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SPECIFIC FEATURES OF APPLYING CREATIVE COMMONS LICENSES TO ENSURE OPEN ACCESS TO SCIENTIFIC PUBLICATION

ABSTRACT. *The paper analyses the use of Creative Commons licenses in ensuring open access to scholarly publications. The main attention is paid to the comparative analysis of six basic licenses, in particular CC BY 4.0 as the most universal version, which provides a balance between openness and preservation of copyright. The legal nature of CC0 as a declaration of waiver of rights, as well as its limited application in the Ukrainian context, are considered. It is proposed to introduce CC BY 4.0 as a standard license for the National Repository of Scientific Data of Ukraine.*

KEYWORDS: *open access; Creative Commons licenses; CC BY 4.0; copyright; intellectual property; National Research Data Repository of Ukraine.*

INTRODUCTION. In the modern scientific ecosystem, open access to publications and research data is a critical condition for accelerating scientific progress, increasing the transparency of research and the effectiveness of international cooperation. The adoption of unified licensing mechanisms in data repositories significantly simplifies the reuse of research results, promotes the replication of results and increases the scientometric visibility of national scientific achievements. At the same time, licensing instruments must be legally understandable, compatible with national legislation and academic citation practices. In the context of Ukraine, the question arises of the optimal choice of license for the National Repository of Scientific Data: a balance of openness, protection of ethical norms and compliance with local law.

MATERIALS AND METHODS. The research materials included scientific publications, official Creative Commons documentation (CC BY 4.0 and CC0 1.0 licenses), as well as a review of international practice in the use of open licenses [1–4]. Methodologically, a documentary analysis of the license provisions, a comparative legal analysis of their consistency with Ukrainian copyright, and a comparative evaluation analysis method were used to determine the best application model.

RESEARCH RESULTS. One of the key factors in the development of open science and the integration of national scientific systems into the global space is ensuring open access to research results. For this, it is important not only to create a technical infrastructure of repositories, but also to form a single legal framework that regulates the conditions for the distribution, use and reuse of research materials. The international Creative Commons community has developed several universal licenses that have become a standard for the open exchange of knowledge and data in most countries of the world. An analysis of their content, legal features and compatibility with Ukrainian legislation is necessary to determine the license that can be used by default in the National Repository of Scientific Data of Ukraine. The main results of the comparative analysis and features of the use of Creative Commons licenses are given in Table. 1 [2, 3].

According to the results of the analysis of the six main Creative Commons licenses, the most appropriate and generally recognized for use in scientific repositories is the CC BY 4.0 (Attribution 4.0 International) license. It provides an optimal balance between open access and copyright protection. It also provides for a mandatory reference to the author when freely distributing, using and adapting materials. Unlike previous versions (1.0–3.0), the CC BY 4.0 version [3] is consistent with international copyright treaties (in particular, the Berne Convention) and is adapted to the specifics of the national legislation of different

Table 1. Features of using Creative Commons licenses

License	Mandatory attribution to the author	Commercial Use Permit	Authorization for modifications and derivative works	Requirement «ShareAlike»	Freedom of use
CC BY	YES	YES	YES	NO	Highest
CC BY-SA	YES	YES	YES	YES	High (Copyleft)
CC BY-ND	YES	YES	NO	NO	Average (No change)
CC BY-NC	YES	NO	YES	NO	Average (No Commerce)
CC BY-NC-SA	YES	NO	YES	YES	Moderately low
CC BY-NC-ND	YES	NO	NO	NO	Lowest

countries. Including Ukraine, where, according to the current law, the author's complete waiver of personal non-property rights is legally impossible [5].

That is why the use of the CC0 1.0 license [4], which implies the author's complete waiver of all property and non-property rights through the Public Domain Dedication declaration, is not entirely correct in the Ukrainian legal field. Since the current legislation of Ukraine does not allow for the complete waiver of the author's personal non-property rights. According to the Law of Ukraine "On Copyright and Related Rights" [5], the author retains inalienable personal non-property rights, even in the event of transfer or licensing of property rights, which makes the use of CC0 1.0 legally limited. In this context, CC BY 4.0 is the most legitimate and flexible tool for ensuring open access, combining international standards with the requirements of Ukrainian legislation.

Conclusion. Based on the research conducted, the following conclusions were made:

1. The CC BY 4.0 license best meets the requirements of open science, as it provides a balance between openness, authorship protection and international compatibility.
2. CC0 1.0 can be useful for publishing statistical and technical datasets, but its use in Ukraine requires caution due to the preservation of the author's personal non-property rights.
3. It is recommended to use the CC BY 4.0 license as a standard default license in the National Repository of Scientific Data of Ukraine, since due to the peculiarities of Ukrainian legislation, the use of CC0 may have legal restrictions.

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2. Creative Commons Licenses. Available from: <https://creativecommons.org/licenses/>
3. Attribution 4.0 International Legal Code (CC BY 4.0). Available from: <https://creativecommons.org/licenses/by/4.0/legalcode.en>
4. CC0 1.0 Universal Legal Code. Available from: <https://creativecommons.org/publicdomain/zero/1.0/legalcode.en>
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ОСОБЛИВОСТІ ЗАСТОСУВАННЯ ЛІЦЕНЗІЙ CREATIVE COMMONS ДЛЯ ЗАБЕЗПЕЧЕННЯ ВІДКРИТОГО ДОСТУПУ ДО НАУКОВИХ ПУБЛІКАЦІЙ

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