

# LEGAL ISSUES IN MAPS BUILT ON THIRD PARTY BASE LAYERS

Adam Saunders and Teresa Scassa  
University of Ottawa, Ottawa, Ontario

Tracey P. Lauriault, Geomatics and Cartographic Research Centre, Ottawa, Ontario

*The recent growth in citizen map-making ability has been brought about in part by the availability of base layers of geospatial information on which maps can be built, as well as software tools that allow geographic information to be represented. However, the legal relationship between the creator of the map and the owner of the base layer has received relatively little attention. In this paper, we consider legal issues regarding volunteered geographic information (VGI) submitted to third-party geographic information systems (GIS). This combination raises issues of copyright, database rights, trademark, and End User License Agreements (EULAs). The paper will consider the IP rights on which the EULAs are founded and the corresponding rights of those who build their own maps onto the base layers; analyze some of the key EULAs in this area, and identify important issues for those who create maps using these base layers.*

*La croissance récente de la capacité des citoyens de créer des cartes est en partie la conséquence de la disponibilité des couches de base d'information géospatiale sur laquelle les cartes peuvent être créées de même que des outils logiciels qui permettent à l'information géographique d'être représentée. Toutefois, la relation juridique entre le créateur de la carte et le propriétaire de la couche de base a reçu relativement peu d'attention. Dans le présent article, nous examinerons les questions juridiques concernant l'information géographique volontaire (IGV) soumise aux systèmes d'information géographique (SIG), qui sont des tiers dans ce contexte. Cette combinaison soulève des questions de droit d'auteur, de droit de base de données, de marque de commerce et de contrats de licence d'utilisateur final (CLUF). L'article examinera les droits de propriété intellectuelle sur lesquels les CLUF ont été fondés et les droits correspondants de ceux qui créent leurs propres cartes à partir des couches de base, il analysera certains des CLUF clés dans ce secteur et il recensera les enjeux importants pour ceux qui créent des cartes en utilisant ces couches de base.*

## Introduction

The new trend in geography towards increased use of online mapping platforms and geospatial datasets available at no cost includes a shift from authoritative and professional mapping practices to ones where individuals and entities with little or no geomatics training leverage new software tools and the Internet in order to create maps of all kinds [Tulloch 2008]. Indeed, the public passion for maps and map-making is evident; from major crowd-sourced mapping initiatives such as OpenStreetMap, to the mapping of wildlife, natural disasters, disease incidence or geo-political upheavals, maps of all kinds are now ubiquitous online. The dramatic growth in citizen map-making ability has been brought about in part by freely available base layers of geospatial information on which maps can be built, along with application programming interfaces (APIs) which facilitate the representation of infor-

mation of all kinds in geographic context, and the embedding of the resultant maps in web pages and third-party application software. The use of these tools has allowed a vast number of non-experts to participate in the online dissemination of a wide variety of geospatial information.

There is already a substantial evolving literature that explores the potential of volunteered geographic information (VGI), public participation GIS (PPGIS), and neogeography [Scassa 2012; Elwood 2008; Tulloch 2008; Goodchild 2007]. Yet the legal relationship between the creator of the map and the owner of the base layer has received relatively little attention. This relationship is principally defined by intellectual property (IP) law, and is frequently also governed by contract law through End User Licence Agreements (EULAs). In this paper we consider the



**Adam Saunders**  
asaun056@  
uottawa.ca



**Teresa Scassa**  
tscassa@uottawa.ca



**Tracey P. Lauriault**  
tlauriau@gmail.com