



TopPlus technology at the Federal Agency for Cartography and Geodesy - Integration of Open Street Map data -

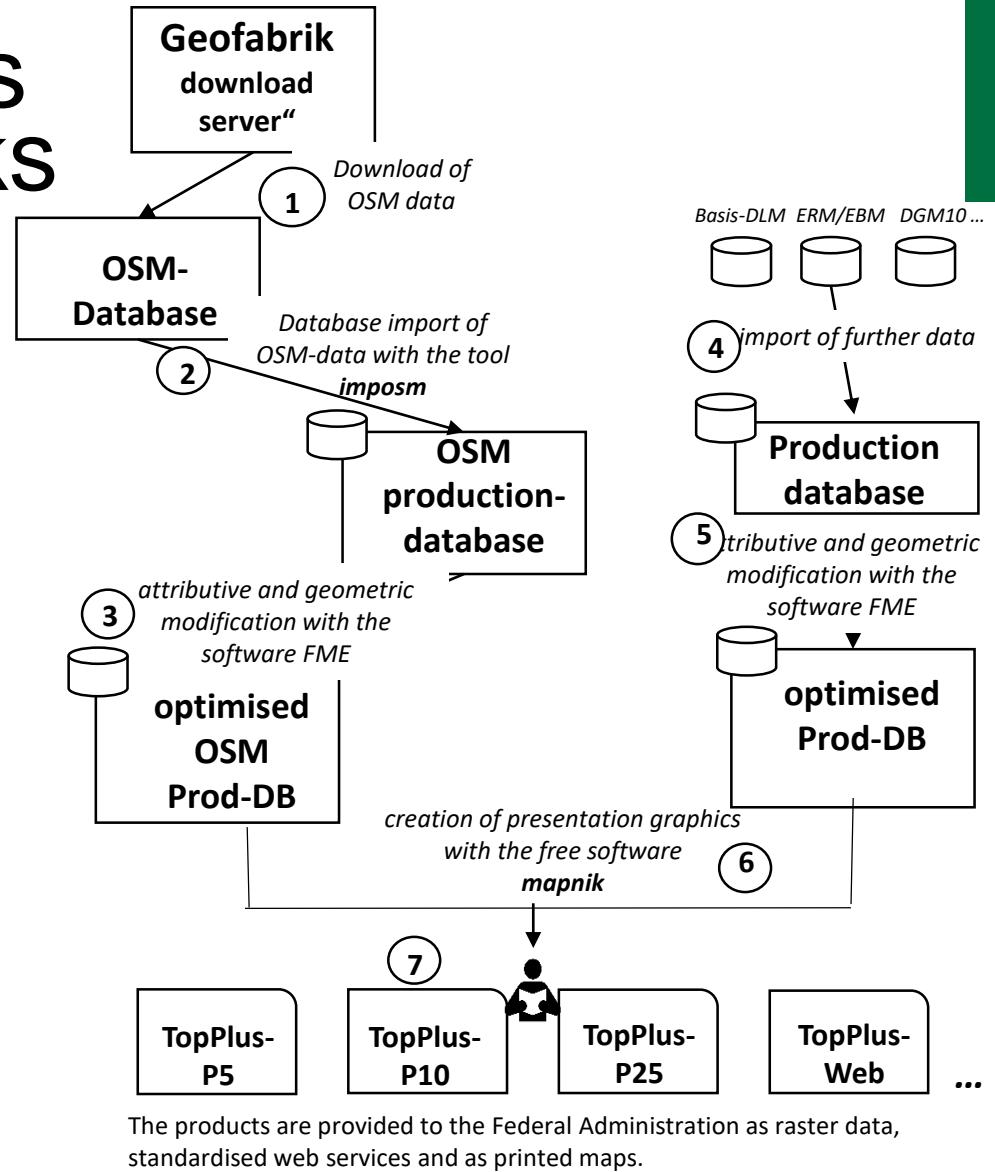
Eurogeographics
Webinar, 06.02.2019
Ute Plötz (BKG)



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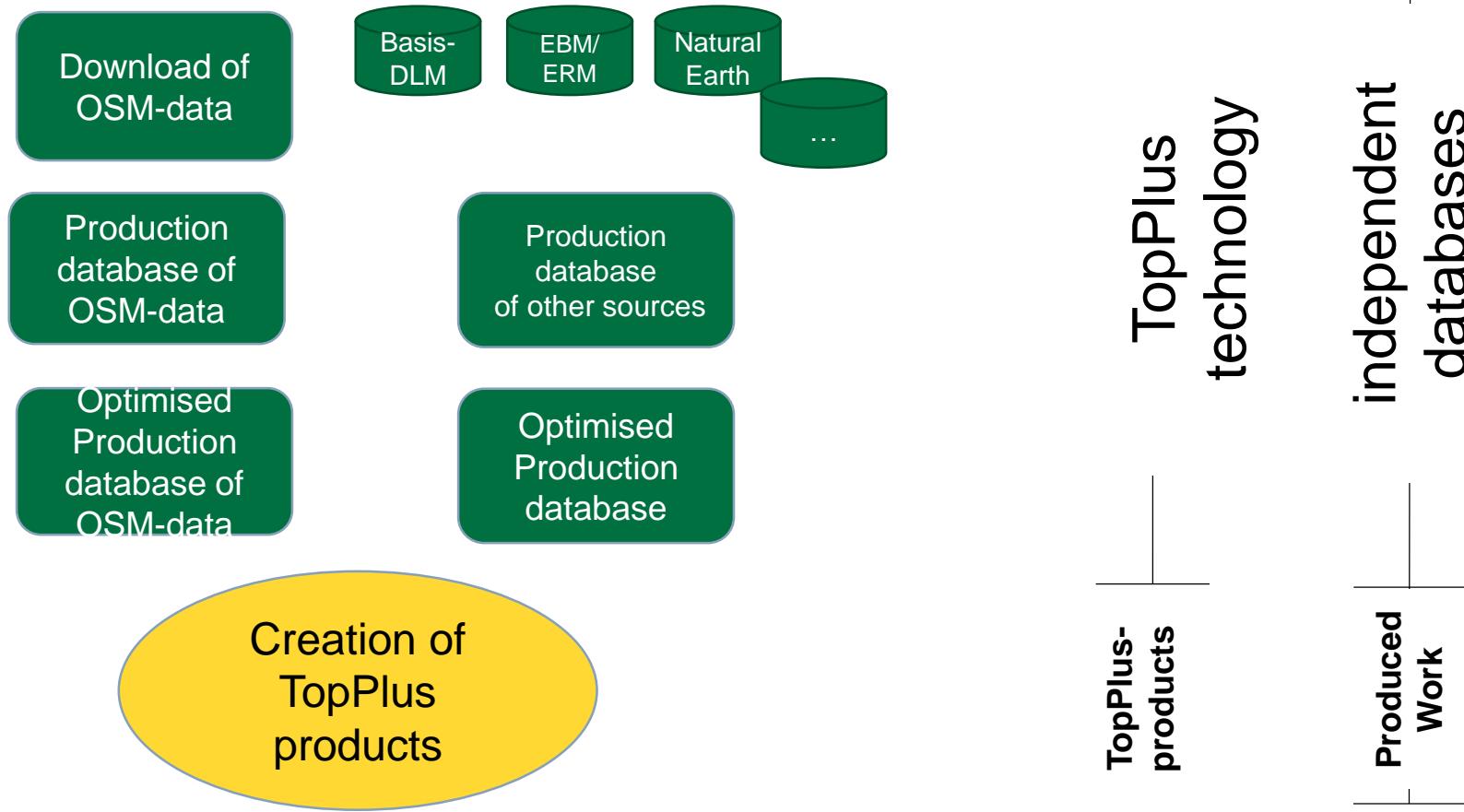
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I. How TopPlus Technology works



The products are provided to the Federal Administration as raster data, standardised web services and as printed maps.

I. How TopPlus Technology works – view of a legal practitioner



II. Terms of the Open Database Licence v. 1.0 (ODbL v. 1.0) - summary

Distinction between database and data/map

- OSM-database is published under ODbL v. 1.0
- Map tiles of OSM are published under CC-BY-SA

ODbL v. 1.0 relies on the same distinction: it distinguishes between database and Produced Work created from the database

→ Different conditions for use

→ Why?

- Ensure that the database remains without restriction and that improvements to the database are given back to the community
- Allow a more flexible approach to Produced Works

II. Terms of the Open Database Licence v. 1.0 (ODbL v. 1.0) - summary

ODbL v. 1.0 grants a worldwide, royalty-free, non-exclusive license.

The rights include commercial use and may be exercised in all media and formats.

Conditions:

- Attribute: You must attribute any public use of the database, or works produced from the database, in the manner specified in the ODbL. For any use or redistribution of the database, or works produced from it, you must make clear to others the licence of the database and keep intact any notices on the original database (See Section 4.2 and 4.3).
- Share-Alike: If you publicly use any adapted version of this database, or works produced from an adapted database, you must also offer that adapted database under the ODbL (See Section 4.4).
- Keep open: If you redistribute the database, or an adapted version of it, then you may use technological measures that restrict the work (such as DRM) as long as you also redistribute a version without such measures (See Section 4.7).

III. Difficulties

1. In the beginning and for the purpose of TopPlus for the Federal Administration other sources contained proprietary databases (i.e. data of the Länder).

→ Because of the licence terms with the Länder BKG is not allowed to share the data or to offer any database including such data under the ODbL or any other open data licence.
2. Later on TopPlus Open was developed and launched in September 2017 – TopPlus Open only contains databases that are open data.

→ Open Data Policy: BKG as part of the Federal Administration is held to use the Data licence Germany version 2.0 – i.e. it uses the [Data licence Germany – attribution - version 2.0](#) which is not a Share alike licence as required in ODbL v. 1.0.

IV. Take a look at the terms of the ODbL v. 1.0 itself



What to do?

→ Take a look at the terms of the ODbL v. 1.0 itself in order to answer the following questions:

1. When does Share alike apply?
2. What are the limits of Share alike?

IV. Terms of the ODbL v. 1.0

1. When does Share alike apply?

“4.4 Share alike.

- a. Any Derivative Database that You Publicly Use must be only under the terms of:
 - i. This License;
 - ii. A later version of this License similar in spirit to this License; or
 - iii. A compatible license.”



IV. Terms of the ODbL v. 1.0

“Derivative Database” – Means a database based upon the Database, and includes any translation, adaptation, arrangement, modification, or any other alteration of the Database or of a Substantial part of the Contents. This includes, but is not limited to, Extracting or Re-utilising the whole or a Substantial part of the Contents in a new Database.



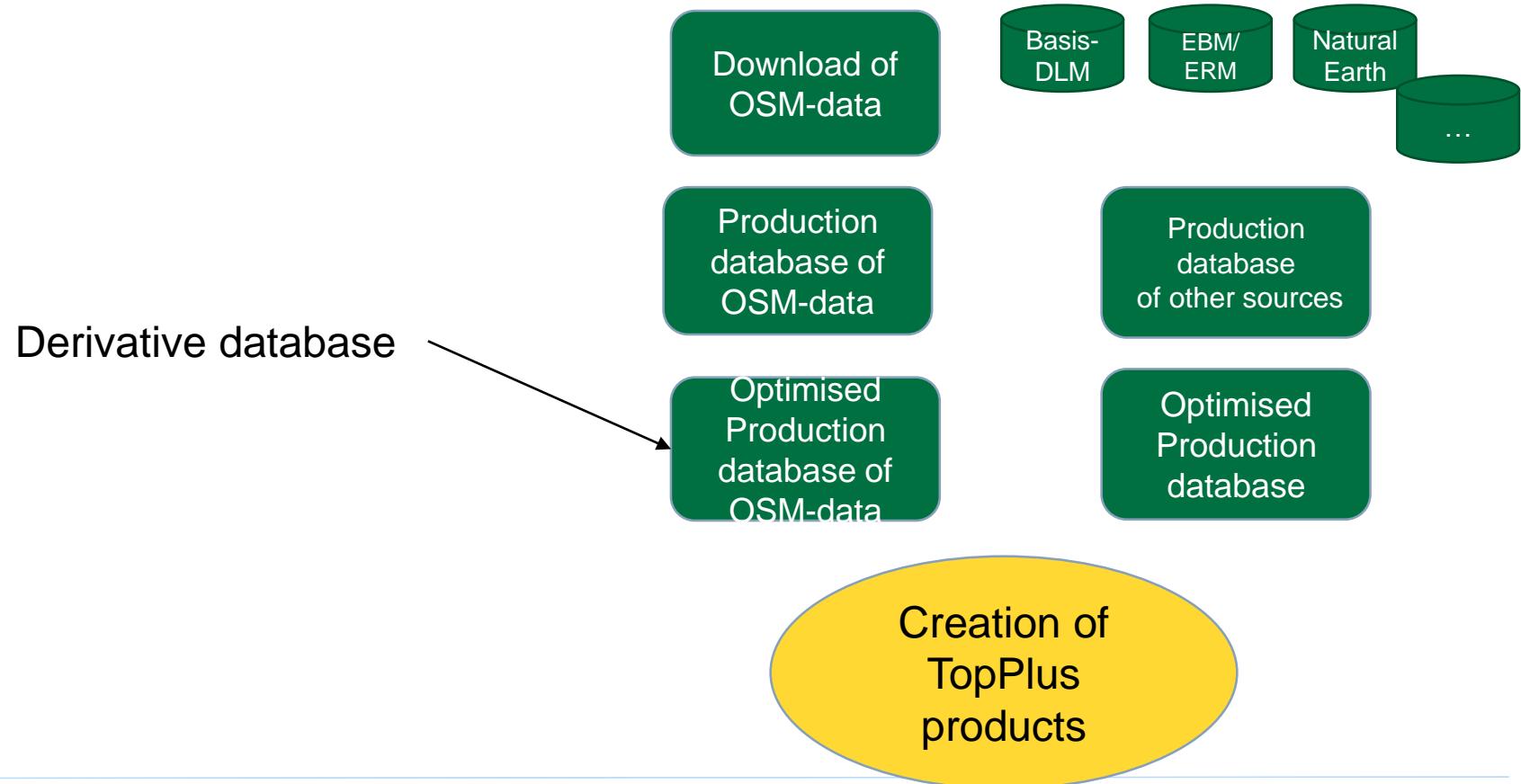
Consequences for TopPlus Technology:

The moment the OSM-database is treated with a tool to optimise its content it is a derivative database

→ Optimised Production Database of OSM database is a derivative database

IV. Terms of the ODbL v. 1.0

Application:



IV. Terms of the ODbL v. 1.0

2. What are the limits of Share alike?

“4.5 Limits of Share Alike. The requirements of Section 4.4 do not apply in the following:

- a. For the avoidance of doubt, You are not required to license Collective Databases under this License if You incorporate this Database or a Derivative Database in the collection, but this License still applies to this Database or a Derivative Database as a part of the Collective Database;
- b. Using this Database, a Derivative Database, or this Database as part of a Collective Database to create a Produced Work does not create a Derivative Database for purposes of Section 4.4; and
- c. Use of a Derivative Database internally within an organisation is not to the public and therefore does not fall under the requirements of Section 4.4.”



IV. Terms of the ODbL v. 1.0

“Collective Database” – Means this Database in unmodified form as part of a collection of independent databases in themselves that together are assembled into a collective whole. A work that constitutes a Collective Database will not be considered a Derivative Database.

“Produced Work” – a work (such as an image, audiovisual material, text, or sounds) resulting from using the whole or a Substantial part of the Contents (via a search or other query) from this Database, a Derivative Database, or this Database as part of a Collective Database.

“Publicly” – means to Persons other than You or under Your control by either more than 50% ownership or by the power to direct their activities (such as contracting with an independent consultant).



IV. Terms of the ODbL v. 1.0

Consequences of Section 4.5a for TopPlus Technology

- Use of the derivative database does not oblige the user to licence other databases that are sources under ODbL v. 1.0.
- Optimised production database of other sources is a collective database – as part of a collection of independent databases in themselves that together are assembled into a collective whole.
- Optimised production database of OSM database is a derivative database under the terms of ODbL v. 1.0 but it is not incorporated in the collection. It is used to create a Produced Work.

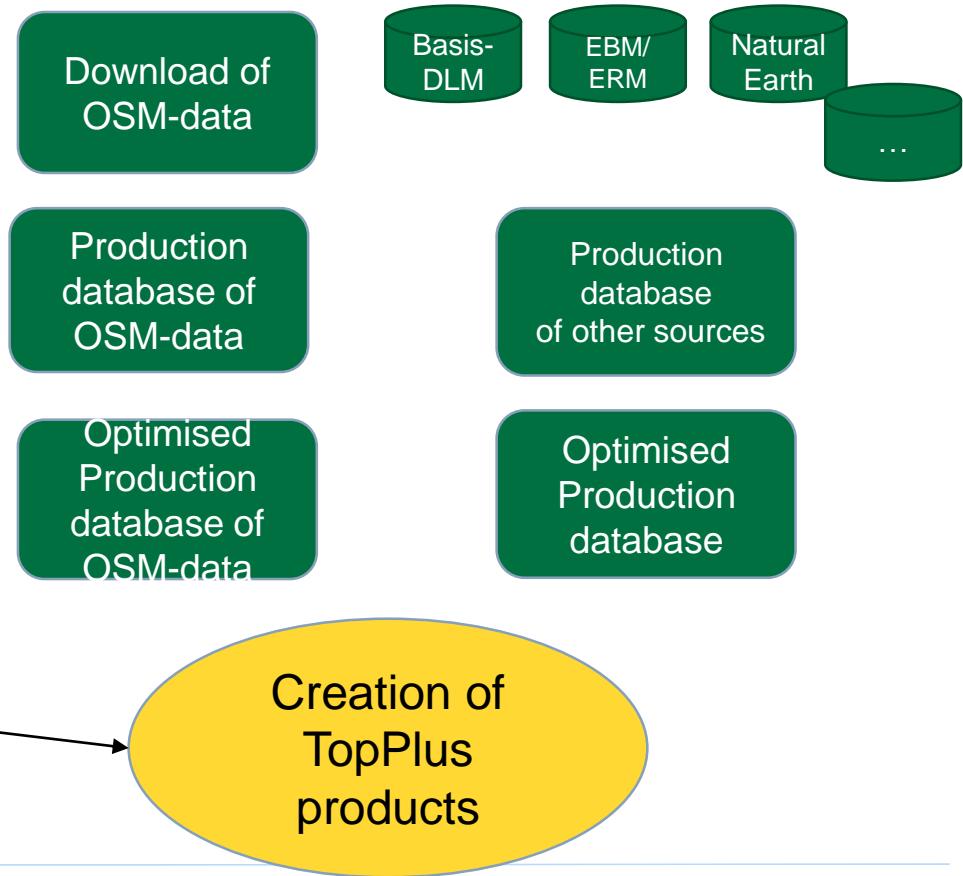
IV. Terms of the ODbL v. 1.0

Consequences of Section 4.5b for TopPlus Technology

- TopPlus Products are Produced Works resulting from using the whole or parts of the contents from a derivative database of OSM-data together with other databases that are strictly independent from the derivative database of OSM-data.
- The creation of a Produced Work does not create a Derivative Database for the purpose of Section 4.4

IV. Terms of the ODbL v. 1.0

Application:



IV. Terms of the ODbL v. 1.0

Consequences of Section 4.5c for TopPlus Technology

→ As long as OSM-databases or Derivative databases of OSM data is used internally within Federal Administration there is no application of Share alike or attribution.

IV. Terms of the ODbL v. 1.0

What are the conditions of use of a Produced Work?

1. Internal use – no conditions

2. Public use

- The licence of the Produced Work may be chosen freely
- Notice respecting Section 4.3
- Offer access to the Derivative Database of OSM data used to create a produced work conformant to Section 4.6



IV. Terms of the ODbL v. 1.0

Notice respecting Section 4.3

“4.3 Notice for using output (Contents). Creating and Using a Produced Work does not require the notice in Section 4.2. However, if you Publicly Use a Produced Work, You must include a notice associated with the Produced Work reasonably calculated to make any Person that uses, views, accesses, interacts with, or is otherwise exposed to the Produced Work aware that Content was obtained from the Database, Derivative Database, or the Database as part of a Collective Database, and that it is available under this License.

a. Example notice. The following text will satisfy notice under Section 4.3:

Contains information from DATABASE NAME, which is made available here under the Open Database License (ODbL).

DATABASE NAME should be replaced with the name of the Database and a hyperlink to the URI of the Database. “Open Database License” should contain a hyperlink to the URI of the text of this License. If hyperlinks are not possible, You should include the plain text of the required URI’s with the above notice.”



IV. Terms of the ODbL v. 1.0

Public use of a Produced Work – Offer access to the Derivative Database of OSM data used to create a produced work pursuant Section 4.6

“4.6 Access to Derivative Databases. If You Publicly Use a Derivative Database or a Produced Work from a Derivative Database, You must also offer to recipients of the Derivative Database or Produced Work a copy in a machine readable form of:

a. The entire Derivative Database; or

b. A file containing all of the alterations made to the Database or the method of making the alterations to the Database (such as an algorithm), including any additional Contents, that make up all the differences between the Database and the Derivative Database.”

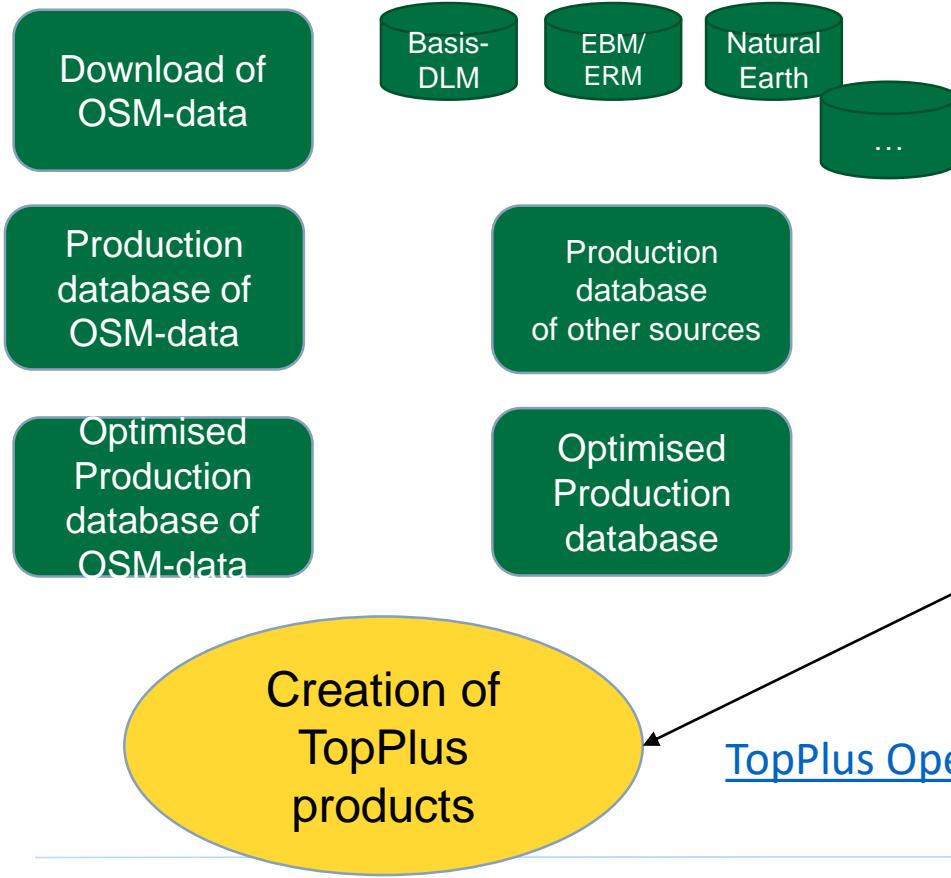


V. Summary

- TopPlus Products are Produced Works under ODbL v. 1.0. They can be used internally without any further restrictions.
- They may be used publicly under another licence than ODbL v. 1.0.
- Notices have to be made respecting Section 4.3.
- TopPlus Products can be used publicly under the condition to offer the derivative database (Optimised production database of OSM-data) to the recipients of TopPlus Products (Section 4.6).

IV. Terms of the ODbL v. 1.0

Application:



**Public use of a
Produced Work**
Section 4.5b applies
Notice respecting 4.3
Offer of Optimised
Production database
of OSM-data
respecting 4.6

Thank you for your attention!

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