

OneGeology Intellectual Property Rights (IPR) and Data Use Policy

Background

This document is based upon the results of OneGeology Board discussions held since 2007, the most recent in Australia in 2015.

Experience with other data access initiatives has shown that clearly defining IPR and data use policy is important for the growth of OneGeology. As different organisations contributing to OneGeology have different data policies, the Board's responsibility has been to align these policies and, in the process, to make access to mapping and materials available to users for all purposes.

Issues and Risks

- OneGeology and organisations 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 all uses.
- 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.
- The following three questions and answers are designed to inform the user of OneGeology's data policies in a simple and understandable manner.

Q. Can anybody use the data?

In general, please feel free to use the data for all applications (e.g. personal and Educational/research use). Please recognise 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. They will accompany the data in the form of the web map or web download service always providing information in the form of an OGC service GetCapabilities

response and the relevant capability is the access constraints statement from each data provider which can contain licences and charging details where appropriate. It is perfectly possible for data services that have to be charged for to be exposed within the OneGeology catalogue but protected from actual access until the charging transaction has occurred. See the WMS cookbook at <http://www.onegeology.org/wmsCookbook/home.html> for details on declaring access constraints with data services. An extract from that is included here:

abstract	<code>/WMT_MS_Capabilities/Service/Abstract (1.1.1)</code> <code>/WMS_Capabilities/Service/Abstract (1.3.0)</code>
Information about the service and general information about the map data served in the layers. You may also use this to field to describe the data owner organization, and its goals within OneGeology etc. You can also include in this section information about the scale layering of your service, and any other information that is not automatically extracted / viewable by the OneGeology Portal (or indeed any other client software).	
<small>2 star accreditation requirement</small>	For a 2 star accredited service, the service must supply an abstract.
access constraints	<code>/WMT_MS_Capabilities/Service/AccessConstraints (1.1.1)</code> <code>/WMS_Capabilities/Service/AccessConstraints (1.3.0)</code>
Information about who is allowed to use the data served by the WMS, and for what purpose they can use it for. Remember your WMS is available to any application that is able to access the Internet, not just through the OneGeology Portal. For clarity to any potential users, it is recommended (within the OGC specifications) that you explicitly state when there are no access constraints on the using the service using the word "none".	
Note too that there is no "AccessConstraints" metadata applicable at the layer level. If you need to define different access constraints for different layers in your service you will need to define these differences in the service level metadata.	
<small>2 star accreditation requirement</small>	For a 2 star accredited service, the service must provide information on any access constraints, or specify 'none' if there are no constraints on access.
<small>3 star accreditation requirement</small>	For a 3 star accredited service, the service must supply a clear statement of use relating to data, including licence and charging details (where appropriate). Access to data must be transparent, simple and fair to all.

Q. Can I use the data for commercial purposes?

Generally the answer is "Yes", the data can be used for commercial purposes. Where there are specific third party rights, however, these may restrict some commercial uses. 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, 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.

Chris Luton
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