



GUIDELINES AND CONSIDERATIONS FOR OPEN SCIENCE (DISCLOSURE RULES, OPEN ACCESS RULES)

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Acronyms

AAM	Author-accepted manuscript
APC	Article Processing Charges
BY	Attribution
CC	Creative Commons
CC BY	Creative Commons Attribution
CTA	Copyright Transfer Agreement
DMP	Data Management Plan
EU	European Union
GDPR	General Data Protection Regulation
IP	Intellectual Property
LTP	License to Publish
NC	Non Commercial
ND	No Derivatives
OA	Open Access
ORE	Open Research Europe
RRS	Rights Retention Strategy
SA	Share Alike
SS	Social Sciences
STEM	Science, Technology, Engineering and Mathematics
TTO	Technology Transfer Office

1. Introduction

The ownership and management of copyright in academic publishing represent a critical intersection of legal, ethical, and scholarly considerations. For academics from non-STEM (Science Technology Engineering and Maths) subjects, particularly in the social sciences (SS), navigating the intellectual property (IP) landscape is essential to ensuring that research outputs—such as journal articles, monographs, datasets, educational materials, and even software—are shared effectively while respecting the rights of creators, institutions, and publishers. Copyright governs the reproduction, dissemination, and use of these outputs, balancing the imperative of knowledge dissemination with the need to protect and manage the rights associated with creative works.

The significance of copyright ownership lies not only in the legal control of research outputs but also in their accessibility, impact, and potential for reuse and adaptation within academic and societal contexts. Social scientists, as creators of intellectual content, have a fundamental responsibility to facilitate access to their work while navigating a complex interplay of legal frameworks, institutional policies, and funding mandates. This responsibility is magnified in the digital age, where open access publishing and digital dissemination platforms have transformed traditional paradigms of ownership and access.

The European Union (EU) places a strong emphasis on open access, particularly for publicly funded research, requiring researchers to retain rights or use licenses like Creative Commons (CC) to ensure broad accessibility. However, the landscape is complicated by varying national laws, employment contracts, and publishing agreements, which may transfer ownership to universities or publishers. For social scientists, whose outputs often include monographs and sensitive qualitative data, understanding these dynamics is crucial to maintaining control over their work and complying with ethical and legal obligations, such as those under the General Data Protection Regulation (GDPR).

The rise of digital publishing has further amplified the importance of copyright management. Initiatives like Open Research Europe (ORE) and institutional repositories enable researchers to share their work globally, but they also introduce challenges related to licensing, confidentiality, and third-party rights. For example, social scientists often handle confidential data from interviews or case studies, requiring careful management to protect privacy while fulfilling open access mandates. Similarly, the growing use of CC licenses offers flexible tools for sharing knowledge, but their application must align with public or private funding policies and publishing agreements.

This guide addresses these complexities by providing a clear and practical framework for understanding copyright ownership, access rights, non-disclosure of information, and CC licensing in academic publishing. It draws on EU copyright frameworks, open access policies, and insights from the IMPAC3T-IP project to offer actionable guidance for researchers and TTOs (Technology Transfer Offices). The following sections explore the legal and practical dimensions of copyright management, offering tools such as checklists and visual aids to support social scientists in leveraging their IP assets responsibly and effectively.

2. Copyright Basics

2.1. What is Copyright?

Copyright is a legal right that protects original works, such as journal articles, monographs, datasets, and educational materials, which are common outputs in the social sciences. Upon creation, copyright automatically grants the creator an exclusive right, subject to the legal frameworks of the jurisdiction in which the work is created.

In academic publishing, copyright is critical because it determines who can publish, share, or build upon a work. For instance, a researcher publishing a journal article may retain copyright, transfer it to a publisher, or license it for open access (OA), depending on the publishing agreement and public funding requirements. Understanding copyright enables social scientists to maximize the impact of their work while managing their rights and complying with institutional, legal, and funding requirements, such as those under EU open access policies like Horizon Europe.

The following image is provided to give a better understanding of the copyright spectrum.

The spectrum of copyright



2.2. Who Owns a Copyright?

In the EU, the initial ownership of copyright typically rests with the author(s) who create the work, such as a social scientist drafting a research article or monograph. However, ownership can be affected by several factors, including employment status, institutional policies, funding agreements, publishing contracts, and national laws. These complexities are examined in detail in Section 3.2, which provides guidance on determining copyright ownership based on the creation context and collaboration.

3. Copyright Ownership of Research Results

The intellectual outputs of academic research, referred to as results, form the cornerstone of scholarly contributions in the social sciences. Understanding who owns and controls these results is critical for social scientists in terms of legal, institutional, and ethical considerations in academic publishing. Copyright ownership determines how results can be shared, published, and reused, directly impacting

their accessibility and societal value. This section provides a clear and practical guide to identifying research results, understanding their copyright implications, and addressing key considerations before publication, with a focus on compliance with EU frameworks such as Horizon Europe open access policies.

3.1. What are the Results?

Research results encompass the tangible and intangible intellectual outputs generated through academic work. In the social sciences, these outputs are diverse, reflecting the discipline's emphasis on qualitative and interpretive scholarship. Common examples include:

- **Journal Articles:** Peer-reviewed papers published in academic journals, such as studies on social policy or cultural analysis.
- **Monographs and Books:** In-depth long-form works, such as ethnographies or historical studies, which are significant in social sciences.
- **Datasets:** Qualitative or quantitative data, including interview transcripts, survey responses, or archival records.
- **Software and Digital Tools:** Custom tools for data analysis or visualization, such as software code for qualitative data.
- **Educational Materials:** Reports, policy briefs, or teaching resources derived from research.
- **Other Creative Works:** Multimedia outputs, such as documentaries or photographic collections, often used in interdisciplinary social science research.
- **Trained Machine Learning Models:** AI models developed for research purposes, such as natural language processing tools for analysing textual data or predictive models for social phenomena. These models raise complex IP questions beyond traditional copyright. For detailed guidance, see the **IMPAC3T IP Guide on Artificial Intelligence-based Projects Licensing and Risk Management Basics** in the project Tool-box.

These results represent the culmination of intellectual effort and are subject to copyright protection when they meet the threshold of originality, as defined by EU copyright law. For social scientists, results often involve sensitive qualitative data (e.g., personal narratives, ethnographic observations), which require careful management to balance open access mandates with ethical and legal obligations, such as those under the GDPR.

3.2. Copyright and Results

Copyright applies to works that are original, granting the author exclusive rights to control their reproduction, distribution, communication to the public and further adaptation. In this context, an original work is one that results from the author's own intellectual and creative effort, rather than a mere copy or reproduction of existing material. Although originality does not require novelty, the work must reflect the author's individual contribution or personality. In other words, copyright safeguards the expression of ideas, not the ideas themselves.

That being said, in the context of research results, copyright ownership depends on the creation context, including the researcher's employment status, institutional policies, and funding agreements. Key aspects are outlined below.

3.2.1. Ownership by Creation Context

Individual Works

When a social scientist creates a result independently (e.g., a book written outside employment duties), they typically own the copyright, subject to any contractual agreements.

Employment-Based Works

Results produced as part of employment duties, such as a university-funded research article, may be owned by the institution, depending on the employment contract or national law. However, in some countries like Italy and Sweden, a legal “professor’s privilege” allows academics to retain copyright over scholarly outputs.

Collaborative Works

Results created by multiple researchers, such as co-authored articles or joint datasets, are subject to joint ownership unless otherwise agreed. Each co-author shares copyright and must consent to major decisions, such as licensing or publication. Collaborative projects involving external partners (e.g., community organizations or industry) may require explicit agreements to clarify ownership, and assignment especially for sensitive qualitative data.

Funded Research

For projects funded by EU programs like Horizon Europe, researchers are encouraged to retain sufficient rights to comply with open access mandates, such as depositing publications in repositories or licensing them under Creative Commons (e.g., CC BY (Creative Commons Attribution)).

Publishing Agreements

Traditional publishing contracts may require social scientists to transfer economic rights to publishers, limiting their ability to share or reuse their work. Open access publishing typically allows authors to retain copyright, while granting publishers a non-exclusive license. Researchers should carefully review agreements to ensure they can comply with institutional and funding mandates, and consult legal experts or TTOs when necessary to clarify ownership and rights retention.

3.2.2. Sensitive Qualitative Data

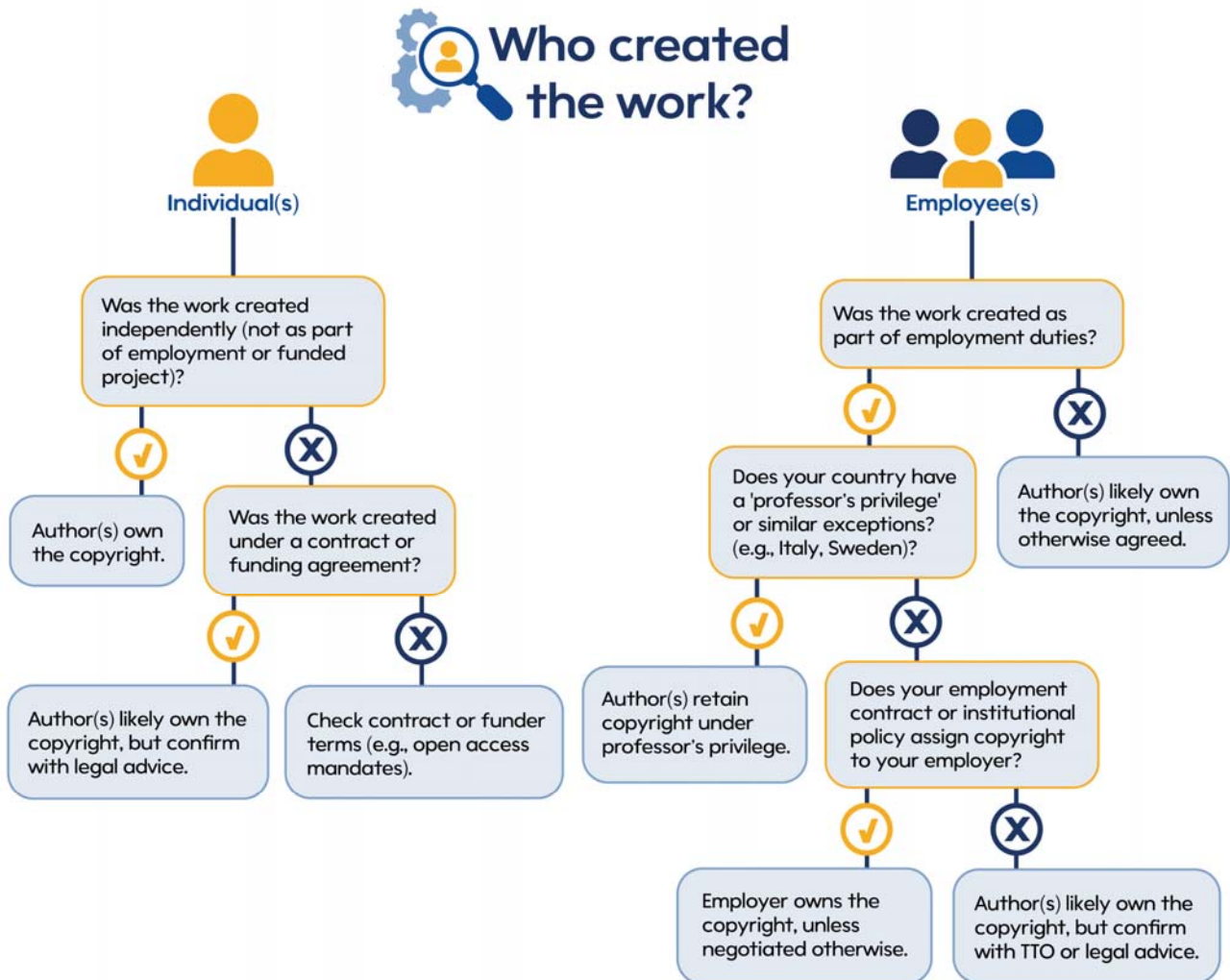
Social science results often include personal or culturally sensitive data (e.g., interview transcripts, ethnographic field notes). Copyright applies to the expression of this data (e.g., written transcripts), but ownership must be managed alongside GDPR and ethical requirements to protect participant privacy. Such data may be restricted from open access sharing, as allowed under Horizon Europe’s “as open as possible, as closed as necessary” principle.

In academic publishing, the ownership of results directly influences how they are disseminated. For example, transferring copyright to a publisher in a traditional journal may limit a researcher’s ability to share their work openly, while open access publishing allows retention of rights and broader dissemination, aligning with EU open science goals.

3.3. Copyright Ownership Flowchart

To assist social scientists and TTOs in determining copyright ownership, a Copyright Ownership Flowchart is provided below. This visual tool simplifies the decision-making process by guiding users

through key questions about the work's creation context, employment status, and applicable policies. The flowchart is designed to be intuitive, using clear language and a decision-tree structure to accommodate users with minimal IP expertise.



This flowchart guides social scientists and TTOs in determining copyright ownership for academic works. Start with 'Who created the work?' and follow the arrows based on your situation. Outcomes indicate likely ownership, but always verify with your institution's TTO or legal experts, especially for collaborative or funded projects.

3.4. Step-by-Step Guide to Managing Copyright Ownership of Your Research Results

Before publishing or sharing research results, social scientists and TTOs must address the following considerations to ensure clarity over ownership and compliance with legal and funder requirements.

This guide provides a concise, actionable checklist to determine and manage copyright ownership of research results.

Step	Action	Purpose	Tips
<p>STEP 1</p> <p>Identify Your Research Results</p>	<p>List all intellectual outputs from your research project. Common results in social sciences include journal articles, monographs, books, datasets, software, educational or creative works.</p>	<p>Confirm which outputs are subject to copyright (i.e., original creative works).</p>	<p>Note any results containing sensitive qualitative data (e.g., personal narratives, ethnographic notes), as these require special handling.</p>
<p>STEP 2</p> <p>Determine Initial Copyright Ownership</p>	<p>Identify who owns the copyright: Who created the work? If created independently, you (the author) typically own the copyright. Are you employed? Check your employment contract or institutional IP policy to see if your employer can claim ownership of works created as part of your duties.</p>	<p>Establish whether you, your institution, or another entity owns the copyright.</p>	<p>Use the Copyright Ownership Flowchart from Section 2 to guide this process.</p>
<p>STEP 3</p> <p>Address Collaborative Works</p>	<p>For results created with co-authors or external partners: Confirm if the work is jointly owned (all co-authors share copyright). Draft a written agreement specifying ownership, licensing, and publication rights.</p>	<p>Prevent disputes by clarifying rights among collaborators.</p>	<p>Include provisions for sensitive data, ensuring all parties agree on confidentiality measures.</p>
<p>STEP 4</p> <p>Review Project/Funding Requirements</p>	<p>Check your funding agreement, especially for EU-funded projects: Ensure peer-reviewed publications are made open access. Create a Data Management Plan (DMP) outlining how data will be shared or restricted. Retain sufficient rights to comply with open access mandates (e.g., deposit author-accepted manuscripts in repositories).</p>	<p>Align with project/funding requirements to maximize accessibility and avoid penalties.</p>	<p>Use repositories like OpenAIRE or Zenodo for deposition and Creative Commons licenses (e.g., CC BY) for publications.</p>
<p>STEP 5</p> <p>Review Publishing Agreements</p>	<p>Before signing a publishing agreement: Review whether the publisher requires full copyright transfer (common in traditional journals) or allows rights retention (common in open access journals). Ensure the agreement permits compliance with open access mandates</p>	<p>Maintain control over your results and comply with project/funding requirements.</p>	<p>Negotiate with publishers to retain rights or opt for open access journals to avoid restrictive terms.</p>



Step	Action	Purpose	Tips
	(e.g., repository deposition). Consider using a Rights Retention Strategy (RRS) to retain rights to share your author-accepted manuscript (AAM) openly.		
STEP 6 Protect Sensitive Data	For results containing personal or culturally sensitive data: Anonymize data to comply with GDPR and ethical guidelines. Restrict access to sensitive data in repositories.	Balance open access goals with legal and ethical obligations to protect participants.	Avoid using permissive Creative Commons licenses (e.g., CC BY) for sensitive data, as they allow broad reuse.
STEP 7 Document Ownership and Licensing	Maintain clear records of: <ul style="list-style-type: none"> • Ownership agreements • Project terms • Publishing contracts 	Ensure transparency and facilitate future use, such as licensing or repository deposition.	Store documentation securely and include a copyright notice in published works (e.g., “© 2025 [Author/Institution]” or “Licensed under CC BY 4.0”).
STEP 8 Seek Expert Advice	Consult your TTO or legal experts for complex cases, such as: <ul style="list-style-type: none"> • Multi-institutional collaborations. • Projects with sensitive or proprietary data. • Disputes over ownership or publishing terms. 	Ensure compliance with legal, institutional, and project/funding requirements.	Contact your institution's TTO early in the research process to clarify ownership and avoid issues during publication.

4. Copyright Ownership of Research Results

Access rights define who can use, share, or build upon your research results and under what conditions, shaping the reach and impact of your scholarly work in the social sciences. For researchers, decisions about access involve navigating a complex landscape of publishing models, contractual agreements, and funder mandates, such as those under Horizon Europe. These choices directly influence the visibility of your work, its availability to global audiences, and its alignment with the EU's commitment to open science.

4.1. Publishing Models

The choice of publishing model determines how your research results—such as journal articles, monographs, or datasets—are accessed and by whom. Two primary models dominate academic publishing, each with distinct implications for copyright ownership and access rights:

 Traditional Publishing	 Open Access Publishing
<ul style="list-style-type: none"> • Copyright is often transferred to the publisher. • Access restricted via subscriptions or paywalls. • Limited author control over sharing/reuse. • Embargo periods for repository deposition (e.g., 12 months for social sciences). • Common in prestigious journals and monographs. 	<ul style="list-style-type: none"> • Authors retain copyright, use Creative Commons licenses (e.g., CC BY). • Free, immediate access for all users. • Broad reuse permitted with attribution. • Gold OA: Publish in open access journals (APCs (Article Processing Charges) may apply). • Green OA: Deposit in repositories (e.g., OpenAIRE).

4.2. Publishing Agreements

Publishing agreements are legal contracts that define the access rights granted to publishers, authors, and users. These agreements are pivotal in determining how your research results are shared and reused, and they must be carefully reviewed to ensure alignment with your goals and funder requirements.

Use the following checklist to review publishing agreements and select an access model that aligns with your goals and Horizon Europe requirements.

Action	Guidance
Review Agreement Type	Check if the agreement is a Copyright Transfer Agreement (CTA) or License to Publish (LTP). CTAs transfer copyright; LTPs let you retain it for open access.
Check Rights Granted	Ensure the agreement allows repository deposition (Green OA ¹) or open access licensing (e.g., CC BY) as per Horizon Europe. Negotiate if terms are restrictive.
Confirm Self-Archiving	Verify if you can deposit your AAM in a repository (e.g., OpenAIRE).
Protect Sensitive Data	For personal or confidential data, ensure the agreement permits restricted access to comply with GDPR and ethical guidelines. Consult your ethics board.
Choose Gold OA	Select Gold OA for immediate open access if APC funding is available. Retain copyright and use CC BY for maximum visibility.
Choose Green OA	Opt for Green OA to share AAMs in repositories, balancing traditional publishing with open access compliance.
Evaluate Traditional Publishing	Use traditional publishing only if open access is not required, ensuring RRS allow repository deposition.

¹ Horizon Europe mandates open access for peer-reviewed publications, requiring deposition in repositories (Green OA) or publication in open access journals (Gold OA).

Consult Experts	Work with your TTO or legal experts to review agreements and align with funder, institutional, and career goals, especially for monographs or collaborations.
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Best Practices:

- Read agreements thoroughly before signing and negotiate terms if they conflict with open access requirements or your goals.
- Consult your TTO or legal experts to understand implications, especially for monographs or collaborative works.
- Use tools like OpenAIRE to check journal policies on open access and self-archiving.

4.3. Choosing an Access Model

Selecting the right access model involves balancing visibility, funder requirements, and personal goals, while considering the unique needs of social science research, such as handling sensitive qualitative data.

This table compares Gold OA and Green OA, highlighting their implications for access rights, copyright, and sensitive data in social science research. Use it to choose an approach that aligns with Horizon Europe mandates, GDPR, and your goals. Consult your TTO for specific guidance.

	Gold OA	Green OA
Definition	Publication in fully open access journals, free to all readers immediately.	Deposition of AAM in a repository, immediately accessible.
Access Rights	Immediate, free access; broad reuse with attribution (e.g., CC BY).	Immediate, free access; reuse depends on license.
Copyright Ownership	Authors retain copyright; grant non-exclusive license to publisher.	Authors may transfer copyright but retain rights to deposit AAM.
Cost	APCs, often €1,000–€5,000, eligible under Horizon Europe.	No cost to authors; relies on repositories (e.g., OpenAIRE, Zenodo).
Sensitive Data	May not suit confidential data due to broad reuse; restricted access possible in DMP.	Allows restricted access for sensitive data, per Horizon Europe’s “as open as possible” principle.
Horizon Europe Compliance	Complies via immediate open access; requires CC BY or equivalent for publications.	Complies via immediate repository deposition; no embargoes permitted.
Best For	Maximum visibility; funded projects with APC budgets.	Balancing traditional publishing with open access; cost-conscious researchers.

5. Copyright Ownership of Research Results

Social science research often involves sensitive or confidential information, such as personal data or culturally restricted knowledge, which must be carefully managed in academic publishing to comply with

legal and ethical standards. The GDPR², an EU law effective since 2018, protects individuals' personal data by regulating its collection, storage, and use, requiring measures like anonymization and informed consent to safeguard privacy. This section provides a concise guide to identifying confidential information and protecting it while aligning with Horizon Europe's OA mandates.

Use the below checklist to identify and protect confidential information in social science research, ensuring compliance with GDPR and Horizon Europe while safeguarding participant privacy. Consult your TTO, ethics board, or a data privacy expert for complex cases.

Action	Guidance
Identify Sensitive Data	Check for personal (e.g., interviews), cultural, or proprietary data. Consult ethics guidelines to confirm sensitivity.
Obtain Informed Consent	Secure participant consent for data use and publication. Specify limits on sharing sensitive information.
Anonymize Data	Remove identifiers (e.g., names, locations) to protect privacy. Ensure GDPR compliance before publishing.
Restrict Access	Limit repository access for sensitive data, per Horizon Europe's "as open as possible" principle. Use secure platforms.
Use NDAs for Collaboration	Sign non-disclosure agreements with partners to protect confidential data. Clarify sharing restrictions.
Review Publishing Agreements	Ensure agreements allow restricted access for sensitive data. Avoid broad licenses (e.g., CC BY) if unsuitable.
Consult Ethics Board/TTO/lawyer	Seek guidance on managing sensitive data. Confirm compliance with GDPR and institutional policies.

² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) <https://eur-lex.europa.eu/eli/reg/2016/679/oj/eng>; For more guidance see: <https://gdpr.eu/what-is-gdpr/>



IN ALL CASES

Use NDAs for collaborations and consult ethics board/TTO for guidance.

Does your research include sensitive data (e.g., personal, cultural, proprietary)?



Have you obtained informed consent for data use and publication?



No special measures needed; proceed with open access publishing (e.g., CC BY).

Can the data be fully anonymized to comply with GDPR?



Secure participant consent, specifying limits on sharing.

Anonymize data (e.g., remove names, locations) before publishing.

Does the publishing agreement allow restricted access for sensitive data?



Limit repository access, per Horizon Europe's 'as open as possible' principle; avoid broad licenses (e.g., CC BY).

Negotiate agreement or choose a publisher allowing restrictions.

This decision tree can guide you in managing sensitive and confidential data in academic publishing while complying with GDPR and Horizon Europe mandates. Start with "Does your research include sensitive data?" and follow the arrows based on your answers. Outcomes indicate appropriate actions for protecting participant privacy and meeting open access requirements. Always consult your ethics board, TTO, or data privacy expert for complex cases involving personal, cultural, or proprietary information.

6. Creative Commons Licensing

Creative Commons (CC) licenses are powerful tools that enable social scientists to share research outputs openly while retaining copyright and controlling how their work is used. These licenses support Horizon Europe's open access mandates by facilitating free access and reuse, but they require careful selection to align with ethical and legal considerations, especially for sensitive qualitative data. This section introduces CC licenses, their application in academic publishing, and key considerations for social scientists. For a comprehensive guide, refer to the IMPAC3T IP tool-box: **Guidelines on Creative Commons Licensing**.

CC licences allow for the provision of four different licensing terms attached to the licence, thus, allowing or restricting usage of the copyrighted content. The four licensing terms are namely:





 Attribution – BY

 NonCommercial – NC


 NoDerivatives – ND


 ShareAlike – SA

Those can be mixed and matched together, depending on the specific terms the author wishes to attach to their license.

-  **BY – Attribution** Users can use the said work so long as they credit the name of the licensor.
-  **ND – NoDerivatives** The work is free to copy, distribute, display, or perform as it is, verbatim with no modifications or adaptations.
-  **SA – ShareAlike** Can only disseminate the work under the same licence chosen by the original author for the work.
-  **NC – NonCommercial** Others may copy, distribute, display, perform, or remix the work but only for non-commercial purposes.

Creative Commons also provides two additional symbols for works in the **Public Domain**. These are not licenses in themselves, but rather labels used to identify works of this type, with a slight distinction between them:

 Indicates works that are not protected by copyright, for instance, because the term of protection has expired, and therefore belong to the public domain.

CC Zero (CC0) or  A label that authors of new works can apply to their creations to *waive all their rights* over the work, effectively placing it in the public domain and allowing it to be used without restriction, just as if it were a work whose copyright had expired

Public Domain marks indicate the work is in public domain with no copyright instructions. The CC0 indicates that the author has provided the widest array of usage rights with no limits and restrictions related to attribution, usage in derivative works or for making use of the work for commercial purposes. Along the main attributable lists/icons there are other attributes such as explicitly allowing remixing of works or sharing of the copyrighted work which can be accessed on the Creative Commons web-site³.

The choice between retaining full copyright or applying a CC license depends on funding mandates, the nature of your data, and your preferences for reuse and dissemination. Use the decision tree below to identify the most appropriate approach for your research outputs.

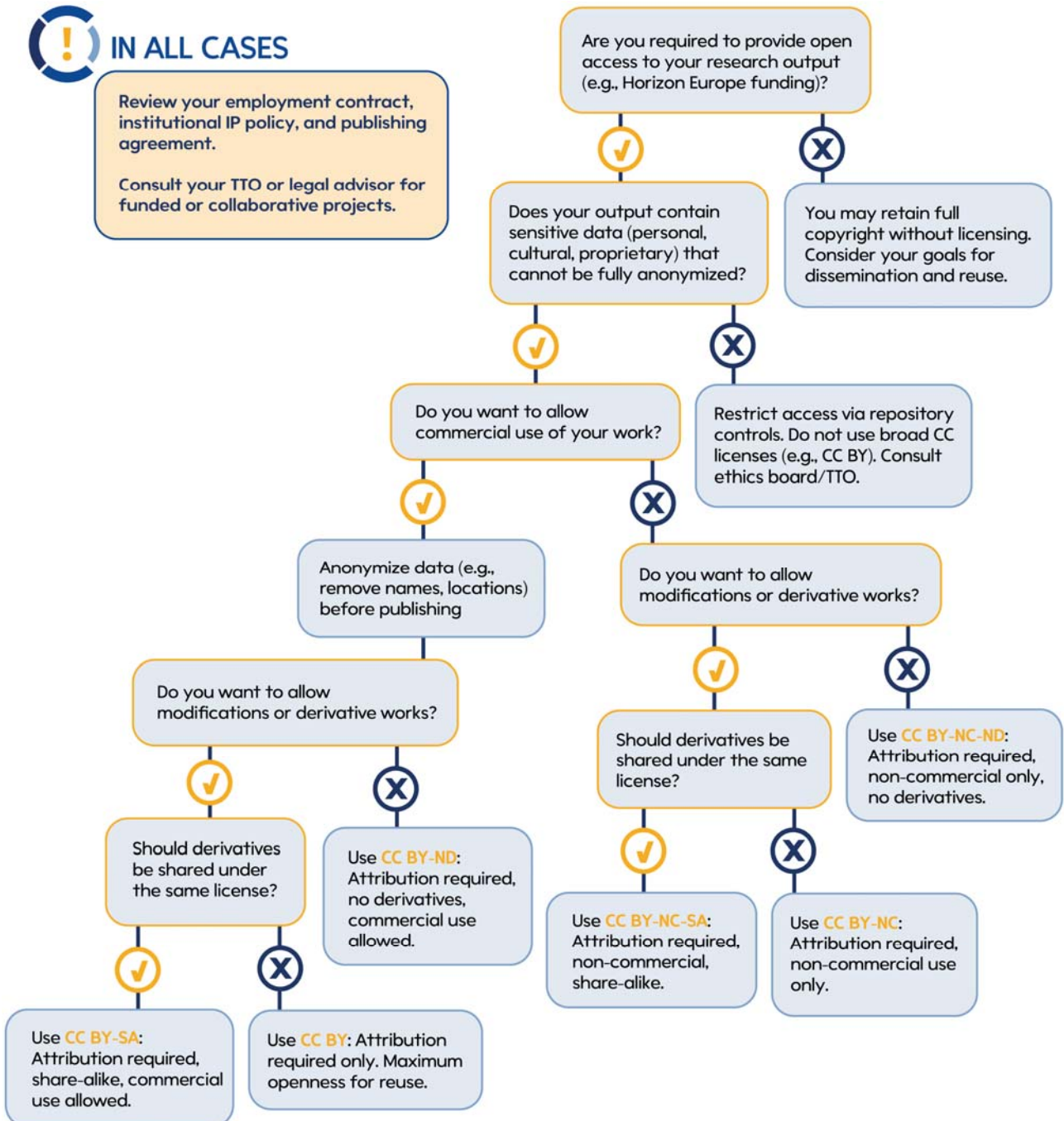
³ See <https://creativecommons.org/mission/downloads/>



IN ALL CASES

Review your employment contract, institutional IP policy, and publishing agreement.

Consult your TTO or legal advisor for funded or collaborative projects.



This decision tree helps you select appropriate copyright protection or Creative Commons licenses for your research outputs. Start with "Are you required to provide open access?" and follow the arrows based on your situation. Always verify with your TTO, legal advisor, or publishing agreement, especially for funded projects or sensitive data.

7. Self-Assessment: Test Your Understanding

Use this checklist to verify your understanding of copyright ownership and determine the next steps for managing your research outputs:

Understanding Copyright Basics

- I can identify which of my research outputs are protected by copyright
- I understand the difference between moral and economic rights in copyright
- I know where to find information about copyright duration in my jurisdiction

Determining Ownership

- I have reviewed my employment contract to understand institutional copyright policies
- For collaborative projects, I have clarified ownership arrangements with co-authors
- I understand how funding agreements (e.g., Horizon Europe) affect my copyright retention
- I have reviewed publishing agreements before signing to ensure I retain necessary rights

Managing Sensitive Information

- I can identify whether my research involves sensitive or confidential data
- I understand GDPR requirements for anonymization and informed consent
- I know when to restrict access versus provide open access to research outputs

Applying Creative Commons Licenses

- I can select an appropriate CC license for my research outputs
- I understand the implications of different CC license components (BY, NC, ND, SA)
- I know when CC licenses may not be suitable for sensitive data

Next Steps: if you checked fewer than 75% of the boxes, consider:

- Reviewing relevant sections of this guide
- Consulting your institution's TTO or legal advisor
- Accessing additional IMPAC3T IP resources: *Guide on Artificial Intelligence-based Projects Licensing and Risk Management Basics* (for AI/ML projects)



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