

# Introduction to licenses applied to PSI

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# **LAPSI**

**The EC funded Thematic Network on  
Legal Aspects of Public Sector Information**

**Dealing with RE-USE  
Legal Aspects Only**

**LAPSI 2.0 is now on: [www.lapsi-project.eu](http://www.lapsi-project.eu)**

**Final Conference: November 28°, Brussels (You are all invited!)**

# ***What are We Talking About?***

## **Licenses applied to PSI**

I. PSI : data and datasets produced, managed, collected by PSBs.

II. Licenses:

Output licenses  
(downstream level)

1. document issued by the PSB which authorises **re-use**

*However they are also*

2. Contracts thanks to which third parties give PSI to PSBs

Input licenses  
(Upstream level)

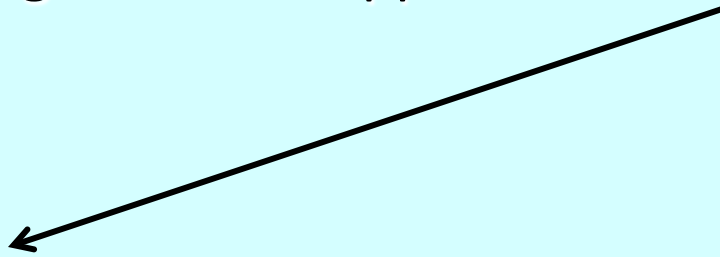
# ***What are We Talking About?***

## ***The Upstream Framework***

2. Contracts thanks to which third parties give PSI to PSBs

**- What do third parties give exactly?**

-Is there any right on the supplied PSI? If so, is there any problem?



May be, if it is not clear what the PSB received

And which uses are enabled

conditions



No, if the PSB knows exactly  
what it got and to which

# ***What are We Talking About?***

## ***From the Upstream to the Downstream Framework***

Once the PSB concluded suitable input licenses, it is possible to deal with output licenses (re-use licenses)



### **Downstream level**

The content is **not** available

Available at **high costs**

Available at reasonable costs,  
but in a **non adequate** way

# ***What are We Talking About?***

## ***The Downstream Framework***

The content is **not** available

- I. = No access and therefore no re-use
- II. How comes?
  - Even under the new PSI Directive it is not possible to force access and re-use
  - No input licenses/No appropriate input licenses
- III. What to do?
  - The PSB has to take initiatives at the upstream level
  - Once the upstream level is settled, appropriate licenses for re-use shall be introduced and used

# ***What are We Talking About?***

## ***The Downstream Framework***

**The content is available at high costs**

- I. = Access and re-use, but high charges = only a few re-users are satisfied
- II. How comes?
  - Under the old PSI Directive, it may be possible
  - Under the new PSI Directive, principle of marginal cost, but for cultural institutions
  - What remains outside (e.g. PSI covered by third parties IPRs)
- III. What to do?
  - Wait for the transposition of the new PSI Directive into national law
  - Raise the awareness of PSBs as to PSI re-use and open data

# ***What are We Talking About?***

## ***The Downstream Framework***

**The content is available at the marginal cost/for free, but not re-usable**

I.= Wide Access, but no re-use (for technical reasons, **but not only...**)

II.How comes?

- The available data may not be downloadable, readable in different formats
- The optout licenses chosen may create problems (too strict, not interoperable, etc.)

III. What to do? The PSB shall

- Take care of the technical issues
- Choose appropriate re-use licenses



# ***What are We Talking About?***


## ***The Downstream Framework***

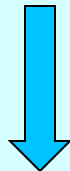
**The content is available at the marginal cost/for free and re-usable**

- I. = Wide Access, wide? re-use (it depends on the licensing conditions)
- II. How comes?
  - The available data are downloadable, readable in different formats and licensed for re-use
  - Depending on the chosen optout licenses there may be problems (too strict, not interoperable, etc.)
- III. What to do? The PSB shall
  - Choose appropriate re-use licenses for ensuring a WIDE re-use

# ***What is an appropriate licence for PSI Re-Use***

- I. Shall we opt for an ad hoc licence (top-down) or shall we use an already existing model (bottom-up)?

 Whatever the option taken, the crucial thing is that the licence is **INTEROPERABLE (and therefore ensure a sustainable re-use)**



**Re-use for both Commercial and non commercial purposes**

**Creation of derivative works**

**No share alike conditions (tricky)**

 **CC BY or CC0 seem to be suitable models**

# ***PSI and Open Data***

Should we opt for open and interoperable licences +  
open format and other technical conditions enabling  
a wide re-use

We probably get lots of data available for any re-use

And this fosters the economic growth, as well as the social and the  
cultural development

# ***Still Unsolved Questions***

## **GENERAL**

1. One size does fit all?
2. Who decides which license? What are the implications?
3. Is it possible to solve the privacy and personal data-related issues via the licences? What about other rights?

## **VERY TECHNICAL**

1. Are “output” licences administrative acts?
2. How to improve the licensing guidelines issued by the EC further?

***Remarks and Questions  
are Welcome!***

***Obrigada!***

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