

Alex Griffin (Ordnance Survey GB) welcomed delegates to the workshop.

Laila Aslesen (Norwegian Mapping Authority) presented the paper “Spatial Information in the Information Society”

Legal issues need to be an integral part of projects, and considered from the start together with technical, financial and contractual issues.

Key topics for discussion are:

- All NMAs need a data policy (even if customers can do what they want with data)
- issues which need to be mentioned in contracts (including liability, personal information, even-handed contract terms)
- Do NMAs need lawyers?

Nick Rose (Field Fisher Waterhouse, UK) presented the paper “Death of Copyright – Long live patents and Database rights”

Copyright is thriving in the digital age; scope of copyright has been widened and strengthened. The main recent developments are:

- WIPO (2002) which gave new rights to information providers, namely communication including exclusive rights to control online transmissions; and the right to management information
- The European Copyright directive, which made it unlawful to create software to break encryption

NMAs need to have an Intellectual Property policy which is fit for the digital era, as this reduces the risks.

Jonathan Radcliffe (Field Fisher Waterhouse, UK) presented “Death of Copyright – Long live patents”

Patents have increasingly been granted for software; much of the software which NMAs produce would be of interest to commercial providers and patents should be considered. Taking a commercial approach, patenting technologies forces competitors to create alternative approaches/ designs, or force them to adopt lower quality technologies.

Martin Pratt (International Boundaries Research Unit, UK) presented the paper “Drawing the line: Mapmakers and International boundaries”

The definition of boundaries needs a multidisciplinary approach including geographers, surveyors, cartographers and international lawyers. Boundaries need to take account of geographical features if they are to be successful. NMAs can support in various ways, including map interpretation; boundary depiction; demarcation, maintenance and management; maritime boundaries.

General discussion

Fraser Taylor (Canada) asked how the authentication of digital records could be achieved.

Martin Pratt replied that disputes typically relate to colonial times, i.e. paper maps.

Jonathan Radcliffe noted that the issue is common to other analogue information which is subsequently digitised. Degradation of data held on media can occur, so it is important to replicate information regularly. The replication process should include an audit which ensures that copies are identical to original data. Additionally, it is important to: 1) assess media degradation; 2) ensure software exists to read the data; 3) provide each side with a copy of boundary data

Nick Rose commented that ultimately, the title needs to be examined. If paper copies have been maintained, these can be compared with the digital equivalent. It is

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important to understand how the paper copies have been translated into their digital equivalents.

Fraser Taylor noted that few NMAs were doing this.

Laila Aslesen commented that metadata needs to be appropriate to record changes.

Szabolcs Mihaly (Hungary) asked about the problems which arise from generalisation of databases collected at large scale.

Martin Pratt felt that disputes typically occur because boundaries have been captured at small scale, providing too little information to define boundaries. Physical demarcation is needed to be more precise.

Knut Flathen (Norwegian Mapping Authority) asked about the legal implications of providing a CD containing data from another country.

Jonathan Radcliffe stated that providing there was no copyright infringement, there should not be any particular issue. The only complication relates to state law, which may have granted a monopoly to the country's NMA.

Wuhib Muluneh (Ethiopia) said that geographers had played an important role in defining boundaries. However, boundary commission had identified various errors. What can be done to adopt a multi-disciplinary approach to resolving disputes?

Martin Pratt said that spelling out the cost of mistakes would be useful.

Nick Rose noted that a panel including lawyers and geographical experts and surveyors would be required. The real question is whether the ultimate decision is made by a technical expert with help from a lawyer, or vice versa.

Ingrid Vanden Berghe (Belgium) noted that the ability to map someone else's territory depended on the national laws in force. A monopoly can be granted to NMAs because of national security. She asked whether a printed map could be protected by database right.

Laila Aslesen stated that as the database directive related to analogue information, the answer is no.

Nick Rose felt that as features cannot be accessed individually, it was not a database. Paper maps are typically literary/ artistic works under national laws.

Laila Aslesen felt features could be accessed individually. **Nick Rose** commented that it was not the intention behind the law that a printed map be protected by database right.

Gottfried Konecny (MOMRA Consultant, Saudi Arabia) stated that boundaries must be demarcated. If this is not done, disputes have not been resolved.

Laila Aslesen stated that anything can be presented as evidence in the event of a dispute.

Jonathan Radcliffe noted that lawyers would assess all necessary evidence if needed.

Mick Cory (Ordnance Survey Northern Ireland) asked whether governments should protect their copyright.

Nick Rose believed they should. It is legitimate for investment to be recognised, and to receive financial reward in an appropriate licensing regime.

Laila Aslesen believed this was a matter for individual governments, who could use copyright as a tool where appropriate.

Haim Srebro (Survey of Israel) commented on his experience of the precedence of items in the resolution of boundary disputes:

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1. Precise documents with coordinates (if defined by both sides)
2. Monumentation (on land) – if coordinated
3. Maps – especially if signed by both sides. The larger the scale, the better.