



# Law and Licensing

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Increase confidence in using and understanding open data licences

# Outcomes

List the characteristics of an open licence

Identify instances of an open licence

Identify when you can apply an open licence to a data set for publication

Develop a strategy for licensing open data

# Law and licensing

Please note:

I am not a lawyer and this should not be treated as legal advice.

Why licence?

A licence provides **clarity**

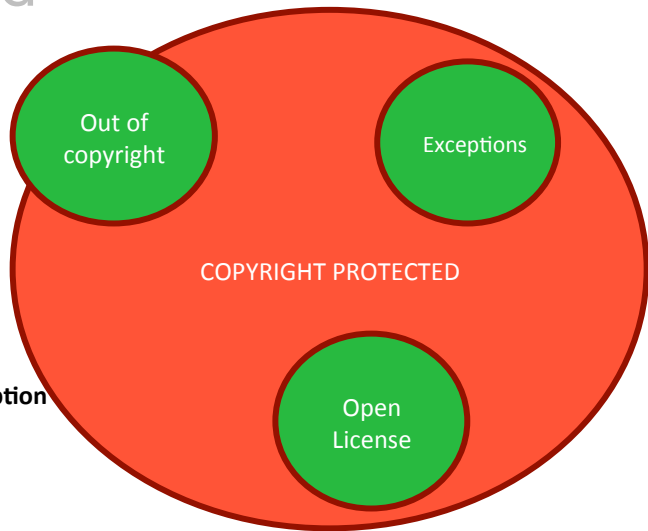
It sets out exactly what  
users and re-users are  
permitted to do with your  
dataset



# The content world

You can use it if [green]:

- **It's out of copyright [public domain]**
- **It's openly licensed**
- **Your use is covered by a copyright exception**



# Copyright



Applies automatically to –

- literary works
- musical works
- artistic works
- sound and film works
- broadcasts
- derivative works

# Copyright



Applies automatically where –

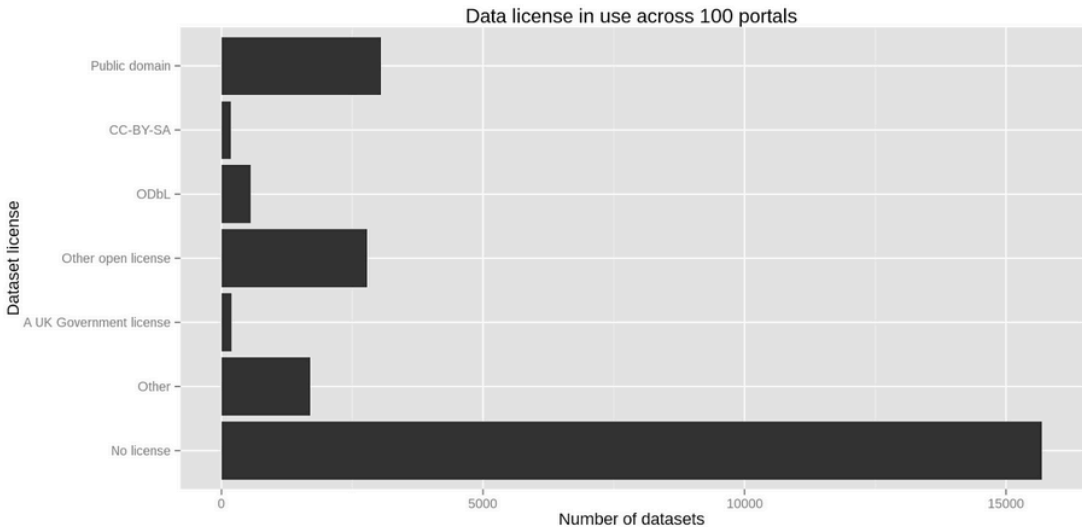
sufficient effort has been expected to make the work  
original in character;

the work has been written down, recorded or reduced  
to a material form;

the author is qualified person or the work is made in  
Malaysia or the work is first published in Malaysia



# Open data is hardly ever appropriately licensed.



# Exercise

Build your own  
open data licence



# Some drafting tips

“Under this licence you can:”

[what is permitted?]

“You must, where you do any of the above:”

[do you have any restrictions?]

# The UK Open Government Licence



Version 3.0 released in October 2014

<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

# Who is required to use it?

Central government departments and agencies

The Office of Public Sector Information (OPSI) also encourages use of the UK OGL by:

- Members of the **Information Fair Trader Scheme (IFTS)**
- **Wider public sector (i.e. local authorities)**

# What does it permit?



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- ✓ exploit the Information commercially and non-commercially for example, by combining it with other Information, or by including it in your own product or application.

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# The main alternative



Open and community  
developed; not  
controlled by a central  
agency or body.



Attribution-ShareAlike 4.0 International (CC BY-SA 4.0)

This is a human-readable summary of (and not a substitute for) the [license](#).

[Disclaimer](#)



## You are free to:

**Share** — copy and redistribute the material in any medium or format

**Adapt** — remix, transform, and build upon the material  
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## Under the following terms:



**Attribution** — You must give **appropriate credit**, provide a link to the license, and **indicate if changes were made**. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.



**ShareAlike** — If you remix, transform, or build upon the material, you must distribute your contributions under the **same license** as the original.

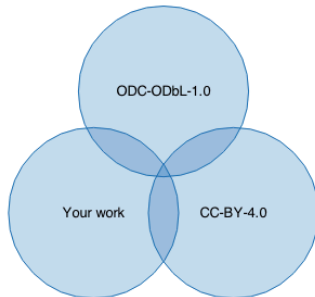


# Checking license compatibility

## Type of remix:

My new work is a:

- ☒ **"Strong" adaptation.** I remix or tightly integrate significant portions of the original works directly into my own.
- ☐ **"Weak" adaptation of individual files.** All of my changes and additions are contained in separate files from those of the original works.
- ☐ **"Weak" adaptation of software libraries.** My own work merely links against the original works, using them as software libraries. I've made no changes to the source code of the original works.
- ☐ **Collection.** I simply package the original works together, without changing any of the individual works themselves.



<http://clipol.org/tools/compatibility>

# Exercise

Identify open licences

# Links

Twitter: <https://twitter.com/tos>

Open Corporates: <http://bit.ly/1pii7Rm>

Singapore Gov: [data.gov.sg](http://data.gov.sg)

Flickr: <https://www.flickr.com/search/?q=cat>

All links are on the links page of the training website



# Licensing your data set for publication

# What do you need to think about?

## Exemptions

This licence does not cover:

- personal data in the Information;
- Information that has not been accessed by way of publication or disclosure under information access legislation (including the Freedom of Information Acts for the UK and Scotland) by or with the consent of the Information Provider;
- departmental or public sector organisation logos, crests and the Royal Arms except where they form an integral part of a document or dataset;
- military insignia;
- third party rights the Information Provider is not authorised to license;
- other intellectual property rights, including patents, trade marks, and design rights; and
- identity documents such as the British Passport

# Be Careful!

## Personal data

Protected by the data protection act

## Information that has been accessed unlawfully

You ripped it from a protected medium (DVD)

## Third party IP rights

The data was obtained from a copyrighted source.

# Personal Data

Does this data contain personal identifiable data?

Could this data be used combined with another data set to create personal identifiable data?

Can it be anonymised?

# Copyright

A data set could be copyright protected if [**skill, judgment, labour**]:

The selection or arrangement of the data is the author's 'intellectual creation' - original





# Third party rights

A data set could also contain other copyright works:

Images (i.e. satellite pictures)

Headlines (if original enough)

Excerpts of text



# Exceptions



Covered by section 13(2) of the Malaysia Copyright Act

- Non-profit research
- Private study
- Criticism, review and reporting
- Parody
- Incidental inclusion
- Education
- National archives
- Government use (for 6 months)

# Database Right

*“A collection of independent works, data or other materials which are arranged in a systematic or methodical way and are individually accessible by electronic or other means”*



# Database right



## Copyright

Creative effort and substantial investment in the selection and presentation – **“intellectual effort” [originality]**

Individual components of the database (i.e. photos, text)

## Database rights

Substantial **investment in obtaining, verifying and presenting the database**

*(Note: these rights are jurisdiction specific and not found in all countries  
**INCLUDING Malaysia ref: Book “Protection of Database in Malaysia”**)*

# Exercise

Develop a strategy for publishing your data set as open data

# In your groups

Identify 1-2 datasets you'd like to publish as open data and:

1. **Set out steps/checks.** Do you have the right to publish all of it?
2. **How** could you do those checks, or obtain permissions where needed?



## For the future:

- Include/maintain IP rights and personal data status as part of your metadata
- Try to use non-proprietary identifiers and other openly licenced datasets wherever possible
- Create an internal workflow for publishing datasets as open data



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Thank-You and questions?

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