

Deliverable D7.2 Joint core data and IPR policy

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The COOPEUS joint core data and IPR policy

Introduction

Global and interdisciplinary collaboration is essential to address the scale and complexity of scientific and societal challenges related to the ecosystem, climate and earth dynamics of our planet. Environmental research infrastructures on both sides of the Atlantic are producing large amounts of research data that can be used to significantly improve our understanding of these processes and issues. Strong new synergies and new scientific insights will be gained by enabling efficient access to and open sharing of these data.

COOPEUS aims to ease data exchange among scientists and users involved in Europe's major environmental research infrastructure projects (EISCAT, EPOS, LifeWATCH, EMSO, and ICOS) with their US counterparts (AMISR, EARTHSCOPE, DataONE, OOI and NEON). The COOPEUS mission is to interlink these infrastructures on both sides of the Atlantic to generate new, scientific synergies through cross-discipline infrastructure data access and usage.

To reach this goal, COOPEUS will reduce trans-atlantic barriers towards open access of research data resulting from potentially restrictive data and IPR policies by establishing a joint core data and IPR policy, based on the synthesis of existing research infrastructures' data and IPR data policies. This data exchange friendly data policy will harmonize these existing data policies to promote free and open access among COOPEUS research infrastructures and with interested stakeholders in accordance with the GEOSS data sharing principles. The data policy represents a consensus among the involved COOPEUS RIs on the common intersection of their respective formal as well as informal data policies and defines the area of overlap within future cooperations between US and EU infrastructures are possible.

Political and legislative framework

COOPEUS infrastructures on both sides of the Atlantic are designed to collect environmental information to provide the scientific basis for decision-making to ameliorate the societal challenges of climate change or natural hazards. These infrastructures therefore bear a particular responsibility towards society and public access to their data collections needs to be ensured as 'dealing with environmental matters in an "open society" requires public access to environmental information, as well as public participation in environmental decisions'¹

Several international agreements regarding this issue have been reached during the last two decades. For example, The United Nations General Assembly, under the World Charter for Nature², have adopted a resolution that, "all persons, in accordance with their national legislation, shall have the opportunity to

¹ Ludwig Kramer, The Open Society, Its Lawyers and Its Environment, 1 J. ENVTL. L. 1, 4 (1989)

² United Nations World Charter for Nature, Resolution 37/7, Supp 51:
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/37/7&Lang=E&Area=RESOLUTION

participate, individually or with others, in the formulation of decisions of direct concern to their environment, and shall have access to means of redress when their environment has suffered damage or degradation.” The UNECE ‘Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters’³ represents a breakthrough document regarding environment, transparency and democracy and aims to “contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters”. By now, 46 states and the European Commission have ratified the Aarhus convention which have applied the convention within their national legislations.

After the ratification of the Aarhus Convention by the European Union, serious steps have been undertaken in Europe to ease public access to environmental information and geo-information. The European Commission has published several directives, in accordance with the Aarhus Convention, which aim to increase opportunities for citizens to access environmental information. Most relevant is Directive 2003/4/EC⁴ „on public access to environmental information and repealing Council Directive 90/3131/EC“. This directive precisely defines the rules and obligations for public authorities regarding the rights of European Citizens on access to environmental information. This directive recognizes the general obligation of public authorities to gain access to such data and defines under what circumstances the restriction of such data is justified. A comparable directive is 2007/2/EC⁵ „establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)“. This directive is extending the 2003/4/EC as it is not restricted to environmental data, but its scope now includes any spatial data sets. In general, open access to data has been recognized to be a driving force for innovation within the Digital Agenda⁶ of the Europe 2020 strategy.

In the United States traditionally a strong consensus exists on the importance of public information and participation for the representative democracy. This attitude is already reflected by the U.S. Constitution. The First Amendment to the Constitution⁷ guarantees freedom of the press and speech and public participation in government. This principle is applied to governmental information within the Freedom of Information Act of 1966 (FOIA)⁸ which rules public access to information held by the U.S. government as well as governmental agencies and in general presumes that information should be available to the public unless well-defined reasons exist to withhold it. More recently, President Obama’s May 2013 Executive Order on Open Data⁹ employs the rationale that openness in government strengthens democracy. The White House further makes the argument that open data and information

³ Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ([Aarhus Convention](#))

⁴ [DIRECTIVE 2003/4/EC](#) „on public access to environmental information and repealing Council Directive 90/313/EEC“

⁵ [implementing Directive 2007/2/EC](#) of the European Parliament and of the Council as regards metadata

⁶ Digital Agenda for Europe: <http://ec.europa.eu/digital-agenda/>

⁷ The Constitution of the United States, " Amendment 1

⁸ Freedom of Information Act (FOIA), 5 U.S.C. §552

⁹ Executive Order 13642 “Making Open and Machine Readable Data the New Default for Government Information”

ultimately leads to increased opportunities for wealth creation by providing the innovation ecosystem the fuel to create goods and services that add value to open government data and information.

It is beyond the scope of this document to clarify in how far COOPEUS infrastructures may fall under the above mentioned legislatures. However, the above mentioned legislative framework illustrates the strong public interest on the nature of data COOPEUS infrastructures collect and the potential obligations which consequently may arise.

Methodology

During the EGU 2013 conference in Vienna, COOPEUS held a joint US-EU workshop on Research Infrastructure Harmonization and Data Policies. A dedicated session on data and IPR issues resulted in a set of core principles for data and metadata sharing, the 'COOPEUS data sharing principles'. These data sharing principles consist of a short set of guidelines defining the basic principles for data and metadata sharing agreed upon by all COOPEUS partners. Based on these workshop results we created a shared data policy document in Google docs that allowed collaborative editing for all partners. The COOPEUS data sharing principles served as the basis for ongoing discussions and as a guide for the joint core data policy presented here.

Existing data policies from COOPEUS research infrastructures were collected by email, phone and personal meetings when possible. Some of the more nascent infrastructures have not yet established data policies. In these cases, we encouraged them to use the OpenDOAR data policy tool (<http://www.opendoar.org/tools/en/policies.php>) which generates a basic, yet informal data policy that could be used for our analysis.

The analysis of submitted data and IPR policies focused on the constraints and commonalities of data and metadata exchange such as technical requirements, embargo rules, data fees, reuse policies, licences and IPR policies. A summary of this analysis is shown in Appendix A.

Based on the COOPEUS data sharing principles, we have subsequently amended these principles by adding additional paragraphs reflecting the identified commonalities and compiled a short set of core data and IPR data sharing rules which has iteratively been discussed and refined by the COOPEUS RI community. The following consensus policy may be used as a common, core data policy in the future.

The COOPEUS joint core data and IPR policy

1. Research infrastructures under the umbrella of COOPEUS strongly support free and open access to data produced by their facilities and feel committed to work towards the realisation of this principle.
2. Access to data provided by COOPEUS research infrastructures depends on national and international legal and ethical frameworks¹⁰ as well as on their own data policies. COOPEUS infrastructures acknowledge potential reasons to restrict public access to each others data resulting from these obligations.
3. COOPEUS infrastructures aim to identify unnecessary or obsolete barriers towards open access to their data and will continuously work towards the stepwise elimination of these obstacles.
4. Free and open access without any restrictions shall be granted to the metadata of the data holdings of each COOPEUS infrastructure in order to enable and ease data discovery and fitness-for-use evaluation of the data holdings of each infrastructure.
5. COOPEUS related infrastructures will make such metadata publicly available without undue delay.
6. Metadata associated with COOPEUS infrastructures data shall meet accepted international standards and shall contain the necessary information to attribute identification, authorship, geographical and temporal coverage, type of measurements and observations, access constraints as well as the responsible organisation and when possible, the principal investigator (PI) for each data set.
7. Data produced by COOPEUS infrastructures will be made available through appropriate e-infrastructures. Published data formats shall meet accepted international standards.
8. Data published by COOPEUS infrastructures shall be made available free of charge. RI specific regulations deviating from this general rule may apply when data is used for e.g. non-scientific or commercial purposes. Separate fees may apply for the reproduction and delivery of data when web-based transfer of data is not possible.
9. In general, data shall be made available by COOPEUS infrastructures as soon as possible and without undue delay. COOPEUS infrastructures may apply exclusive scientific usage rights which need to be defined within their own data policies. Such exclusivity periods shall not exceed two years.
10. Non-publicized research data shall be made available on demand to researchers representing COOPEUS infrastructures - as possible within the legal, ethical and policy framework of the data holding infrastructure. Each COOPEUS infrastructure shall nominate 'data stewards' to facilitate such data requests.
11. COOPEUS infrastructures acknowledge national and international intellectual property rights regulations. Each infrastructure is responsible for the warranty of copyrights and intellectual

¹⁰ e.g. Aarhus Convention, Biodiversity Convention, Directive 2003/4/EC, the ICSU Declaration on Science and the Use of Scientific knowledge, the INSPIRE directive etc..

property rights which may apply for its data holdings.

12. COOPEUS infrastructures will clearly indicate licences and terms of use for each dataset in the corresponding metadata.
13. If data or information produced by COOPEUS research infrastructures is used in published or unpublished work, attribution for the used resources is required. Data citations shall exclusively use the information provided within the metadata of each data set. Data which is not publicly accessible but has been disclosed to individual researchers through COOPEUS requires explicit permission of the responsible PI prior to the publication of results derived from this data if requested by the data use policy.

Data policy documents

ICOS Data policy document, ISIC approved version, May 2013, draft version

NEON data policy:

<http://neoninc.org/sites/default/files/NEON%20Data%20Policy%20Spring%202010.pdf>

IRIS FA policy: <http://www.passcal.nmt.edu/content/general-information/policy/fa-data-policy>

NSF EAR data policy: http://www.nsf.gov/geo/ear/EAR_data_policy_204.pdf

IRIS acknowledgments and citation document: <http://www.passcal.nmt.edu/content/acknowledgment-citation-and-logos>

UNAVCO GPS policy:

<http://pbosoftware.unavco.org/dmsdocs/Root%20Folder/Data%20Management/Software/UStream/DataStreamingPolicy.pdf>

UNAVCO attribution policy: http://www.unavco.org/community/policies_forms/attribution.html

UNAVCO data policy: http://www.unavco.org/community/policies_forms/DataPolicy.html

EMSO: The Statutes of the European Multidisciplinary Seafloor and Water Column Observatory – European Research Infrastructure Consortium (EMSO ERIC Statutes), draft version

EPOS data policy and access rules- draft

OOI data policy: http://oceanobservatories.org/wp-content/uploads/2010/05/1102-00010_Data_Use_Policy_OOI.pdf

OOI user terms and conditions: http://oceanobservatories.org/wp-content/uploads/2010/05/1102-00020_Data_User_Terms_Conditions_OOI.pdf

Appendix A , Analysis of partner data policies

ICOS:

Metadata provided	yes	ICOS Metadata” includes information about data provenance, description, quality, processing, maturity level (raw data streams, automated quality control, processed, derivative products), and collection context, and support interoperability with other observatories, archives, and databases
Metadata requirements	yes, INSPIRE	ICOS Metadata associated with ICOS Data must meet or exceed applicable national or European requirements (e.g. INSPIRE directive) and be attached to data for any dissemination.
Metadata release deadline/embargo	minimum delay	metadata and data in general: with minimum time delay ; data providers: without significant delay
Open access to metadata	yes	The Carbon Portal will publish and make openly available the ICOS Metadata
Metadata charges	none	minimum and whenever possible no-costs
Reuse policy of metadata	not defined	The Carbon Portal will publish and make openly available the ICOS Metadata
Data provided	yes	ICOS data will be available for the Data Users via Carbon Portal
Data requirements	ICOS specific	National ICOS National Networks are responsible for carrying out the ICOS measurements and producing the ICOS level 0 Data (raw data) and delivering it to ICOS Central Facilities (ATC, ETC and OTC) where the ICOS Data is further processed. ; ...compliant with the ICOS protocols
Data release deadline/embargo	minimum	metadata and data in general: with minimum time delay ; data providers: without significant delay
Open access to data	yes	ICOS Data is public data open to all Data Users. ICOS data will be available for the Data Users via Carbon Portal
Data access restrictions	some, legal constraints	The ICOS data policy takes into account the overall European legal framework related to environmental data, information and databases. The most important pieces of legislation which impact also to ICOS data policy are the Aarhus Convention (access to environmental data), INSPIRE Directive (sharing of the spatial information among public sector organisations and access to the spatial data), Database Directive (protection of the databases), Software Directive (protection for computer

		programs) and PSI Directive on the re-use of the public sector information (short descriptions of these legislations in ANNEX 1.).
Embargo period		
Data charges	free or minimum, special for commercial use	minimum and whenever possible no-costs; charges are conceivable for commercial use of ICOS Data, having due regard to the self-financing requirements of the ICOS RI Data Providers concerned. These charges should not exceed the total costs of collecting, producing and disseminating the ICOS Data
IPR policy/data ownership	remains at provider	<p>5.1 Background and Sideground Intellectual Property: The ICOS National Networks, the ICOS CFs and the ICOS ERIC keep the property of Background, Sideground and any related tools and all rights related thereto.</p> <p>5.2 The Intellectual Property of ICOS Data, database and ICOS Data Related Tools: ICOS Data, databases and ICOS Data Related Tools (e.g. codes, software) that the ICOS National Networks and the ICOS CFs have collected, organised and/or created to fulfil the requirements of ICOS Data generation and processing belong to them.</p> <p>Any data, tools or databases created at the Carbon Portal will belong to the ICOS-ERIC.</p>
Reuse policy of data	licence, PI attribution required	Conditions shall require that Data Providers/authors get proper attribution of their work and that this attribution is maintained in any subsequent use of the data. The license conditions shall contain an exemption of any liability that may arise as a consequence of the use of the data made available by the ICOS ERIC.
Data licence	yes/ planned	ICOS Data user license
Sources:	ICOS data policy:	ICOS Data policy document ISIC approved version, May 2013, pdf

NEON:

	NEON	NEON details
Metadata provided	yes	NEON metadata includes information about data provenance, description, quality, maturity level (raw data streams, automated quality control, processed, derivative products), and

		collection context, and support interoperability with other observatories, archives, and databases
Metadata requirements	yes, FDGC	Metadata associated with NEON data must meet or exceed applicable national requirements (e.g., Federal Geographic Data Committee; www.fgdc.gov) and be closely associated with the archived data.
Metadata release deadline/embargo	not defined	
Open access to metadata	yes	NEON metadata standards will be published and openly-available
Metadata charges	not defined	
Reuse policy of metadata	not defined	NEON metadata standards will be published and openly-available
Data provided	yes	Data will be made publicly available to users through an open-access general web interface
Data requirements	community specific	NEON will utilize community standards for the provisioning of datasets
Data release deadline/embargo	embargo	NEON will permit restricted data access for a reasonable period not exceeding two years from the end-of-experiment date for data collected by investigators using instruments connected to NEON cyberinfrastructure or through PI-requested deployments of NEON facilities.
Open access to data	partly	Data distribution will be unrestricted;.... At the end of a restricted access period, all data will be freely and openly available.
Data access restrictions	some, legal constraints	Data distribution will be unrestricted (unless for reasons of national security). Certain types of data have legal access restrictions, for example, information related to threatened and endangered species. If such data are held in the NEON CI, all legal restrictions will

		<p>be enforced</p> <p>and access to such data may be limited to forms (e.g. statistical summaries) that do not violate</p> <p>applicable laws and regulations.</p>
Embargo period		2 yrs
Data charges	free or minimum	Open-access means that data will be freely-distributed without charge; there may be charges for the cost of reproduction and delivery when access is not web-based.
IPR policy/data ownership	remains at PI during embargo; not defined	With the PI's permission, data can be released to a third-party requesting user before it is publicly accessible ; ...Data that has already become public cannot be made proprietary under any circumstances.
Reuse policy of data	licence, RI attribution required	<p>Any published papers that use data from the NEON Archive should carry the following footnote or</p> <p>acknowledgement in the text: "The National Ecological Observatory Network is a project sponsored by</p> <p>the National Science Foundation and managed under cooperative agreement by NEON, Inc."</p>
Data licence	yes	NEON licence
Sources	NEON data policy:	http://neoninc.org/sites/default/files/NEON%20Data%20Policy%20Spring%202010.pdf

EPOS:

Metadata provided	yes	Where raw data is held metadata will be available, that is, information about one or more aspects of the main data
Metadata requirements		
Metadata release	minimum	make DATA and facilities available without undue delay

deadline/embargo	delay	
Open access to metadata	yes	disseminate data and knowledge through Open Access
Metadata charges	no	make DATA and facilities available without undue delay and free of charge,
Reuse policy of metadata	not defined	
Data provided	yes	make DATA and facilities available
Data requirements		
Data release deadline/embargo	minimum	make DATA and facilities available without undue delay
Open access to data	yes	disseminate data and knowledge through Open Access
Data access restrictions	some	<p>USER & DATA DATA's categories</p> <ul style="list-style-type: none"> • OPEN: freely available/accessible to any User * • RESTRICTED: available after the approval of the Supplier *. Fees could be charged • EMBARGOED: available after a specific time has passed since collection/generation
Embargo period		
Data charges	free or minimum	<p>USER & DATA DATA's categories</p> <ul style="list-style-type: none"> • OPEN: freely available/accessible to any User * • RESTRICTED: available after the approval of the Supplier *. Fees could be charged
IPR policy/data ownership	not yet specified	<p>create internal intellectual property rules between EPOS Partners which will be approved by the EPOS ERIC General Assembly</p> <ul style="list-style-type: none"> • comply with all relevant European and International legislation on data and IPR

		protection including the INSPIRE Regulations
Reuse policy of data	licence	utilize Creative Commons as its main method of licensing
Data licence	yes	utilize Creative Commons as its main method of licensing
Sources	EPOS data policy	EPOS data policy and access rules- draft
	EPOS website	http://www.epos-eu.org/data-products/

IRIS:

	IRIS/EARTHSCOPE	IRIS details
Metadata provided	yes	The PI's are responsible for providing timely and accurate metadata for this purpose; ... The data should include all of the necessary information on the geometry of the experiment (metadata)
Metadata requirements	not defined	
Metadata release deadline/embargo	minimum delay	All data and corresponding metadata from all permanent, continuously operating Earthscope instruments will be made freely and openly available without unnecessary delay
Open access to metadata	yes	see above
Metadata charges	none	see above
Reuse policy of metadata	not defined	
Data provided	yes	NSF policy: Data may be made available for secondary use through submission to a national data center, publication in a widely available scientific journal, book or website, through the institutional archives that are standard for a particular discipline (e.g. IRIS for seismological data, UNAVCO for GPS data), or through other EAR-specified repositories.

Data requirements	type specific	The actual format of the data and the amount of data depend upon the type of experiment. Most Earthscope Flexible Array experiments fall into one of the following categories: Broadband, short period or reflection /refraction. The first two are passive source experiments while the third utilizes active sources.
Data release deadline/embargo	embargo	For those programs in which selected principle investigators have initial periods of exclusive data use, data should be made openly available as soon as possible, but no later than two (2) years after the data were collected. This period may be extended under exceptional circumstances, but only by agreement between the Principal Investigator and the National Science Foundation. For continuing observations or for long-term (multi-year) projects, data are to be made public annually.
Open access to data	partly	...the dataset will be made publicly available, without restriction, at the end of the exclusive year period without further notification of the PI
Data access restrictions	funding agency	Principal investigators are required to adhere to the EAR Data Policy available on the NSF website
Embargo period		2 yrs
Data charges	free or minimum	IRIS: freely and openly available... EAR: reasonable cost
IPR policy/data ownership	remains at PI during embargo, not defined	Restricted data can only be released to Principal Investigators or those they authorize through a password protection system supported by the IRIS DMC
Reuse policy of data	not defined, RI attribution	not in data policy but at http://www.passcal.nmt.edu/content/acknowledgment-citation-and-logos : In any publications or reports resulting from the use of these instruments, please include the following statement in the acknowledgment section. You are also encouraged to acknowledge NSF and IRIS in any contacts with the news media or in general articles
Data licence	no	
Sources:	IRIS FA policy:	http://www.passcal.nmt.edu/content/general-information/policy/fa-data-policy

	NSF EAR data policy:	http://www.nsf.gov/geo/ear/EAR_data_policy_204.pdf
	IRIS acknowledgements and citation:	http://www.passcal.nmt.edu/content/acknowledgment-citation-and-logos

UNAVCO:

	UNAVCO	UNAVCO details
Metadata provided	yes	Metadata will be made publicly available
Metadata requirements	some	Data providers are responsible for providing attribution information with submitted data, including sponsor and provider contact information
Metadata release deadline/embargo	none	Metadata will be made publicly available when placed in the archive
Open access to metadata	yes	Metadata will be made publicly available when placed in the archive
Metadata charges	none	
Reuse policy of metadata	not defined	
Data provided	yes	NSF policy: Data may be made available for secondary use through submission to a national data center, publication in a widely available scientific journal, book or website, through the institutional archives that are standard for a particular discipline (e.g. IRIS for seismological data, UNAVCO for GPS data), or through other EAR-specified repositories.
Data requirements	not defined	
Data release deadline/embargo	embargo	Data will be made publicly available when placed in the archive, unless an investigator has documented a period of exclusive use that is specified by the

		sponsor, typically in the award letter.... NSF EAR rules 2yrs
Open access to data	partly	see above
Data access restrictions	some, priority to scientific use	. UNAVCO GPS data streams are primarily intended to support the scientific, education, and government sectors. Priority will be given to supporting such users. Use by the commercial sector is permitted, subject to all terms of this policy
Embargo period		2 yrs
Data charges	not defined	
IPR policy/data ownership	remains at PI	see attribution policy
Reuse policy of data	attribution of PI and RI	UNAVCO archives data sets that have been collected by many community investigators funded by a variety of sources. The data user bears sole responsibility for recognizing the role of the data provider through co-authorship, citation, sponsor acknowledgement, and/or attribution, as appropriate and consistent with professional standards and sponsor requirements.; ... To reference data sets collected by UNAVCO, such as Plate Boundary Observatory or Africa Array, visit our Acknowledgement page.
Data licence	no	
Sources:	GPS policy:	http://pbosoftware.unavco.org/dmsdocs/Root%20Folder/Data%20Management/Software/UStream/DataStreamingPolicy.pdf
	UNAVCO attribution policy	http://www.unavco.org/community/policies_forms/attribution.html
	UNAVCO data	http://www.unavco.org/community/policies_forms/DataPolicy.html

	policy	
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EISCAT:

	EISCAT	EISCAT details
Metadata provided	yes	1. Anyone may access the metadata free of charge.
Metadata requirements	not defined	
Metadata release deadline/embargo	not defined	
Open access to metadata	yes	2. The metadata may be re-used in any medium without prior permission for not-for-profit purposes provided the OAI Identifier or a link to the original metadata record are given.
Metadata charges	no	1. Anyone may access the metadata free of charge.
Reuse policy of metadata	some restrictions	2. The metadata may be re-used in any medium without prior permission for not-for-profit purposes provided the OAI Identifier or a link to the original metadata record are given. 3. The metadata must not be re-used in any medium for commercial purposes without formal permission.
Data provided	yes	
Data requirements	not defined	
Data release deadline/embargo	not defined	
Open access to data	partly	1. Access to some or all full items is controlled.
Data access restrictions	not defined	2. No full-item re-use policy defined. Assume no rights at all have been granted.
Embargo period	not defined	
Data charges	not defined	
IPR policy/data ownership	not defined	

Reuse policy of data	not defined	
Data licence	not defined	
Sources	Informal policy, OpenDoar tool	

EMSO:

	EMSO	EMSO details
Metadata provided	yes	
Metadata requirements	not defined	
Metadata release deadline/embargo	not defined	
Open access to metadata	yes	
Metadata charges	none	The preceding requirement for a financial contribution shall not apply to requests for catalogue access
Reuse policy of metadata	not defined	
Data provided	yes	Access to data produced by the EMSO ERIC will, wherever possible (taking into account third party licences and any pre-existing arrangements), be available free of charge for all scientific institutions and other stakeholders and will be openly accessible to any scientific person or agency.
Data requirements	not defined	
Data release	not defined	

deadline/embargo		
Open access to data	partly	be available free of charge for all scientific institutions and other stakeholders and will be openly accessible to any scientific person or agency
Data access restrictions	some, nonscientific use restricted	The EMSO ERIC may, at its discretion, disseminate collected data to users (other than those identified in Article 24(1)) in exchange for a financial contribution to be determined by the Executive Board and in compliance with 2003/4/EC Directive and other Applicable Law.
Embargo period		
Data charges	not for scientific community	The EMSO ERIC may, at its discretion, disseminate collected data to users (other than those identified in Article 24(1)) in exchange for a financial contribution to be determined by the Executive Board and in compliance with 2003/4/EC Directive and other Applicable Law.
IPR policy/data ownership		<p>1. Any and all Intellectual Property Rights which are created, arise, obtained or developed by the EMSO ERIC shall vest in and be owned absolutely by the EMSO ERIC. Unless determined to the contrary by the Executive Board, the EMSO ERIC shall make all such Intellectual Property Rights available under appropriate “open” license terms (eg. Open source in the case of computer software and Creative Commons license terms in the case of other copyright materials).</p> <p>2. Subject to the express terms of any contracts or sub-contracts between the EMSO ERIC and Members or Observers or representing entities of Members or Observers, any and all Intellectual Property Rights which are created, arise, obtained or developed in the course of activities relating to the operation of the EMSO ERIC by a Member or Observer or representing entity shall vest in and be owned absolutely by that Member or Observer or representing entity.</p>
Reuse policy of data	not defined	Use and collection of data is subject to the relevant statutory provisions of data privacy [[..Comment: no section on data privacy in statutes..]]
Data licence	yes	Unless determined to the contrary by the Executive Board, the EMSO ERIC shall make all such Intellectual Property Rights available under appropriate “open” license terms (eg. Open source in the case of computer software and Creative Commons license terms in the case of other copyright materials).
Sources	EMSO ERIC Statutes	The Statutes of the European Multidisciplinary Seafloor and Water Column Observatory – European Research Infrastructure Consortium, unpublished

		draft
	OpenDoar, informal data policy	

OOI:

	OOI	OOI details
Metadata provided	yes	3.5 Metadata
Metadata requirements	some, international standards	metadata associated with all OOI data meet or exceed accepted national and international standards
Metadata release deadline/embargo	embargo	During the exclusivity period, the existence of the instrument(s) will be posted on the OOI web site. The actual data/metadata will NOT be available.
Open access to metadata	not defined	
Metadata charges	not defined	
Reuse policy of metadata	not defined	
Data provided	yes	All OOI data will be easily discovered and accessed through the OOI cyberinfrastructure
Data requirements	not defined	
Data release deadline/embargo	embargo	Exclusivity will not extend beyond one year from the date of the initial instrument(s) operation within the OOI system.
Open access to data	partly	In principle, all OOI data will be made publicly available, free of charge, to anyone
Data access	some, legal	Two possible exceptions to this policy are when the data impact national

restrictions	constraints, novel sensors,	<p>security or if individuals, groups, or organizations are granted temporary exclusive data rights.;</p> <ul style="list-style-type: none"> • Exclusivity applies only to data collected by new, novel, instruments that are either attached to or use the OOI infrastructure. • Requests for exclusive data access must be submitted as part of the researcher’s proposal to NSF. Requests will provide a justification for the exclusive period. <p>Ver 1-08 1102-00010 Page 2 of 3</p> <ul style="list-style-type: none"> • Exclusivity will not extend beyond one year from the date of the initial instrument(s) operation within the OOI system. • During the exclusivity period, the existence of the instrument(s) will be posted on the OOI web site. The actual data/metadata will NOT be available. • After the exclusivity period, all data collected during the exclusive period and any current and future data collected by the instrument(s) will be made publicly available through the OOI web site.
Embargo period		1 yr
Data charges	none, minimum	free of charge;.. TOC: There is no fee for the Data or Data Products transferred to the User electronically. Data delivery via physical media may be possible in special situations, as determined by COL. If the User wishes to receive the Data or Data Products on media, there may be a charge for the media and for shipping, handling, and any and all applicable taxes.
IPR policy/data ownership		

Reuse policy of data	attribution of PI and RI	Attribution. The OOI Program requires an acknowledgement (in publications, conference papers, etc.) from those who use data from OOI, its tools or software. Users are required to specifically acknowledge the National Science Foundation and the COL OOI Program Office when core data/infrastructure is used and individual researchers, groups, or organizations when project specific data is used.
Data licence	yes	OOI user terms and conditions
Sources	OOI data policy	http://oceanobservatories.org/wp-content/uploads/2010/05/1102-00010_Data_Use_Policy_OOI.pdf
	OOI user terms and conditions	http://oceanobservatories.org/wp-content/uploads/2010/05/1102-00020_Data_User_Terms_Conditions_OOI.pdf

LIFEWATCH:

	LIFEWATCH	LIFEWATCH details
Metadata provided	Yes	
Metadata requirements	not defined	
Metadata release deadline/embargo	not defined	
Open access to metadata	Yes	
Metadata charges	none	

Reuse policy of metadata	not defined	
Data provided	yes	<p>LifeWatch ERIC shall follow European Union policies on data access and IPRs developed under the European Commission Recommendation on access to and preservation of scientific information of 17.07.2012 and its amendments and related instruments (art. 18.6 Lifewatch ERIC draft).</p> <p>LifeWatch acknowledges that part of its value as an infrastructure is based on the enhancement of the benefits of knowledge which is in the public domain. Generally Open Source and Open Access principles shall be favoured. (Art 18.1)</p>
Data requirements	not defined	
Data release deadline/embargo	not defined	
Open access to data	partly	See above on Data provided
Data access restrictions	some, non-scientific use restricted	All the members and the representative entities designated by them must agree to share the data under their control which the General Assembly might decide that is of interest to the objective and tasks of LifeWatch ERIC, unless they are not in the public domain or under the control of IPR owned by them, and without prejudice to the allocation to the ERIC of the costs of making them interoperable, unless these costs are included as an in-kind contribution of the Member (Annex 2, IV.2)
Embargo period	not defined	
Data charges	not for scientific community	
IPR policy/data ownership		LifeWatch ERIC shall provide guidance (including website) to researchers to ensure that research undertaken using material made accessible through the ERIC shall be undertaken within a framework that recognizes the rights of data owners and privacy of individuals (art 18.2).

		Both users and service providers having access to data, know-how or other IPR resource in the custody of, or generated by, LifeWatch ERIC should acknowledge the intellectual property rights of owners vested in all submission information protocols or agreements and memoranda of understanding. LifeWatch ERIC data users and service providers should be able to demonstrate due diligence in ensuring that rights in the data within their custody are appropriately managed (art 18.3).
Reuse policy of data	not defined	Provenance of data shall always be ensured and the data policy of LifeWatch ERIC, when depending on contributing external data resources and/or other infrastructures, will be subject to agreements with these partners in accordance with article 18 of LW ERIC.
Data licence	not defined	
Sources	LW ERIC Statutes	The Statutes of E-SCIENCE AND TECHNOLOGY EUROPEAN INFRASTRUCTURE CONSORTIUM FOR BIODIVERSITY AND ECOSYSTEM RESEARCH "LIFEWATCH" ERIC, unpublished draft (30 Jul 2013)

Appendix B , COOPEUS data sharing principles

1. Research infrastructures under the umbrella of COOPEUS strongly support free and open access to data produced by their facilities and are committed to work towards the realisation of this principle.
2. Access to data provided by COOPEUS research infrastructures depends on national and international legal and ethical frameworks¹¹ as well as on their own data policies. COOPEUS infrastructures acknowledge potential reasons to restrict public access to each others data resulting from these obligations.
3. COOPEUS infrastructures aim to identify unnecessary or obsolete barriers towards open access to their data and will continuously work towards the stepwise elimination of these obstacles.
4. Undisclosed research data shall be made available on demand to researchers representing COOPEUS infrastructures - as possible within the legal, ethical and policy framework of the data holding infrastructure. Each COOPEUS infrastructure shall nominate 'data stewards' to facilitate such data requests.
5. Free and open access without any restrictions shall be granted to the metadata of the data holdings of each COOPEUS infrastructure in order to enable and ease the discovery of the data holdings of each infrastructure.
6. Metadata of COOPEUS related data shall contain the necessary information to attribute identification, authorship, geographical and temporal coverage, classification of measurements and observations, access constraints as well as the responsible organisation or principal investigator (PI) for each data set.
7. If data or information from COOPEUS research infrastructures is used in published or unpublished work, attribution for the used resources is required. Data citations shall exclusively use the information provided within the metadata of each data set. Data which is not publicly accessible but has been disclosed to individual researchers through COOPEUS requires explicit permission of the responsible PI prior to the publication of results derived from this data.

¹¹ [such as ...Aarhus Convention, Biodiversity Convention, Directive 2003/4/EC, the ICSU Declaration on Science and the Use of Scientific knowledge] .