



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**

