



Recommendations for OneGeology Approach to Intellectual Property Rights (IPR) and Data Use Policy

Background

This document is based upon the results of discussions held at OneGeology Management Team meetings in Ottawa (2007) and Orleans (2008). Experience with other data access initiatives has shown that clearly defining IPR and data use policy is important for the growth of OneGeology. Since different organizations contributing to OneGeology will have different data policies, a means must be provided to communicate these policy statements to users.

Issues and Risks

- OneGeology and organizations hosting OneGeology systems and services must not be placed in a position of responsibility for the data they provide access to (ie from geological surveys).
- If OneGeology IPR and data use policies are not clear and accessible potential data providers and users may not be willing to participate in the initiative.
- OneGeology data providers need to be able to communicate their IPR and data use policies through the OneGeology system, otherwise they may not be able to permit their data to be accessible via OneGeology.
- Current legal precedent has demonstrated that disclaimers have little value in protecting digital spatial data providers against possible legal action. Providers willingness to adequately describe their data, its use and limitations and demonstrating support to users regarding appropriate use of data offers the best protection.

OneGeology Policy

- The ownership of all data made available through OneGeology by the data providers (geological surveys and organisations) remains with the data provider.
- IPR must be clearly specified for each type of data (metadata, raster/image data, Web Map and Web Feature services) made available by the data provider.
- A clear default statement of “suitability for use” must be provided and a link or email address be provided for obtaining support or advice on “appropriate use” of the data.
- All metadata, visualizations, and data accessible through OneGeology are provided without charge for non-commercial use.
- There is no written licence agreement between OneGeology and its data providers or users but IPR and suitable use information is easily accessible.
- Foreground rights (i.e. systems and data that OneGeology creates as a result of its work) reside with the participants in OneGeology and will be made freely available in the public domain.



v. 2, April 28, 2008; Broome

Recommendations:

The following three questions and answers are designed to inform the user of OneGeology's data policies in a simple and understandable manner. It is recommended that they be added to both the OneGeology Web-site and Portal.

Q. Can anybody use the data?

In general, please feel free to use the data for non-commercial applications (e.g. personal and educational use and non-commercial research). Please recognize that data accessible via OneGeology are not owned by OneGeology therefore OneGeology does not take responsibility for the quality or accuracy of the data. If specific data policy/IPR statements are required by OneGeology data providers for data available for viewing or download on the OneGeology web site, they will accompany the data. Regarding commercial use please see the answer to the next question.

Q. Can I use the data for commercial purposes?

For commercial purposes, each OneGeology data provider sets its own policy. If the data are available for download and specific data policy/IPR statements are required by OneGeology data providers, they will accompany the data on the download page.

If the data provider does not explicitly permit commercial use, or you are uncertain if the usage you are considering is considered "commercial", contact the data provider directly for written permission for use of the data for your application.

Q. Do I have to get permission for placing a OneGeology product in a website or paper?

In general, if the website or product is non-commercial use, you don't need permission; however, please read any IPR statement associated with the data. You must however, acknowledge the source of the data in your paper or web site (the data provider), and we would also be grateful if you would let us know how you are using OneGeology via e-mail.