

# Harmonising Open Licences in the European Union: “Been there, done that. What’s next?”

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Once upon a time...

# 2006

“Not only is the geo-information difficult to find as it is scattered throughout the different government agencies, but ***each agency*** also applies ***different licence conditions*** and ***pricing*** models.”

EC GI/GIS conference Innsbruck 2006

In 2011, there was a museum, a  
museum of licences



Katleen:  
And now, would you like to see a  
very special piece from our  
collection? We're very proud of it!

# INSPIRE licences

INSPIRE	Reference:INSPIRE_DSS_Guidance_document_final.pdf	
DT Data and Service Sharing	26/04/2010	Page 25 of 34

## Annex B. Basic INSPIRE Licence

### Preamble

**Considering** that under Article 17(8) of Directive 2007/2/EC (INSPIRE), Member States or their public authorities shall enable the institutions and bodies of the Community to gain access to spatial data sets and services under harmonised conditions, and to exchange and use those sets and services, for the purposes of public tasks that may have an impact on the environment.;

**Considering** that a common structure and terminology of licences can play a role in stimulating the provision of spatial data sets and services under harmonised conditions.

**Whereas** the terms of this licence always must be considered to be in harmony with the Directive 2007/2/EC and its implementing rules.

The subject (as defined below) is provided under the terms of the licence. The user accepts and agrees to use those sets and services, for the purposes of public tasks that may have an impact on the environment.

### Definitions

The Definitions from Article 3 of Directive 2007/2/EC (INSPIRE) shall apply.

Spatial data                      any data with a direct or indirect reference to a geographical area (Article 3(2) of Directive 2007/2/EC)

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## Annex C. Model for Specific INSPIRE Licence

### Preamble

**Considering** that under Article 17(8) of Directive 2007/2/EC (INSPIRE) Member States or their public authorities shall enable the institutions and bodies of the Community to gain access to spatial data sets and services under harmonised conditions, and to exchange and use those sets and services, for the purposes of public tasks that may have an impact on the environment.

**Considering** that the (name of Community party) is an institution or body of the Community.

**Considering** that any charges must be fully compatible with the terms of Article 17(3) of Directive 2007/2/EC and Commission Regulation (EU) No 268/2010.

**Considering** that a common structure and terminology of licences can play a role in stimulating the provision of spatial data sets and services under harmonised conditions.

**Whereas** the terms of this licence always must be considered to be in harmony with the Directive 2007/2/EC and its implementing rules

*The parties have agreed to the following licence:*

### Parties

The parties are [MS or public authority] ..., represented by [.....], with official address [...],

Katleen:  
Did you know that all  
organisations use their own  
unique (restrictive) licences?

# Restrictions on the use

- Attribution + year
- No third party distribution
- Only for internal use/ only within the Customer's own organisation
- Contractor's clause
- Means of access: Downloading, viewing, e-transmission, etc.
- No sublicensing
- Non-disclosure/ Unauthorised use
- Limitation on number of copies
- Limitation on number of views
- Limitation on number of users/ computers etc.
- No direct marketing
- Viral clause: share-alike
- No derivative works/ No changes to original work
- Copy derived/ non-copy derived
- Only private use
- Only for activity Y
- Only for purpose Z



# 13 Recommendations for changes in policy/approach

- Member States to overcome the barriers to data release. Availability of public sector data is seen as one of the biggest hindrances to development by Geo-ICT SMEs
- Greater co-operation between public and private sectors needs to include development of better knowledge of INSPIRE requirements in public administration procurements
- European Commission and Member States to jointly promote more involvement of Geo-ICT SMEs in EU funded projects: a key to the success of Horizon 2020 is to improve the image of European research projects and to increase awareness among SMEs
- Future framework programmes for research and innovation (e.g. Horizon 2020) to stimulate fresh and innovative 'small' projects: to be really achievable for 'micro' and 'small' enterprises, SMEs need

Member States to overcome the barriers to data release. Availability of public sector data is seen as one of the biggest hindrances to development by Geo-ICT SMEs

- European Commission and K&D programmes to require public administrations to make their geodata available as open data when participating in co-funded projects (e.g. Horizon 2020), in order to guarantee ex-ante the re-use of the information collected and/or processed in such projects
- European Commission to establish a transparent and easy-to-implement licensing framework in order to support the use and creation of added value for digital spatial content: this is one of the valuable initiatives that can contribute to lowering the existing barriers regarding data accessibility by private companies
- Member States to promote guidelines for public procurement procedures related to INSPIRE: harmonised basic public procurement procedures with minimal requirements and methods are essential (this may fall within the scope of the current EULF Study)
- Public administrations to address the problem of "closed" procurements that prevent Geo-ICT SMEs tendering: this could be assisted by greater use of Open Source Software by public administrations
- European Commission and Member States to promote the adoption of pre-commercial procurement<sup>27</sup> approaches when activities such as sol
- Standardisation bodies to make more efforts to enga to INSPIRE standards and specifications

Giacomo Martirano  
(SmeSpire/Epsilon Italia)

# 2011

“attention for **legal interoperability** and a standard for geo-information are starting to emerge, also influenced by the growing interest of the policy makers and public bodies in open data” (Janssen et al. 2011).

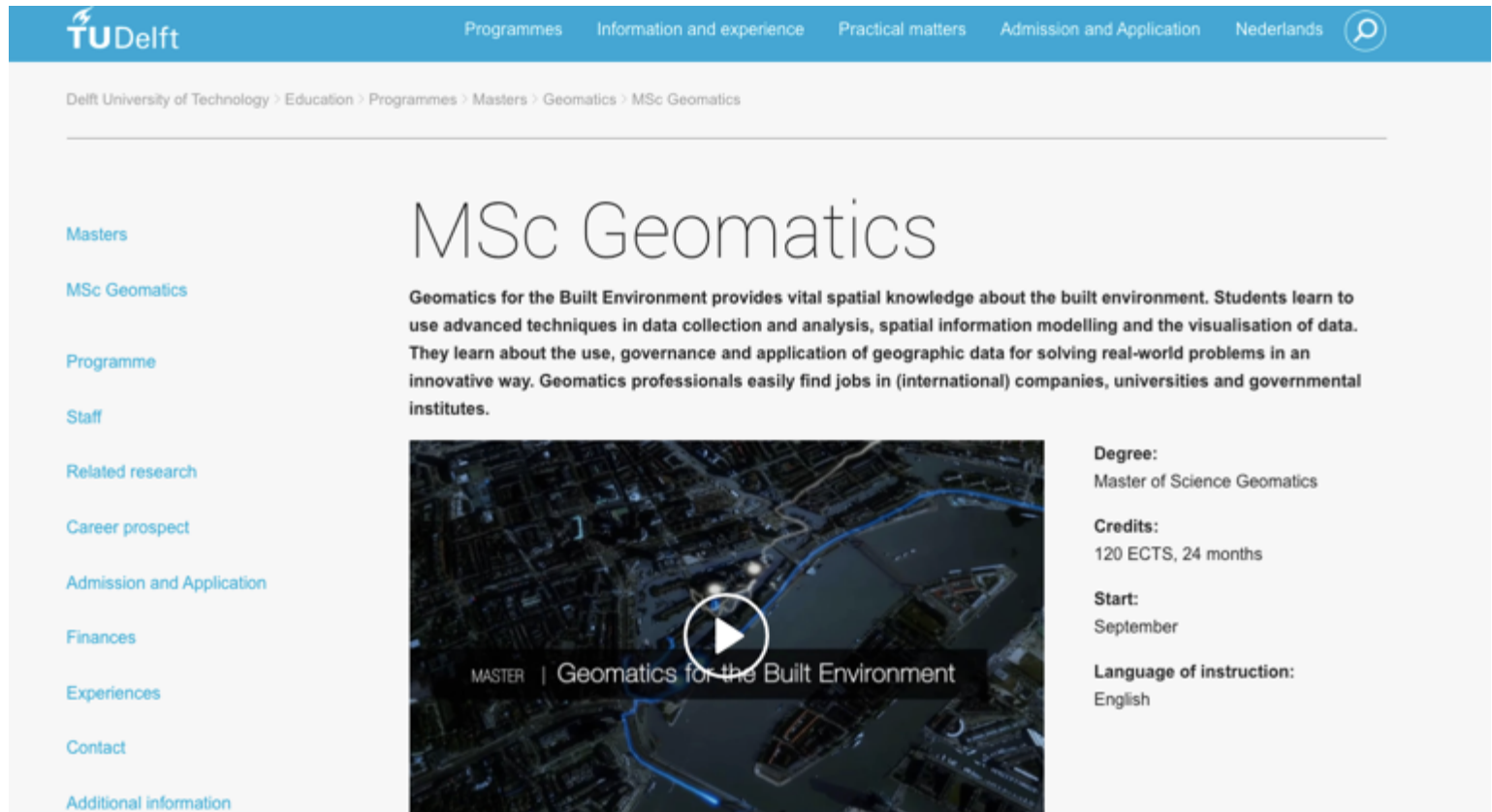
# 2011 initiatives on licence harmonisation

- Creative Commons
- INSPIRE basic and specific licence
- GeoShared in Netherlands
- Musterlizenzvereinbarung, Germany
- GILF in Queensland, Australia
- GeoConnections, Canada
- UK: OGL
- SeaDataNet project
- OneGeology project
- GENESI project
- ECOMET
- ESDIN
- ...

# So we wondered...

- Has the harmonisation process of licences for spatial data arrived at the next level?
- Is the harmonisation a true international effort or limited to the individual Member States?
- Are bodies still reticent to move away from their existing licensing policy, their national legislation and their sectoral focus?

# Context



The screenshot shows the TU Delft website for the MSc Geomatics program. The header includes the TU Delft logo and navigation links: Programmes, Information and experience, Practical matters, Admission and Application, and Nederlands. A breadcrumb trail reads: Delft University of Technology > Education > Programmes > Masters > Geomatics > MSc Geomatics. A left sidebar lists links: Masters, MSc Geomatics, Programme, Staff, Related research, Career prospect, Admission and Application, Finances, Experiences, Contact, and Additional information. The main content area features the title 'MSc Geomatics' and a paragraph: 'Geomatics for the Built Environment provides vital spatial knowledge about the built environment. Students learn to use advanced techniques in data collection and analysis, spatial information modelling and the visualisation of data. They learn about the use, governance and application of geographic data for solving real-world problems in an innovative way. Geomatics professionals easily find jobs in (international) companies, universities and governmental institutes.' Below this is a video player with a play button and the text 'MASTER | Geomatics for the Built Environment'. To the right of the video, details are listed: Degree: Master of Science Geomatics, Credits: 120 ECTS, 24 months, Start: September, and Language of instruction: English.

**TU Delft** Programmes Information and experience Practical matters Admission and Application Nederlands

Delft University of Technology > Education > Programmes > Masters > Geomatics > MSc Geomatics

## MSc Geomatics

Geomatics for the Built Environment provides vital spatial knowledge about the built environment. Students learn to use advanced techniques in data collection and analysis, spatial information modelling and the visualisation of data. They learn about the use, governance and application of geographic data for solving real-world problems in an innovative way. Geomatics professionals easily find jobs in (international) companies, universities and governmental institutes.

**Degree:**  
Master of Science Geomatics

**Credits:**  
120 ECTS, 24 months

**Start:**  
September

**Language of instruction:**  
English

<https://www.tudelft.nl/en/education/programmes/masters/geomatics/msc-geomatics/>

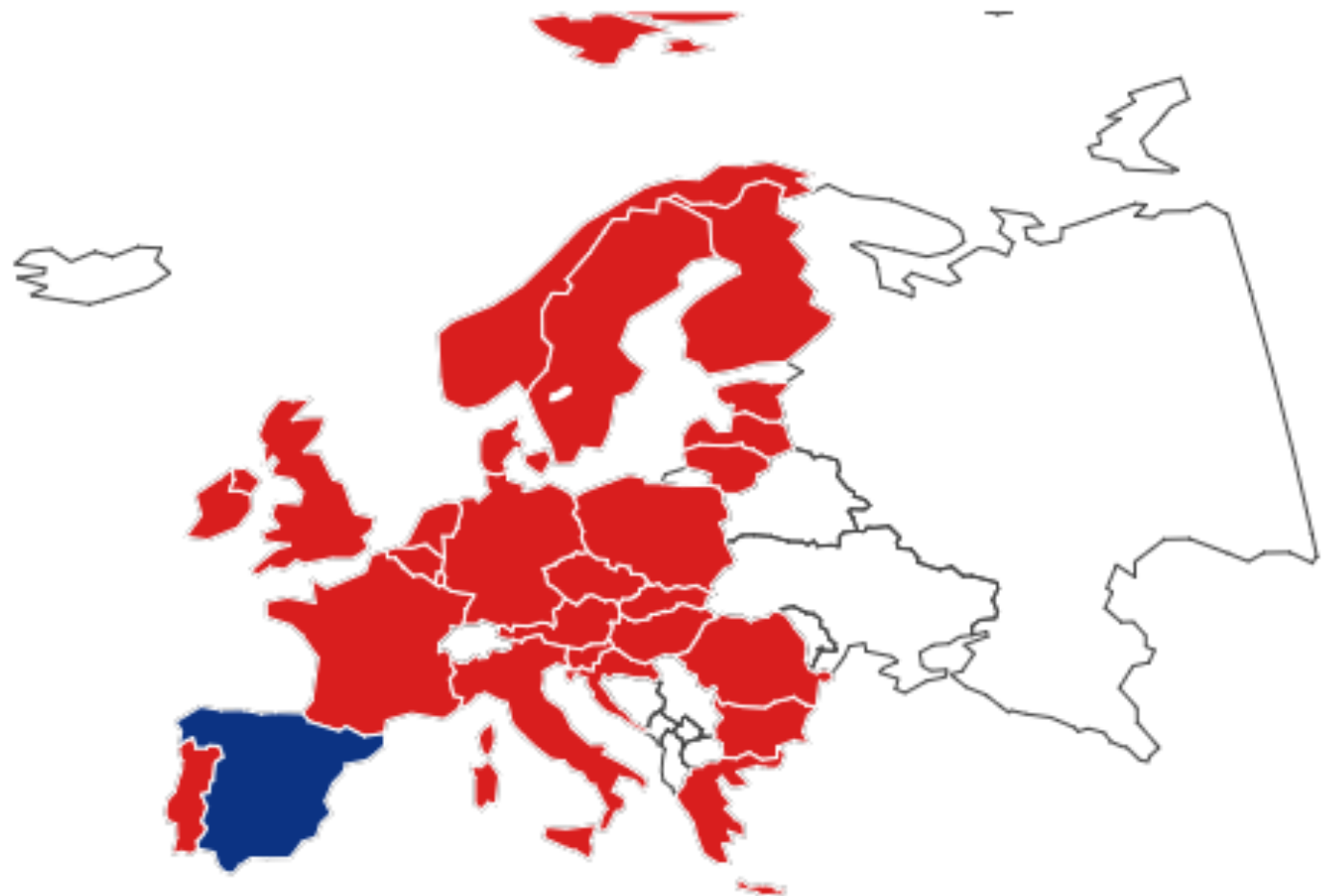
# This year's assignment

*Write a paper on the status of the open SDI in a European country*

- 1. develop an assessment framework for measuring the openness of spatial data infrastructures*
- 2. apply this framework to one European country*
- 3. develop an implementation plan to arrive at a next level of an open SDI*
- 4. Find and assess address data and topographic data (1:10k) the associated **licence**: can you find it and if so is it open and adhering to a (inter)national standard?**

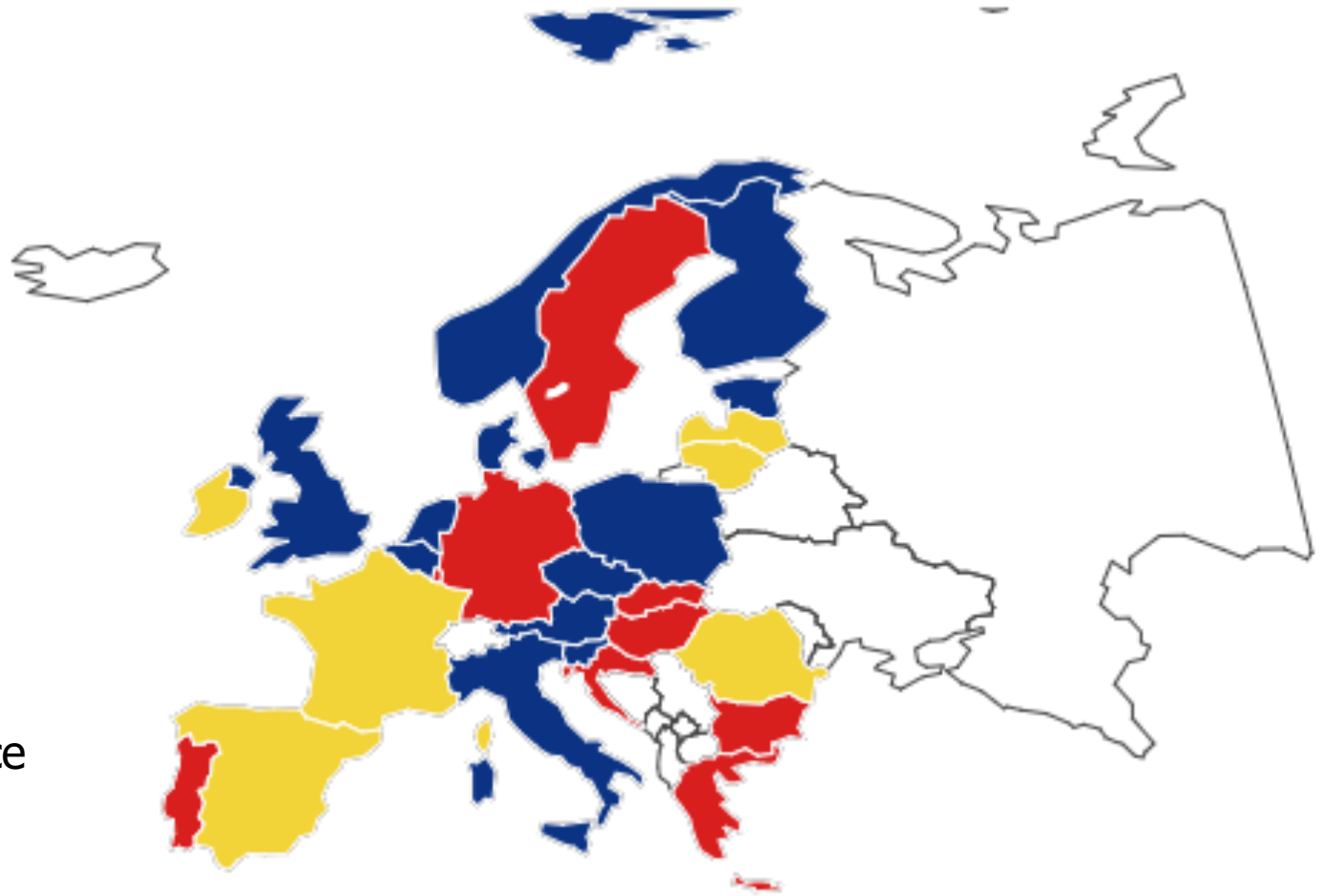
The good news: more open address  
and topographic data (1:10k)

## EU Licenses 2011





Address data



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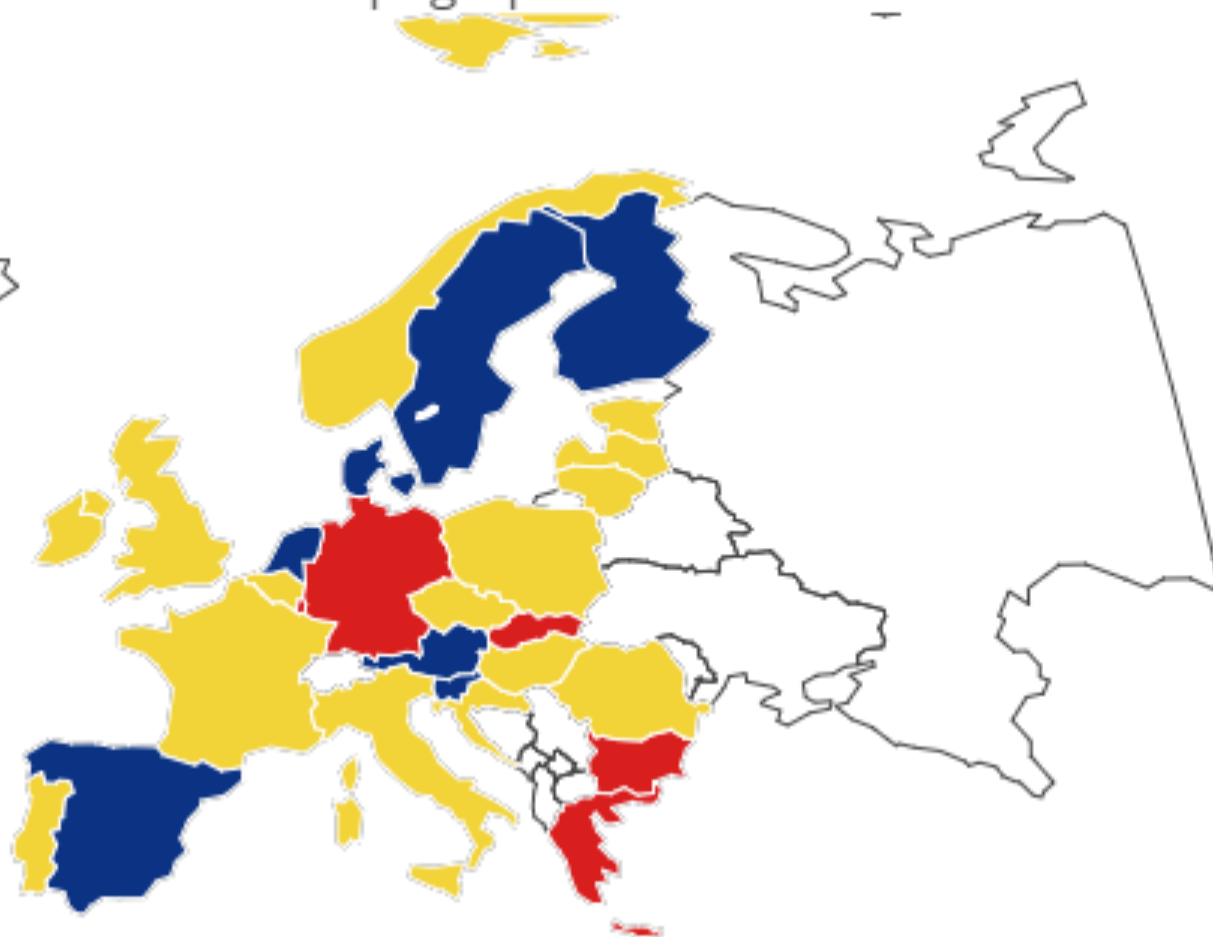
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## License openness

Topographic data

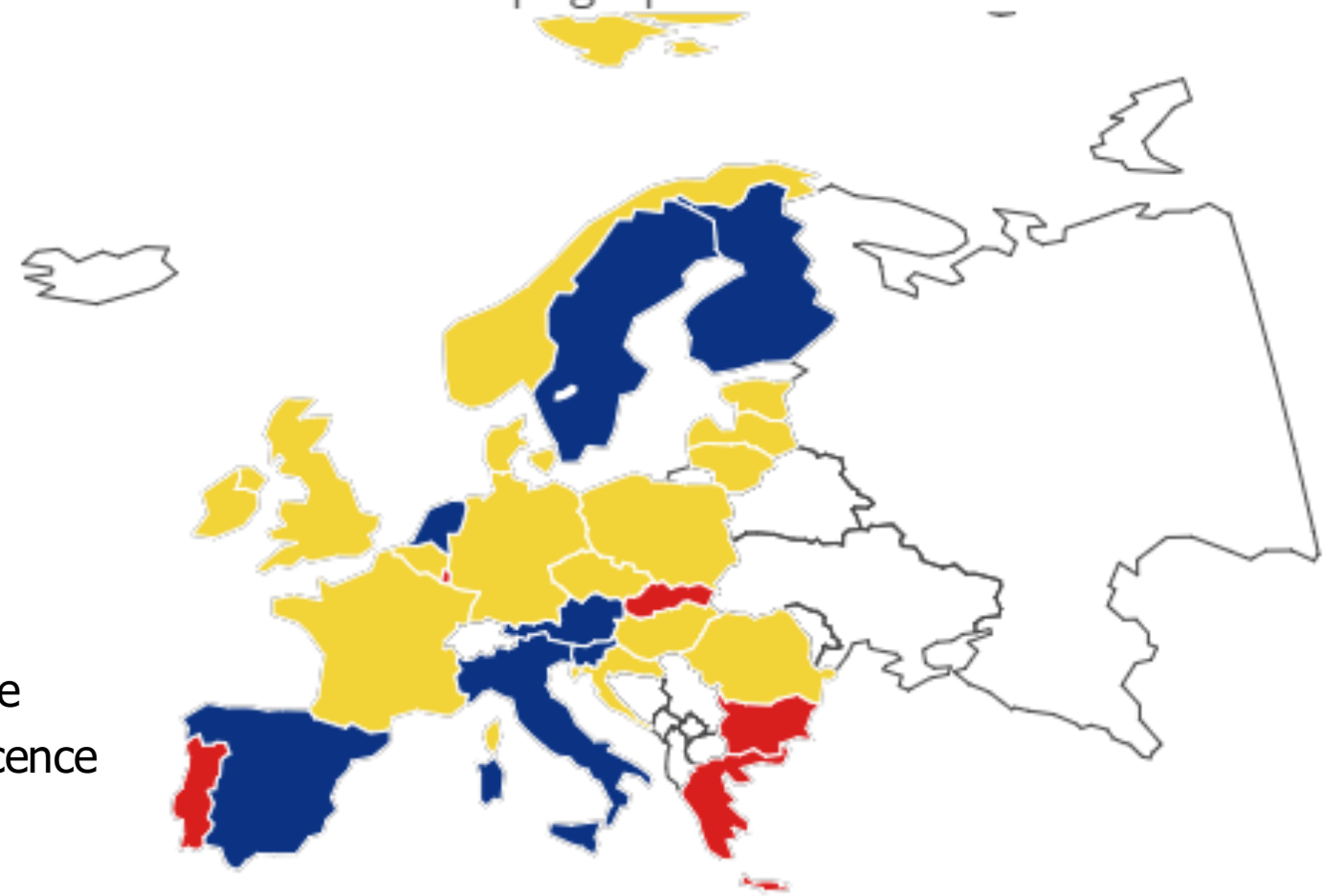
- Open licence
- Not open licence
- No licence or dataset found

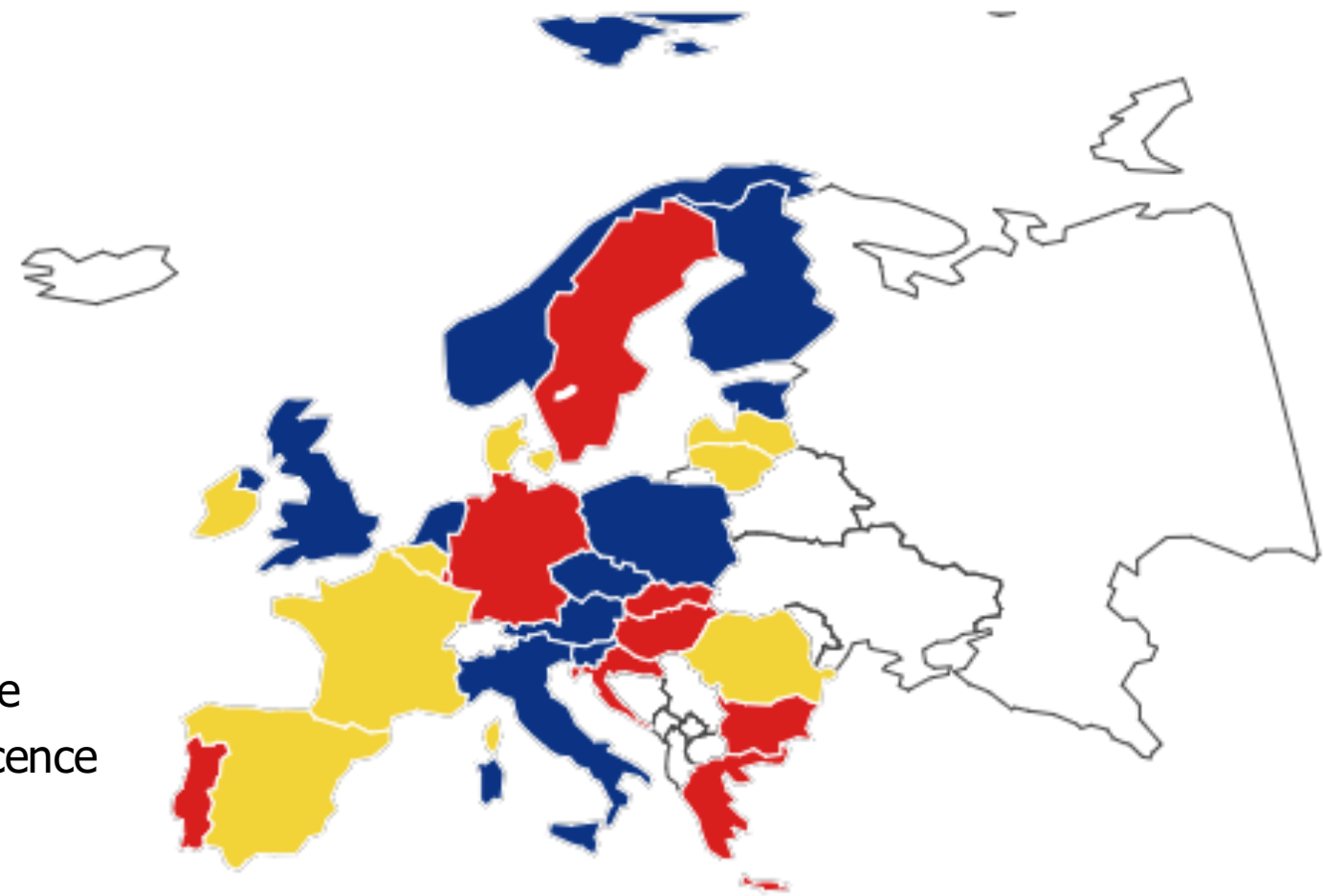


More good news: often datasets  
come with an internationally  
interoperable licence

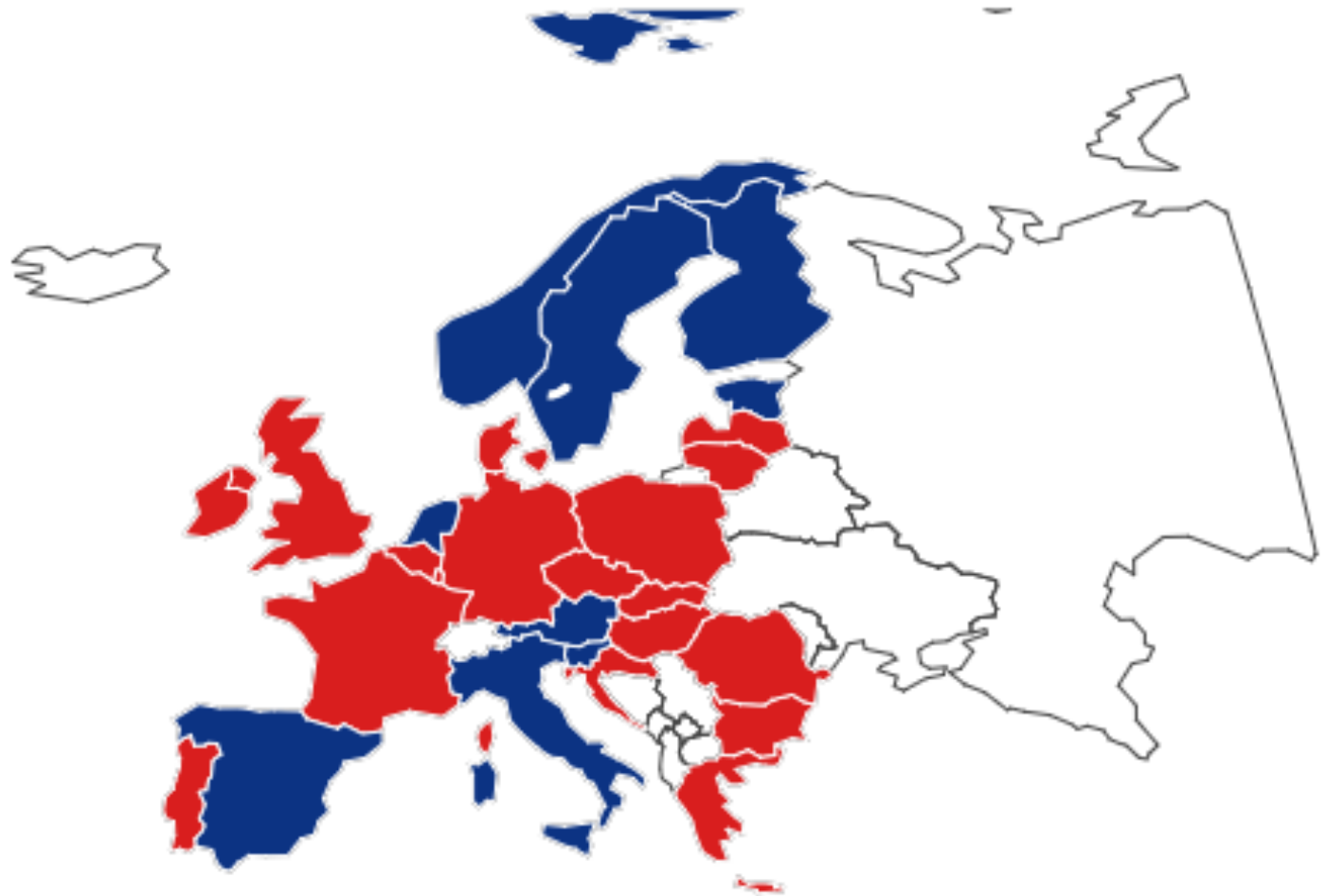
## License harmonization

Topographic data

- 
- Int. int. licence
  - Not int. int. licence
  - No licence or dataset found



# Creative Commons Licenses



# From national to international licencing framework

## National Land Survey open data licence - version 1.0 - 1 May 2012

*Open data terms of use/licence until 15 January 2015. Terms valid at the time of acquisition apply to the data.*

### 1. General information

The National Land Survey of Finland (hereinafter the Licensor), as the holder of the immaterial rights to the data, has granted on the terms mentioned below the right to use a copy (hereinafter data or dataset(s)) of the data (or a part of it).

The Licensee is a natural or legal person who makes use of the data covered by this licence. The Licensee accepts the terms of this licence by receiving the dataset(s) covered by the licence.

This Licence agreement does not create a co-operation or business relationship between the Licensee and the Licensor.

### 2. Terms of the licence

#### 2.1 Right of use



**LICENTIE**

U heeft de GeoGedeelte licentie nv geselecteerd. Hieronder ziet u de lezentekst die op deze licentie van toepassing is. Tevens kunt u een pdf downloaden waarin de gehele juridische tekst voor deze licentie is opgenomen.

**Lekentekst**

 **Naamsvermelding**  
Bij het gebruik van het Werk dient de naam van de intellectuele eigendomhouder en indien voorgeschreven het jaartal waarin het Werk is gecreëerd te worden vermeld.

**XML**  
De volledige juridische tekst van uw licentie kunt u [hier downloaden](#) als XML bestand.

**PDF**  
De volledige juridische tekst van uw licentie kunt u [hier downloaden](#).

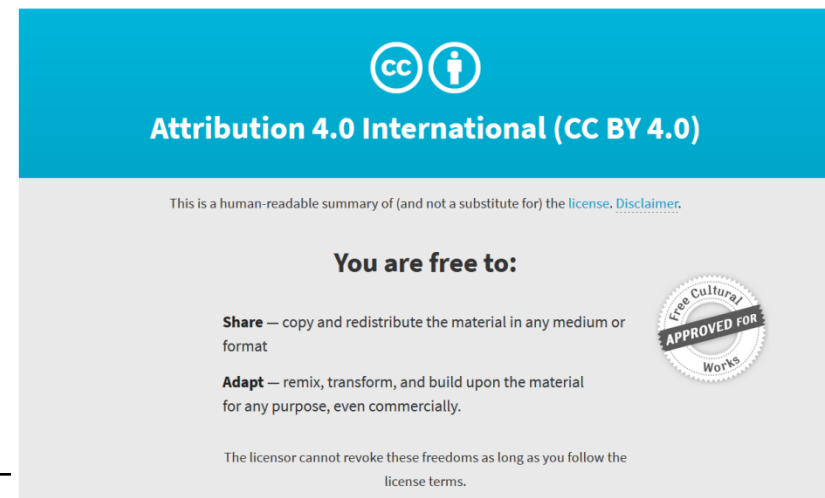


## National Land Survey open data CC 4.0 licence

Open data by National Land Survey of Finland is licensed under a [Creative Commons Attribution 4.0 International License](#) .

Mention the name of the Licensor, the name of the dataset(s) and the time when the National Land Survey has delivered the dataset(s) (e.g.: contains data from the National Land Survey of Finland Topographic Database 06/2014)

- [List of the National Land Survey open datasets](#)
- [Open data licence version 1.0](#) (valid 1.5.2012 - 15.1.2015. Terms valid at the time of acquisition apply to the data)




**Attribution 4.0 International (CC BY 4.0)**

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**You are free to:**

- Share** — copy and redistribute the material in any medium or format
- Adapt** — remix, transform, and build upon the material for any purpose, even commercially.

The licensor cannot revoke these freedoms as long as you follow the license terms.



# The bad news: still many licences (versions)



# Europeandataportal.eu

- [OGL 2.0 \(33362\)](#)
- [cc-by \(16137\)](#)
- [DL-DE-BY 2.0 \(12474\)](#)
- [CC-BY 4.0 \(9877\)](#)
- [notspecified \(6026\)](#)
- [FR-LO \(5721\)](#)
- [cc-by3 \(4735\)](#)
- [IODL 2.0 \(4365\)](#)
- [cc-zero \(3941\)](#)
- [Vlaamse Open Data Licentie \(3296\)](#)
- [cc-0 \(3203\)](#)
- [publiek-domein \(2151\)](#)
- [CC-BY3.0AT \(1986\)](#)
- [cc-nc \(1889\)](#)
- [cc-by-sa \(1853\)](#)
- [Other \(Open\) \(1639\)](#)
- [None \(1348\)](#)
- [ODC-ODbL \(1185\)](#)

- [Other \(Public Domain\) \(1154\)](#)

- [DL-DE-ZERO 2.0 \(1111\)](#)

- [cc-by-sa 2012-10-01 \(1031\)](#)

# More bad news: the INSPIRE portal

# Searching for open data?

[what's new](#)

Search:

open

[opendata](#)

[open government licence](#)

[open data](#)

[open.rpa@rpa.gsi.gov.uk](#)

[open government licence v3.0](#)

[openbaar](#)

[opening](#)

[open government data wms wien](#)

[open government data wms with sld wien](#)

[openbare](#)

[open government licence. acknowledgement of marine management organisation as source required.](#)

[open@defra.gsi.gov.uk](#)

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**Planning / Cadastre** [Society](#) [Structure](#) [Transportation](#)

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[ative Units](#)

[g units](#)

[s Elevation](#)

[Geographical Names](#)

[ver](#)

[ural Risk Zones](#)

[ilities](#)

[rt Networks](#)

# Where is the licence?



}

*Spatial data set*

## Conditions Applying To Access And Use

Copyright

## Limitations On Public Access

Licensing restrictions may apply - please contact data owner.

# Where is the licence?

## Conditions Applying To Access And Use

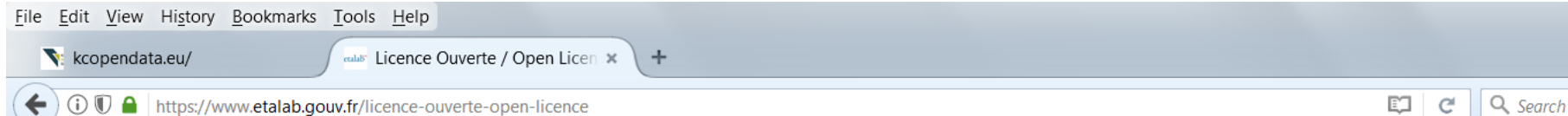
Ne pas utiliser à une échelle supérieure à  
1/25000e

Données sous licence Etalab. Source à rappeler :  
DREAL Basse-Normandie

## Limitations On Public Access

Pas de restriction d'accès public selon INSPIRE

# Language



Le blog d'Etalab

ETALAB

DATA.GOUV.FR

OPEN GOV

ECOSYS



LICENCE OUVERTE  
OPEN LICENCE

Dans le cadre de la politique du Gouvernement en faveur de l'ouverture des données publiques (« Open Data »), Etalab a conçu la « Licence Ouverte / Open Licence ». Cette licence, élaborée en concertation avec l'ensemble des acteurs concernés, facilite et encourage la réutilisation des données publiques mises à disposition gratuitement.

La [publication du décret n° 2017-638](#) prévu par l'article L 323-2 du CRPA fait de la LO 2.0 la licence de référence pour les administrations pour la publication de données publiques, aux côtés de l'ODbL, et permet ainsi son utilisation par l'ensemble des administrations.

La « Licence Ouverte / Open Licence » présente les caractéristiques suivantes :

1. Une grande liberté de réutilisation des informations :

1. Une licence ouverte, libre et gratuite, qui apporte la sécurité juridique nécessaire aux producteurs et aux

# The good news: looking back

# Standard development: licences

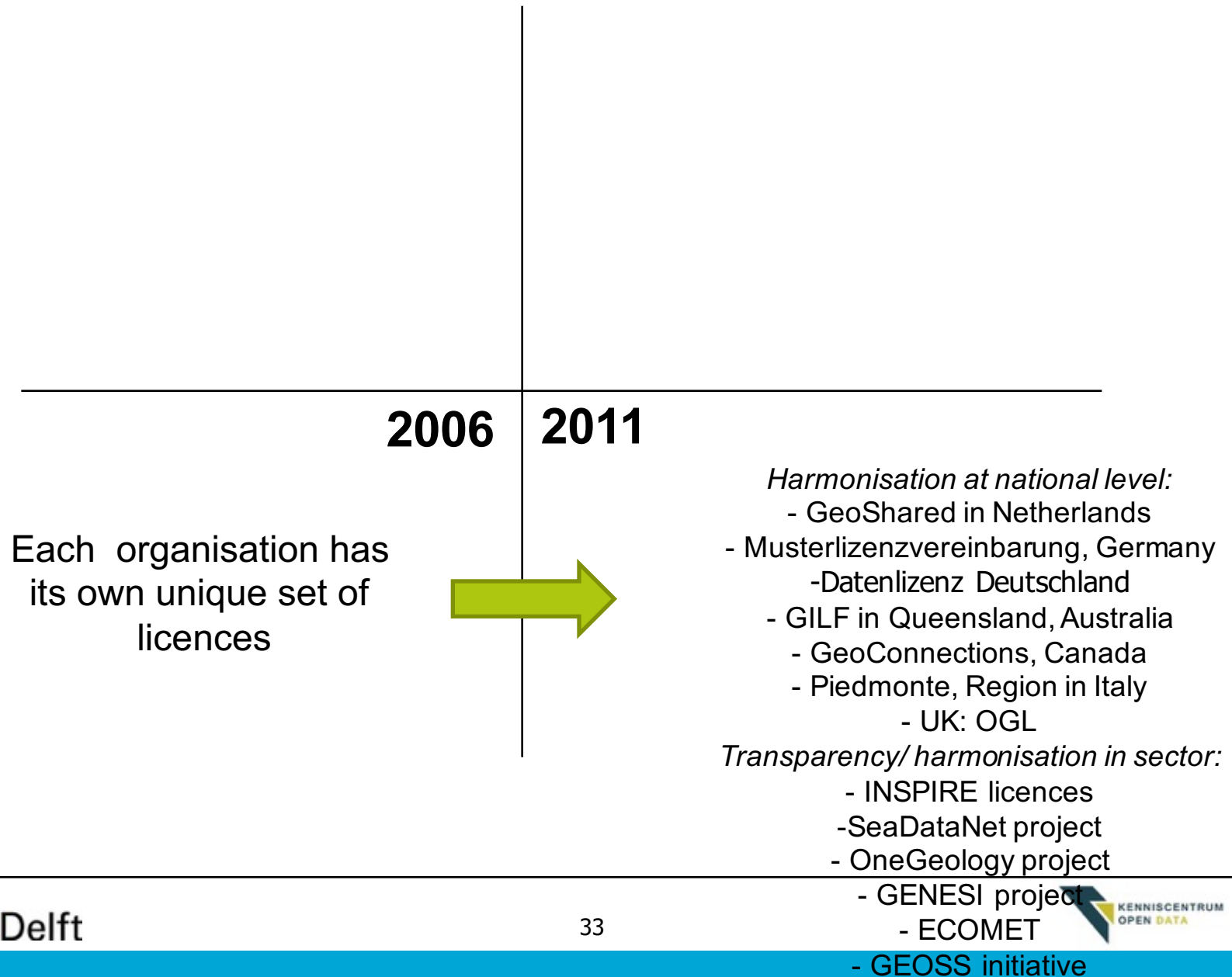


**2006**

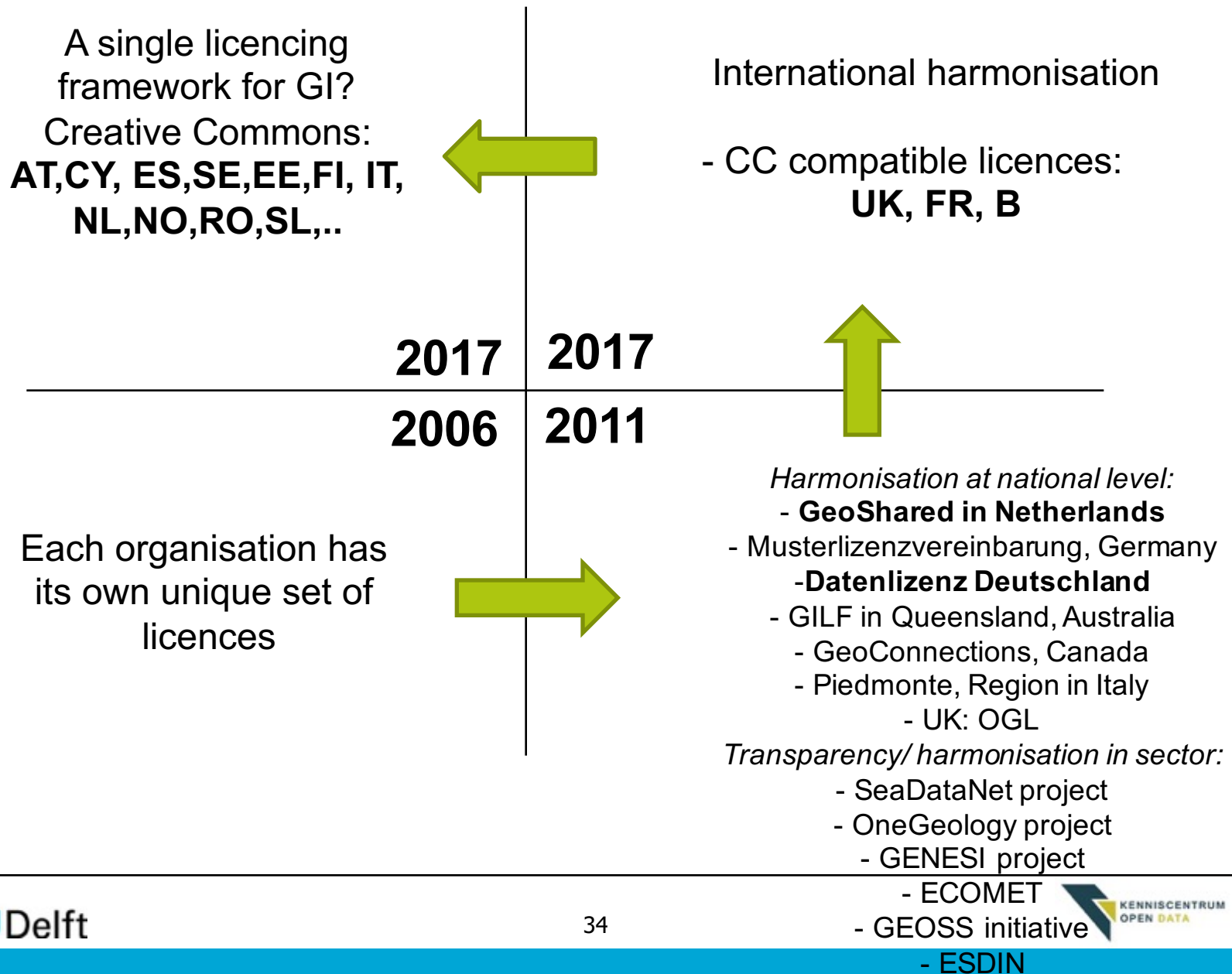
Each organisation has  
its own unique set of  
licences



# Standard development: licences



# Standard development: licences



# What is next for INSPIRE?

- Apply a 'comply or explain' policy: a standard internationally interoperable licence should be used unless this is not possible
- Change the free text field in the INSPIRE metadata for 'Conditions Applying to Access and Use' to a standard dropdown menu listing the most common licences and an other field where the licence can be specified
- Require a permanent link to the licence (text(s))
- Allow for and standardise searching for open data in the INSPIRE portal

# In 2025...

# The museum of licences



# One standard



# The end...

# But be aware

“Legally open + not widely technically usable = closed in practice”

Francisco J. Lopez-Pellicer (Universidad Zaragoza) INSPIRE workshop open SDI/INSPIRE, d.d. September 4, 2017

“INSPIRE technically open, but do mind the governance approach”

Maxim Chantillon, INSPIRE conference d.d. September 6, 2017

“Creative Commons licences are not that common”

Kortryna Valeckaite, INSPIRE conference d.d. September 6, 2017



Comments? Questions? Interested to contribute?

Let us know!

[b.vanloenen@tudelft.nl](mailto:b.vanloenen@tudelft.nl)

Visit our website for the EU open SDI map

<http://kcopendata.eu/openSDI>