



Note of Meeting of Licensing Forum
19 September 2006
Met Office, Exeter

Present:

Jean Alexander	BGS
Ken Dearman	UKHO
Sue Evans	MoD
Margaret Fuller	Fire Service College
Antoinette Graves	OFT
Anne Hatfield	Ordnance Survey
Fiona Hoyle (Speaker)	CoPSO
Nicola Hunt	MoD
Marcia Jackson	OPSI
Tony Jardine	Ordnance Survey
Tracey Jones	Companies House
Janice Knight	HM Land Registry
Andrew Mountstephens (Speaker)	UKHO
Dominic Murphy (Chair)	Met Office
Tim Padfield	National Archives
Bill Pope	DFT
Rob Smith	Met Office
Robin Stout (Speaker)	Patent Office
Carol Watts	CEH
Helen Westhall	OPSI

1. Introductions

- The Chair welcomed everyone to the Met Office and introduced the first speaker.

2. Online Licensing

Introduced by Andrew Mountstephens, UK Hydrographic Office

- The speaker explained that the UK Hydrographic Office (UKHO) made the decision to introduce online licensing approximately 2 years ago. It was

- not able to adapt the OPSI Click-Use licensing system as it was necessary to deal with third party copyright, which OPSI does not.
- The UKHO's online licensing system can be used for most low value or non-commercial licence requests and has saved significant time and money. The system can generate 4 types of licence with terms and conditions based on the way in which the customer wishes to re-use the information requested. The introduction has saved up to 0.8 full time employees and has allowed the UKHO to concentrate on larger accounts which generate more revenue. The system has also reduced the level of copyright infringement. It is now very easy to obtain a licence, so there are no barriers to a customer requesting permission for re-use. There are 5 stages to the licensing process, and these determine whether the licence can be processed online.
 - The speaker demonstrated the licensing system, including the search function, which enables potential customers to find out whether the material is available. The shopping cart function states how much of the dataset is UKHO copyright and which (if any) other permissions are required.
 - The system was introduced by a project team working closely with the IT department to define requirements. It was rolled out 2 years ago. There are some outstanding issues, for example there is no spell check facility, but they do not affect the functionality of the system.
 - Once the licence has been processed, the customer receives an email within 5 minutes asking whether the information is correct and whether they accept the terms of the draft licence. If the terms are accepted, the customer replies pasting the reference number and they receive a final version of the licence.

Discussion

- A member asked whether the email sent to the applicant is secure. The speaker explained that it is not encrypted but there is no personal information contained in the email.
- A speaker asked whether the licences were all free of charge. This is not the case, but they are relatively low value. If it's a commercial application with anticipated revenue of more than £3,000/year then the application will be referred to a member of staff and will be processed manually.
- A speaker asked how this is regulated, and the speaker explained that it is largely trust-based but there has been a quarterly check to ensure that applicants are complying with the terms of the agreement. The speaker also explained that there is a large gap between those commercial applications with income of less than £3,000 and the next bracket of commercial applicants with incomes in the region of tens of thousands. Licensees that surpass the threshold of £3,000 by a small margin during

- the term of their licence agreement were not considered to be of great concern.
- The speaker explained that it has made a great deal of difference in the time taken to process applications, and the UKHO has received positive customer feedback. The Online Licensing System has also given people from overseas the chance to apply for a licence out of business hours and at weekends. The system has saved approximately 0.8 people to process twice as many licences.
 - A member asked how many have been processed, and the speaker explained that there are approximately 300 applications per year.

3. Issues from a Re-Users Perspective

Introduced by Fiona Hoyle, Council of Property Search Organisations

- The speaker explained that property searches are a hidden part of the conveyancing process and the introduction of the Home Information Packs (HIPs) has been the catalyst for establishing The Council of Property Search Organisations (CoPSO) as the trade body for the property industry, which had previously not be represented collectively.
- The speaker outlined the type of searches available, including local searches, environmental searches, drainage and water searches. Searches are currently carried out by both private and public sector bodies and so there is a highly competitive market.
- Property search organisations collect information from a wide range of public information holders, such as the local authorities, the Environment Agency, Coal Authority, National Archives, Ordnance Survey etc. The reports currently produced are aimed at conveyancers, but this will change as they will become more consumer-orientated following the introduction of the HIPs. There has been significant growth in the private property search market over the last 5 years and some of this growth has taken business away from the public sector search providers.
- The speaker explained that companies often experience difficulties when dealing with local authorities to obtain data for the local search, as they each have their own procedures detailing how to obtain appointments and retrieve information. Some companies have given up in certain areas of the country as it has been so difficult to obtain information. This can be unfair as the local authority is re-using the information for the same purpose internally but placing restrictions on organisations wishing to compete.
- Home Information Packs will be introduced from June 2007 and this has generated much debate on which searches should be mandatory within a HIP and what information these searches should contain. If a competitive search market is to continue, there will need to be ready access to the required data to produce these searches in HIPs.

- In 2005 there was a market study of the search industry led by the Office of Fair Trading This focused on the local search sector and made certain recommendations requiring local authorities to make all unrefined information available to compile a local search to all who ask. It also recommended that local authorities should not make the information available on terms which advantage the local authority. These changes are required to be in place by June 2007, to tie-in with the introduction of HIPs. The private search industry is very interested in the outcome of the study into the Commercial Use of Public Information, which will cover a number of the public bodies from which search organisations currently retrieve data and are also in direct competition with for the provision of search reports.
- The speaker explained that property search organisations have seen little benefit from the introduction of the Re-Use of Public Sector Information Regulations (PSI Regulations). CoPSO conducted research in early 2006 which showed very disappointing results with regard to implementation levels across local government. There was an overwhelming view by local government that the Regulations were not mandatory and therefore no action was necessary.
- While the private search market is not large in respect of number of organisations operating within it, there is healthy competition. But the real problems lie in the fact that the property search companies rely on public sector bodies for access to data and as monopoly providers these public bodies weald a great deal of power. Search companies are often reluctant to make too many demands or make complaints in case this adversely affects their ability to obtain data in the future.
- The speaker explained that property search companies would like access to data to be more efficient with a co-ordinated approach. This is particularly required across local authorities where appointment times, costs, licence terms etc differ from one authority to the next. Many of the existing licences are too legalistic and it would be beneficial to see more simple licensing arrangements. Finally, there needs to be more effective dialogue between the public and private sectors on access to data.

Discussion

- A member asked how to balance the role of the tax payer and consumer. The speaker said that fair and reasonable pricing arrangements for access to data would provide a resource for public bodies to offer an effective service. But problems arise where excessive charges are imposed and then the way in which these can be challenged is via the courts which is expensive and time consuming.
- A member asked whether CoPSO would consider making a complaint to OPSI about local authorities. The speaker said that the industry would consider this approach but questioned whether a favourable decision would actually create a precedent for other local authorities to improve

- their procedures. One search company has taken two local authorities to judicial review but this was an expensive and protracted process.
- A member asked about the situation in Scotland. The speaker said that it is working well, with ready access at low cost. The member raised the possibility of learning from them.

4. Lambert Model Agreements

Introduced by Robin Stout, Patent Office

- The Lambert Review project was set up to look at knowledge transfer between business and universities. Recently some UK businesses have been performing badly in the area of Research and Development.
- The review found the best way of encouraging the transfer of knowledge and skills is to have effective collaborations and partnerships between businesses and universities. Businesses wanted to tap into Universities' resources, but there are often complex negotiations over ownership and exploitation of IP rights, particularly in relation to who should own the IP after projects have been completed.
- The Lambert Review concluded that it would be useful to provide a basis for people to be able to take their negotiations a step further. It suggested producing a small set of model research collaboration contracts. These would be for voluntary use by businesses and universities; providing a starting point from which to operate.
- The speaker explained that a working group was set up with representatives from business, universities, the public sector, funding agencies and representative bodies. There was also an inner group to discuss the models in more detail. They were set up to agree a suitable form for the contracts.
- The speaker explained that the objective is to facilitate negotiations between potential collaborators and to reduce the cost, time and effort involved in securing agreements between these parties. Even if organisations are not using the agreements, they can use these to increase knowledge on IPR issues. The outcome was the Lambert Model Toolkit.
- It is an online resource which facilitates decisions on issues such as ownership of IPR, freedom to use the results of the projects and the publication criteria. It is only a starting point and people are able to tinker with them as they see fit.
- The project has enabled partners to communicate with one another and identify the issues and what people want. Businesses want confidentiality, universities want results. It ensures that both parties have similar expectations for the results.
- There are five agreements which range from most rights belonging to the University to ownership being assigned to industry. There are guidance notes on the website to assist the user in understanding the terms, legal

issues, and FOI issues. Users of the agreements can add further detail if necessary.

- So far the agreements have been a success and businesses have made good use of them. There has been a recent survey showing that the majority of respondents have found a reduction in time, cost and that it has simplified matters.

Discussion

- A member asked whether there has been feedback from Universities. The speaker is unsure of how many have used the toolkit but agreed this would be a useful statistic.
- A member asked whether there has been any collaboration with Baker. The speaker explained that Baker came first and assigned ownership to the Universities. Universities are much more commercially aware now.

5. Details of Next Meeting

- The next meeting will be held on 14 December at the MHRA in London. The OFT will present the outcome of the CUPI study and additional speakers will be confirmed in due course.

Helen Westhall OPSI
19 September 2006