

# Intellectual property rights and education

Intellectual property rights are regulated under the terms and conditions provided for in current Spanish legislation.

- [La Ley de Propiedad Intelectual](#) (Law 2/2019, 1 march) amending the revised text of the Intellectual Property Law, approved by Royal Legislative Decree 1/1996 of 12 April 1996.
- [La Ley de Propiedad Intelectual](#) (approved by Royal Legislative Decree 1/1996 of 12 April 1996 and amended by Law 5/1998 of 12 April 1998).
- [Ley 21/2014](#) of 4 November, which amends the Intellectual Property Law of 12 April and Law 1/2000 of 7 January, on Civil Proceedings.
- The Penal Code. [Ley Orgánica 5/2010](#), of 22 June, amending Organic Law 10/1995, of 23 November, on the Criminal Code.
- The Community Directives on the subject, in particular the [Directiva 2001/29/CE](#) on copyright and related rights in the information society.

## Reproduction rights in education

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### What to always bear in mind

1. Cite all those elements added to the teaching resources.
2. Check whether it is necessary to ask permission from the author(s) of the work and materials to be used.
3. Bear in mind that, as on the web, copyright is also protected in virtual classrooms.

### Ask for permission

- Use the contact details of the authors of the work.
- Most publishers provide guidance and help in obtaining permission from them or the authors to re-use published information in the correct way.

Some examples:

[Con licencia.com](#): authorisations portal of the Spanish Centre for Reprographic Rights (CEDRO).

[Copyright Clearance Center](#): global service where you can locate publications from hundreds of publishers and apply for permissions.

[Springer Nature](#): partnering with the Copyright Clearance Center to facilitate the licensing and permissions needs of its clients.

## What can be included in teaching material without asking for permission

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- Small fragments of a work.

## Conditions:

- The purpose must be teaching or research.
- The work must have been previously published.
- The author and source must always be properly cited.

## What can be published on the virtual campus

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Although the classroom or virtual platform is a restricted access network, it makes available to students a series of contents that the Intellectual Property Law understands as "public communication".

Except when a work is in the public domain or has a [Creative Commons licence](#), the use of any copyrighted material requires the authorisation of the [Copyright](#) holder(s).

- Works of which the teacher is the author.
  - Texts and works in the public domain.
  - Works published under licence, according to the proposed terms.
  - Links to works whose use is authorised.
  - **If it is necessary to use complete works by others, it is recommended to provide access through a link to them, as long as it is certain that the link leads to a legal website.**
  - Small fragments of (unmodified) works that have already been disseminated and are not part of a textbook or manual.
  - Small excerpts from a textbook or manual to support the teacher's explanations, providing the location details to the students so that they can legally access the work.
  - Distribution of copies of small excerpts from textbooks and manuals for research purposes to participants in a given project.
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## What cannot be published on the virtual campus

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- May not be reproduced, distributed, transformed and communicated without the author's permission:
- A complete work.
- A disposable work, such as a workbook.
- University textbooks.
- Compilations of extracts from works.
- Two chapters or more of a book.
- More than 10% of a complete work.
- A complete scientific article unless it is published in Open Access. In these cases, it can be shared in PDF or via a DOI link without problems.

## Which student works are subject to copyright law?

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According to [Gencat](#), those works that can be considered original works. In order to differentiate between routine exercises and works that can be considered original works, a case-by-case analysis must be carried out. This is a function of the registration of intellectual property works and involves a prior analysis of the fulfilment of a series of requirements. The term "originality" is the key, in addition to artistic, literary or scientific character, as the law itself states. For example, solving

a mathematical equation does not have this character, nor does an essay about what has been done during the holidays, but a poem or a short story can have it.

In ESCRBCC, the works included in the digital repository are published under a Creative Commons "Attribution - Non-Commercial - No Derivative Works" licence, which allows the work to be copied, distributed and publicly communicated as long as the original authors and the institution are cited and no commercial use or derivative work is made.

### [University student statute](#) (RD 1791/2010, 31 december)

- Article 9. Specific rights of master's degree students.
  - Article 27. Papers and evaluation reports.
  - Article 7. Collaborative work.
  - Article 7. of Royal Legislative Decree 1/1996. Group work
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### Links of interest

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- [Creación, reutilización y difusión de contenidos](#)
- [Organización Mundial de la Propiedad Intelectual](#)
- [Registro de la Propiedad Intelectual](#)
- [Web de Propiedad Intelectual de REBIUN](#)

### Authorship rights of teaching materials

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#### Who owns the property rights on teaching materials?

In the case of this Master's Degree, given that there is no administrative relationship between the teachers and the ESCRBCC, the intellectual property of the educational materials is considered to be the property of the teachers, but the ESCRBCC may use them for the educational purposes of the Master's Degree.

#### How can I register a work if I want to do so?

The traditional way is to register the work in the Register of Intellectual Property plus payment of fees.

See: [Registro General de la Propiedad Intelectual](#) (Spanish Ministry of Education and Culture)

#### Safe Creative

[Safe Creative](#) is an electronic online Intellectual Property registration platform. Registration is immediate from the network itself.

It provides an electronically signed registration certificate and allows the rights corresponding to each work to be indicated.

It provides information, security and self-management of intellectual property rights.

Any work can be registered. Registration gives the author irrefutable technological proof of his declaration and protection of his rights (Berne Convention - UN).

The expert examination of technological proof or evidence is valid in all jurisdictions.

## Step by step to choose the Creative Commons license type

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If professors want to protect the authorship of their teaching materials, they can do so via the Creative Commons website. To do so, they should decide on the type of licence they want to assign to their teaching materials. This will fix what can be done with them in terms of reproduction, distribution and public communication rights.

1. Go to [Creative Commons website](#).
2. In the main menu, click on "Get started with the chooser".
3. Answer the questions about the characteristics with which you wish to protect your work.
4. Fill in the authorship data (title, author and format) if desired.
5. On the right-hand side, the licence will be constructed according to the previous answers. This can be copied and inserted in the work, with the data of the work. It also generates a code that can be integrated in the work if it is on a web page.
6. The mark-up standards recommended by Creative Commons are HTML + RDFa, which is a type of mark-up for the web, and XMP as metadata for independent digital files, as shown in the drop-down menu of the licence selector.

**In order to know which licence to choose, it is useful to know all the types of [Creative Commons licences](#) in depth.** Each licence allows a different degree of distribution, reproduction and publication, so to be clear, we list them below in order from least to most restrictive.

## Types of Creative Commons licence

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**Attribution (by) o CC by:** any exploitation of the work, including for commercial purposes, is permitted, as is the creation of derivative works, the distribution of which is also permitted without restriction.



**Attribution - ShareAlike (by-sa) o CC by-sa:** commercial use of the work and any derivative works is permitted and must be distributed under a licence equal to that governing the original work.



**Attribution - NoDerivates (by-nd) o CC by-nd:** Commercial use of the work is permitted, but not the creation of derivative works. This does not mean that the person who holds the rights may not modify it, only that the restriction applies to other persons.

**Attribution - NonComercial - ShareAlike (by-nc-sa) o CC by-nc-sa:**

Commercial use of the original work and possible derivative works is not permitted, and distribution must be made under a licence equal to that regulated in the original work. This does not mean that the person who holds the rights may not use it for commercial purposes, only that the restriction applies to other persons.

**Attribution - NonComercial - NoDerivates (by-nc-nd) o CC by-nc-nd:**

Commercial use of the original work is not permitted, nor is the generation of derivative works by other people who are not the owners of the rights. This is the most restrictive licence as it only allows other people to download the work and share it with others as long as they acknowledge authorship, but without making modifications or commercial use.