbivore without any apparent ill effects.
3. How adult *T. sinensis* handle and consume toxic (*D. plexippus*) and non-toxic [*Ostrinia nubilalis* (Hübner) and *Galleria mellonella* (Linnaeus)] caterpillars was explored. The

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Winter cascading of cold water in Lake Geneva

Ilker Fer¹ and Ulrich Lemmin

Laboratoire de Recherches Hydrauliques, Ecole Polytechnique Fédérale de Lausanne, Lausanne, Switzerland

S. A. Thorne

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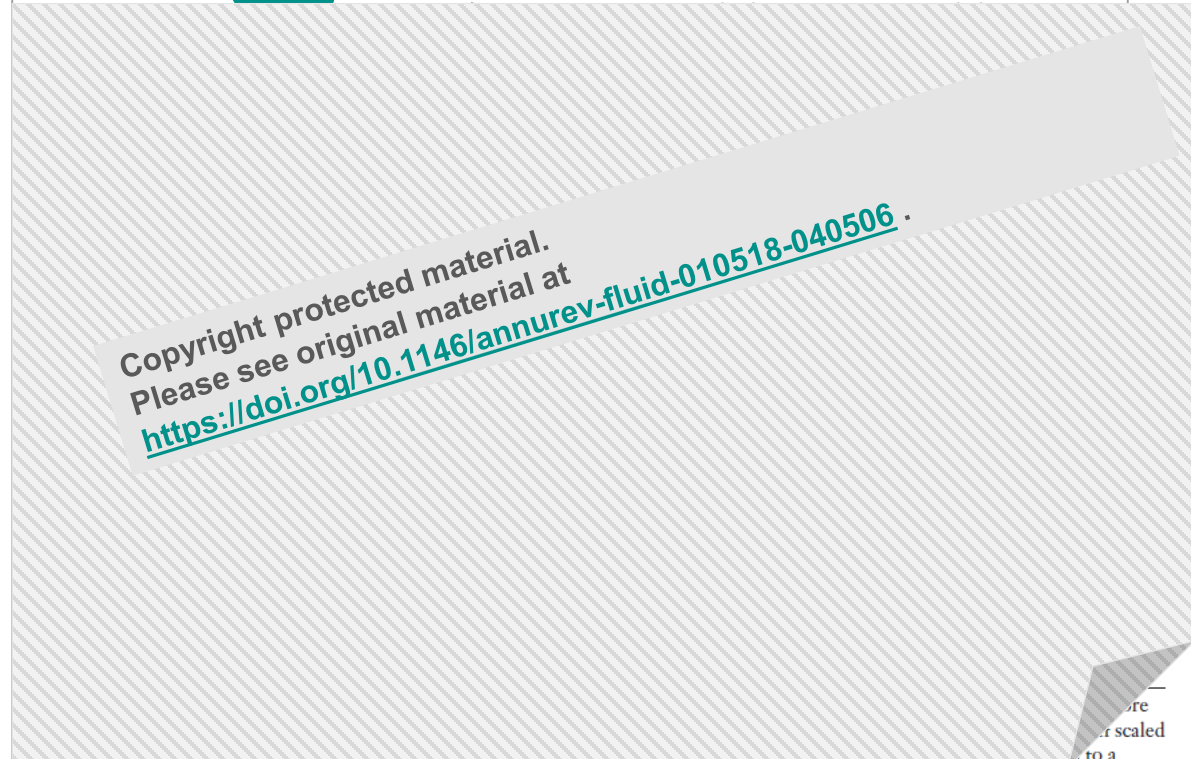
...profiling con-
December 1998,
during experiment I and (b) 1200 and 1500 LT, 20 January 2000, during experiment II. The contours are in degrees Celsius. The profiling stations are indicated by arrows. Open circles in Figure 2a show the temperature miniloggers laid at the bottom, as well as the one 2 m off the bottom at 4



Annual Review of Fluid Mechanics Convection in Lakes

Damien Bouffard¹ and Alfred Wüest^{1,2}

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<https://doi.org/10.1146/annurev-fluid-010518-040506>.



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...downward cross-shore transport of 11 times that of the main tributary (Rhône River) during winter. Figure 2a shows the temperature profiles at the bottom of the lake, adapted with permission from Fer et al. (2002).

Additionally, the peculiar properties of the density function at low salinities/temperatures leave distinctive traces. In this review, we present these various processes and connect observations with theories and model results.

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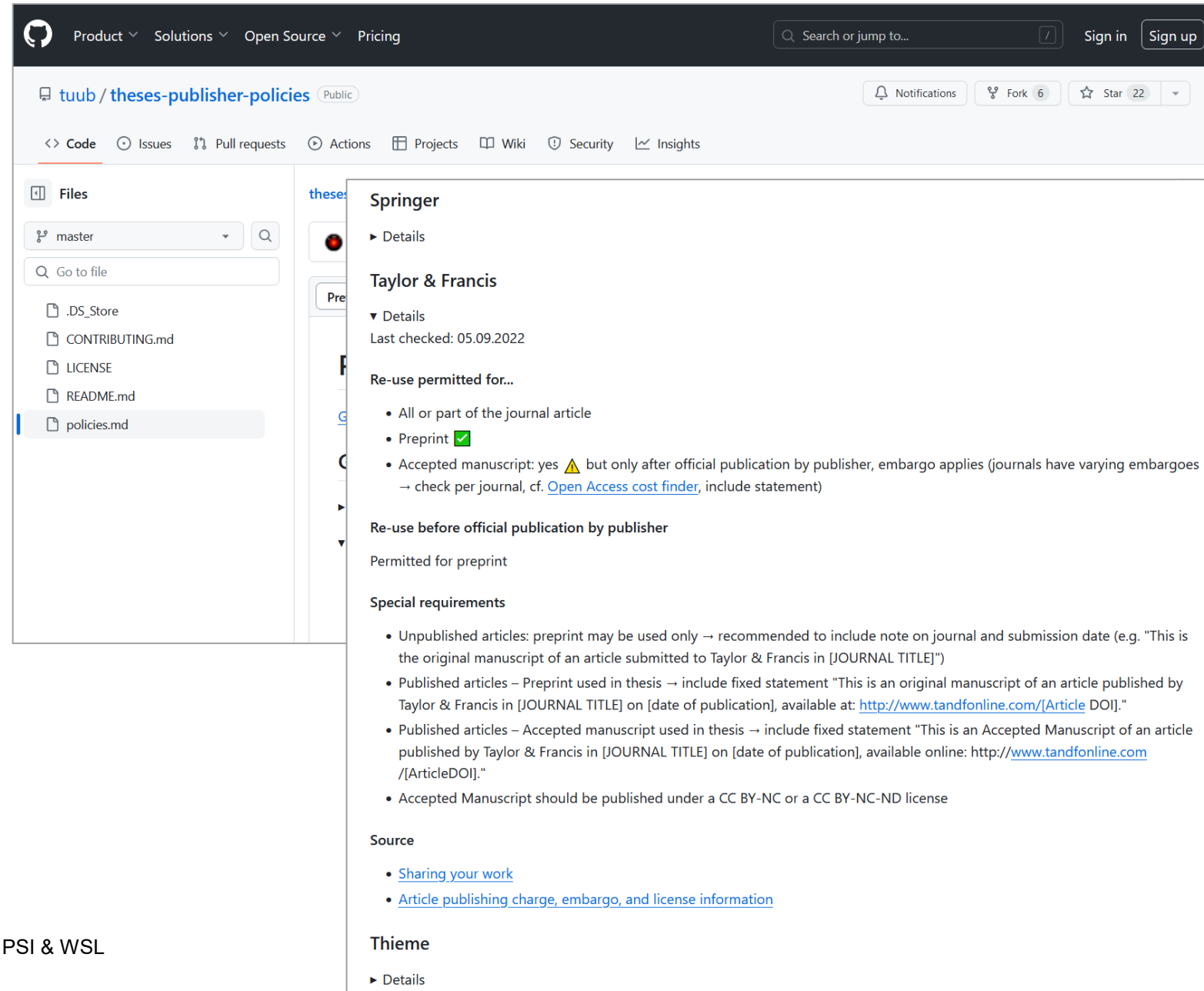
- Conditions are mostly defined in the Copyright Transfer Agreement

- There are compilations of standard policies for most publishers

<https://github.com/tuub/theses-publisher-policies/blob/master/policies.md>

<https://unlimited.ethz.ch/display/RC/Cumulative+doctoral+theses>

- for re-use in an institutional repository
- re-use from published journal articles
- usually a proper citation is needed



The screenshot shows a GitHub repository page for 'theses-publisher-policies' by 'tuub'. The file 'policies.md' is selected in the file browser. The right-hand pane displays the content of the file, which is organized into sections for different publishers: Springer, Taylor & Francis, and Thieme. The Taylor & Francis section is expanded, showing details about re-use permissions, including a list of conditions for preprint use and special requirements for unpublished and published articles. The Springer section is partially visible above, and the Thieme section is partially visible below.



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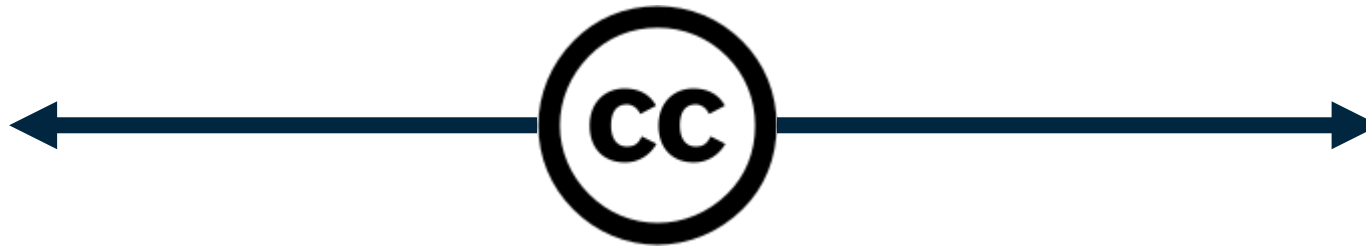
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- you choose and indicate the conditions

As the user

- the intended use is clear – no need to get permission, just provide the attribution

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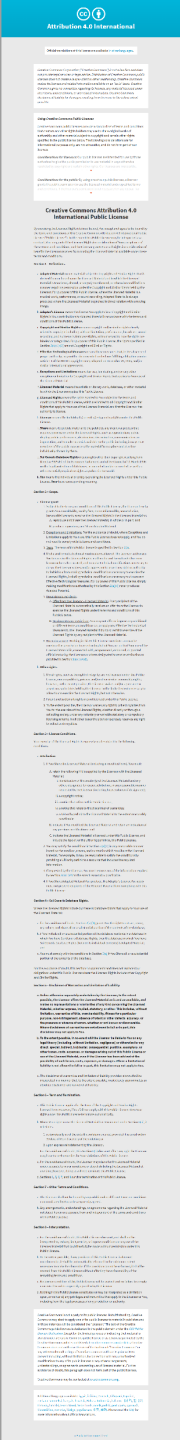
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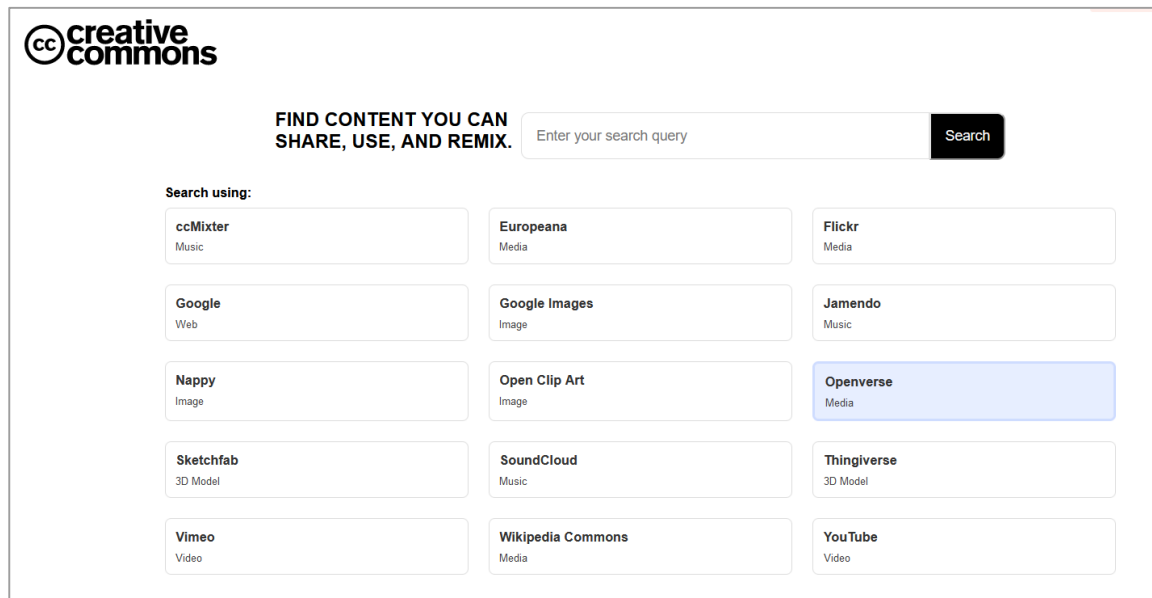


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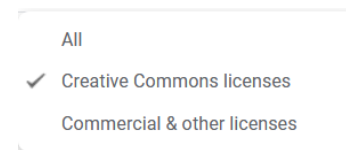
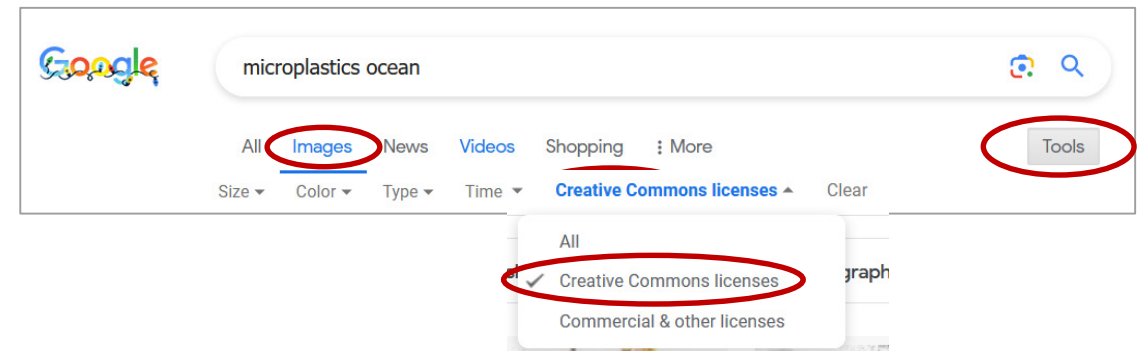
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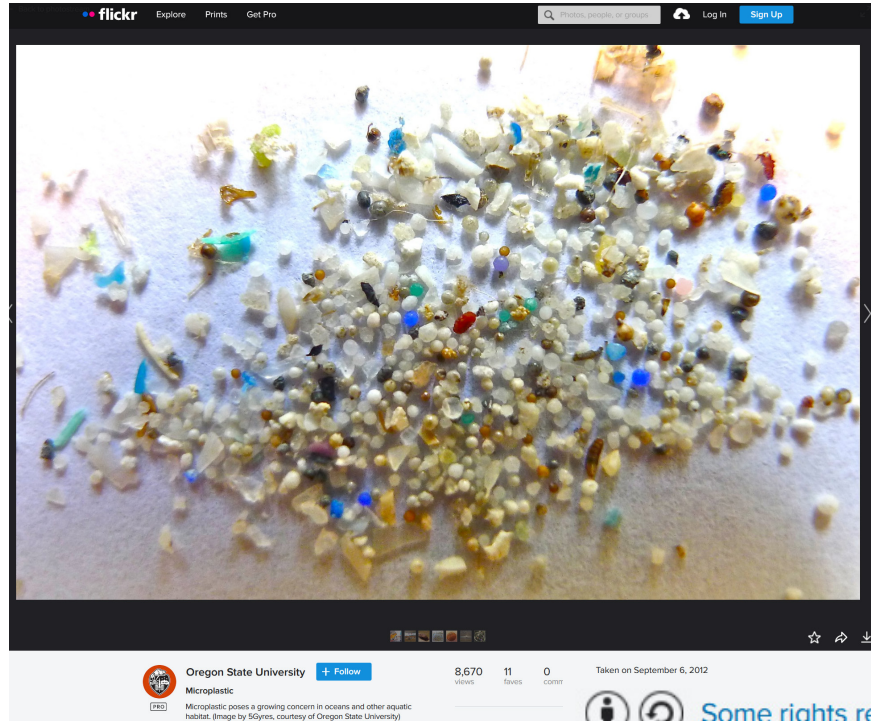


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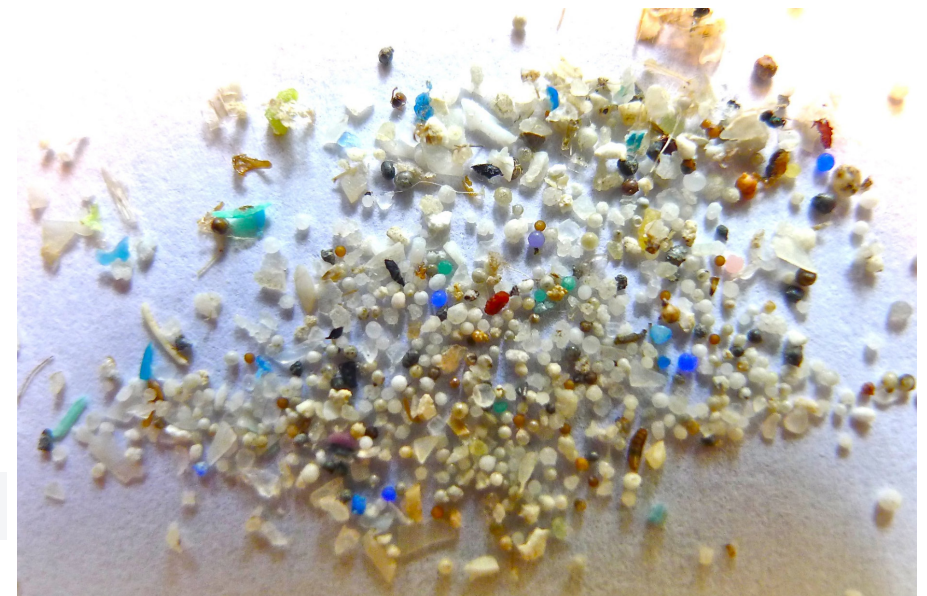
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Green-Light-Activated Photoreaction via Genetic Hybridization of Far-Red Fluorescent Protein and Silk

Jung Woo Leem, Jongwoo Park, Seong-Wan Kim, Seong-Ryul Kim, Seung Ho Choi, Kwang-Ho Choi,* and Young L. Kim*

Fluorescent proteins often result in phototoxicity and cytotoxicity, in particular because some red fluorescent proteins produce and release reactive oxygen species (ROS) as a detriment to their use for ablating cancer cells. However, produced ROS can be converted into materials for tissue repair. We reported that silk provides control of ROS and regeneration of singlet oxygen photocatalysis. Immediate photocatalysis is further enhanced by nanomaterials.

Visible light-driven plasmonic photocatalysis, which relies on the generation of semiconductor photocatalysts with

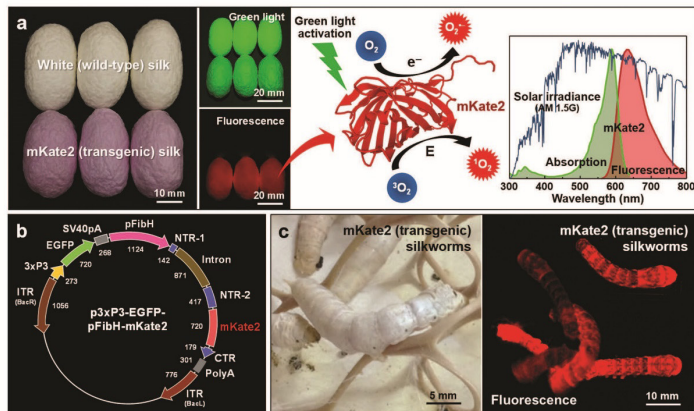


Figure 1. Genetically encoded hybridization of far-red fluorescent protein (mKate2 and PDB ID: 3BXB) and silk for plasmonic photocatalysis-like photosensitization. a) Schematic illustration of reactive oxygen species (ROS)-generating mKate2 (transgenic) silk under green light activation. Superoxide ($O_2^{\cdot-}$) and singlet oxygen (O_2^1) are generated by mechanisms of electron (e^-) transfer and energy (E) transfer, respectively. Photographs of white (wild-type) and mKate2 (transgenic) silk cocoons and fluorescent image of mKate2 silk cocoons. Green light belongs to the peak wavelength range of the solar spectrum. b) Construction of transfer vector p3xP3-EGFP-pFibH-mKate2 for mKate2 silkworm transgenesis. c) Photograph and fluorescent image of mKate2 (transgenic) silkworms.

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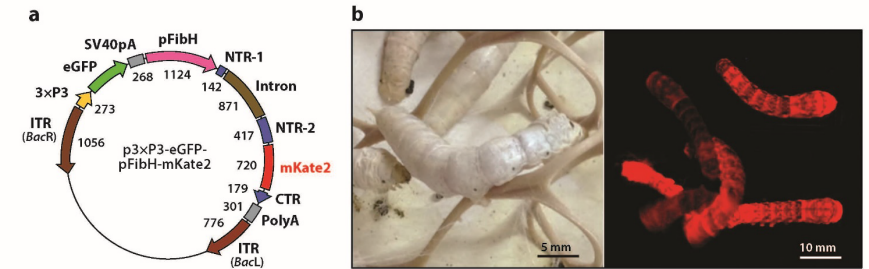


Figure 1. Representative genetic fusion of fluorescent proteins (e.g., mKate2) and silk (161). a) Construction of transfer vector p3xP3-EGFP-pFibH-mKate2 for mKate2 silkworm transgenesis using a gene-splicing *piggyBac* transposase method. For hybridization of mKate2 and silk, the mKate2 gene is fused with N-terminal and C-terminal domains of pFibH. The nucleotide sequences of the pFibH NTR and CTR are derived from GenBank accession number AF226688. b) (left) Photograph and (right) fluorescent image of mKate2 (transgenic) silkworms. Abbreviations: CTR, C-terminal region (179 bp); eGFP, enhanced green fluorescent protein; intron, first intron (871 bp); ITR, inverted repeat sequences of *piggyBac* arms; mKate2, monomeric far-red fluorescent protein (720 bp) derived from *Entomolux quadricolor*; NTR-1, N-terminal region 1 (142 bp); NTR-2, N-terminal region 2 (417 bp); pFibH, fibroin heavy-chain promoter domain (1,124 bp); PolyA, poly(A) signal region (301 bp); 3xP3, 3xP3 promoter (273 bp); SV40, SV40 polyadenylation signal sequence (268 bp). Figure adapted from Reference 161 under a Creative Commons license (CC-BY-4.0).

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physical and biological properties that typical synthetic materials do not exhibit. These attributes have prompted a wide variety of silk research, including genetic engineering, biotechnological synthesis, and bioinspired fiber spinning, to produce silk proteins on a large scale and to further enhance their properties. In this review, we describe the basic properties of spider silk and silkworm silk and the important production methods for silk proteins. We discuss recent advances in reinforced silk using silkworm transgenesis and functional additive diets with a focus on biomedical applications. We also explain that reinforced silk has an analogy with metamaterials such that user-designed atypical responses can be engineered beyond what naturally occurring materials offer. These insights into reinforced silk can guide better engineering of superior synthetic biomaterials and lead to discoveries of unexplored biological and medical applications of silk.

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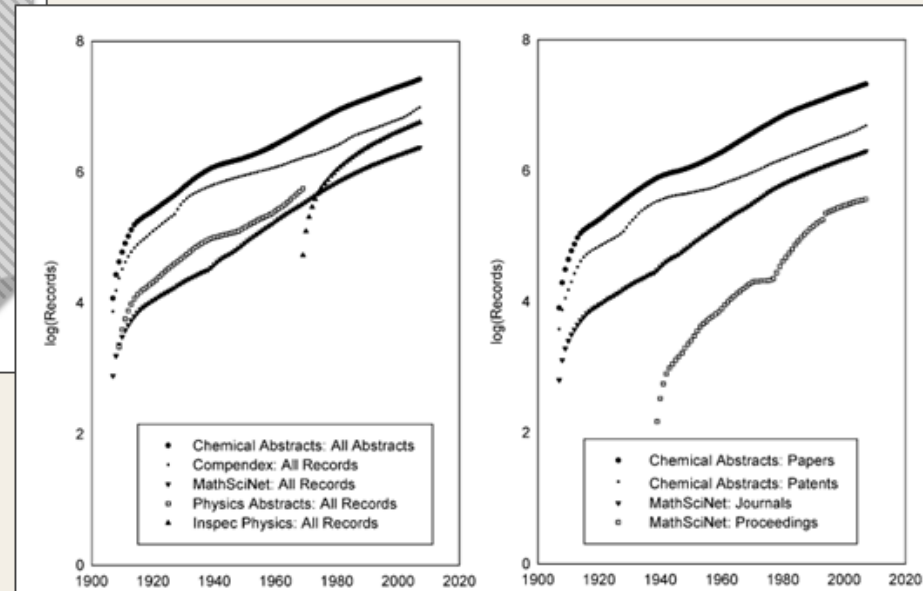


Fig. 2 Cumulative number of records for nine databases 1907–2007 (semi logarithmic scale)



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