Managing Liability in Open Geospatial Data

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Closed vs. Open Data

• Closed data
  • Clear distinction between licensor and licensee
  • License terms generally prohibit modification and limit use cases

• Open data
  • Blurs distinction between licensor and licensee
  • License terms typically encourage modification and innovation in use cases

• Architecture impacts
  • Pace of innovation
  • Exposure of licensors for licensee actions
Closed Architecture

Licensor can limit liability and unethical use by licensees by:

- Restricting modification and limiting use cases
  - Allows licensor to predict harm and provide warnings
- Defense of misuse
Closed Architecture Limits Liability…

Roomba use

• Roomba is for indoor use only.
• Roomba is not a toy. Do not sit or stand on this device. Small children and pets should be supervised when Roomba is cleaning.
• Clean with a dry cloth only. Do not pour or spray liquids onto Roomba.
• Do not use this device to pick up anything that is burning or smoking.
• Do not use this device to pick up spills of bleach, paint, or other chemicals, or anything wet.
• Before using this device, pick up objects like clothing, loose papers, pull cords for blinds or curtains, power cords, and any fragile objects. If the device passes over a power cord and drags it, there is a chance an object could tumble off a table or shelf.
• If the room to be cleaned contains a balcony, a physical barrier should be used to prevent access to the balcony and ensure safe operation.
Closed Architecture Limits Liability…

**Virtual Wall®** Optional accessory for all models.
Virtual Walls create an invisible barrier that your Roomba won’t cross. That makes it easy to confine it to a particular room or area, and prevent it from getting too close to anything delicate or dangerous.

- Each Virtual Wall needs two C alkaline batteries (not included).
- You can set the Virtual Walls to block an opening of up to 7 feet (2 meters). It creates a cone shape barrier, so the beam gradually gets wider.
- For best results, place the Virtual Wall on the outside of the doorway you want to block. Point the arrows on the top towards the opening.
Open Architecture…

• Because subject to modification and innovation in use cases, not subject to traditional risk management tools:

  • Safety features
  • Product warnings
  • Defense of misuse
Need to Reformulate Open License Framework

• Open licenses emerged in a particular context

• Preoccupied with maintaining freedom of licensees to modify and redistribute data

• Fail to consider additional concerns i.e. liability and ethics
Need to Reformulate Open License Framework

• Develop a new licensing framework – sufficiently and selectively open

  • Tempers goal of openness with other considerations i.e. liability or ethics

  • I.e. Mapping API allows users to modify and redistribute, but restricts use of data for real-time autonomous vehicle navigation

  • Violation of license terms gives licensor claim for breach of contract and IP infringement