



# A QUESTION OF BALANCE

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**Private Rights and the Public Interest  
in Scientific and Technical Databases**

Committee for a Study on Promoting Access to  
Scientific and Technical Data for the Public Interest

Commission on Physical Sciences,  
Mathematics, and Applications

National Research Council

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# Question Of Balance Private Rights And The Public Interest In Scientific

**ML Yell**





## **Question Of Balance Private Rights And The Public Interest In Scientific:**

**A Question of Balance** National Research Council, Division on Engineering and Physical Sciences, Commission on Physical Sciences, Mathematics, and Applications, Committee for a Study on Promoting Access to Scientific and Technical Data for the Public Interest, 2000-01-15 New legal approaches such as the European Union's 1996 Directive on the Legal Protection of Databases and other legal initiatives now being considered in the United States at the federal and state level are threatening to compromise public access to scientific and technical data available through computerized databases. Lawmakers are struggling to strike an appropriate balance between the rights of database rights holders who are concerned about possible commercial misappropriation of their products and public interest users of the data such as researchers, educators, and libraries. A Question of Balance examines this balancing act. The committee concludes that because database rights holders already enjoy significant legal, technical, and market-based protections, the need for statutory protection has not been sufficiently substantiated. Nevertheless, although the committee opposes the creation of any strong new protective measures, it recognizes that some additional limits against wholesale misappropriation of databases may be necessary. In particular, a new properly scoped and focused U.S. statute might provide a reasonable alternative to the European Union's highly protectionistic database directive. Such legislation could then serve as a legal model for an international treaty in this area. The book recommends a number of guiding principles for such possible legislation as well as related policy actions for the administration.

**The Role of Scientific and Technical Data and Information in the Public Domain** National Research Council, Policy and Global Affairs, Board on International Scientific Organizations, Office of International Scientific and Technical Information Programs, Steering Committee on the Role of Scientific and Technical Data and Information in the Public Domain, 2003-08-29 This symposium brought together leading experts and managers from the public and private sectors who are involved in the creation, dissemination, and use of scientific and technical data and information. STI to 1 describe and discuss the role and the benefits and costs, both economic and other, of the public domain in STI in the research and education context; 2 to identify and analyze the legal, economic, and technological pressures on the public domain in STI in research and education; 3 describe and discuss existing and proposed approaches to preserving the public domain in STI in the United States; and 4 identify issues that may require further analysis.

**A Question of Balance** National Research Council (U.S.). Committee for a Study on Promoting Access to Scientific and Technical Data for the Public Interest, 1999

**Toward New Partnerships In Remote Sensing** National Research Council, Division on Engineering and Physical Sciences, Space Studies Board, Steering Committee on Space Applications and Commercialization, 2002-09-18 The technical, scientific, policy, and institutional environment for conducting Earth science research has been changing rapidly over the past few decades. Changes in the technical environment are due both to the advent of new types and sources of remote sensing data which have higher spatial and spectral resolution and to the development of vastly expanded capabilities in data access.



visualization spatial data integration and data management The scientific environment is changing because of the strong emphasis on global change research both nationally and internationally and the evolving data requirements for that research And the policy and institutional environment for the production of Earth observation data is changing with the diversification of both remote sensing data and the institutions that produce the data In this report the Space Studies Board s Steering Committee on Space Applications and Commercialization explores the implications of this changing environment examining the opportunities and challenges it presents *Ethical Issues in AI for Bioinformatics and Chemoinformatics* Yashwant V. Pathak,Surovi Saikia,Sarvadaman Pathak,Jayvadan K. Patel,Jigna Bhupendra Prajapati,2023-11-14 This unique volume presents AI in relation to ethical points of view in handling big data sets Issues such as algorithmic biases discrimination for specific patterns and privacy breaches may sometimes be skewed to affect research results so that certain fields to appear more appealing to funding agencies The discussion on the ethics of AI is highly complex due to the involvement of many international stakeholders such as the UN OECD parliaments industry groups professional bodies and individual companies The issue of reliability is addressed including the emergence of synthetic life 5G networks intermingling of human artificial intelligence nano robots and cyber security tools Features Discusses artificial intelligence and ethics the challenges and opportunities Presents the issue of reliability in the emergence of synthetic life 5G networks intermingling of human artificial intelligence nano robots and cyber security tools Ethical responsibility and reasoning for using AI in Big Data Addresses practicing medicine and ethical issues when applying artificial intelligence **ADVANCED GEOGRAPHIC**

**INFORMATION SYSTEMS -Volume II** ,2009-09-19 Advanced Geographic Information Systems is a component of Encyclopedia of Earth and Atmospheric Sciences in the global Encyclopedia of Life Support Systems EOLSS which is an integrated compendium of twenty one Encyclopedias The content of the Theme on Advanced Geographic Information Systems is organized with state oc the art presentations covering the following aspects of the subject Spatio Temporal Information Systems Interacting with GIS From Paper Cartography to Virtual Environments Spatial Data Management Topic Overview Introduction to Spatial Decision Support Systems GIS Interoperability from Problems to Solutions These volumes are aimed at the following five major target audiences University and College students Educators Professional practitioners Research personnel and Policy analysts managers and decision makers and NGOs Property Rights in Blood, Genes and Data Jasper A. Bovenberg,2005-12-01 Who owns our DNA The intuitive answer to this question is readily apparent you own your own DNA However since Watson and Crick discovered its molecular structure our DNA has gradually evolved from the Secret of Life to a potentially lucrative Commodity This development has triggered conflicting perspectives as to who holds legal title to our blood genes and related health data Rather than focusing on a specific property claim in isolation this book is the first to provide an integrated analysis of the merits of each of these perspectives While the United Nations have proclaimed human DNA as the Heritage of Humanity industry claims it to be patentable subject matter Whereas populations



whose DNA is used in national biobanks claim their DNA as their National Property individual patients increasingly stand up for their Personal Property Rights in their samples Meanwhile academic researchers claim their collections of biological materials as their Academic Property Taking a case and context driven approach and backing up traditional legal analysis with historical analogies web surveys and practical experience Jasper Bovenberg provides counter intuitive provocative and practical answers and recommendations for such controversial issues as how to share the benefits of DNA research whether or not to recognize personal property rights in bodily material and access to biomedical datasets in academia This book will interest not only lawyers and researchers but also universities funding agencies industry and policymakers worldwide It is also written to inform patients their relatives doctors and anyone else with an interest in a dilemma that is as universal as our DNA

**108-1 Joint Hearing: Database and Collections of Information Misappropriations, Serial No. 51,**

**September 23, 2003, \***,2004      *Legal Framework for e-Research* Brian Fitzgerald,2007-08-01 This book provides an overview of key legal issues facing e Research data exchange and data management collaborative endeavour the role and operation of privacy law and commercialisation      *Resolving Conflicts Arising from the Privatization of Environmental Data* National Research Council,Division on Earth and Life Studies,Board on Earth Sciences and Resources,Committee on Geophysical and Environmental Data,2001-02-01 Reliable collections of science based environmental information are vital for many groups of users and for a number of purposes For example electric utility companies predict demand during heat waves structural engineers design buildings to withstand hurricanes and earthquakes water managers monitor each winter s snow pack and farmers plant and harvest crops based on daily weather predictions Understanding the impact of human activities on climate water ecosystems and species diversity and assessing how natural systems may respond in the future are becoming increasingly important for public policy decisions Environmental information systems gather factual information transform it into information products and distribute the products to users Typical uses of the information require long term consistency hence the operation of the information system requires a long term commitment from an institution agency or corporation The need to keep costs down provides a strong motivation for creating multipurpose information systems that satisfy scientific commercial and operational requirements rather than systems that address narrow objectives *Resolving Conflicts Arising from the Privatization of Environmental Data* focuses on such shared systems

**A Question of Balance** National Research Council,Division on Engineering and Physical Sciences,Commission on Physical Sciences, Mathematics, and Applications,Committee for a Study on Promoting Access to Scientific and Technical Data for the Public Interest,1999-12-15 New legal approaches such as the European Union s 1996 Directive on the Legal Protection of Databases and other legal initiatives now being considered in the United States at the federal and state level are threatening to compromise public access to scientific and technical data available through computerized databases Lawmakers are struggling to strike an appropriate balance between the rights of database rights holders who are concerned about possible



commercial misappropriation of their products and public interest users of the data such as researchers educators and libraries A Question of Balance examines this balancing act The committee concludes that because database rights holders already enjoy significant legal technical and market based protections the need for statutory protection has not been sufficiently substantiated Nevertheless although the committee opposes the creation of any strong new protective measures it recognizes that some additional limits against wholesale misappropriation of databases may be necessary In particular a new properly scoped and focused U S statute might provide a reasonable alternative to the European Union s highly protectionistic database directive Such legislation could then serve as a legal model for an international treaty in this area The book recommends a number of guiding principles for such possible legislation as well as related policy actions for the administration

**The Role of Intellectual Property Rights in Biotechnology Innovation** David Castle, 2009  
recommended to anyone interested in the thrilling subject of the relationship of IPRs and innovation Ralf Uhrich Journal of Intellectual Property This is an outstanding piece of scholarship It will serve as a powerful stimulant for new research in the field and as a reliable guide for practitioners Calestous Juma Harvard University US Intellectual property rights IPRs particularly patents occupy a prominent position in innovation systems but to what extent they support or hinder innovation is widely disputed Through the lens of biotechnology this book delves deeply into the main issues at the crossroads of innovation and IPRs to evaluate claims of the positive and negative impacts of IPRs on innovation An international group of scholars from a range of disciplines economic geography health law business philosophy history public health management examine how IPRs actually operate in innovation systems not just from the perspective of theory but grounded in their global regional national current and historical contexts In so doing the contributors seek to uncover and move beyond deeply held assumptions about the role of IPRs in innovation systems Scholars and students interested in innovation science and technology policy intellectual property rights and technology transfer will find this volume of great interest The findings will also be of value to decision makers in science and technology policy and managers of intellectual property in biotechnology and venture capital firms

**The Digital Dilemma** National Research Council, Commission on Physical Sciences, Mathematics, and Applications, Computer Science and Telecommunications Board, Committee on Intellectual Property Rights and the Emerging Information Infrastructure, 2000-02-24 Imagine sending a magazine article to 10 friends making photocopies putting them in envelopes adding postage and mailing them Now consider how much easier it is to send that article to those 10 friends as an attachment to e mail Or to post the article on your own site on the World Wide Web The ease of modifying or copying digitized material and the proliferation of computer networking have raised fundamental questions about copyright and patent intellectual property protections rooted in the U S Constitution Hailed for quick and convenient access to a world of material the Internet also poses serious economic issues for those who create and market that material If people can so easily send music on the Internet for free for example who will pay for music This book presents the multiple



facets of digitized intellectual property defining terms identifying key issues and exploring alternatives It follows the complex threads of law business incentives to creators the American tradition of access to information the international context and the nature of human behavior Technology is explored for its ability to transfer content and its potential to protect intellectual property rights The book proposes research and policy recommendations as well as principles for policymaking

**Ensuring the Integrity, Accessibility, and Stewardship of Research Data in the Digital Age** Institute of Medicine, National Academy of Engineering, National Academy of Sciences, Committee on Science, Engineering, and Public Policy, Committee on Ensuring the Utility and Integrity of Research Data in a Digital Age, 2009-11-17 As digital technologies are expanding the power and reach of research they are also raising complex issues These include complications in ensuring the validity of research data standards that do not keep pace with the high rate of innovation restrictions on data sharing that reduce the ability of researchers to verify results and build on previous research and huge increases in the amount of data being generated creating severe challenges in preserving that data for long term use Ensuring the Integrity Accessibility and Stewardship of Research Data in the Digital Age examines the consequences of the changes affecting research data with respect to three issues integrity accessibility and stewardship and finds a need for a new approach to the design and the management of research projects The report recommends that all researchers receive appropriate training in the management of research data and calls on researchers to make all research data methods and other information underlying results publicly accessible in a timely manner The book also sees the stewardship of research data as a critical long term task for the research enterprise and its stakeholders Individual researchers research institutions research sponsors professional societies and journals involved in scientific engineering and medical research will find this book an essential guide to the principles affecting research data in the digital age

**Geographic Information Science** Max J. Egenhofer, Christian Freksa, Harvey J. Miller, 2004-10-15 This book constitutes the refereed proceedings of the Third International Conference on Geographic Information Science GIScience 2004 held in Adelphi MD USA in October 2004 The 25 revised full papers presented were carefully reviewed and selected from many submissions Among the topics addressed are knowledge mapping geo self organizing maps space syntax geospatial data integration geospatial modeling spatial search spatial indexing spatial data analysis mobile ad hoc geosensor networks map comparison spatiotemporal relations ontologies and geospatial event modeling

**Frequently asked questions about copyright a template for the promotion of awareness among CENDI agency staff** CENDI (U.S.). Copyright Task Group, **A Research Agenda for Geographic Information Science** Robert B. McMaster, E. Lynn Usery, 2004-08-30 A close relationship exists between GIS and numerous applications including cartography photogrammetry geodesy surveying computer and information science and statistics among others Scientists coined the term geographic information science GIScience to describe the theory behind these fields A Research Agenda for Geographic Information DNA and the Criminal Justice System David Lazer, 2004 Examines the impact of DNA technology



on issues of ethics civil liberties privacy and security      **The Effortless Economy of Science?** Philip Mirowski, 2004 A compilation of essays by the author that reveals the value for science studies of examples arising within the history of economics      **Scholarship in the Digital Age** Christine L. Borgman, 2010-08-13 An exploration of the technical social legal and economic aspects of the scholarly infrastructure needed to support research activities in all fields in the twenty first century Scholars in all fields now have access to an unprecedented wealth of online information tools and services The Internet lies at the core of an information infrastructure for distributed data intensive and collaborative research Although much attention has been paid to the new technologies making this possible from digitized books to sensor networks it is the underlying social and policy changes that will have the most lasting effect on the scholarly enterprise In *Scholarship in the Digital Age* Christine Borgman explores the technical social legal and economic aspects of the kind of infrastructure that we should be building for scholarly research in the twenty first century Borgman describes the roles that information technology plays at every stage in the life cycle of a research project and contrasts these new capabilities with the relatively stable system of scholarly communication which remains based on publishing in journals books and conference proceedings No framework for the impending data deluge exists comparable to that for publishing Analyzing scholarly practices in the sciences social sciences and humanities Borgman compares each discipline s approach to infrastructure issues In the process she challenges the many stakeholders in the scholarly infrastructure scholars publishers libraries funding agencies and others to look beyond their own domains to address the interaction of technical legal economic social political and disciplinary concerns *Scholarship in the Digital Age* will provoke a stimulating conversation among all who depend on a rich and robust scholarly environment



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