

WIYN/ODI/PPA Data Rights Policies

The One Degree Imager (ODI) is a scientific imager on the WIYN 3.5m telescope, owned and operated by WIYN, Inc. on behalf of the WIYN partnership. Access to ODI and the WIYN telescope, for the purpose of making scientific observations is allocated to each of the WIYN partners at different times. The WIYN partners designate members of their staff, including faculty and students, as principal investigators (PI), to make observations with ODI and WIYN during specific times within their institutional allocation. In addition, the WIYN staff, assisted by staff from the WIYN partners, operates ODI in order to optimize its performance and carry out improvement projects. The data that ODI creates is transferred to a digital archive at Indiana University, where it is further processed by a reduction pipeline. Both raw and reduced data may be accessed from the archive through an internet portal. This post-observing system, including the data transport, the archive, the pipeline, and the portal constitute the ODI-PPA system.

All data products produced by ODI and the ODI-PPA system available from the WIYN ODI archive - including, but not limited to, images, databases, catalogs, and scientific works, but not including derived scientific works and papers produced by researchers outside the scope of automatic processing - constitute intellectual property to which the PI grants WIYN the right to act as custodian and to manage access, according to the policies below.

The policies stated in this document apply to ODI data obtained from the digital archive. The policies govern access, that is, who may obtain the data, and conditions of use, that is, what may be done with the data. Access falls into three categories: (1) the researcher (principal investigator) to whom the instrument and telescope access was granted when the data were obtained, (2) observatory staff who are supporting the use of ODI by the WIYN user community, and (3) everyone else.

It is WIYN's policy, after the completion of the proprietary period described below, to make ODI data products available for free use by the astronomical community throughout the world. However, any such use of scientific images and data products is subject to the WIYN Conditions of Use policy, which is stated below.

1. Conditions of Use

a. General conditions

- i. WIYN ODI data products may not be used to constitute, state, or imply the endorsement by WIYN of an individual, commercial product, process, service, or activity.
- ii. Use of WIYN names and/or logos in publicity, promotion, or advertising is prohibited without prior written consent of WIYN.
- iii. WIYN should be acknowledged as the source of its materials, products, and technologies

- iv. It is unlawful to falsely claim copyright or other rights in WIYN material.
- v. WIYN shall in no way be liable for any costs, expenses, claims, or demands arising out of use of WIYN ODI data products by a recipient or a recipient's distributees.
- vi. WIYN personnel are not authorized to sign "hold harmless" statements or documents granting exclusive rights.

b. Credit and copyright statements

Any use of WIYN ODI data products should include the following credit statement:

This research uses services or data provided by the WIYN ODI Archive. The WIYN Observatory is a joint facility of the University of Wisconsin, Indiana University, Yale University, and the National Optical Astronomy Observatory.

c. Usage Categories

Three general categories are defined for the use of WIYN ODI data products: educational/research, commercial, and personal (non-profit).

In all categories, electronic products may not be used in an inappropriate manner. Inappropriate use includes, but is not limited to: religious materials, gang related materials, ethnic background materials, and political information. Inappropriate use also includes derogatory use of reproductions, authorship of derivative works and other transformations of the original work. The use of data products must not imply endorsement by WIYN of organizations, products, or services using the data products.

- i. **Educational/Research Use:** WIYN allows reproduction, authorship of derivative works, and other transformations of the original work strictly for educational and research purposes without further permission, subject to the General Conditions section stated above. Some examples of non-commercial uses for educational and research purposes are: academic curricula developed by teachers, research papers written by students or scholars, non-profit educational or non-profit research publications produced by authors or publishers, educational outreach activities composed by amateur astronomers and news media stories. For other non-commercial uses, permission must be obtained from WIYN.

- ii. **Commercial Use:** Permission must be obtained from WIYN prior to use. WIYN will work with vendors on a case by case basis to establish appropriate permissions for use, which in some cases may involve a fee or royalty agreement. Some examples of commercial uses are: non-educational book publications, non-news magazines, calendars, logos and retail products. Commercial vendors should submit a description of the intended use of the data products to the contact address below for verification of appropriate use.
- iii. **Personal, Non-profit Use:** WIYN allows reproduction, authorship of derivative works, and other transformations of the original work strictly for personal, non-profit/non-commercial/non-retail use without further permission, subject to the second paragraph under 1c and the General Conditions section stated above. Some examples of personal, non-profit/non-commercial/non-retail uses are downloading data products for personal posters or screensavers or as gifts for friends and relatives.

d. Contact

If further information or assistance is needed, please contact:

WIYN ODI Archive Permission (WIYN_archive_permission@wiy.org)
NOAO
PO Box 26732
Tucson, AZ 85726-6732

2. Proprietary Period and Control

To promote the maximum scientific impact of data collected at WIYN, all ODI data will be retained and archived at WIYN, with the expectation that the data will be made available electronically to the world-wide astronomical community following a nominal period during which the proposing investigators have exclusive scientific rights. Proprietary access is granted automatically to the principal investigator (PI) to whom the telescope time was granted. The PI may grant proprietary access to other researchers with whom he/she is collaborating. This proprietary period is subject to the following provisions:

- a. The duration of the proprietary period is normally 18 months from the time the data are collected at the telescope.
- b. Certain special programs (such as surveys) may be subject to shorter proprietary periods; these cases will be identified in the Call for Proposals.

- c. The proprietary period for any program may be shortened at any time at the discretion of the Principal Investigator for that program. PIs so inclined must notify the WIYN Director or designee in writing.
- d. The requested proprietary period may be longer than 18 months for certain programs. Requests for longer proprietary periods must be submitted with the observing proposal to the WIYN Director for approval. Approval of such requests will be based on criteria approved by the WIYN SSC. Denial of requests for longer proprietary periods may be appealed to the WIYN SSC.
- e. Metadata that describe the individual exposures, including location and extent of the aperture, instrument configuration, time and duration of the exposure, etc., will be stored in a database that, by default, will be searchable by the community immediately upon ingest of the exposure in the WIYN ODI Archive. In cases where the metadata have scientific value, a request with justification may be made to the WIYN Director at the time of proposal submission that the same proprietary period be applied to the metadata as the data.
- f. The following data will not be considered proprietary, and will be made available to the public immediately upon ingest in the WIYN ODI Archive:
 - i. All internal calibration data, such as bias frames, dark frames, and dome flat fields,
 - ii. All data taken under the auspices of the Standard Calibration Plan (see Sect. 3 below),
 - iii. Derived calibration reference data, such as fringe frames and sky flats.
- g. Data taken with an instrument for engineering or test purposes may have scientific value. These data are not considered proprietary, and will be made available to the public immediately upon ingest in the WIYN ODI Archive.
- h. All data will be available to WIYN science and technical staff (including NOAO personnel who are supporting ODI) for the purposes of:
 - monitoring the health and safety of the instrument
 - trending the calibration and performance of the instrument
 - developing and maintaining calibration software for the instrument

For any other use, such as educational applications, WIYN will consult the PI.