

"AGREED BY"

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November 4, 1999

"APPROVED BY"

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October 25, 1999

Regulations on the Observed Data Archives of SAO RAS

Accepted by the SAO RAS Academic Council October 22, 1999

These Regulations determine the legal norms for the creation and activity of the SAO RAS Observed Data Archives (hereinafter referred to as the SAO Archive), formulate the tasks that the Archive is aimed to solve and the rules for using it. The SAO Archive is created for the following tasks related to the main activity of the institute and increasing the efficiency of the SAO instruments in general:

1. storage of scientific data obtained with SAO telescopes;
2. providing access to the obtained data for applicants of telescope time and the entire astronomical community.

Legislative sources of these Regulations are:

1. Civil Code of the Russian Federation (Arts. 128,138);
2. Law on Copyright and Related Rights of the Russian Federation of 9.07.1993 (LoC);
3. Law on Legal Protection of Computer Software Programs and Databases of the Russian Federation of 23.09.1992;
4. Law on Science and the State Scientific and Technical Policy of the Russian Federation of 23.08.1996.

According to the LoC and the Federal Law on Science and State Science and Technical Policy, a person who created his scientific and technical object by his work is considered to be its author, i.e., has the copyright to this object. This right arises from the very fact of its creation and no registration is required to exercise it (Art. 9 of LoC). All the data obtained with SAO telescopes are subject to copyright (Art. 7 of LoC). These Regulations establish that the academic staff (members of the research team) of the observatory, who directly participated in the preparation and implementation of observation programs, have the copyright to the results obtained by SAO telescopes on a par with proposers of research programs.

Personal non-property rights belong to the authors in respect of the results they obtained (Art. 15): the right of authorship; the right to a name; the right to image. Since all the data obtained with SAO RAS telescopes are official works, they are not subject to Art 15 of LoC on the right to publish results including the right to withdrawal. In this case, it means that to store the obtained data in the SAO Archive, the authors' consent is not required, and also that they can not be withdrawn from the SAO Archive by decision of the authors or anyone else.

Due to the fact that all scientific results obtained with SAO instruments are produced by the SAO staff in furtherance of their employment duties, the exclusive rights to use these results in any form

and in any way belong to SAO RAS represented by the Director of the observatory, as provided by Art. 14 of LoC, in full and for the entire period of their force. These rights include the right to reproduction, the right to distribution, the right to public display, the right to processing, the right to import, the right to broadcast, the right to wire to general public, the right to transfer, and other uses (Art. 16 of LoC). These rights are exercised by SAO RAS with due regard to personal copyrights. The relationship between the owners of personal copyrights to the results obtained and SAO RAS as the owner of exclusive property rights is determined by separate agreements between them expressed, for example, in a proposal for telescope time at SAO RAS telescopes.

The order of archiving the observed data obtained using SAO telescopes is established by the orders of the SAO RAS Director. SAO RAS in the person of the Director determines the following procedure for using the observed data obtained at SAO telescopes and stored in the SAO Archive:

- SAO RAS guarantees storage and access to the obtained observed data for the whole subsequent time starting from the time of their archiving;
- exclusive copyright to use of the Archive data containing information on astrophysical objects belongs to proposers of an observation program for 2 years after observations;
- SAO RAS guarantees that within 2 years the data from the Archive can be submitted to other applicants only with a written permission of the investigator of a program;
- after the expiration of this period, the data lose their exclusive status and are presented for use by the astronomical community without restrictions with obligatory reference to the source of their receipt;
- calibration materials and other supporting data are available immediately after they are placed in the SAO Archive;
- the reference to using the 6-m BTA and Zeiss-1000 telescopes is mandatory as a footnote in the first page of a paper.

violations of the established procedure for using the data are considered to be an interference with the copyrights of authors and executors of the observation program and SAO RAS as a whole and involve responsibility in accordance with the procedure established by law (Art. 50 of LoC).

These Regulations apply to all the observed data obtained using SAO RAS instruments including the data obtained previously using digital and analogous (photographic) detecting systems.