

# THE GOVERNMENT INFORMATION LICENSING FRAMEWORK

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# Are You Smarter Than a IP Lawyer ?

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- **STAND UP** if your agency needs access to data from a range of sources to model, manipulate and analyse those data to create new information.
- **STAY STANDING** if your agency regularly passes its own existing and other acquired information to internal and external clients, either for free or a cost.
- **STAY STANDING** if your agency is 100% sure that under myriad of licensing arrangements that may apply “your” data, that you or your clients are fully complying with terms under which the data is accessed or used?
- **TAKE A BOW** if your agency would survive an audit if a custodian sued for Copyright or Intellectual Property breaches?



# How Important Is Being Right about your Information Property “Rights”

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**\$822m Reasons Why**

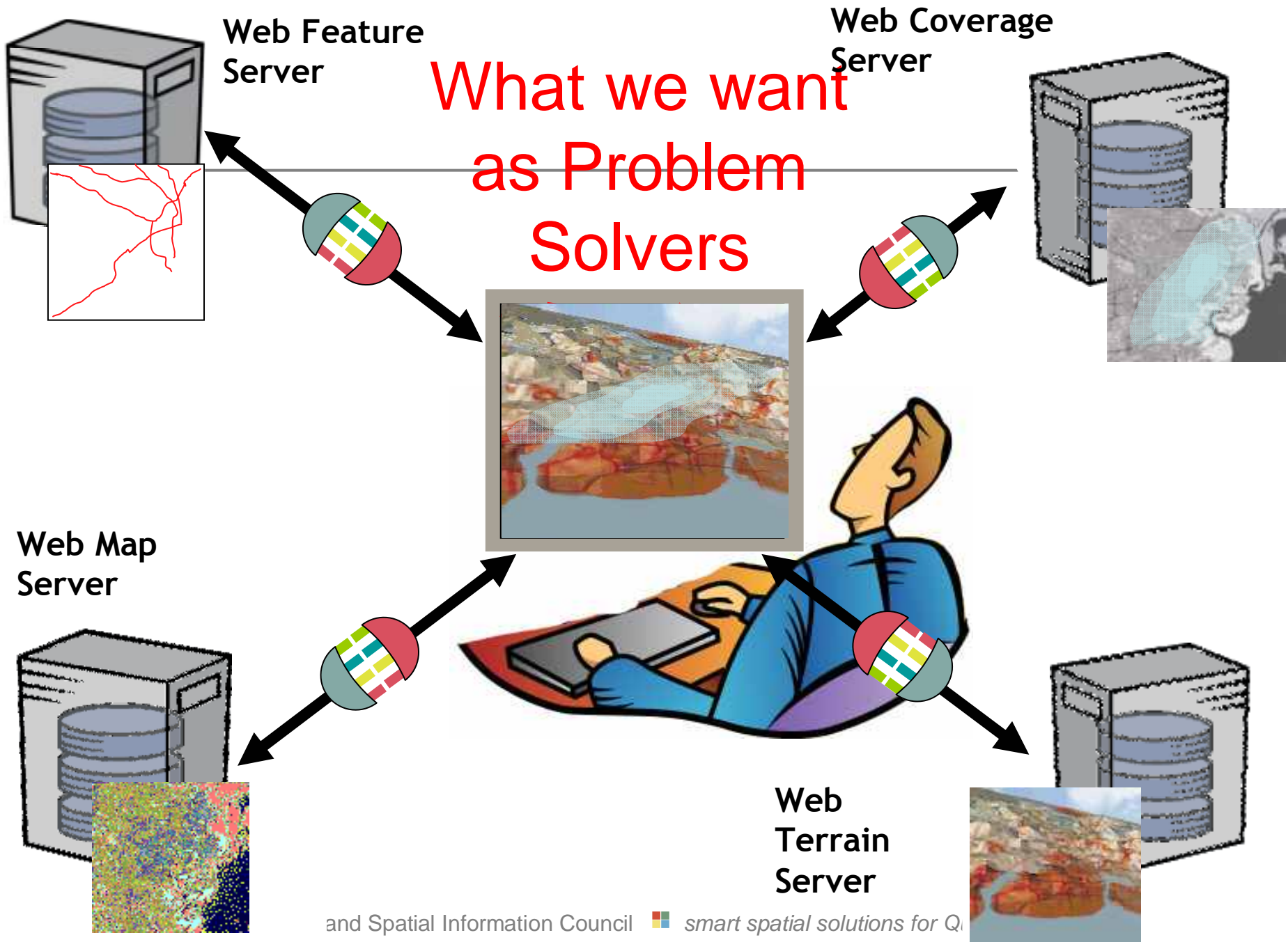
**Being Sued by Apple, Microsoft, HP, Netgear, Dell & Intel**



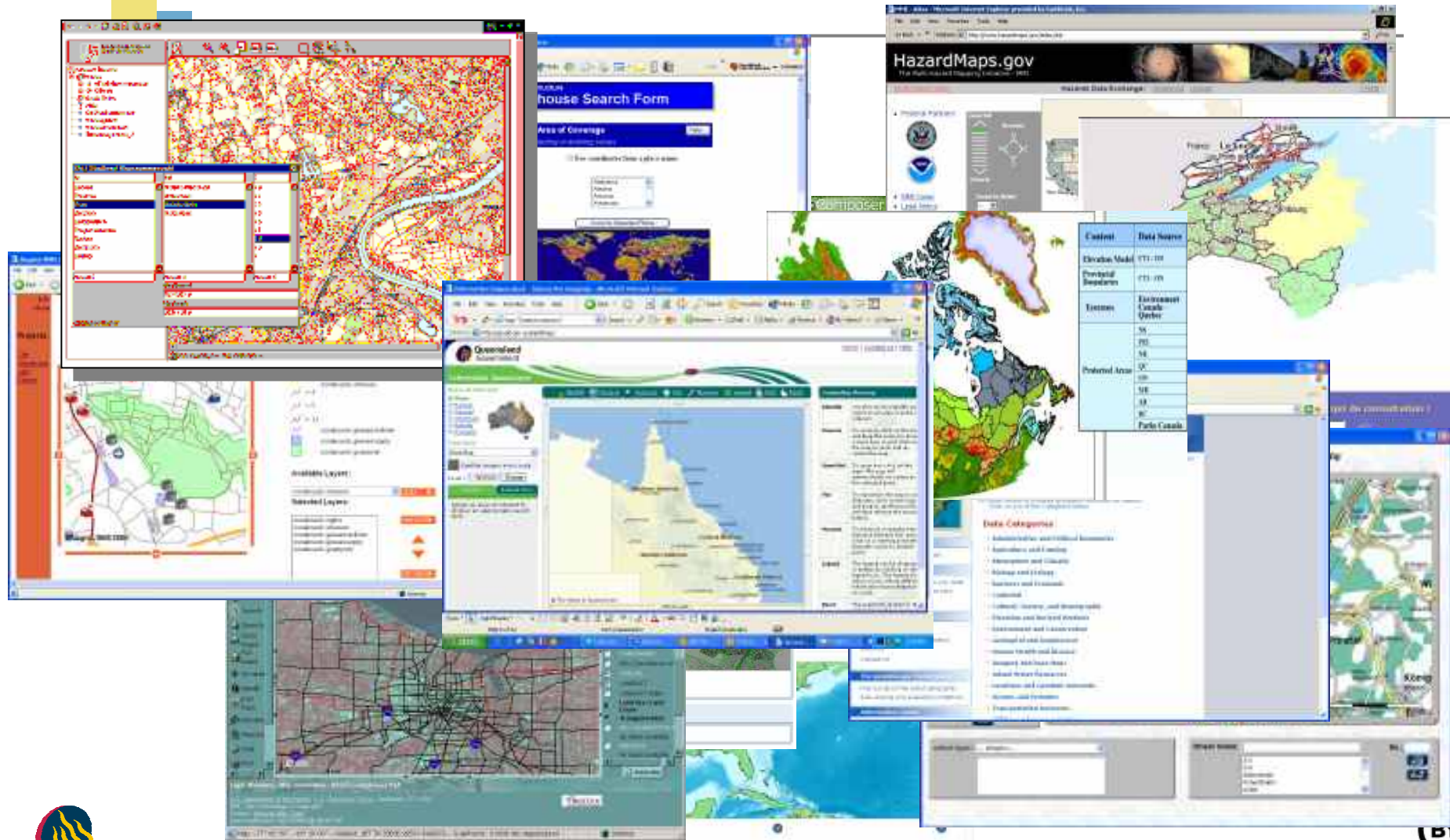
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**\$150m Reasons Why**



# Build Government Portals





# Proposal was Different for CIO's

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- Not typical ICT system test, buy/build implementation
- Very strong strategic information policy focus – big “I” for information
- Requires large investment in information management & legal research
- Balance of legal framework development against IT capability





# Hypothesis for Standardising Legal Framework for Information Transaction

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- Possible to develop a Government Information Licensing Framework of **standardised legal terms and conditions** within which all information transactions can occur.
- By doing so would facilitate **improved access** to, and use of, Government held data, by Government.
- The framework would **standardise transactions with other government jurisdictions by using a single framework** for access to all data and extend to community and the private sector
- **Help manage the Government's IP**
- Reduce **legal risks associated** with potential unauthorised use of data and information products and services both in and outside of Government



# AIM of GILF Project

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- Deliver a standard set of terms and conditions for information licensing.
- That will work effectively and legally in practice.
- But must fit within a national and internationally recognised environment.



# Stage 1 - Current Licensing Trends

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- Strong market philosophy based on value and supply chain and extracting rents for data use.
  - Shrink-wrap or click-wrap
  - Embargoes & Quality ladders
  - Minimal restrictive
  - Tiered restrictive
  - Non-licence alternatives



# Stage 1 - Identified Problems in Information Licensing

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- Majority of government business units **don't use any** formal licensing
- Those that do, **vary** in legal frameworks significantly
- Current “standard” approaches **dated** – many derivatives
- **Non standard** approach of access for data users
- Potentially more **difficult** for Gov agencies to deal with each other than to get same information from outside Government
- Inter-jurisdictional exchange (eg for NWI) problematic.
- **Complex** for anyone outside dealing with multiple Departmental approaches to information licensing
- Agencies consider themselves as **unique business entities**, not as a single government
- Licences do not reflect the **mature business approach** that agencies now wish to take with data use and reuse.



# What This Means

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- Confusion and costs for clients, community and custodians
- Impossible to design an architecture for an online portals and/or inter-jurisdictional data collaborations
- Difficult for information users to know if they are fully complying with legal obligations
- Impediment to innovation



# Mature Approach

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- Social, economic, cultural and environmental **value of public sector** datasets are in their use
- **Action Agenda** - Federal Government Report “Unlocking the Potential – **Digital Content Industry**”
- **ABS and Geoscience Australia data** delivery strategy – free on the web with liberal use permissions
- Some agencies have differing information rules for industries
- **WOG Licensing Strategies** and industry coordinated acquisition programs
- Developments in **open access publishing** in UK Government

# IS HELL FREEZING OVER? EVEN BILL GATES EMBRACES THE INFORMATION COMMONS

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Posted by [David Bo](#)



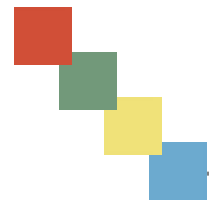
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# Stage 1 & 2 of Queensland WOG Information Licensing Review

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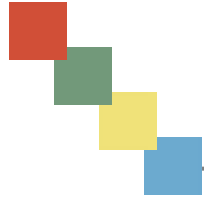
- Identified **non-standard and conflicting** approaches to licensing and need for change
- Reviewed national and international initiatives on use and reuse of government information – **Open Content Licensing**
- Identified **Creative Commons Licensing** framework as best practice OCL
- Confirmed its **legal validity**



# Stage 3 (ICT Innovation Fund)

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- **Step 1** - Data Review and Legal Audit of strategic information within Government
  - Eight databases confirmed for CC (currently under closed licences)
  - Draft Government Information Licensing Framework Toolkit
- **Step 2** – Development and Testing of Creative Commons-like Restrictive License
  - Draft licence allowing interchange of restrictive conditions
  - The concept of “**break glass only as last resort**” to be applied when choosing to use any of the restrictive conditions
- **Step 3** – Development of Digital Licence Management Software
  - Confirmed that Digital Rights management software not required
  - Developed DLM Injector Software
- **Step 4** – Business Case for WOG implementation of GILF

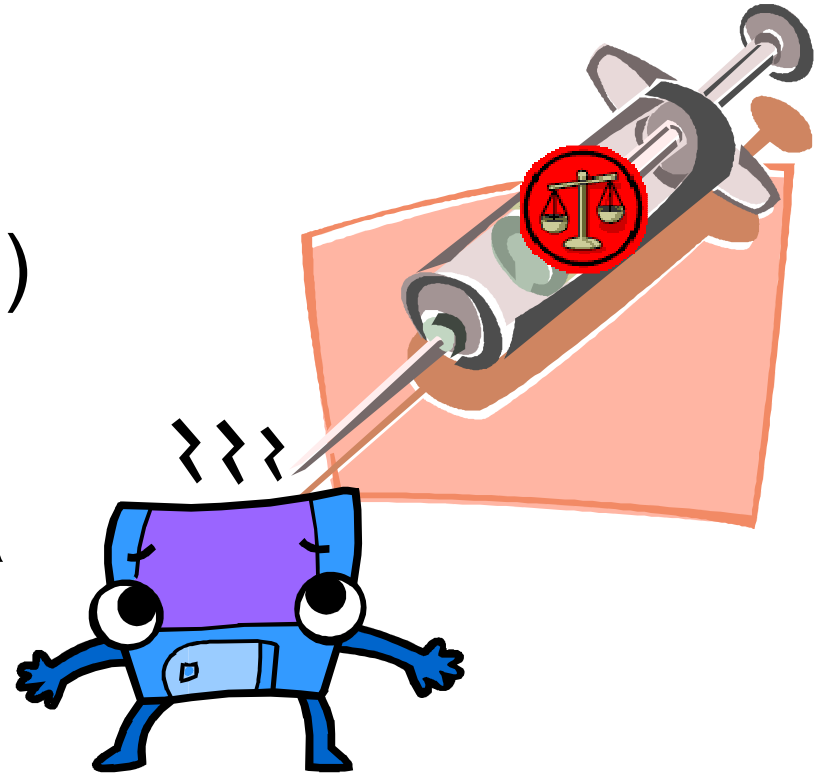


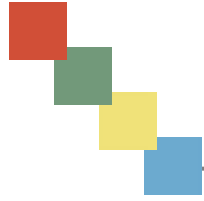
# CC + Restrictive = GILF



# Digital Licence Management

- Development of Digital Licence Management (DLM) Injectors
- DLM Integration of Injectors in IQ Data Download Service
- Working with ABS and Landgate, WA



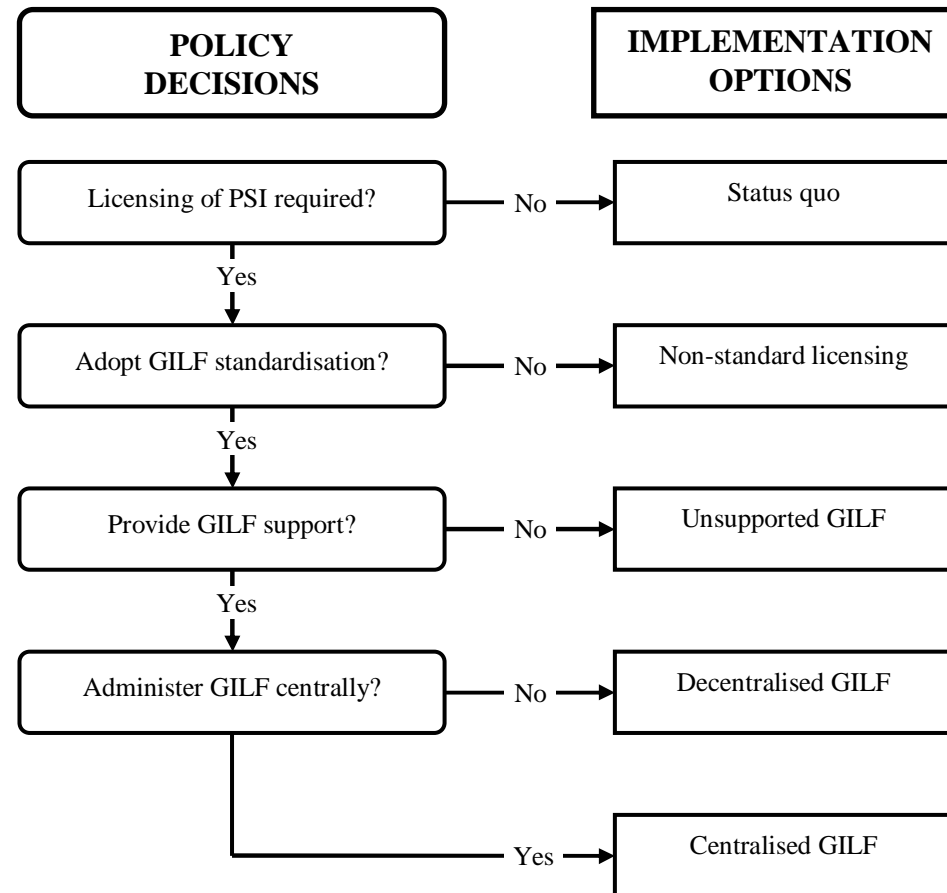


# GILF Toolkit

- Web based interactive guide to auditing and licensing your data prior to discovery or access.



# Business Case Options for Implementing a GILF Solution



# Economic Effect of Licensing

- Economic costs of non-standard licensing is significance
- The economic value of reuse policies – USA v EU models

<i>In AUD per annum (2000)</i>	<i>Australia</i>	<i>Queensland</i>
Investment Value (IV)	2.0 billion	0.38 billion
Economic Value (EV)	80.5 billion	<b>15.0 billion</b>
Population <sup>[1]</sup>	19,071,000	3,562,000

<i>In AUD per annum (2000)</i>	<i>Australia</i>	<i>Queensland</i>
Investment Value (IV)	0.77 billion	0.14 billion
Economic Value (EV)	5.49 billion	<b>1.0 billion</b>
Population <sup>[1]</sup>	19,071,000	3,562,000



# Strategic Risks

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- Loss of business opportunities for Queensland;
- Direct losses through litigation related to copyright infringement, including the potential for some copyright infringement offence to invoke criminal penalties; and
- Losses due to inefficient cataloguing and metadata classification to manage public sector information as an asset.

# Cost Benefit Analysis Outcome

Option	Net Benefit (millions)	Operating Expense (millions)	Net Budget Impact (millions)
Status Quo	-\$25.2	\$29.0	\$0
Non-Standard Licensing	-\$9.0	\$37.1	\$8.1
Decentralised GILF	\$11.48	\$14.3	\$2.9
Centralised GILF	\$7.9	\$16.5	\$5.0



# Business Case - Analysis

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- Queensland Government makes substantial expenditure in licensing and supplying public sector information (PSI) each year.
- The financial, cost-benefit/economic analysis and policy analysis indicated that Option Decentralised GILF is the only viable options for licensing PSI across the Queensland Government



# Reaction to GILF in Qld

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- Overwhelming **demand** for clear and simple licensing
- Overwhelming **support from stakeholders** in all levels of Government and private sector for a standard licensing framework
- GILF licences would support **vast majority of data** access and use transactions for Government agencies
- Business case shows **positive financial, economic and policy outcomes** for the Smart State



# Thankyou

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# What is Creative Commons Licensing Deliver

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- Licensing system that **protects the intellectual property rights** of the data creators whilst encouraging the sharing and re-use of that data
- **Minimises administration** with consistent and transparent legal framework for all information resources
- Can be applied to any information delivered in **any media** including text, books, film, photographs and music (digital or analogue)



# What is Creative Commons














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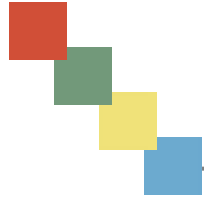
- Creative Commons defines the spectrum of between full copyright (all rights reserved) and the public domain (no rights reserved)
- CC licences allow creators to retain copyright, while inviting certain uses of the work, a "some rights reserved" copyright.
- Predetermined set of licensing terms and conditions
- “CC makes copyright active”



# Licences are Clear and Simple

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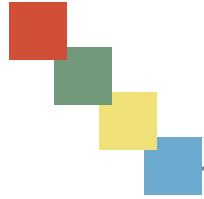
BY		Attribution
BY-NC	 	Attribution - Non Commercial
BY-SA	 	Attribution - Share Alike
BY-ND	 	Attribution - No Derivatives
BY-NC-SA	  	Attribution - Non Commercial - Share Alike
BY-NC-ND	  	Attribution - Non Commercial - No Derivatives



# Licences are Interoperable

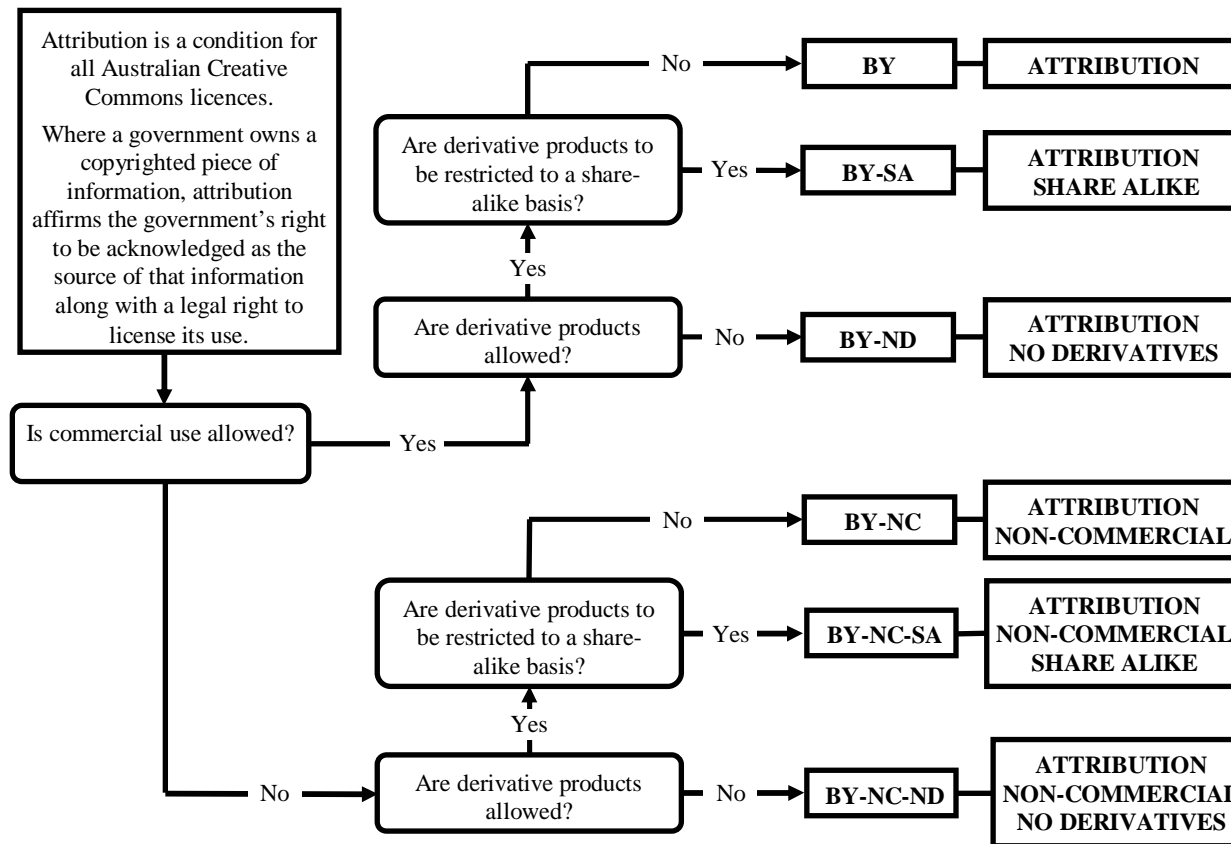
	BY	BY-NC	BY-NC-ND	BY-NC-SA	BY-ND	BY-SA
BY	Black	Black	Black	Black	Black	Black
BY-NC	White	Black	Black	Black	White	White
BY-NC-ND	White	White	Black	White	White	White
BY-NC-SA	White	White	White	Black	White	White
BY-ND	White	White	Black	White	Black	White
BY-SA	White	White	White	White	White	Black

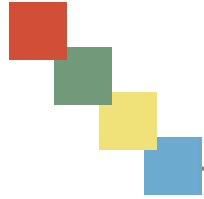
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# Licensing are Easily Applied

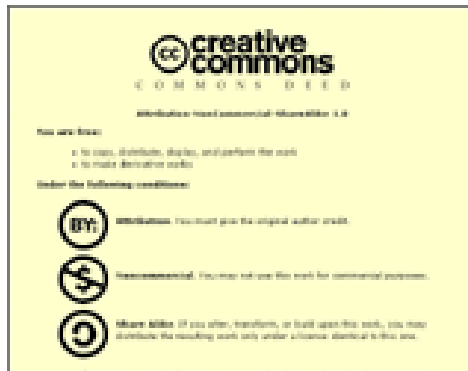
## CREATIVE COMMONS INFORMATION LICENSING OPTIONS



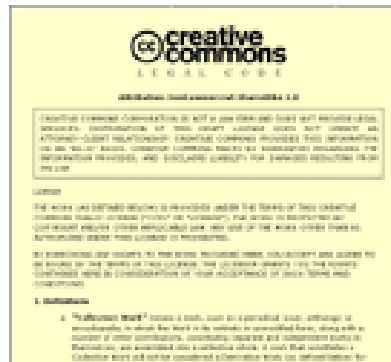


# Licences are Understandable

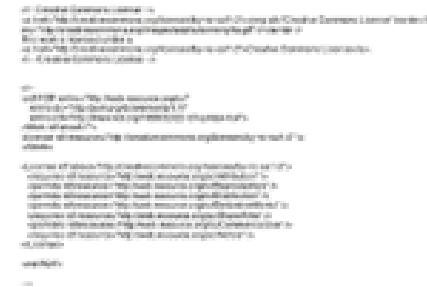
## Human-Readable Commons Deed



## Lawyer- Readable Legal Code



## Machine-Readable Digital Code




Creative Commons Attribution-Noncommercial-Share Alike 2.5 Australia - Microsoft Internet Explorer

File Edit View Favorites Tools Help


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## Attribution-Noncommercial-Share Alike 2.5 Australia



**You are free:**

-  **to Share** – to copy, distribute and transmit the work
-  **to Remix** – to adapt the work

**Under the following conditions:**

-  **Attribution.** You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).
-  **Noncommercial.** You may not use this work for commercial purposes.
-  **Share Alike.** If you alter, transform, or build upon this work, you may distribute the resulting work only under

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# Licence are Legally Valid – Legal Analysis

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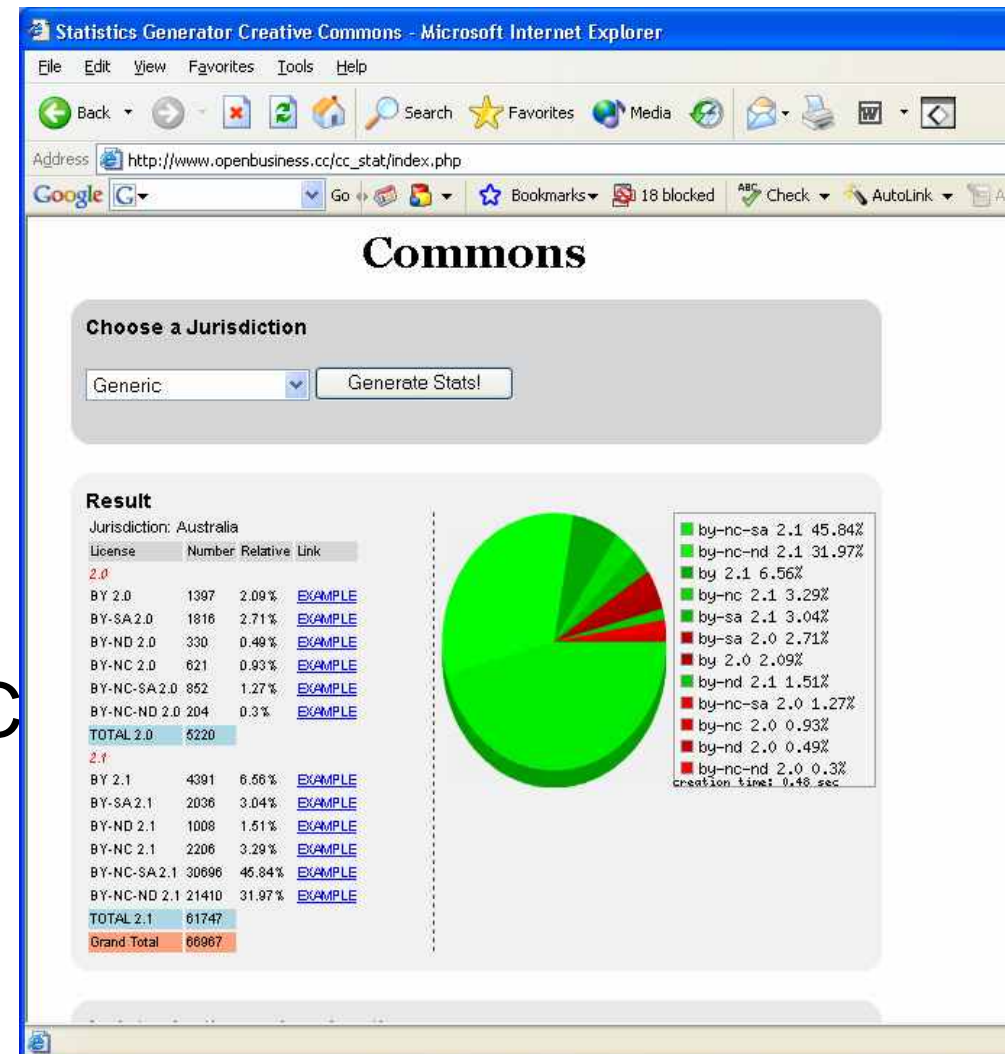
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Analysis of Licences		DNRMV							EPA					OSDM (Cwth)	GEOGRATIS (Natural Resources Canada)	
Agency		User Licence	Product Distributor	Data Distributor	Online Distributor	Defined Developer	Developer	Data Sharing	Wildlife Online Website	SOE Online Database and Website	Wildnet Data	(QSIS) Herbarium Regional Ecosystems GIS Databases	Herbarium User Licence	Online User Licence	User Agreement for Digital Data	
Ownership	<b>Copyright</b> – Ownership remains with licensor. (No assignment)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	<b>Exclusive or sole licence</b> granted to licensee															
	<b>Non-exclusive licence</b> granted to licensee	X	X	X	X	X	X	X					X		X	
	<b>Term of licence</b>		X	X	X	X	X	X						X (10yr)		
	a. Fixed Term															
	b. Term of Copyright															
	<b>Irrevocable licence</b>															
	<b>Non-transferable licence</b>	X	X	X	X	X	X	X			X	X	X	X		
	<b>Physical Goods</b> – ownership of recording medium belongs to licensee because CD/tape	X(b)														X(a)
	a. always belonged to licensee; or															
b. transfers to licensee when fees paid																
Use data for own internal purposes	X							X	X	X	X	X	X	X	X	
Create new products for own purposes	X							X		X	X	X	X	X	X	
Provide data to consultant for your specified purpose	X				X	X	X				X	X				
Provide products for NO charge (hard copy or non-editable digital)	X						X					X				
Publish un-editable digital files on Internet for viewing only	X															
Distribute to 3 <sup>rd</sup> parties who intend to re-sell value-add		X	X	X	X	X	X							X		

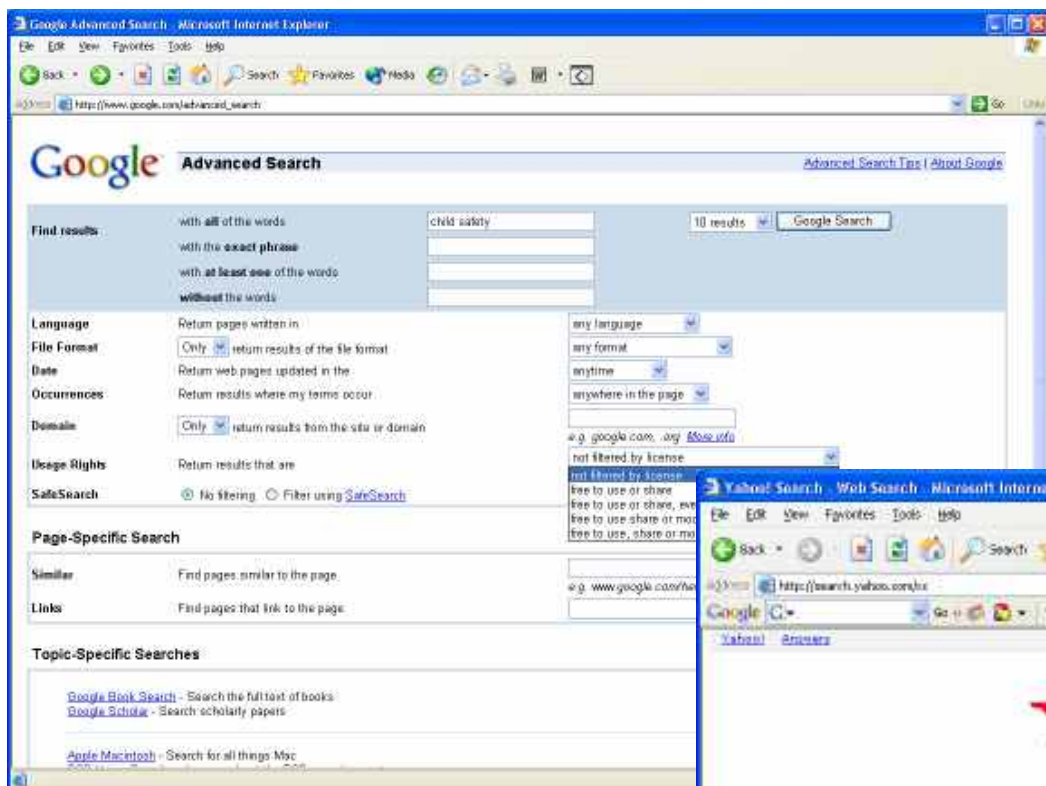
Current Licences / Creative Commons / Sheet3 / NUM

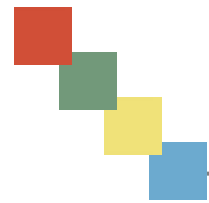
# Licences are Widely Use

- Already over **299 million CC resources on net**
- Google and Yahoo have a specific **CC search**
- **66,967 Australian CC resources**



# Use of CC



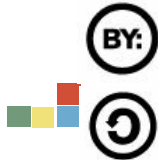


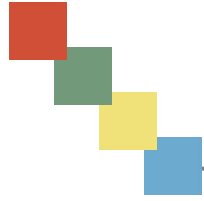
# Use of CC - Digital Road Network





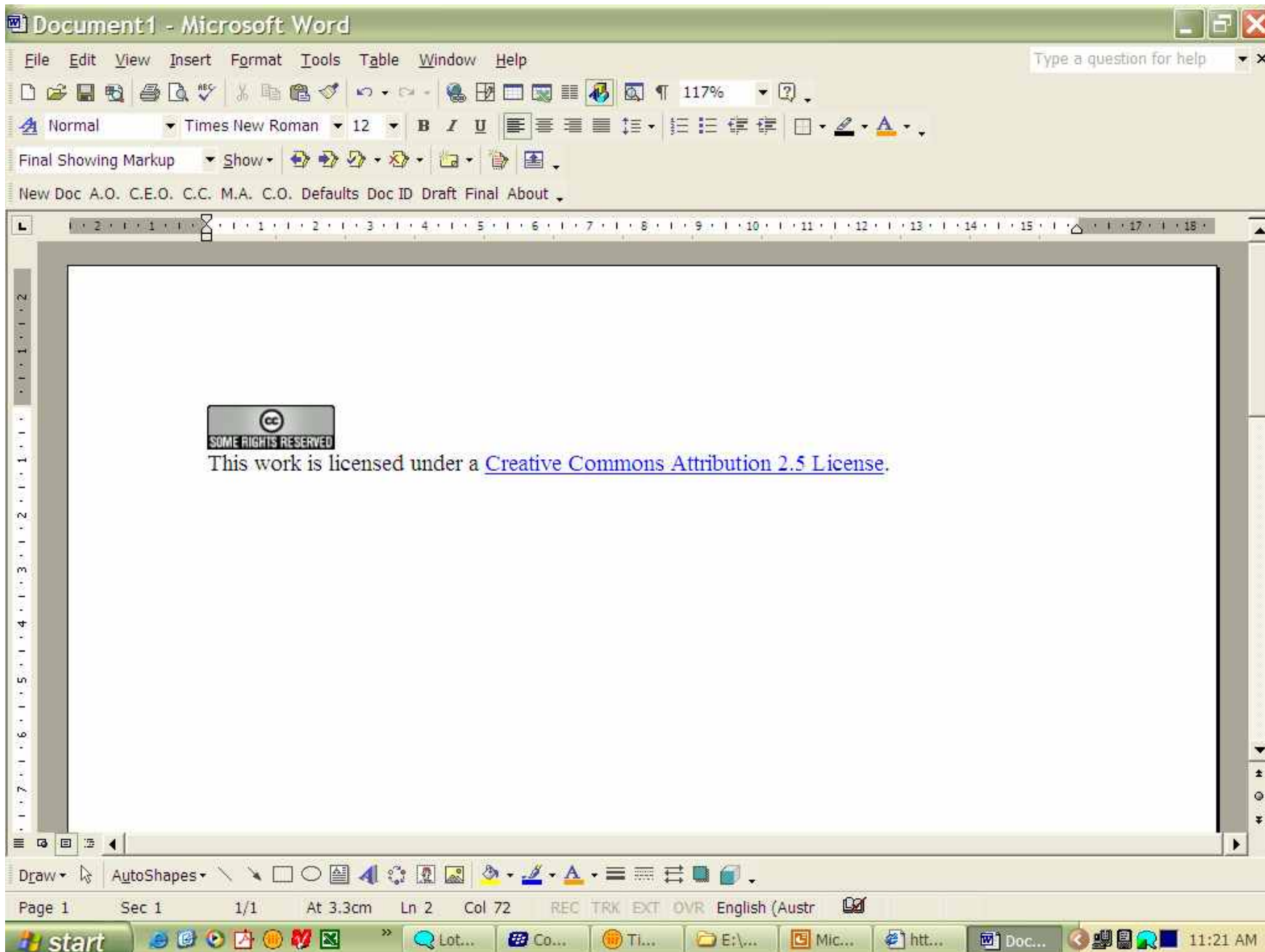
# Use of CC in Mozilla Webbrowser





# CC has a Second Life







# Need for National Approach

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- 42 Ministerial COAG committees have a inter-jurisdictional data exchange requirement.
  - All Hazards Management to National Water Initiative
  - Climate Change to National Road Transport



# Value of CC Licences

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- Simple and Uniform
- Legally Interoperable
- Applicable in over 50 countries (through iCommons Project)
- User-accepted
- Applicable to 85% of data
- Technically interoperable
- Applicable to Government environment
- Legally tested



# Way Forward

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- GILF Stage 3 completed and considering implementation strategy - Trial in OESR
- CRC-SI Project 3.5 – “Enabling Real Time Information Access in both Urban and Regional Areas”
- NWI – Project Plan endorsed by ESCAWRI, NRMSC and NWIC
- CJCIOC – Ministerial Online and Communication Council – National Information Sharing Strategy
- ABS setting up Aust Government Working Party on CC
- Aust Government Office of Spatial Data Management are adopting CC



# Collaborators

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- Australian Bureau Statistics
- QUT (OAKLaw)
- Information Queensland
- Cooperative Research Centre for Spatial Information
- AGIMO (Online & Communication Ministerial Council)
- Australia New Zealand Land Information Council
- Geosciences Australia
- National eHealth Transition Authority
- eHealth Research Centre
- Division of General Practitioners (Sunshine Coast)
- US National Science Foundation
- Microsoft
- ESCAWRI
- CJCIO