Commons as a Legal Basis for a Broader Access to Remote Sensing Data

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Nature of remote sensing data

• Technical side
  – Data from satellites regarding surface and the depths of the earth
  – Binary code signals received by a terrestrial station from a satellite
  – Require processing to become useful data or information
  – Require combination with data and knowledge from other sources

• Categories: primary data, processed data and analysed information
Nature of remote sensing data

• Application side
  – Wide range of uses
    • online mapping, forestry, agricultural and environmental studies, to support for news-making, shipping, and real-estate
  – Part of GIS
  – Decision-making purposes
Commons

- Knowledge, ideas and processes should not be protected but left for the use by the community
- Inherent to any IP protection regime
- Materials freely available for re-use and value-adding activities due to their importance for the achievement of the common good
Commons

• Not a new concept in law: cf. Roman law regarding access to roads and waterways
• Can be publicly or privately generated and sustained
• Should aim at creating a fairer playing field, as well as guarantee transparency in accessing and using data and data-sets
• Dictated by the need to share information, without which it remains useless
Protection of remote sensing data

- Two distinct strategies
  - Maximum possible privatisation (Europe)
  - Making more RS data available for re-use (USA)

- Privatisation: even processed data protected by copyright; generating agency as the owner; principle of the return of investment

- Availability: no protection of raw and tax-paid data; principle of sharing at the cost of fulfilling the request
Protection of remote sensing data

• Complications with the protection: contractual frameworks of accessing IP objects, protection of digitised works, separate database protection

• Two approaches to the same issue in the globalising world – not the best solution

• The need: a harmonised approach adopted across nations (especially because of GEO, GEOSS, GMES, UN Disaster Charter)
Effect of commons on data distribution

• Creation of a common-pool resource
• Ability to unite data from different sources generated in different jurisdictions
• Less rights attached to raw remote sensing data
• Fostering of value-adding activities – the major sector of income-generation in the field of remote sensing
• There is a lot of data out there...
Effect of commons on data distribution

- Commons does not mean no rights and no protection
- More information and knowledge available for a wider circle of users
- Making societies function better, serving the common good
Further research

• Theoretical framework for the common good and common property: philosophy of Aquinas, Grotius, Hobbes, Pufendorf and Boyle

• Other approaches to securing broad access to remote sensing data: public good, public interest, part of the information infrastructure or GIS
Thank you!
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