

Types of Geospatial Information Licenses

International Workshop
on Legal and Policy Frameworks
for Geospatial Information

Nuku'alofa, Kingdom of Tonga
10-13 April

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)
 - “Users can copy, distribute and use the database ... to produce works from the database and ...to modify, transform and build upon the database”
 - “share-alike”
 - “proper attribution”
- Many organizations have trouble using OSM data because of “share-alike” and attribution requirements.

• 5

Open Data Licenses

- Creative Commons licenses - <https://creativecommons.org/licenses/>
- Database Contents License - <http://opendatacommons.org/licenses/dbcl/1.0/>
- Open Data Factual Information License - <http://www.opencontentlawyer.com/open-data/open-data-commons-factual-info-licence/>
- 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/>
- Open Government License - Canada - <http://open.canada.ca/en/open-government-licence-canada>
- Germany GeoLicenses - <http://www.bmwi.de/Redaktion/DE/Artikel/Digitale-Welt/geolizenz.html>

Data Sharing Agreements

- Often between government agencies
- One agency is giving another agency the right to use geospatial information.
- Some questions to consider
 - Is data sharing required under law?
 - Is data suitable for particular use?
 - Payment?
 - How long can it be used?
 - 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?

•

•