

BUYING IMAGERY AND DATA

Ask the right questions

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IMAGERY AND DATA ARE INTELLECTUAL PROPERTY

- Think of it like 'buying' music and movies on iTunes
- What you bought is a limited license
 - "...use the Services and Content only for personal, noncommercial purposes . . ."
 - "... does not transfer any commercial or promotional use rights to you, and does not constitute a grant or waiver of any rights of the copyright owners."
- Source: <https://www.apple.com/legal/internet-services/itunes/us/terms.html>



IMAGERY AND DATA ARE INTELLECTUAL PROPERTY

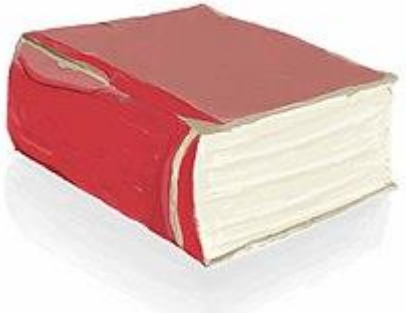
- In the context of home use
 - Watch it at home with the family
- In the context of business
 - That license doesn't allow you start your own streaming service or open a theatre
 - You cannot resell that content to others
- In the context of government
 - You cannot publish that movie on your open data portal
 - You cannot use that movie character likeness in your site



YOU 'OWN' A LIMITED LICENSE

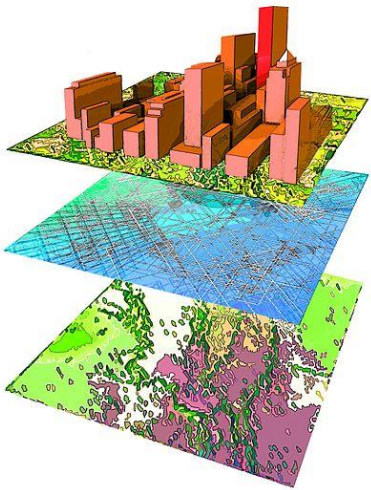
- License agreements vary widely by vendor and product
- This is a legal agreement between you and the Intellectual Property (IP) owner
- You can be liable for violating these terms
- These terms can negate the usefulness of the IP

WORDS TO KNOW



- Ownership – The vendor may retain ownership of the IP or they may transfer it to you – giving you rights to the IP
- Authorized User – Who gets to see and use the IP
- Attribution – A requirement to display the vendor's copywrite
 - You may recognize these from ESRI base maps
- Term – The time period of the license.
- Termination – End of the agreement
 - You may be required to delete all copies of the IP

DERIVATIVES



- A derivative is something created from that IP
- Vendors may claim ownership of derived products
- Example: You manually digitize edge of pavement from aerial imagery
 - Do you own that pavement data set?
 - Can you sell that pavement data set?
 - Can you publish that data set on your open gov portal?
- Example: You generate a crop health raster dataset from multispectral imagery – Is that raster yours?

VENDOR MOTIVATIONS



- Your publication of a derived product may reduce the value of a product they sell
 - Orthos, vegetation indexes, and pan sharpened images are just imagery with more processing
 - Elevation contours derived from a raster
- A vendor may want to sell that IP more than one time
 - If I can sell to fed, state, and local that is 3x the sales
 - No one will buy a product that is published freely by others
- Why are some vendors open?
 - If you, the client, can't share a product or any knowledge gained from it there is no value
 - The value of time. Yesterday's image is yesterday's news

MAXAR



EXAMPLE: MAXAR INTERNAL USE LICENSE

- Solely for internal use. You can display, process, use internal to your organization
- You own your derived products with significant limitations and must display their attribution with your derived product
- You can 'display' an 'extract' of their image with limitations on resolution, file format, location . . .
- Have your lawyer read the critical details
- <https://www.maxar.com/>
- They publish their terms on the internet – this is good!

UMBRA



EXAMPLE: UMBRA CREATIVE COMMONS

- Creative Commons isn't very common for GIS
- UMBRA is Synthetic Aperture Radar Imagery
- <https://umbra.space/>

Complete creative freedom

When you buy data from us, we provide it to you under a Creative Commons license that gives you the right to do just about anything you want with it: re-sell, share it freely with the public, or keep it for yourself. No licensing fees. No re-selling limitations. No sharing restrictions.

SUBSCRIPTIONS AND PLATFORMS



Lockheed Martin
IDEX II Imagery Workstation
[Andrew Magill](#)

- Imagery and data as a service is gaining momentum
 - You get new imagery and data products as they become available
 - What happens at the end of the term?
 - Is access simply lost
 - Do you have to destroy local copies?
- Platforms and tools
 - Some products are tied to their cloud platforms and tools
 - What do you have at the end?
- Pros and cons
 - + IT support for cloud and subscription services is on the vendor
 - - At the end of the term you may have nothing
- Consider these factors when integrating any 'as a service' product or tool into your apps or processes.



MAKE A PLAN

- Determine the goals for the project and audience for data and for any derived products
 - Direct data users
 - Internal only, internal plus contractors, subs, public?
 - Derivative data users
 - Customers, Constituents
- Examples:
 - Selecting a new site for your store may be internal only
 - Crop health raster for client farmers
 - Impervious surface of a parcel

READ THE AGREEMENT



- Read the agreement
- Read the entire agreement
- Read the definitions of the terms in the agreement
- Understand the entire agreement
- Understand your use in the context of the agreement
- Have your legal department review the agreement