

CLARIN-CH Day 2024

From closed to open: how to deal with copyright and data protection challenges in linguistic research

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Questions

- What is protected by **law**?
- What is protected by **copyright**?
- What is protected by **data protection** legislations?
- Can researchers use **copyrighted data involving identifiable people**?
- Can researchers use **non-copyrighted data not involving identifiable people**?

What is protected by law?

Digital data

Copyright law



- ✓ Human intellectual creation
- ✓ Originality

- Text
- Image
- Dataset

Privacy law



- ✓ Information about identified or identifiable person

- Text
- Image

What is protected by law?

Digital data

Copyright law



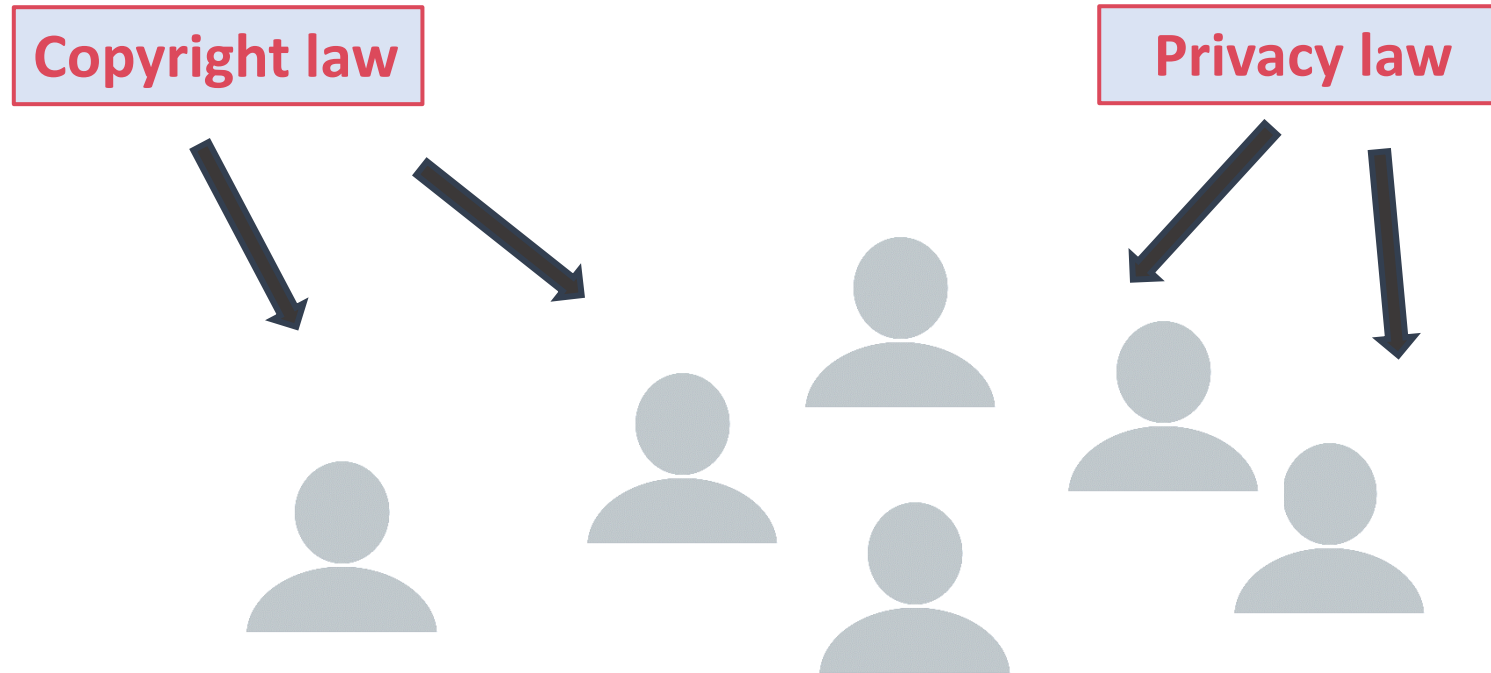
- Permission from **rightholder**
- Exceptions set by law

Privacy law



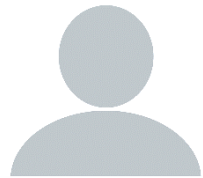
- Data processing set by law
- Implicit / explicit consent of **data subject**

Digital data

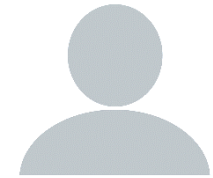
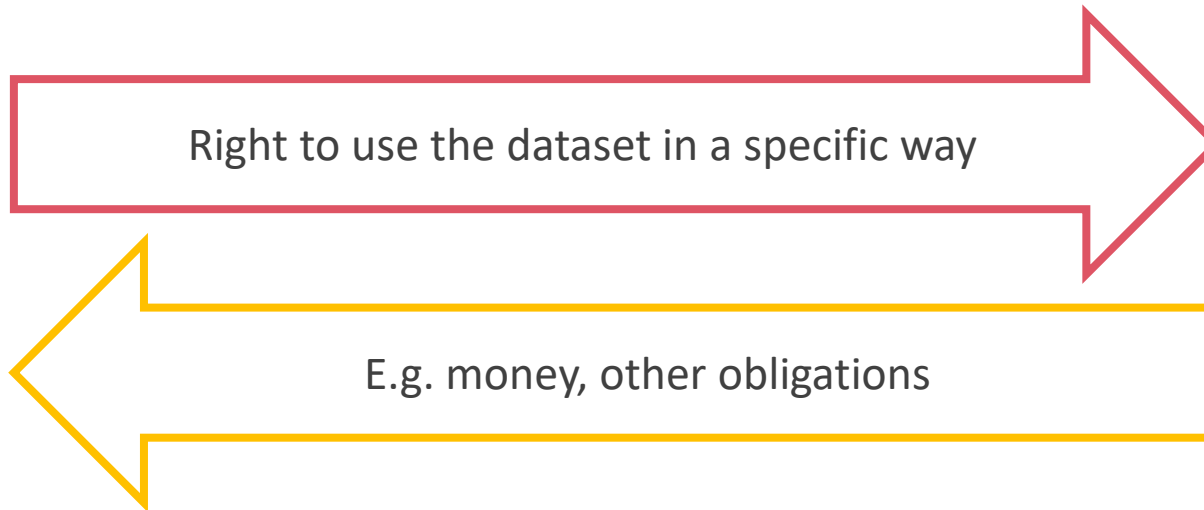


Digital data

Contractual law



Licensor

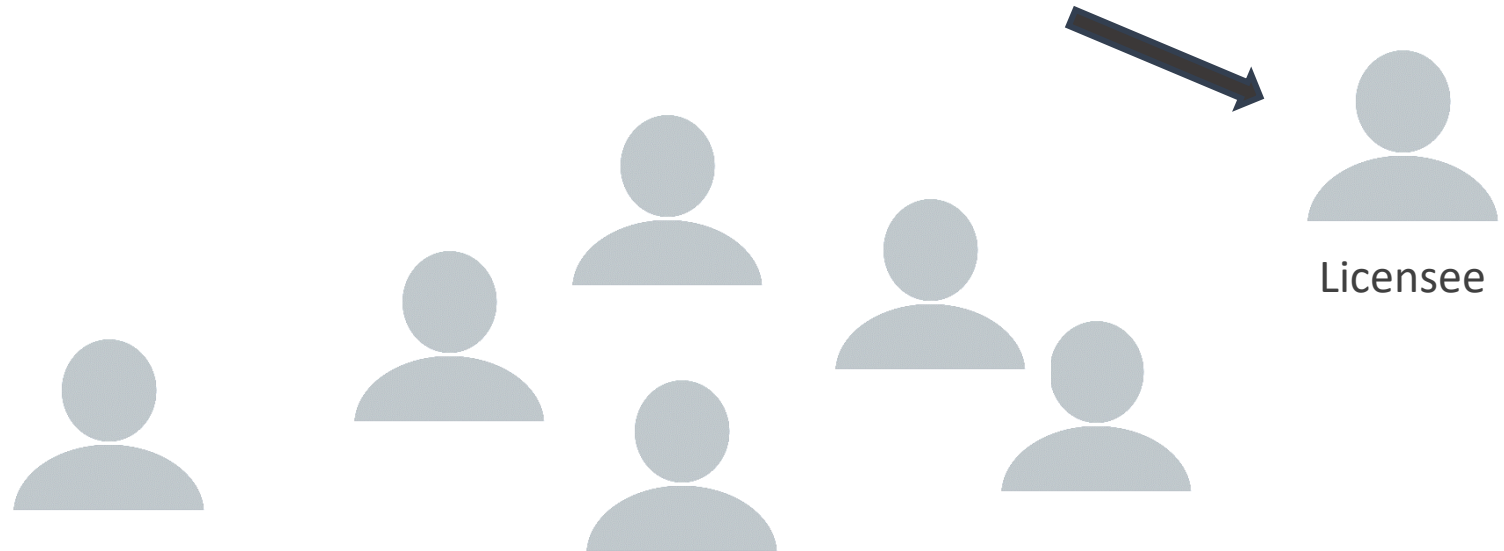


Licensee

What is protected by law?

Digital data

Contractual law



Case study 1

Research on posts and comments written by social media users:

Copyright law

- **Reproduction** of **copyrighted** texts?
- **Publication** of the dataset containing the collected copyrighted material?

Privacy law

- Data collected from **closed** profiles?
- Data collected from **open** profiles?
- **Publication** of the dataset containing the collected data?

Case study 1

Research on posts and comments written by social media users:

Copyright law

Privacy law

Contractual law



Terms of Use / Privacy Policy

Case study 1

Terms of Use / Privacy Policy

The image shows a mobile application interface with a dark sidebar menu on the left. The menu items are: Search, Common privacy settings, Privacy topics, More privacy resources, and Privacy Policy. Below the menu, several questions are listed, such as 'What is the Privacy Policy what does it cover?' and 'What information do we collect?'. A modal dialog box is open in the center, displaying text about public content. The dialog has a close button (X) in the top right corner. The text in the dialog is as follows:

videos you post to your profile, Stories or Reels.

Who can see public content?

When content is public, it can be seen by anyone on or across our Products, and in some cases off our Products, even if they don't have an account.

For example, if you comment on Marketplace, a public Facebook Page or a public Instagram account, or if you leave a rating or review, your comment, rating or review will be visible to anyone. It could appear in any of our Products or be seen by anyone, including off our Products.

Where can public content be shared?

We, you and people using our Products can send public content (like your profile photo, or information you share on a Facebook Page or public Instagram account) to anyone on, across or off our Products. For example, users can share it in a public forum, or it can appear in search results on the internet.

Public content can also be seen, accessed, reshared or downloaded through third-party services, like:

- Search engines. [Learn more.](#)
- [APIs](#)
- The media, like TV
- Other apps and websites connected to our Products

Case study 1 - Copyright

Reproduction and publication of copyrighted texts:

→ Terms of use

- **Users remain rightholders** of what they post
- Right to use granted to social media platform
- Right to share granted to selected audience

→ Copyright law's exceptions (private use, TDM, quotation,...)

Case study 1 - Privacy

Collection and publication of personal data:

→ **Terms of use**

- Consent to process personal data granted to social media platform for the indicated purposes
- Consent to share personal data granted to selected audience

→ **Federal Data Protection Act:** permission to process personal data for research purposes (under specific conditions)

→ Duty to inform, if not disproportionate effort

Case study 2

Research on linguistic data elaborated and provided by a private person.

Copyright law

- Reproduction of **copyrighted** texts?
 - No copyrighted data:
copyright law not applicable

Privacy law

- **Personal data**?
 - No personal data:
privacy law not applicable

Case study 2

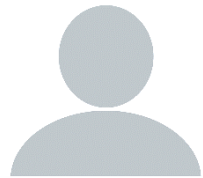
Research on linguistic data elaborated and provided by a private person.

Contractual law

→ The person that has de facto the dataset can limit its usage through a license to use

Case study 2

Contractual law

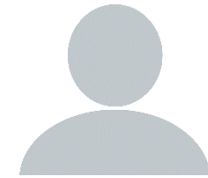


Licensor

Right to reproduce the dataset on a specific platform



Duty to protect the licensed right against misuses



Licensee

Thank you for your attention!

More information @ www.ccdigitallaw.ch



Welcome to the Competence Center in Digital Law. We support Swiss Higher Education Institutions (students, academic and administrative staff) in dealing with legal questions related to the digitalization process and the use of new media and technologies.

DMLawTool

DMLawTool guides researchers through the most relevant legal aspects of research data management and proposes possible solution approaches to copyright and data protection issues. It has been developed by the [Università della Svizzera italiana \(USI\)](#) in collaboration with the [University of Neuchâtel \(UNINE\)](#) within the P-5 programme "Scientific information" of swissuniversities. More detailed information about the tool can be found [here](#). To access the tool, use the button below.

[DMLawTool](#)

Showcases

