Types of Geospatial Information Licenses

International Workshop on Legal and Policy Frameworks for Geospatial Information

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Objective

• Understand the Various Types of Agreements in which Geospatial Information is Licensed
Geospatial Information Can Be Licensed In Various Types of Agreements

- Geospatial Information Licenses
- Data Sharing Agreements
- Website Terms of Service
- Software as a Service (SaaS) Agreements
- Cloud Storage Agreements

Geospatial Information License Agreements

- Proprietary and Restrictive
  - Often commercial providers
  - But not necessarily
    - Governments and NGO’s can assert ownership rights as well

- Open Data
  - Creating Open Data is a policy issue
  - Using Open Data is a legal issue
  - Most Open Data is published under some sort of licensing arrangement
    - Very little data released into Public Domain
Open Data

• Open Data licenses are not necessarily compatible.

• OpenStreetMap
  • Began using a CC-type license
  • Switched to a database license (ODbL)
    o “Users can copy, distribute and use the database … to produce works from the database and … to modify, transform and build upon the database”
    o “share-alike”
    o “proper attribution”

• Many organizations have trouble using OSM data because of “share-alike” and attribution requirements.

Open Data Licenses

• Creative Commons licenses - https://creativecommons.org/licenses/
• Database Contents License - http://opendatacommons.org/licenses/dbcl/1.0/
• Open Data Use License – India - https://data.gov.in/sites/default/files/Government_Open_Data_Use_Licence_India.pdf
• Open Database License v1.0 - http://opendatacommons.org/licenses/odbl/1-0/
Data Sharing Agreements

• Often between government agencies

• One agency is giving another agency the right to use geospatial information.

• Some questions to consider
  o Is data sharing required under law?
  o Is data suitable for particular use?
  o Payment?
  o How long can it be used?
  o What permission is needed to share?
    • Citizen?

Website Terms of Service

• Applies when downloading/accessing data on-line.

• Often not reviewed by a lawyer.

• But it is a legal agreement between the parties.
**Software as a Service (SaaS) Agreements**

- A customer using SaaS has to give the software provider a license in any data that is using in the software.

- The license should be limited to offering.

- Consider what happens to data after termination of SaaS agreement.

- Is permission needed to give SaaS provider the rights?

- Sometimes will include licenses to use other data offered by the SaaS provider.

**Cloud Storage Agreements**

- When storing data in the cloud, you are granting certain rights to storage provider.

- Do you need permission to store and/or grant the rights?

- Is the storage provider outside of you jurisdiction? If so, what are the legal implications?

- What happens when the cloud storage agreement terminates?
Discussion Items

• What types of agreements does your organization have that includes a geospatial information license?

• What are the challenges associated with those agreements?