

**Joint OOR-Ontolog-NCBO-CC-IAOA-OASIS  
OpenOntologyRepository  
IPR Policy and Issues Panel Discussions**

***Notes from Jamie Clark, General Counsel, OASIS***

- OOR-IPR session 1: An Exposition on Relevant IPR Regimes
- OOR-IPR session 2: What are the IPR issues relating to open ontology repositories (and ontologies in general)?
- OOR-IPR session 3: Discussion and consensus on licensing arrangements for the OOR Initiative



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OpenOntologyRepository  
IPR Policy and Issues Panel Discussion

- Biases:**
- Standards Guy
  - Lawyer
  - Open Consortium

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## OOO-IPR session 1: An Exposition on Relevant IPR Regimes



- Limits:**
- Copyright, trademarks, patents, databases, etc. each have their own rules
  - Regimes = Systems for handling risks
  - OOR should plan to cope with legal uncertainties by process design and requirements-setting

the IPR  
repositories

and  
ments for the

## *How to be Open?*

OOR will need agreed rules & usage terms, to assure that the information in the repository is available, usable and reusable.

Those will mitigate countervailing restrictive forces:

- Ownership interests in the information.
- Other rights in the information.
- Restrictions or conditions on use or distribution.
- Instability of the sources or hosting for the data.
- Unreliable governance or management of the repository.
- Inavailability of common tools, expressions & methods.

*Sans toi, le déluge*

## *But what is "open?"*

Simplest case might be to allow contributions only of unlimited public domain materials. But preliminary OOR plans seem to include use cases with valid, desirable re-use restrictions:

- Restrictions on recipients (e.g. by jurisdiction)
- Restrictions on use (e.g. for commercial purposes, or against licensure mashups)
- Restrictions to preserve source & citation integrity (e.g.. uncredited extensions)
- Restrictions to preserve source integrity of aggregations (e.g. republication of a whole collection).

*"Widely useable?"*

*"Open" may mean more than license terms*

## **License form or reification**

- "You may have a license but must get a contract"
- "Here is your license, no writing needed"
- "We disclaim or waive any relevant rights"

What about disclosure & data mining of uses?

What about ease of use? "Lawyer/language tax"

OASIS Nonassert form:

[http://www.oasis-open.org/who/intellectualproperty.php#licensing\\_req](http://www.oasis-open.org/who/intellectualproperty.php#licensing_req)

(see section 10.3)

## *"Open" means more than license terms*

### **There are other, operational considerations.**

- Assurances of permanence of permission:
  - Are the grants to and from the repository perpetual? Irrevocable?
- Assurances of stability of source:
  - Who controls? Who funds?
  - Is the governance stable, transparent, heterogenous? Noncommercial?
- Technical deployment:
  - Reliance on open data standards for access?
  - Platform neutrality?
  - Ease of IT use? Tooled? Allows DIY?

*OOR \*might\* avoid some issues with traditional "IPR" laws as to Ontological content*

- Respectable lines of argument suggest that ontologies may not be copyrightable
- Respectable lines of argument suggest that ontologies may not be patentable
- Don't forget other forms of protection, such as EU Database Directive protection"
- In any case, we are talking about deploying software as well as content

Let's plan for the worst: uncertainty as to possible bases for claims in a global system

# USE CASE: STANDARDS CONSORTIUM

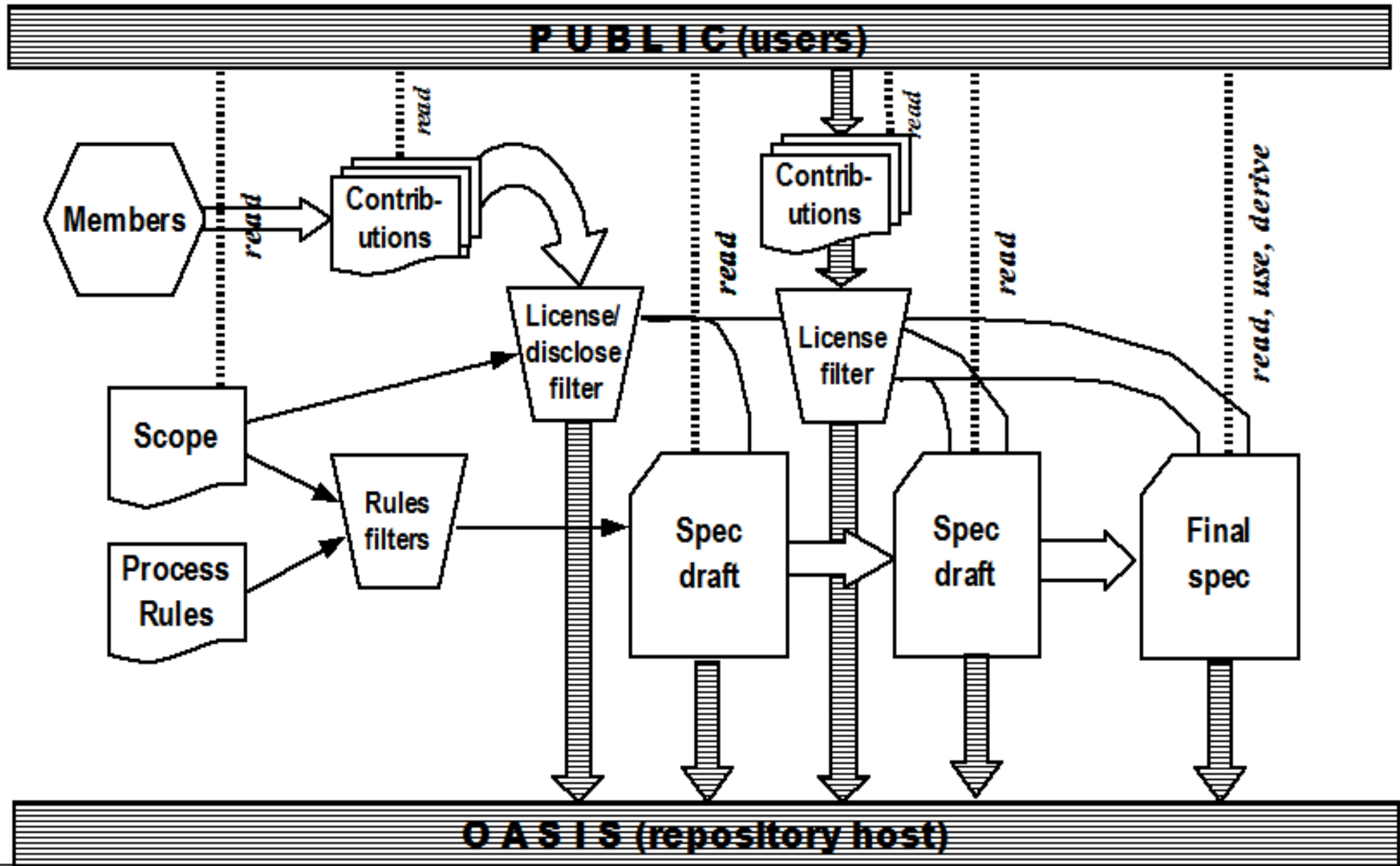
## OASIS IPR POLICY LIFECYCLE

January 2005 - October 2010 versions

*<http://www.oasis-open.org/who/intellectualproperty.php>*

- "Contribution" obligations on those donating material: membership agreement model
- "Participation" obligations: if you're in the room you are presumed to contribute
- Required disclosures
- Required license or nonassertion parameters, and project choice
- Open public feedback licenses
- Public rights of re-use of outputs





## Special case: **FEDERATION.**

The OOR may be a *federated* repository, so clarity may be needed about:

- the rights to use and refer to source ontologies within the federation,
- scope exclusions, if any, versus a free-for-all of allegedly relevant works, and
- the governance and rules for supporting federated access. (E.g., interoperability of federation service calls)

(Example: NIST e-business standards repository)

## Special case: **RATINGS.**

The OOR may employ *social reputational metadata*, so clarity may be needed about:

- rights in aggregated reputational data,
- interoperable metadata expressions of that data, and
- the governance and rules for aggregating that data.

(Examples: ORMS reputational metadata specifications  
<http://www.oasis-open.org/committees/orms>;  
eBay vendor & customer ratings)

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