

Political and legal Barriers to Data Availability

World Water Forum, Istanbul

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World Summit on Information Society 2003

« The sharing and strengthening of global knowledge for development can be enhanced by removing barriers to equitable access to information for economic, social, political, health, cultural, educational and scientific activities and by facilitating access »

Data availability restrictions:

- National Security
- Proprietary rights
- Personal Privacy
- Confidentiality
- Indigenous rights
- Conservation and protection of sensitive archeological or cultural resources
- Lack of obligation for sharing

Treaties with Data access and sharing provisions

- The Arctic Treaty
- Convention on the law of the sea
- Ozone protocol
- Convention on Biodiversity
- Aarhus convention
- Charter on Space and Disaster cooperation
- CEOS Global change principles on exchange of satellite data
- **WMO Resolutions 41 and 25**

Data availability restrictions: WIPO Digital Copyright Treaty 1996

Data availability is controlled through intellectual property restrictions:

Currently a debate ongoing in the context of the World Intellectual Property Organisation (WIPO) regarding control of “non-original databases” – i.e. those involving “sweat of the brow” work to prepare and compile but using non-original data.

Factual compilations that lack creativity or originality in their selection or arrangement, as raw data streams are however, not copyrightable

Database protection:

In EU, database is:

“a collection of independent works, data or other materials arranged in a systematic or methodical way and individually accessible by electronic or other means” (Dir. 96/9, art.1.)

Includes non-original work, so database compiler has ownership rights.

In USA, different position – “facts” are not copyrightable, and a database is simply a collection of “facts”.

Database protection:

Consequences –

- Copyright information can / must be sold i.e. not freely transferable. Owner retains control over data.
- Certain countries / regions want income from data provision (e.g. EU), but developing countries may not have own meteorological agencies, so will be forced to pay for information.
- Consequent reduction in flood security



Thank You

