



Statement of Intellectual Property Rights (IPR) and Data Use Policy for *GlobalSoilMap.net*¹

Background

This document is a revised version of a document on intellectual property rights prepared for, and adopted by, the OneGeology Project. It represents an effort on the part of the *GlobalSoilMap.net* project to establish a similar statement of policy in this area.

Experience with other data access initiatives has shown that clearly defining IPR and data use policy is important for the successful functioning of global data compilation efforts similar to *GlobalSoilMap.net*. Since different organizations contributing to *GlobalSoilMap.net* will have different data policies, a means must be provided to communicate these policy statements to users.

Intellectual Property rights can be claimed both by data owners (those who collected the data in the field or paid for it) or by data retrievers (those who process the data to make them available through an information system or who paid to acquire the data). These will be referred to subsequently as “data providers”

Issues and Risks

- The *GlobalSoilMap.net* project is designed to rely upon using existing legacy soil data sets. In order to be successful, the *GlobalSoilMap.net* project must formally and explicitly recognize and guarantee the IP rights of the organizations or entities that provide any legacy soils data used by the *GlobalSoilMap.net* project.
- *GlobalSoilMap.net* data providers need to be able to communicate their IPR and data use policies through the *GlobalSoilMap.net* system, otherwise they may not be able to permit their data to be accessible via *GlobalSoilMap.net*.
- If *GlobalSoilMap.net* IPR and data use policies are not clear and accessible potential data providers and users may not be willing to participate in the initiative.

¹ Note: This is a draft working document that has not yet been formally approved by the participants in the *GlobalSoilMap.net* project.



- *GlobalSoilMap.net* and organizations hosting *GlobalSoilMap.net* systems and services must not be placed in a position of legal responsibility for the data to which they provide access.
- Current legal precedent has demonstrated that disclaimers have little value in protecting digital spatial data providers against possible legal action. Provider's willingness to adequately describe their data, its use and limitations and demonstrating support to users regarding appropriate use of data offers the best protection.

***GlobalSoilMap.net* Policy**

- All metadata, visualizations, and newly created data accessible through *GlobalSoilMap.net* will be provided free, and without charge, for non-commercial use.
- The ownership of all pre-existing data made available through *GlobalSoilMap.net* by the data providers (soil surveys and organisations) remains with the data provider.
- No legacy soils data will be used in the production of, or otherwise incorporated into, *GlobalSoilMap.net* products without the express permission and support of the agency or entity that produced it.
- 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.
- There is no written licence agreement between *GlobalSoilMap.net* and its data providers or users but IPR and suitable use information is easily accessible.
- Foreground rights (i.e. systems and data that *GlobalSoilMap.net* creates as a result of its work) reside with the participants in the *GlobalSoilMap.net* consortium and will be made freely available in the public domain.
- Data providers must be properly acknowledged in any scientific papers that use provided data. In cases where such data represent a substantial contribution to a paper, appropriate negotiated acknowledgement may involve formal inclusion of the data provider as a co-author of the publication.

The following three questions and answers are designed to inform the user of the data policies of *GlobalSoilMap.net* in a simple and understandable manner.

Q. Can anybody use the data?

In general, please feel free to use the data for non-commercial applications (e.g. personal and educational use and non-commercial research). Please recognize that data accessible via *GlobalSoilMap.net* are not owned by *GlobalSoilMap.net* therefore *GlobalSoilMap.net* does

not take responsibility for the quality or accuracy of the data. If specific data policy/IPR statements are required by *GlobalSoilMap.net* data providers for data available for viewing or download on the *GlobalSoilMap.net* web site, they will accompany the data. Publications and papers that make use of data from GlobalSoilMap.net need to inform and acknowledge the providers of the data cited. Regarding commercial use please see the answer to the next question.

Q. Can I use the data for commercial purposes?

For commercial purposes, each *GlobalSoilMap.net* data provider sets its own policy. If the data are available for download and specific data policy/IPR statements are required by *GlobalSoilMap.net* 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 *GlobalSoilMap.net* product in a website or paper?

In general, if the website or product is non-commercial use, 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 *GlobalSoilMap.net* by communicating with us via e-mail.