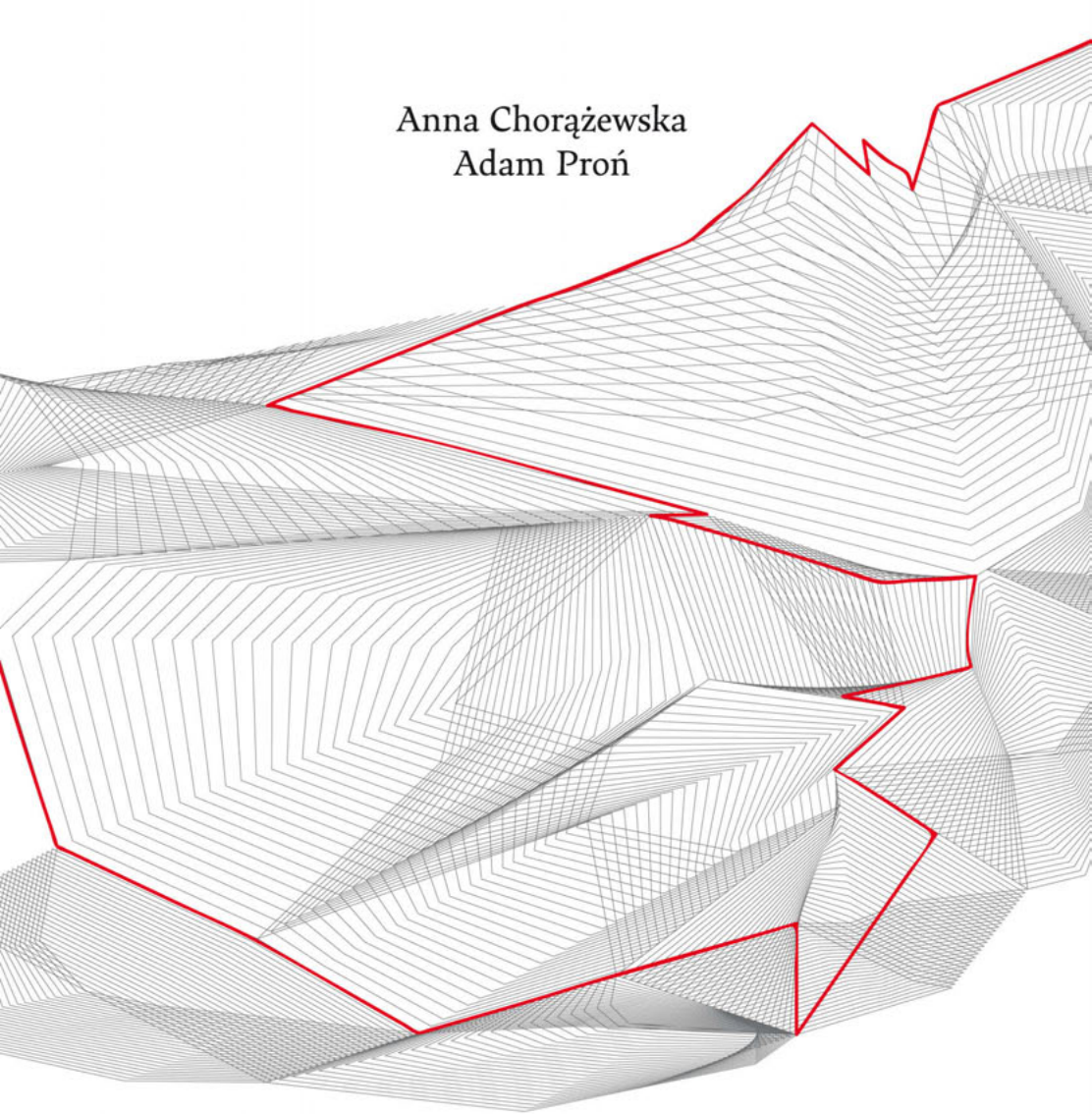


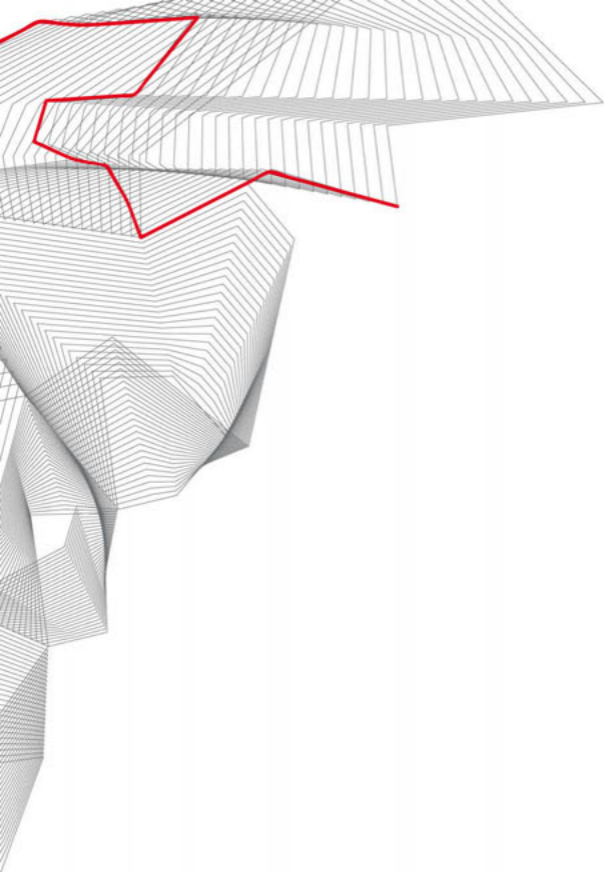
Anna Chorążewska  
Adam Proń



**Intellectual Property Rights  
and Scientific Authorship:  
Legal and Ethical Considerations**  
**Case Study in Hard Sciences  
and Natural Sciences**



UNIWERSYTET ŚLĄSKI  
WYDAWNICTWO



## The Science

Quotations from Richard P. Feynman  
(Nobel Prize in Physics, 1965):

*There is the value of the worldview created by science. There is the beauty and the wonder of the world that is discovered through the results of these new experiences.*

*What is science? The word is usually used to mean one of three things, or a mixture of them. [...] Science means, sometimes, a special method of finding things out. Sometimes it means the body of knowledge arising from the things found out. It may also mean the new things you can do when you have found something out, or the actual doing of new things.*

A quotation from Percy W. Bridgman  
(Nobel Prize in Physics, 1946):

*A formulation of the purpose of scientific activity which appeals to me as rather exhaustive is the understanding, prediction and control of events.*

# Intellectual Property Rights and Scientific Authorship:

Legal and Ethical Considerations  
Case Study in Hard Sciences  
and Natural Sciences

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of the University of Silesia in Katowice

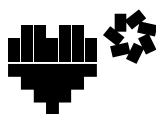


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Anna Chorążewska, Adam Proń

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Case Study in Hard Sciences  
and Natural Sciences

Referees  
Adam Sulikowski  
Janusz Limon



**European  
City of Science  
Katowice 2024**

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## Introductory Remarks

The link between human rights, intellectual property rights and the safeguarding of personal and property rights of scientific creators has garnered increasing attention in recent times. While the 1997 Constitution of the Republic of Poland, along with the constitutions of other countries, guarantees researchers the freedom to engage in scientific inquiry and disseminate their findings, they often fall short in adequately addressing the protection of these rights. Furthermore, in the 20th century, as scientific and technological advancements surged, research inquiries and methodologies grew increasingly intricate. In the 21st century, the challenges confronting the scientific community have become even more intricate. Additionally, the advent of data-driven science, financial considerations, national science policies and the pressure exerted by rapidly developing China have substantially shaped the trajectory of research, particularly within the domains of the hard sciences, life sciences and medicine. These developments have given rise to a growing demand for multidisciplinary research projects led by teams of scientists and technical support personnel. The outcomes of such research endeavours are often announced as multi-author scientific articles or invention projects. The researcher's involvement in such projects can assume various forms. It may encompass the inception of a research concept or hypothesis, the attainment of a scientific breakthrough (discovery) or the establishment of scientific truths. It can also encompass more technical roles, such as experiment design or data acquisition during measurement processes, followed by comprehensive analysis and interpretation of experimental data. Thus, the results of research activities

do not, in all cases, demonstrate the ability to be expressed in a form appropriate to the categories of intangible goods defined in the intellectual property law system. In such cases, researchers do not obtain legal protection for the fruits of their labour either from copyright or invention law.

Consequently, the evolving landscape of scientific research, characterized by multidisciplinary and international collaboration, presents challenges in protecting scientific authorship. It should be explained that having its source in the Berne Convention for the Protection of Literary and Artistic Works, the copyright law of many countries protects only the author of the work, which means that only the method of expression is subject to copyright protection. For example, the Polish legislator explored in Article 1(1) that a “work” constituting the subject matter of copyright is every manifestation of creative activity of individual nature, fixed in any form, regardless of value, purpose and manner of expression. Furthermore, as far as negative definition is concerned, the legislator explains what form a “work” cannot take, that is, what it is not. Article 1(2)1 sentence 2 excludes copyright protection of: discoveries, ideas, procedures, methods, principles of operation and mathematical concepts. Similarly, the Polish Industrial Property Law Act (Article 28, paragraph 1) provides that inventions are not considered to be, in particular: (1) discoveries, scientific theories and mathematical methods; (2) creations of merely aesthetic nature; (3) schemes, rules and methods for carrying out mental processes, playing games or conducting business; (5) computer programs; (6) representation of information.

It is generally accepted in intellectual property law that a contribution to research can obtain legal protection when it has the capacity to be fixed in the form of an intellectual good as defined in the legal system. In the case of a work subject to copyright protection, the effect of the research activity should be established in any form, even impermanent, yet stable enough to be perceived by persons other than the creator himself. In addition, its nature should be individualised and thus constitute a materialised creative and significant product of the human intellect. In the research process, often essential research contributions, even those that condition the success of the entire project, do not demonstrate this capacity. The problem of the lack of adequate and, at the same time, effective guarantees of legal protection for the fruits of scientific work has already been recognised in

the literature. The authors of this book have set themselves the goal of joining the ongoing discussion on this subject. The authors seek to answer the question of who is a creator of science and what constitutes scientific authorship and recognition of individual contributions to the state of knowledge in the contemporary world of collaborative research conducted by very numerous interdisciplinary teams.

The book examines various perspectives on the indicated topic. First, from the point of view of the scientist's right to become a co-author of a single scientific work, established in the form of an article or poster or orally in the form of a conference speech. Second, from the point of view of the criteria used in promotion procedures for the award of scientific degrees for recognising the existence of an individual contribution to the state of knowledge of the applicant. These analyses lead to identifying the prerequisites required to demonstrate the authorship of the scientific achievement identified in the application for the award of a degree. Identifying and delimiting an individual contribution to the state of knowledge today is not an easy task to perform. Conducting scientific research requires drawing on other researchers' scientific achievements and findings. The complexity of research problems means that a researcher rarely works alone or as a member of a small research group. Consequently, in promotion proceedings, scientific achievements are often documented by multi-authored articles and inventions. Determining who should be credited with the authorship of a scientific achievement obtained from collaborative research and based on predecessors' work undoubtedly requires extraordinary clarity of mind, objectivity and expertise in the scientific issues under investigation.

Pursuing answers to these questions compelled the authors to engage in interdisciplinary analyses. It became imperative to scrutinize not only the legal framework governing scientific authorship and the right to be recognized as an author but also the ethical dimensions of the matter. Consequently, this book approaches these issues from the vantage point of legal sciences, encompassing intellectual property law and jurisprudence, as well as the field of the science of studies. Such a precisely defined research problem and the authors' ambitious objectives have also shaped the structure of this book, leading to its division into two parts.

The first part, authored by Anna Chorążewska, delves into examining the freedom of scientific research as a constitution-

ally protected concept and the problem surrounding the legal foundations for safeguarding the authorship of scientific works under Polish law while considering the legal and comparative background.

The analysis is grounded in the academic thesis positing that an individual who makes an independent, creative (original), and significant contribution to a collaborative research project possesses the right to be acknowledged as a co-author of a scientific work that publishes the outcomes of jointly conducted research. The author's examinations substantiate the validity of this thesis.

The legal basis for protecting the interests of scientists is rooted in national constitutions and international human rights conventions, collectively elevating the subjective rights of creators in the realm of science to the realm of human rights, entitling them to the protection of both personal and material benefits stemming from their scientific endeavours. Simultaneously, the author recognises that existing regulations do not furnish adequate safeguards or ensure the effective realisation of this defined subjective right.

As a result, the book articulates *de lege lata* postulates and *de lege ferenda*. It is duly emphasised that a pressing task for contemporary national legislators is to establish a comprehensive and effective legal framework for protecting authors' personal and property rights in the realm of science. Undoubtedly, it is beyond contention that the exercise of the freedom of scientific research should entail that an originator of an original, significant and individualised contribution to research acquire the right to authorship of a scientific publication or invention to the development of which the results of their creative scientific activity have contributed. A notable exemplar of an appropriate approach to this quandary is the solution embraced within the German higher education and science system, where the German legislator extends the protection of the right to scientific authorship to all participants in the research process, irrespective of whether their research contribution fulfils the criteria for authorship as per intellectual property law. However, such a practice is not widespread. Meanwhile, the extensive inclusion of guarantees for property rights in the constitutions of many countries (e.g., Article 64 of the Constitution of the Republic of Poland) should be construed to encompass not only traditional property rights about tangible things and immovable property but also an intellectual property to all products of the human

intellect. Consequently, the identified legal gap within the legal systems of numerous countries necessitates rectification.

The second part of the book, co-authored by Anna Chorażewska and Adam Proń, a legal expert and a representative of the sciences with considerable research and reviewing experience, analyses the legal and ethical conditions for carrying out team-based scientific research in the area of hard sciences and natural sciences from the perspective of reflection inherent in science of studies, taking into account the historical background of the development of the system of science and the assessment of scientists. The foundation for these deliberations, as well as the guiding framework, are rooted in the insights of Professor Józef Pieter (1904–1989), a distinguished Polish psychologist, philosopher and pedagogue who also served as an academic teacher at various Silesian universities. Pieter's exceptional monographs, which explore scientific work as an expression of human creativity, contribute significantly to the exploration of critical issues such as the categorization of scientific work, the scientific methodology, the phenomenon of mentorship in the scientific realm, the subject and essence of research contributions, and the legal and ethical prerequisites for ascribing authorship to scientific works and scientific accomplishments.

The analyses conducted led the authors to two main findings. First, the determination of binding ethical principles for attributing the authorship of scientific works. Considering the legal and ethical context, the authors also answer the question of who is entitled to authorship of scientific work and who should only be mentioned in the Acknowledgments section of the article. Second, within the legal, ethical and factual framework, the principles for effective demonstration of authorship of scientific achievement, that is, authorship of an independent and individualised contribution to the state of knowledge, by applicants for awarding a degree or title in promotion proceedings are set out. It also addresses the issue of proper documentation of authorship of a scientific achievement that has not been published as a single author monograph but as a published series of thematically related multi-author scientific articles.

The authorship of a scientific achievement is analysed through the prism of the requirements for a doctoral dissertation, a habilitation thesis and the scientific achievements of a candidate for the title of professor. It should be noted the doctoral dissertation (thesis) is characterised not only from the perspective of Polish legal

and factual conditions but also from a comparative background. In so doing, the authors take into account two aspects. First, the doctoral degree is common in the higher education and science systems of various countries, whereas the postdoctoral (habilitation) degree and the title of professor are rare. The second is that in other countries the professorship is often related to a position of employment in a scientific research unit or university rather than a formally conferred title by the state itself.

Considering that the outlined problem is exceptionally actualised when working in interdisciplinary and often international research groups, considerations of a theoretical nature were supplemented with case studies from the hard sciences and natural sciences. The purpose of this treatment is to decode the content of desirable authorship attribution rules with careful consideration of the role of the research group leader. As a result, the analysis of the established customs and rules of coexistence prevailing in the Polish scientific community is carried out, taking into account the international background. This is because Polish scientists must consider the standards of authorship attribution binding in the international scientific community when working in international research teams or publishing in foreign scientific periodicals.

To achieve this goal, the following formula was applied. The authors have chosen individual research domains in hard sciences and natural sciences to be analysed in the study. Next, in interviews with the subject matter consultants of these domains, the essence of the problems occurring in the attribution of authorship of publications and the documentation of scientific achievements in promotion proceedings was diagnosed. The consultants for this part of the study were scientists of unquestionable scientific status who could be called experts in their discipline of science. These scientists were then asked to explain which types of research processes during the preparation and implementation of a scientific project they qualify as creative and significant to their research and which, in their view, take the form of activities that, although highly specialised and relevant, are non-creative. A case study was developed based on these interviews and the materials provided concerning relevant scientific publications. Then, individual parts of study cases were subjected to the authorisation procedure of each researcher whose research work was analysed. On this basis, the principles of reliable attribution of authorship of scientific works and documentation of scientific

achievements in promotion proceedings applicable to selected scientific specialities in the hard sciences and natural sciences were decoded.

The findings reached by the authors of this book allow for the formulation of a thesis. Law and ethics require that “scientific creativity” be covered by appropriate legal protection. On equal terms with other manifestations of human creative activity, it becomes necessary to sanction an effective system of protection of scientific authorship. The adopted solution should cover not only the issue of protection of authorship of a research contribution but also the protection of authorship of a scientific achievement. Consequently, the legal regulations should consider the diversity of the nature and subject of research, the scientific workshop and the nature of academic writing occurring in different areas of knowledge.

Regarding the Polish three-stage scientific promotion system, obtaining full research independence and the possibility of the unfettered exercise of scientific freedom are reached only after receiving the status of titular professor, the lack of protection for scientific authorship seems to be a severe shortcoming of the legal regulations in force in Poland. In their present form, especially in the field of hard sciences and natural sciences, the promoting system may even constitute a factor hampering the development of Polish science. The necessity to demonstrate in the promotion procedure an independent and individualised contribution to the state of knowledge in many cases may preclude the possibility of undertaking exceptionally socially and economically necessary transdisciplinary scientific projects in favour of those that allow the precise determination of the individual contribution of a future postdoctoral (habilitation) candidate or candidate for the title. This may result in Polish scientists being able to contribute effectively to global research trends only after obtaining a professorship. In contrast, researchers from the USA or most Western European countries can do so after receiving a doctoral degree. It, therefore, seems necessary to undertake a broader discussion in Poland on the protection of the right to be an author of a single article and the criteria for scientific authorship in promotion proceedings. In this discussion, attention should be paid to the significant differences in science practice in different areas of knowledge and to the social and economic needs of countries and societies. The nature of research in the humanities is markedly different from that in the hard sciences, natural sciences or medi-



cal sciences. States and societies also have different expectations of these sciences. This definite difference seems to be overlooked by the Polish legislator, leaving full freedom to the scientific community to interpret and apply legal norms defining authorship of scientific achievements in individual disciplines and scientific specialisations. However, the directions of interpretation of the application of the law developing in this way are not codified in official collections. Reviewers of promotion proceedings do not have the opportunity to familiarise themselves with the guidelines for assessing scientific merit that are in force in a given scientific discipline. This causes scientific achievements may be evaluated according to different criteria and measures.

Meanwhile, the principles and criteria used in promotion procedures, such as elements of the administrative procedure, should be clear, understandable and effective and they should create a widely regarded system that is transparent, fair and equitable. One of the foundations of such procedures is the assumption that decisions with similar, if not identical, content will be made against an entity whose legal and factual situation is similar. Fulfilment of these requirements should be regarded as a binding standard in every democratic state and society as the implementation of the constitutional principle of a democratic state ruled by law, detailing the rules of protection of citizen's trust in the state and the law created by it, as well as the individual's right to good administration (Article 2 of the Constitution of the Republic of Poland).

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Anna Chorążewska, Adam Proń

Intellectual Property Rights and Scientific Authorship:  
Legal and Ethical Considerations  
Case Study in Hard Sciences and Natural Sciences

Summary

The interplay between human rights and intellectual property law, particularly concerning protecting science creators' moral and property rights, has become increasingly pertinent in recent times. As early as the 1980s, technological advancements led to more complex research methodologies and collaborative dynamics among researchers, particularly with the rapid growth of interdisciplinary research. In the 21st century, these challenges have only intensified. Moreover, the emergence of "data-driven science," alongside financial considerations, national science policies, and the global influence of rapidly developing countries like China, significantly shape research agendas, especially in hard sciences, life sciences, and medicine. Consequently, there is a growing demand for transdisciplinary research projects involving multi-person teams comprising scientists and technical support staff. The outcomes of such projects often manifest in the form of multi-authored scientific publications or collaborative invention projects. The involvement of researchers in such projects can take various forms, from conceptualising scientific ideas and formulating hypotheses to conducting experiments, making a scientific discovery or establishing scientific truth, but also in merely designing an experiment or obtaining experimental data in a measurement process and analysing them with interpretation. However, not all research outcomes align neatly with the categories of intangible goods defined in intellectual property law, leaving researchers without legal protection for their contributions under copyright or patent law.

It should be explained that it is generally accepted in intellectual property law that a research contribution may obtain legal protection when it demonstrates the capacity to be established in the form of an intellectual good defined in the legal system. In the case of a work subject to copyright protection, the effect of the research activity should be established in any form, however impermanent, but stable enough to be perceived by persons other than the

creator. In addition, its nature should be individualised and thus constitute a materialised original product of the human intellect. In the research process, often important and essential research contributions, even those that condition the success of the entire project, do not demonstrate this capacity. The issue of the lack of adequate and effective guarantees for legal protection of the fruits of scientific labour has been recognised in the literature. The authors of this book have set themselves the goal of contributing to the ongoing discussion on this subject. They seek to answer questions regarding the definition of a science creator, the essence of scientific authorship, and the recognition of individual contributions to the advancement of knowledge in the contemporary world of team-based research conducted by large interdisciplinary teams.

The authors of the book examine the topic from various perspectives. Firstly, they explore the scientist's right to be recognized as a co-author of a scientific work, whether it is established in the form of a research article, a poster presentation, or an oral presentation at a conference. Secondly, they delve into the criteria used in academic promotion procedures to assess an individual's contribution to the state of knowledge, which is crucial for the award of scientific degrees. These analyses help identify the prerequisites necessary to establish authorship of scientific achievements presented in degree applications. It is worth noting that determining an individual's contribution to the advancement of knowledge is often complex. Scientific research typically involves building upon the work of predecessors and collaboration with other researchers. The complexity of research problems means that a researcher rarely works alone or as a member of a small research group. Consequently, in promotion proceedings, scientific achievements are often documented by multi-authored articles and inventions. Determining rightful authorship of scientific achievements resulting from collaborative research and building upon previous work requires exceptional clarity of thought, objectivity, and expertise in the relevant scientific fields.

Pursuing answers to these questions compelled the authors to undertake interdisciplinary analyses. Examining the legal framework surrounding scientific authorship, the right to authorship, and comparing them with associated ethical standards became necessary. Consequently, the considerations presented in this book are approached from the perspective of legal sciences, encompassing intellectual property law, jurisprudence, and science studies. The research problem was defined accordingly, and the authors' ambitious objectives shaped the structure of this work, dividing it into two parts. The first part, authored by Anna Chorążewska, analyses the freedom of scientific research as a constitutionally protected category and the legal foundations for safeguarding authorship of scientific works under Polish law, considering both domestic and comparative legal aspects. The analysis is grounded in the thesis that an individual making an independent, creative (original), and significant contribution to a collaborative research project has the right to be recognized as a co-author of the resulting scientific work, disseminating the jointly obtained research outcomes.



The second part of the book, co-authored by Anna Chorążewska and Adam Proń, a lawyer and a representative of hard sciences with considerable research and reviewing experience, examines the legal and ethical considerations surrounding team-based scientific research in the fields of hard sciences and natural sciences. This analysis is approached from a perspective shaped by the insights of science studies, with due consideration given to the historical evolution of the scientific system and the evaluation of scientists. The foundation of these considerations and their prism are the views of the precursor of science studies, Professor Józef Pieter (1904–1989), a Polish psychologist, philosopher and pedagogue, as well as an academic teacher at several Silesian universities. Pieter's seminal monographs, in which he analysed scientific work as a manifestation of human creative work, become a contribution for the authors in their research on such issues as types of scientific work, scientific method, the phenomenon of mentoring in science, the subject and nature of the contribution to research, legal and ethical grounds for attribution authorship of scientific works and authorship of scientific achievements.

The analyses conducted led the authors to two main findings. Firstly, the determination of binding ethical principles for the attribution of authorship of scientific works. Considering the legal and ethical context, the authors also address who is entitled to authorship of scientific work and who should only be mentioned in the article's Acknowledgments section. Secondly, within the legal and ethical framework and considering the comparative background, the principles for effectively demonstrating authorship of scientific achievement—namely, authorship of an independent and individualized contribution to the state of knowledge by degree or title applicants in promotion proceedings—are outlined. The text also discusses the proper documentation of authorship of such achievements in Polish promotion proceedings, which were not published as a single-author monograph but as a single series of thematically related multi-authored scientific articles. The book aims to stimulate discussion in the scientific community about the boundaries of science and the system of rewarding the contribution of individual scientists to the state of knowledge, both in terms of attributing authorship to scientific articles and promotion proceedings.

**Key words:** freedom of science, intellectual property rights, scientific authorship, ethical rules of authorship attribution of research work, responsibility for the content of the publication, creator of science, procedure for the award of academic degrees and titles

Anna Chorążewska, Adam Proń

Prawo własności intelektualnej i autorstwo naukowe:  
Rozważania prawne i etyczne  
Studium przypadku nauk ścisłych  
i przyrodniczych

Streszczenie

W ostatnim czasie niezwykle aktualna stała się problematyka wzajemnych relacji między prawami człowieka a prawem własności intelektualnej oraz ochrony praw osobistych i majątkowych twórców nauki. Już w latach osiemdziesiątych minionego wieku, wraz z postępowaniem technologicznym, metody prowadzenia badań i relacje pomiędzy współpracującymi badaczami stały się bardziej skomplikowane, szczególnie w świetle szybko rozwijających się badań interdyscyplinarnych. Obecnie, w XXI wieku, wszystkie te problemy stają się jeszcze bardziej złożone. Dodatkowo zjawisko *data-driven science*, uwarunkowania finansowe oraz polityka naukowa państw, a także presja wywierana na świat przez prężnie rozwijające się tak gospodarczo, jak i naukowo Chiny istotnie wpływają na kierunki badań, zwłaszcza w obszarze nauk ścisłych, przyrodniczych czy medycznych. Następstwem tych przemian jest wzrost zapotrzebowania na transdyscyplinarne projekty badawcze, realizowane przez wieloosobowe zespoły tworzone przez naukowców oraz personel wsparcia technicznego. Wyniki takich badań ogłaszane są w formie wieloautorskich utworów naukowych lub wieloautorskich projektów wynalazczych. Udział badacza w realizacji takich projektów może przybrać różną postać. Może polegać na postawieniu idei czy tezy badawczej, dokonaniu odkrycia naukowego lub ustaleniu prawdy naukowej, ale także jedynie na zaprojektowaniu eksperymentu czy otrzymaniu w procesie pomiarowym danych eksperymentalnych i ich analizy wraz z interpretacją. Rezultaty działań badawczych nie zawsze wykazują zdolności do wyrażenia w formie właściwej dla określonych w systemie prawa własności intelektualnej kategorii dóbr niematerialnych. W takich przypadkach naukowcy nie uzyskują ochrony prawnej dla owoców swej pracy—ani z prawa autorskiego, ani z prawa wynalazczego.

Wyjaśnić należy, że powszechnie w prawie własności intelektualnej przyjmuje się, że wkład w badania może uzyskać ochronę prawną, gdy wykazuje

zdolność do ustalenia w formie dobra intelektualnego określonego w systemie prawnym. W przypadku utworu podlegającego ochronie z prawa autorskiego efekt działalności badawczej powinien zostać ustalony w jakiegokolwiek postaci, chociażby nietrwałej, jednakże na tyle stabilnej, aby możliwa była jego percepcja przez inne osoby niż sam twórca. Ponadto jego natura powinna być zindywidualizowana, a zatem stanowić zmaterializowany oryginalny wytwór intelektu człowieka. W procesie badawczym często istotne wkłady w badania, nawet warunkujące powodzenie całego projektu, nie wykazują takiej zdolności. Problem braku odpowiednich i zarazem efektywnych gwarancji ochrony prawnej owoców pracy naukowej został już dostrzeżony w piśmiennictwie. Autorzy tej książki postawili sobie za cel włączenie się w prowadzoną w tym przedmiocie dyskusję. Poszukują odpowiedzi na pytanie, kim jest twórca nauki oraz na czym polega autorstwo naukowe i uznanie indywidualnego wkładu w stan wiedzy we współczesnym świecie badań prowadzonych zespołowo przez bardzo liczne interdyscyplinarne zespoły.

Autorzy niniejszej publikacji rozważają wskazany temat z wielu perspektyw. Po pierwsze przez pryzmat prawa naukowca do uzyskania statusu współautora pojedynczej pracy naukowej, ustalonej w formie naukowego artykułu czy posteru albo ustnie w formie wystąpienia konferencyjnego. Po drugie z punktu widzenia stosowanych w postępowaniach awansowych w sprawie nadania stopni naukowych lub tytułu kryteriów uznania istnienia indywidualnego wkładu w stan wiedzy osoby ubiegającej się o ich przyznanie. Te analizy prowadzą do ustalenia przesłanek, których spełnienie jest niezbędne do wykazywania autorstwa osiągnięcia naukowego określonego we wniosku o nadanie stopnia naukowego lub tytułu. Zwrócić należy uwagę, że zidentyfikowanie i wyznaczenie indywidualnego wkładu w stan wiedzy współcześnie nie zawsze jest zadaniem prostym do wykonania. Prowadzenie badań naukowych wymaga korzystania z osiągnięć i ustaleń naukowych innych badaczy. Stopień skomplikowania problemów badawczych powoduje, że naukowiec rzadko pracuje w pojedynkę czy jako członek małej grupy badawczej. W konsekwencji w postępowaniach awansowych osiągnięcia naukowe często są dokumentowane za pomocą wieloautorskich artykułów i wynalazków. Ustalenie, komu przysługiwać powinno autorstwo osiągnięcia naukowego, uzyskanego w wyniku zespołowo prowadzonych badań i na podstawie dorobku poprzedników, niewątpliwie wymaga niezwyklej jasności umysłu, obiektywizmu oraz wiedzy specjalistycznej z badanych zagadnień naukowych.

Poszukiwanie odpowiedzi na te pytania zobligowało autorów do podjęcia analiz o charakterze interdyscyplinarnym. Konieczne stało się zbadanie nie tylko ram prawnych autorstwa naukowego i prawa do bycia autorem, lecz także etycznych. W konsekwencji rozważania prowadzone są w książce z perspektywy nauk prawnych, w tym prawa własności intelektualnej i prawnoznawstwa, oraz naukoznawstwa. Tak określony problem badawczy i ambitne cele autorów zdeterminowały również strukturę niniejszej pracy. Została ona podzielona na dwie części. Pierwsza część, autorstwa Anny Chorążewskiej,

jest poświęcona analizie wolności badań naukowych jako kategorii chronionej konstytucyjnie oraz problematyce podstaw prawnych do ochrony autorstwa twórczości naukowej na gruncie prawa polskiego z uwzględnieniem tła prawnoporównawczego. Rozważania są oparte na tezie naukowej głoszącej, że autor samodzielnego, twórczego (oryginalnego) i istotnego wkładu w zespołowo realizowany projekt badawczy posiada prawo do uzyskania statusu współautora utworu naukowego, ogłaszającego wyniki wspólnie otrzymanych wyników badań.

Druga część książki, współautorstwa Anny Chorążewskiej i Adama Pronia, prawniczki i przedstawiciela nauk ścisłych o znacznym doświadczeniu badawczym i recenzenckim, analizuje uwarunkowania prawne i etyczne prowadzenia zespołowych badań naukowych w obszarze nauk ścisłych i przyrodniczych z perspektywy refleksji właściwej dla naukoznawstwa z uwzględnieniem tła historycznego rozwoju systemu nauki i oceny naukowców. Punktem wyjścia dla tych rozważań oraz ich pryzmatem są poglądy prekursora naukoznawstwa profesora Józefa Pietera (1904–1989), polskiego psychologa, filozofa i pedagoga, a także nauczyciela akademickiego kilku śląskich uczelni. Wybitne monografie Pietera, w których analizuje on pracę naukową jako przejaw pracy twórczej człowieka, stają się dla autorów przyczynkiem do podjęcia badań nad takimi zagadnieniami jak: rodzaje pracy naukowej, metoda naukowa, zjawisko mentoringu w nauce, przedmiot i charakter wkładu do badań, prawne i etyczne przesłanki atrybucji autorstwa utworów naukowych oraz autorstwa osiągnięcia naukowego.

Przeprowadzone analizy prowadzą autorów do dwóch zasadniczych ustaleń. Po pierwsze wyznaczenia wiążących zasad etycznych atrybucji autorstwa utworów naukowych. Uwzględniając kontekst prawny i etyczny, autorzy udzielają również odpowiedzi na pytanie, kto ma prawo do autorstwa utworu naukowego, a kto powinien zostać jedynie wspomniany w artykule w sekcji Podziękowania. Po drugie, w granicach ram prawnych, etycznych i z uwzględnieniem tła porównawczego, określono zasady efektywnego wykazywania przez osoby ubiegające się o nadanie stopnia lub tytułu naukowego w postępowaniach awansowych autorstwa osiągnięcia naukowego, czyli autorstwa samodzielnego i zindywidualizowanego wkładu w stan wiedzy. Podejmowane jest również zagadnienie właściwego udokumentowania w polskich postępowaniach awansowych autorstwa takich osiągnięć, które nie zostały ogłoszone w formie monoautorskiej monografii, lecz opublikowanego jednego cyklu powiązanych tematycznie wieloautorskich artykułów naukowych. Lektura książki ma zachęcać do podjęcia w środowisku naukowym dyskusji o granicach nauki i systemie premiowania wkładu indywidualnych naukowców w stan wiedzy zarówno przy atrybucji autorstwa artykułów naukowych, jak i w postępowaniach awansowych.

Słowa klucze: wolność nauki, prawa własności intelektualnej, autorstwo naukowe, zasady etyczne przypisywania autorstwa prac badawczych, odpowiedzialność za treść publikacji, twórca nauki, tryb nadawania stopni i tytułów naukowych

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## **The Creator of Science**

A quotation from Percy W. Bridgman  
(Nobel Prize in Physics, 1946):

*From the point of view of society, the justification for the favored position of the scientist is that the scientist cannot make his contribution unless he is free, and that the value of his contribution is worth the price society pays for it.*

A quotation from Linus Pauling  
(Nobel Prize in Chemistry, 1954;  
Nobel Peace Prize, 1967):

*A scientist should try to understand the world, and should not be content to tabulate the results of experiments.*

## Authors

**Anna Chorążewska** (Ph.D., D.Sc.), was practising as an attorney at law for 13 years, at present, a judge at the Civil Division of the Sosnowiec District Court, the university professor at the Institute of Legal Studies of the Faculty of Law and Administration of the University of Silesia in Katowice. Author of works dedicated to the issues of the system of governance, particularly focusing on the systemic role of the President of Poland and the constitutional status of local self-government. Currently, the author is interested in matters concerning the constitutional status of an individual and the protection of their freedoms and rights serving that individual, with special emphasis on intellectual property rights.

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