

# SHARING IS DARING: GLOBAL COPYRIGHT LAWS, KNOWLEDGE PROTECTION, AND THE IMPACT ON OPEN DIGITAL HUMANITIES

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## 1. ABSTRACT

It is now beyond question that opening up access to scholarly knowledge is a key value of the academy in the 21st century (cf. Berlin declaration). The Open Science paradigm however is not only restricted to facilitating democratic access to knowledge but also accommodates a set of key values of present-day knowledge creation such as fairness, transparency, equality and increased rigour and accountability in scholarly activities. Open Science therefore involves a cultural shift in the science ecosystem where research workflows are made transparent and subject to greater scrutiny from the early stages of protocols and planning through publication and data sharing. However, copyright laws and other legal frameworks often hinder or even prevent the Opening Up of research (be it research in progress, research data and tools, or research outputs and results).

In this forum, we would like to discuss the open sharing and making available of research and knowledge in general, and the global legal restrictions and privileges around copyright and licensing in the context of Open Digital Humanities and, specifically, DH cooperation with cultural heritage institutions on a global scale. Legal experts with in-depth knowledge of various copyright and indigenous knowledge protection systems across the globe will share their perspectives on the similarities and differences between legal systems that facilitate or hinder the Opening Up of humanities data. As these data are often provided (or protected) by cultural heritage institutions, their perspectives as stakeholders in this realm will be considered with special attention. Thus, not only copyright issues will be discussed, but also adjacent areas of the law that are relevant to the possible degree of Openness of humanities research, such as archival laws, personal data protection, and others. In addition, a special focus will be put on the protection of indigenous knowledge, on the question of how it is practiced and preserved by the communities, and the strategies that can be employed to support researchers on the one hand, and protect the interests of the affected communities on the other.

The forum is intended to be an open “fishbowl”. The forum facilitators will each provide a short input of max. 3 minutes, briefly introducing themselves and naming the legal system they are experts in (Canada, Europe, India, South Africa and the USA, respectively) and one key area of expertise (e.g. indigenous knowledge protection, open licensing, cultural heritage data). Subsequently, the audience will be invited to propose topics for discussion and pose questions. All participants will be encouraged to contribute to the discussion, and the experts will answer concrete legal questions that come up. A moderator will ensure the balance of expert / participant contributions and the productivity of the discussion. The most prominent and pressing issues will be collected and summarized in a blog post jointly authored by the expert panel. It will be published on the blog of the DARIAH-EU working group “Ethics and Legality in Digital Arts and Humanities” (ELDAH).

## References

Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities, <https://openaccess.mpg.de/Berlin-Declaration>

Ethics and Legality in Digital Arts and Humanities (ELDAH), <https://eldah.hypotheses.org/>

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