PAN-EUROPEAN INFRASTRUCTURE
FOR OCEAN & MARINE DATA
MANAGEMENT

WP6: Intellectual Property Rights

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IPR: ToR

"In order to develop and maintain an operational infrastructure aiming at improving access to marine information, SeaDataNet produces original standards and software. The intellectual property rights on this creative work need to be duly acknowledged and adequately protected.

A clear position on this issue will be of particular importance when dealing with data centers outside the consortium and with other consortia."

IPR: Context

- In FP7 projects, issues concerning intellectual property are mainly dealt with in the Consortium Agreement, that complements any provision made in the Grant Agreement. These documents must be compliant with the applicable legislation, in particular the "Rules for Participation".

IPR: Some useful definitions

- "**Foreground**" means the results, including information, materials and knowledge, generated in the project, whether or not they can be protected.

- It includes intellectual property rights, similar forms of protections (*e.g. sui generis* right for databases) and unprotected know-how (*e.g.* confidential material).

IPR: Some useful definitions

- Foreground resulting from the project is owned by the participant generating it.

- When foreground is generated jointly (*i.e.* where the separate parts of some result cannot be attributed to different participants), it will be jointly owned, unless the participants concerned agree on a different solution.

IPR: Some useful definitions

- "**Background**" is information and knowledge (including inventions, databases, etc.) held by the participants prior to their accession to the Grant Agreement, as well as any intellectual property rights which are needed for carrying out the project or for using foreground.

IPR: Background *with* Access Rights *under OpenSource or OpenAccess licence or freely accessible*

Owner	Description	Protection
Ifremer	*MIKADO, NEMO, Download manager, Ends&Bends*	Access to object code only, license to be studied within the project (WP6.6)
AWI	*Ocean Data View*	Access to object code only, proprietary license.
ULg	*DIVA*	Access to source code, distributed under the terms of the GNU General Public License (GPL)

Items potentially subject to IPR

- Data
  - → Seadatanet Data Policy & User License

- Derived products
  - → Copyright, specific "Rights to use"

- Databases
  - → Directive 96/9/EC on the legal protection of databases

- Reference material
  - → can be published as standards, on which copyrights apply

- Software

SeaDataNet

IPR: Position of the Steering Committee (1)

Having a licence is important for the following reasons:

- – Protection of Intellectual Rights
- – To grant wide access within and outside SeaDataNet (GeoSeas, EMODNET, MyOcean, …)
- – To be protected against complaints if anomalies are detected

- • The idea is to provide a software provided as it is, without guarantees. Several types of licence could be used:

  - – Initial idea of « Open Source", but several prerequisites and constraints may be difficult to manage like: Tagging (header) of each source files, repository. Also, open source may lead to different versions (branches) difficult to maintain.
  - – Open Access Licence which corresponds to the Delivery of executable version only.

IPR: Position of the Steering Committee (2)

- Present SDN data policy and license seem to be largely adequate for SDN2 context including machine to machine transfers, online data visualization, aggregated datasets (collection of data sets). However, some improvements may be useful:
    - Distinguish data access rights for visualization (less restricted) and download?
    - Add access rights for integration in interpolated products but with restricted download (*e.g.* navy data)?
    - Inclusion of data centres which are not NODC's (thematic, regional, and global)

IPR: Next actions

- Explore implications for non-EU countries (*e.g. sui generis* rights on data bases)

- Software: Working group with MUMM, Ifremer, Maris, ULg, AWI, taking into account the possible legal models for SeaDataNet (IES-JRC)

- Data and derived products: joint initiative with MyOcean

- Hence "D6.9 Generic SDN software license model" (M12) somewhat delayed.