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Harmonising Licences on a Global Level: Mission Impossible or Piece of Cake?

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Many Member States of the European Union and beyond are experimenting with harmonised and open licensing for spatial data held by the public sector within their country. In addition, some sectoral efforts towards harmonization of licensing conditions are being made for particular categories or themes of spatial data (e.g. OneGeology Europe, ESDIN). However, the development of pan-European or global licences remains a struggle. While the harmonisation of licensing models and practices is essential for sharing spatial data between public bodies, the private sector and broader society across borders and between different sectors, many public bodies are still reticent to move away from their existing licensing policy and their national legislation. Concerns remain about moving away from specific licences based on national legislation and particular business models towards generally applicable licence models that can be used for almost any type of spatial data.

However, calls are growing for licensing models that have a broader reach than just national or sectors, possibly based on existing models such as creative commons (see e.g. GEOSS 2010, European Commission 2011). During its meeting at the GSDI 12 conference in Singapore, the Legal and Socio-Economic Working Group of the Global Spatial Data Infrastructure Association felt that the possibilities for global licensing models for spatial data needed to be examined, believing that the differences between the national traditions and practices with regard to licensing might actually be smaller than generally assumed. This task was taken up by a number of academics and practitioners, who aim to set some first steps towards a global approach to licensing.

First, existing material on (national and international) licensing frameworks is collected, and the key components thereof are compared and categorized in a number of ‘common denominator’ groups. Next, based on these groups, a framework will be developed of several types of licences that could be used globally and increase transparency of the conditions for obtaining and using spatial data. The intention is to avoid creating new licensing conditions if it is not necessary, but also to accommodate possible differences between organizations, cultures, financing models, etc. Here we present the first stage of the work, addressing the comparison between several existing licensing models and drawing out common elements that can serve as a basis for a global set of model licences.

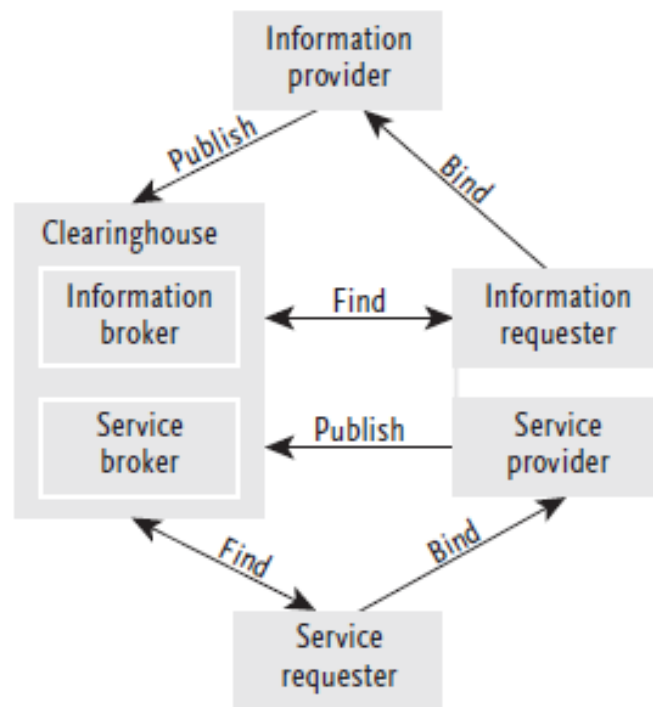


Figure 1: The Publish-Find-Bind concept: Moving from data and information to a service oriented SDI requiring legal interoperability (Van Loenen 2006).

Existing licensing frameworks

To draw out common elements that can serve as a basis for a global set of model licences, the GI community provided to the GSDI legal and socio-economic committee several other licensing frameworks that are already operational.

Topic	Location/Region	URL
OneGeology model licences and access policy recommendations	European Union	not available yet
Open database licence	Global	http://www.opendatacommons.org/licenses/odbl/
Open licence	Montevideo (Uruguay)	http://monolitos.montevideo.gub.uy/resoluci.nsf/de053405568724cf832575ae004f04677adaf8ec8d70033b832576d60041760f
Geo shared licensing framework	Netherlands	http://www.geonovum.nl/geostandaarden/gebruiksvoorwaarden
INSPIRE basic & specific licence	European Union	http://inspire.jrc.ec.europa.eu/documents/Data_and_Service_Sharing/DSSDraftGuidancedocument_v4.1.pdf
Government Information Licensing Framework	Queensland, Australia	http://www.gilf.gov.au/
Creative Commons	Global	http://creativecommons.org
GeoConnections	Canada	http://www.geoconnections.org/publications/Best_practices_guide/Guide_to_Best_Practices_Summer_2008_Final_EN.pdf
SeaDataNet project	Europe	http://www.seadatanet.org/content/download/3899/

		29604/version/2/file/SeaDataNet+Data+Policy+.pdf
ECOMET	Europe	http://www.ecomet.eu/index.php?option=com_content&view=article&id=2&Itemid=3
ESDIN	European Union	
APIE's GENERAL CONDITIONS FOR REUSING PUBLIC SECTOR INFORMATION	France	https://www.apiefrance.fr/sections/actualites/des-conditions-generales-pour-la-reutilisation-des-informations-publiques/view
GEOSS	global	http://www.earthobservations.org/documents/geo_vi/07_Implementation%20Guidelines%20for%20the%20GEOSS%20Data%20Sharing%20Principles%20Rev2.pdf
Ordnance Survey	UK	http://www.ordnancesurvey.co.uk/oswebsite/business/licences/agreements.html
French Ministry of Justice	France	http://www.rip.justice.fr/1932-simplified-licence-%C2%AB-conditions-of-the-reuse-of-public-information-that-is-freely-reusable

Table 1: Overview of existing national or sectoral geo-licence harmonisation efforts provided to the GSDI Legal and Socio-Economic Committee



Figure 2: Dutch geo-portal using icons to represent standard use conditions building on the Creative Commons framework

Common denominator' groups

The review of these licences resulted in the following rough categorisation of Terms and Conditions:

1. Definitions
2. Grant of License
3. Obligations
4. Allowed Use
5. Restrictions on Use
6. Term & Termination
7. Disclaimers
8. Dispute Resolution
9. Governing Law
10. Choice of Jurisdiction
11. Form & Effect of Agreement

These generic categories were identified in almost every licensing framework provided to us. Although agreement on global harmonisation of these categories would already be a step forwards, it needs further harmonisation to arrive at our objective of enabling legal interoperability of GI and GI services across borders. Therefore, each of the generic categories needs further examination. This further examination is scheduled for this Fall.

Expected result

Similar to the diffusion of products licensed with a Creative Commons licence, we believe that a global framework of standard geo-licences is a prerequisite to stimulate cross-jurisdictional use of geographic information allowing the integration of multiple services into new services without delay. The first step is to move across national and sectoral borders towards an international standard for licences for geographic information.

The review of existing licensing frameworks shows that they have many elements in common, at least at the generic level of categories included in a licence. The GSDI Legal and socio-economic working group will continue its work on the development of a global framework of standard geo-licences. Such a framework should

References

European Commission (2011). *Overview of the responses to the consultation on Directive 2003/98/EC on the re-use of public sector information*, http://ec.europa.eu/information_society/policy/psi/docs/consultations/cons2010/responses.xls (last accessed on 18 February 2011)

Group on Earth Observations (2010). *GEOSS Data Sharing Action Plan, as accepted at GEO-VII*, http://www.earthobservations.org/documents/geo_vii/07_GEOSS%20Data%20Sharing%20Action%20Plan%20Rev2.pdf (last accessed on 18 February 2011)

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