

# Licenses & Legal Issues

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# RE: Questions

1. Partner: Fraunhofer FOKUS
2. Geography, Planning & Traffic
3. Difficult Usability
  - “Most accessed”, “This Year”
  - Current Employees
  - Affordable Rental Housing
  - Building Permits

# Legal Aspects

Basic Questions:

How is the use of Open Data regulated?

Which licenses are used?

What do I have to know when using 3rd party data in general?

How is the revenue situation?

# Open Data Regulations

- Data provided by administrations to be labeled as "Open"
- EITHER established licenses such as Creative Commons
- OR defining a special licence for a national entity
- Databases = new case

# Open Data Regulations II

## Countries

- USA: mostly CC, Public Domain and ODbL
- UK: Open Government Licence  
(CC compatible)
- Germany: CC or "Datenlizenz Deutschland"
  - Special Case: Geodata (defined for national level, pending for most Länder)

# Licences (CC)

- Creative Commons Attribution:  
Re-distribution and re-use if creator properly credited
- Creative Commons Attribution Share-Alike:  
Derivative work must be made available under same/similar license
- Public Domain Dedication and Licence (PDDL):  
all rights waived.  
(Applies for all works done by employees of US state agencies and National Institutes)

# New Creative Commons

Creative Commons 4.0 brings some changes

- Focussed on governments and public sector information, especially within the EU
- Integrates database aspects not covered directly until 4.0
- International as standard - “porting” only necessary in rare cases (exception: official language translations)
- Owner may ask for attribution removal, even or unmodified work

# CC 4.0 - II

- Basics of ND, NC, SA remain
  - ND = Non-Derivative - May only be used in unaltered version; private use possible
  - NC = Non-Commercial - May not be used for commercial causes
  - SA = Share-alike - Must be shared under the same conditions; therefore, only a SA license possible when re-sharing



# Data Licences

- Open Data Commons Attribution Licence (ODC-BY):  
Free to use, re-use, change - must keep attribution
- Open Data Commons Open Database License (ODbL):  
Attribution + share-alike + remain open
- Also: Public Domain Dedication and License (CC0)  
Dedicating to public domain - no attribution etc.
- Output: ND & NC licenses not recommended

[wiki.creativecommons.org/Data](http://wiki.creativecommons.org/Data) + [opendefinition.org/licenses](http://opendefinition.org/licenses)

# Using Databases

- Input: Text/Data mining possible with all 4.0 licenses
  - When publishing output, don't use ND material
- Difference between database rights and copyright
  - as long as rearranging factual data from a CC licensed database, "owner" needn't be attributed
  - older CC licenses (3.0 and earlier) don't expressly cover certain database rights besides CC aspects
- Database copyright: applies to database model; data entry & output sheets; field names; data (depending if sufficiently creative/original)

# Country Licences

- **UK: Open Government License**

- Copy, publish, distribute and transmit the information
- Adapt the information
- Commercial use allowed
- Acknowledge the source by attribution

[nationalarchives.gov.uk/doc/open-government-licence/version/2](https://nationalarchives.gov.uk/doc/open-government-licence/version/2)

# Country Licences II

## Germany - Govdata Licence(s)

- Commercial: Any use with attribution is suitable
- Non-commercial: Any non-commercial use is suitable with attribution; changes must be indicated in source

[govdata.de/lizenzen](http://govdata.de/lizenzen)

Momentary Distribution

Open: 5765 - Limited Use: 1995 (14/05/2014)

[WS 2013 Open: 3726 - Limited Use: 683 (19/11/2013)]

[SS 2013 Open: 2459 - Limited Use: 653 (14/05/2013)]

# Legal Questions

- *What can be subject to copyright?*
  - Mere facts not protected
  - Compiling databases protectable  
(EU database directive)
- *Which public information not copyrighted in Germany?*

Laws, decrees, official publications and decisions are "Amtliche Werke"; not protected (§5 UrhG)

[gesetze-im-internet.de/urhg/\\_\\_\\_5.html](http://gesetze-im-internet.de/urhg/___5.html)

# Legal Questions II

- *Is an agency liable for the quality and mistakes?*

Usually they opt out by disclaimer ("Provided as is..."

"We cannot made be liable for any mistakes in the data howsoever.")

- *What do I do if I am using several datasets?*

Dedicated source page OR

"This application uses several datasets provided under a XYZ license. (*Possible: These datasets are: ...* )"

# Reimbursement

How do public data providers operate?

- Full reimbursement (uncommon)
- Partial Fee Model
  - Subscriptions
  - Per-Use Payments
- Free Model (common, often does not cover commercial use)
- Open License Model (turning standard)

# Actual Revenue

- Revenue generated by selling data often compensated by marketing costs
- Older US data shows that as little as 1% of costs were covered by data sales
  - Consequence: Lowering prices or switching to free
- **Germany: 5.7 Mio € (federal, 2012)**
  - Yet only minimal fraction compared to other revenue
  - Ministry of Justice had 1.3 mio € revenue, but most from Juris GmbH, which is state-owned (50,01%)



# Further Reading

- Jordan Hatcher on open licenses and applying them:  
[de.slideshare.net/jordanhatcher/open-data-licensing-share-psi-workshop](https://de.slideshare.net/jordanhatcher/open-data-licensing-share-psi-workshop)
- UK Government Whitepaper on the potential of Open Data:  
[gov.uk/government/publications/open-data-white-paper-unleashing-the-potential](https://gov.uk/government/publications/open-data-white-paper-unleashing-the-potential)
- Harvard Business Review on Using Open Data:  
[blogs.hbr.org/cs/2013/03/open\\_data\\_has\\_little\\_value\\_if.html](https://blogs.hbr.org/cs/2013/03/open_data_has_little_value_if.html)
- EPSI Platform on Open Data as Public Sector:  
[epsiplatform.eu/content/track-i-open-data-business-model-public-sector](https://epsiplatform.eu/content/track-i-open-data-business-model-public-sector)
- Mathias Schindler - Der Urheberrechts-Yeti:  
[de.slideshare.net/presroi/der-urheberrechts-yeti-2](https://de.slideshare.net/presroi/der-urheberrechts-yeti-2)