

# Intellectual Property Rights and CREA Standards for Publication<sup>1</sup>

The main objective of this document is to establish criteria for publication and intellectual property rights about data, evidences, conclusions, methodologies and theoretical conceptualizations produced by the staff who works, collaborates, or has academic links with the Centre of Research in Theories and Practices that Overcome Inequalities (CREA-UB), as a result of the research and theoretical developments done by this centre, to avoid engaging in malpractices, identify and prevent plagiarism and intellectual property rights theft.

This document is based on the *Guide for Intellectual Property Rights*<sup>2</sup> of the *INCLUD-ED Integrated Project Strategies for inclusion and social cohesion in Europe from education* (FP6, European Commission), coordinated by CREA, as well as on the *Plan of Management of Knowledge and Intellectual Property Rights*, of the *IMPACT-EV Project. Evaluating the impact and outcomes of EU SSH research* (FP7 European Commission), likewise coordinated by CREA.

The Knowledge Management Commission (KMC) of CREA is responsible for guaranteeing the criteria compliance in order to preserve the intellectual property rights mentioned in this document. The KMC is composed by a research member of each university where CREA members are working (currently Ph.D. Marta Soler – UB, Ph.D. Teresa Sordé – UAB, Ph.D. Carme Garcia – URV, Ph.D. Patricia Melgar – UdG, Ph.D. Itxaso Tellado – Uvic), and coordinated by CREA director (currently, Ph.D. Marta Soler). Nevertheless, it is the responsibility and obligation of all CREA members, regardless of their academic status, to know this protocol and to ensure its fulfilment and proper implementation.

The KMC is also responsible for guaranteeing that the same content is not repeated in different publications, thus avoiding plagiarism practices and/or intellectual property theft.

## 1. Confidentiality

The general principle of confidentiality comes under the Ethic Code to which the research is subjected<sup>3</sup> and covers various aspects of the research process: on the one hand, personal data of participants in the studies and, on the other hand, developed ideas and data collected in those projects. Protection of these data must be ensured in any kind of dissemination of research results. If the data is not properly protected, dissemination or publication will not be allowed, unless the situation causing the lack of protection is corrected.

## 2. Right of access to existing knowledge (background to the investigation or theoretical development)

<sup>1</sup> Approved by CREA assembly the July 1, 2011 and updated in August 2014 .

<sup>2</sup> Guide based on *Guide to Intellectual Property Rights Provisions* for FP6 Projects, of the European Commission.

<sup>3</sup> Charter of Fundamental Rights of European Union, Art. 8, *Official Journal of the European Communities* (Dec. 18, 2000); European Commission (2007) *Ethics for Researchers. Facilitating Research Excellence in FP7*. Retrieved September 5, 2012 from <ftp://ftp.cordis.europa.eu/pub/fp7/docs/ethics-for-researchers.pdf>; The Respect Project. *The RESPECT Code of Practice for Socio-Economic Research*. Retrieved September 7, 2012, from <http://www.respectproject.org/code/index.php>

Prior knowledge<sup>4</sup> or background developed before the starting date of a study or scientific work (ideas, previous research, concepts, technical content and methodologies) used in each of the CREA's projects, are property of their author/authors.

Other people involved in the project or scientific activity shall be entitled to use this information on the condition of specifying and quoting the original source from which has been extracted the concept and/or the idea. Some examples of concepts generated by CREA are: dialogic learning, critical communicative methodology, preventive socialization of gender violence, postmodern racism, multicultural secularism and mirage of upward mobility. If any doubts arise related with the quotation of a concept and/or idea, the researcher will check with the CREA's KMC how to reference and/or cite the knowledge in question.

### 3. Property

In case of different researchers and/or research groups developing a joint work that have led to the generation of knowledge, if their respective share of work cannot be determined, they will have joint ownership of such knowledge.

Ownership of underlying (previous) ideas that have led to the main premises both of current research by CREA as well as of those that have been developed throughout its history corresponds to those authors who created them. The value of a scientific publication does not rely on its redaction, but in the discovery or knowledge that is explained<sup>5</sup>.

The research projects elaborated by CREA collect the knowledge created by its members and therefore it belongs to them. What each project adds to the existing knowledge belongs to the PI and the team the he/she has selected, in all its stages. The PI is responsible of including the creators of all the published knowledge in the authorship of publications.

### 4. Authorship

Authorship is directly related to the procedures and rules established by the property. Under these criteria, different types of authorship are established:

a) *Publications or works presenting the national and international state of art developed in the framework of a research project, but it is not knowledge created by the same project.* Before elaborating this publication, the Main Researcher of the Project must be informed, in order to establish an agreement with him or her about who will be the author or authors of the publications. This proposal will be sent to the Knowledge Management Commission.

b) *Publications or papers presenting research results.* The Main Researcher is the one who takes the initiative to invite other researchers to be authors of a publication, in coordination with the KMC. If any other person of the team considers the possibility of working a publication, he or she must inform the Main Researcher before making any decision, take any action to start the process, or do the work, in order to

<sup>4</sup> According to the *Guide to Intellectual Property Rights Provisions for FP6 Projects*, in the Annex II, General conditions, Art. li.1.18, it is defined "antecedents or prior knowledge" as "the information which is held by contractors prior to the conclusion of the contract, or acquired in parallel with it"

[own information contractants prior to the end of the contract, or acquired in parallel with it] (page 4).

<sup>5</sup> Flecha, R. (2014, May 17). Concept of the Social Creation and the Evolution of Social Sciences. Retrieved from: <http://amieedu.org/debate/index.php?PHPSESSID=ddg8nkco8qnfme0l24t8buqu06&topic=124.0>

agree with him or her the specific subject as well as the people who will develop it. This proposal will be sent to the Knowledge Management Commission.

It is understood that when the Knowledge Management Commission receives a proposal for publication or work that submit research results, it has already the Main Researcher's approval.

c) *Publications or papers that present ideas, concepts, theoretical developments that have emerged from the collective work of CREA.* Before this publication is done, its production must be proposed to the Knowledge Management Commission of CREA. The KMC will be the last responsible instance on the approval of the publication, whenever this one develops, submits or includes a concept, idea or theoretical development not yet published.

## **5. Publishing process**

The Main Researcher may publish or allow the publication of data, in any medium, while it is not affected the protection of such knowledge.

In case of a publication is developed or managed without the Main Researcher and KMC approval, the work will be automatically suspended before its publication, since in this case it is not possible to ensure that the content would have been previously published in another form, nor principle of plagiarism.

The researcher who proposes a possibility of publication will present to the Main Researcher a brief description and objective of the work. If the person who proposes is the Main Researcher, he or she will present to the rest of the team and the Knowledge Management Commission a proposal and a suggestion of authorship.

If a conflict arises such as:

- Starting a proposal without prior consultation.
- Sending a publication proposal without prior consultation.
- Develop a proposal and submit it under external authorship of CREA of material that is based on or collect ideas, concepts, methodologies and theoretical developments which are the result of CREA research works and that have not been previously published or they are not quoted correctly.

The KMC of CREA will decide about the issue, by consensus whenever is possible, and in case it would not be possible, by majority vote. Such a malpractices has the character of serious misconduct, because it may imply incurring in plagiarism, improper handling of data or unfair competition.

Dissemination activities shall be compatible with the Protection of Intellectual Property Rights, confidentiality obligations and the legitimate interests of the holder knowledge.

The process of publishing of any idea produced by any of the research projects and/or Working Groups of CREA must include the following steps that have been defined according to the General Conditions set by the European Commission<sup>6</sup>.

### **Steps to the publishing process**

**Step 1.** The Main Researcher proposes publications to the Knowledge Management Commission, or a researcher sends the publication proposal to the Main Researcher (in case of the research project) and to the Knowledge Management Commission of CREA (in case of use of concepts, ideas, etc.). This proposal includes a brief description, the purpose of the publication, where will be proposed to be published or presented (name of the journal, conference, seminar). In case of other dissemination activities such as communications or scientific conferences and presentations, researchers must also communicate and consult the Main Researcher and the Knowledge Management Commission these proposals in order to get approval.

**Step 2.** Once the proposal is accepted by the Main Researcher and Knowledge Management Commission, it will be sent to persons nominated for authorship to develop processing.

**Step 3.** The Main Researcher or the individual who proposes the article will inform the KMC. This commission must approve the proposal. The KMC may refuse publication if any conflict related to the intellectual proposal, data protection or other conflict arises.

**Step 4.** Once the publication is prepared, it will be sent to Main Researcher and the KMC to give the approval, make any objection if it takes place, and allow its publication.

**Step 5.** The publication is finished and ready to be sent to the journal, congress, conference, seminar, etc.

## **6. Recognition of the project and project funding.**

Any news, publication or communication by the research staff of any research project developed by CREA, including conferences, workshops, seminars, etc., has to collect the full title of the project concerned and to specify the funding organization of the study, as well as detailing the reference number.

## **7. Doctoral theses or works with investigations or the research lines developed by CREA.**

Doctoral and Master's Theses related to the research projects or lines of research of CREA are welcome. It is necessary to properly inform the Main Research.

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<sup>6</sup> *Guide to Intellectual Property Rights Provisions for FP6 Projects, European Commission.*