UK GEMINI Open Standards Board proposal

Draft “IP rights” evidence statement

Draft, Peter Parslow, 24 May 2022

Under UK Government Open Standards Principles ([Open Standards principles - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/open-standards-principles/open-standards-principles)), based on European procurement law, “must give suppliers equal access to government contracts, and not create obstacles for opening up public procurement to competition”. Specifically

* being neutral and flexible so both open source and proprietary technology can implement them
* reducing unintentional contract lock-ins thereby increasing the diversity of technology and value for money in government contracts

In the absence of a formal declaration of IPR concerning AGI GEMINI, this is some evidence to suggest that GEMINI meets this principle.

# 1. GEMINI is based on ISO standards

Primarily ISO 19115:2003 & ISO 19139:2007 (for the common but optional XML encoding). These were developed under the normal ISO procedures, which requires all participants to disclose “any known Patent or … pending Patent application, either its own or that of other organisations” (“Common Patent Policy for ITU-T/ITU-R/ISO/IEC”).

The resulting standards containing ISO’s less than ideal words:

“Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. ISO shall not be held responsible for identifying any or all such patent rights.”

Perhaps the clearest evidence that no patents were missed by the patent policy is that these standards have been implemented in a range of commercial and open source software across a wide variety of countries for some fifteen years without any patent cases having been brought.

# 2. GEMINI is based on European Commission INSPIRE Technical Guidance

Layered on top of the ISO standards, GEMINI takes some material from the EC INSPIRE “Technical Guidance for the implementation of INSPIRE dataset and service metadata based on ISO/TS 19139:2007”. The European Commission does not seem to have any explicit patent policy relating to the development of these guidelines.

Again, the clearest evidence is that the INSPIRE Metadata Technical Guidance has been implemented in 27 countries, by thousands of organisations, for over ten years, without any patent challenges.

# 3. UK specific content

In addition to the external standards content, AGI members have contributed specific guidance to GEMINI since version 1.0 in 2004 – which was published by the Cabinet Office e-Government Unit and AGI, with input from the UK Data Archive. This first version “supersedes the GIgatewayTM Metadata Specification, previously known as the National Geo-spatial Data Framework (NGDF) metadata standard, which … was derivateive of the Federal Geographic Data Committee’s (FGDC) Content Standard for Digital Geospatial Metadata (CSDGM)” (on which ISO 19115 was also based).

Version 2 was published in 2009, “produced by Rob Walker of Rob Walker Consultancy Ltd with funding from the residue of the National Geospatial Data Framework (NGDF)”. The contract between AGI and Rob Walker specified that the resulting intellectual property belonged to AGI. The main change was to introduce enough INSPIRE material to meet INSPIRE requirements.

Version 2.1 was published in August 2010 under the same contract to catch up with changes in the INSPIRE guidelines.

AGI also published some additional guidelines documents, as did Defra (as UK INSPIRE policy lead).

Version 2.2. of December 2012 included some changes suggested by the Defra project “UK Location Programme Metadata Working Group”.

Version 2.3 (July 2018) was produced under a contract between Defra and AGI; the main purpose was to combine the Defra & AGI material into one more usable set of guidance. In the contract AGI agreed to “a perpetual, royalty-free, irrevocable, non-exclusive licence … to use all intellectual property rights in the materials created” and AGI “shall indemnify, and keep indemnified, the Customer in full against all costs, expenses, damages and losses (whether direct or indirect), including any interest, penalties, and reasonable legal and other professional fees awarded against or incurred or paid by the Customer as a result of or in connection with any claim made against the Customer for actual or alleged infringement of a third party’s intellectual property arising out of, or in connection with, the supply or use of the Services, to the extent that the claim is attributable to the acts or omission of the Contractor or any Staff”.

So at that point, AGI confirmed that it would be responsible for any embedded property rights that had somehow found there way into the material.

GEMINI 2.3 has had several minor changes since then, overseen by the GEMINI Working Group.

Again, the best evidence would be that for all that period, no patent claims have been made against the various implementations of GEMINI over the past 18 years.

# 4. Software implementations

Current implementations of GEMINI editing (creation) software include:

* GeoNetwork Open Source GEMINI plugin, produced by Astun Technology (on an existing GPL v2 licensed software base)
* UK Location Metadata Editor, produced by EDINA under contract to Defra
* MEDIN metadata editors, produced by the Marine Environmental Data and Information Network
* Miso portal, paid for service run by Miso (and its predecessor company, Dotted Eyes)

GEMINI records can also be created using INSPIRE and generic ISO 19115/19139 software, from companies such as ESRI, Caris, - so long as the “UK specific” aspects of the guidance are followed.

GEMINI records can be read in any of the above, and also in desktop and server GIS software such as ESRI’s ArcGIS and QGIS Open Source.

Again, none of these implementations have provoked patent action.