

Legal Principles in ETHICSWEB

A Short Public Guide



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You may be thinking of joining ETHICSWEB, or you may simply be interested in what we do. This short document outlines the basic legal principles that our members agree to follow, and that form the basis of what you can expect if you join us or if you use the portal.

The Principles at a Glance

1. Rights follow authorship - and all access to published or copyright works has terms and conditions which must be observed.
2. Privacy of individuals must be respected.
3. Where we have a choice, German law should prevail.
4. It is imperative that we have written evidence of agreements that we make at all levels (particularly evidence of licence agreements for publication onto the site).
5. If there is a complaint, we should remove the material in question immediately, and then ask any questions later.

The Ideas Behind the Principles

1. Rights follow authorship - and all access to published or copyright works has terms and conditions which must be observed.

ETHICSWEB is, of course, bound by copyright. It is of primary importance that all our activities respect copyright. The ETHICSWEB portal searches a lot of information, and our activities are about making information available to those interested in searching using our portal.

Copyright, in most countries, is a right that is given to the author or originator of a work. It covers a lot of the 'creative arts', literature, drama, painting, sculpture, etc. And so journal articles and books, pictures and computer software, for example, are all covered by copyright. The right, in Europe, lasts for the life of the author and then for a further 70 years after his or her death. Copyrights can also exist, for a shorter period, in the typographical arrangement of a published work (e.g. the particular edition of a book), and in films and musical recordings. It is a right that covers a lot of areas. And it is created without needing to register the right. A copyright exists from the moment that it is fixed in a particular form (for example, once the ink is dry on the page, or the computer file is saved in an electronic format).

Copyright might be owned by the employer of someone who is employed to write or produce another sort of copyright work. The copyright owner can also give permission (a licence) to another person or company to use the copyright work for a particular purpose. Without a licence, it is an

offence (civil or sometimes criminal) to copy, otherwise reproduce, or sell or distribute copies.

ETHICSWEB respects this principle and these laws. We try to make sure that making the materials available through the portal is permitted under the law. We say ‘try’ because we cannot give assurances about all the sites to which we include links - but in making agreements with our partners we require undertakings about observing copyright laws. We respect the copyright of other authors, and we respect the authorship rights of our partners in the materials that they produce for the project.

2. Privacy of individuals must be respected.

ETHICSWEB is committed to being an environment that respects the rights of individuals to privacy, particularly privacy in relation to their personal data and to decisions made about them. The European Data Protection Directive (95/46/EC) harmonises laws in the Member States that are designed to enable the movement of personal data between Member States whilst ensuring a common high standard of privacy for individuals. Personal data are data that relate to an identified or identifiable individual. Those who process personal data must notify the national data protection authority that they are data controllers, and they must notify the person to whom the data relates their contact information and the purpose for which the data are to be processed. This is always the case unless, in particular circumstances it is impossible or impracticable to do so. (When data are gathered directly from a data subject it is always possible and practicable to inform that person.) The data subject has some rights of access to the data, to have errors corrected, to block the use of the data or to have it destroyed. Sometimes, where the data are being used for research, the data subject’s rights are reduced. The processing of the data must be lawful and fair, and must be kept within particular conditions and not indefinitely (except in some research situations).

When ETHICSWEB itself gathers personal data from users, it conforms to the requirements of the Directive through the particular Member State law in the particular jurisdiction where the processing is taking place. Likewise, it requires the same undertaking from its partners. This extends into satisfying ourselves that data that is presented by third parties has been gathered appropriately, and that our use of the data is permissible under the relevant laws.

3. Where we have a choice, German law should prevail.

ETHICSWEB is co-ordinated by the DRZE in Bonn, Germany. Because of the nature of the activities, there are a lot of activities of ETHICSWEB that are conducted by partners or users from different jurisdictions and across borders. It is desirable to be able to agree in advance of those activities which law applies and where a dispute would be conducted if problems arise. We have chosen German law as the law and location for ETHICSWEB where we have a choice. There are circumstances where this starting assumption can be changed by the courts or by negotiation.

4. It is imperative that we have written evidence of agreements that we make at all levels (particularly evidence of licence agreements for publication onto the site).

ETHICSWEB is committed to ensuring that rights are respected. One important part of this is to be able to see that permissions and agreements have been reached. Therefore it is very important for the project that we have ‘paper trails’. Agreements must be evidenced in writing, and we will ask new partners to provide the written agreements to prove the permission. We take this view, because the operation of the portal is on trust, and we build trust by respecting rights practically.

5. If there is a complaint, we should remove the material in question immediately, and then ask any questions later.

When there are complaints about what we do on the portal, ETHICSWEB will act swiftly to remove the offending material before asking questions about the validity of the complaint. In this way, we will again show that we take rights very seriously, and respect our duties in relation to data and property.

Contact

If you are interested in more information about ETHICSWEB please visit our website <http://www.ethicsweb.eu> or contact us via email: info@ethicsweb.eu.