

Introducing Legal Interoperability in context of Global Record

**Proper Copyright and Licensing for sharing
and reusing data in Global Record context**

Marc Taconet

**Chief, Fishery Statistics and Information Branch
FAO**

Credits to : Eise Van Maanen
Vassilis Protonotarios
Anton Ellenbroek

Legal interoperability

*The **compatibility** of legal rights, terms, and conditions of databases from **two or more sources** so that the data may be **combined** and **integrated** by any user, **without** further **permission** and without **compromising** the legal rights of any of the data sources used.*

Legal interoperability occurs when

- 1) **use conditions** are **clearly** and **readily determinable** for each of the datasets,
- 2) the legal **use conditions** imposed on each dataset **allow creation** and use of **combined** or **derivative** products, and
- 3) users may **legally access** and **use** each dataset **without** seeking **authorization** from data rights holders on a case-by-case basis, assuming that the accumulated conditions of use for each and all of the datasets are met.

Legal interoperability instruments

International

- 1) Standardization
- 2) Harmonization
- 3) Mutual recognition

National

- 1) Waivers
- 2) Common-use licenses
- 3) Terms of use
- 4) Exception and limitations under copyright law

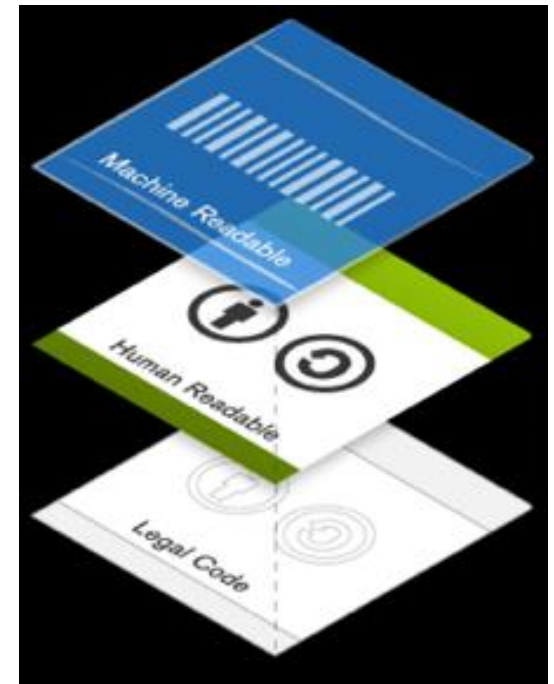
Issues commonly identified when addressing data sharing

- Data Policy / licensing **not available**
- High **heterogeneity** of existing licenses
 - Important issue for legal interoperability
- Licensing not included in **metadata**
 - Licensing information is lost during (metadata) interoperability

An Open Data example

The Creative Commons example

- **Legal Code** - Each license begins as a traditional legal tool, in the kind of language and text formats that most lawyers know and love. This is the actual license, which is **a detailed legal document**.
- **Commons Deed** - This is a handy reference that summarizes and expresses some of the most important terms and conditions. **Think of the Commons Deed as a user-friendly interface to the Legal Code beneath**, although the Deed itself is not a license, and its contents are not part of the Legal Code itself.
- **Machine-readable version** - The final layer of the license design is a “machine-readable” version of the license - a summary of the key freedoms and obligations written into a format that software systems, search engines, and other kinds that **Information Technology can understand**.



Multiple dimensions of legal interoperability to be addressed

Data ownership (data producers)

- Do data producers **maintain ownership**?
- Is data **properly licensed**?
- Are data producers properly informed?
- Will data producers be credited?

Data access (data users)

- Is access to data **open** (or registration needed)?
- Is access to data **free**?
- Is there provision for **technical** interoperability?
- Is there provision for **legal** interoperability?

Data use (data consumers)

- Are **modifications** allowed?
 - Translations
 - Summaries
 - Application of text mining
- Are **commercial** uses allowed?
- Is **ShareAlike** a requirement?

Concluding For Global Record project road map

- GR will have to handle huge amount of data
 - Mainstreaming / streamlining
 - Automation / machine assisted processing
- Work at data policy level
 - Proper source and copyright
 - Terms of use
 - Research on applicable licensing
- Work at Metadata level
 - Metadata standard (UN-CEFACT) should ensure proper handling of Copyright and Licensing for each Record