

POLICY - Acknowledgement of Use of IMOS Data

Overview

The purpose of this Policy is to outline the preferred wording for acknowledging the use of IMOS data in publications and re-use of the data collected under the auspices of the Australian Integrated Marine Observing System (IMOS), as required under the IMOS Funding Agreement (signed 22 May 2007).

Background

The IMOS Funding Agreement can be viewed at <http://imos.org.au/reports0.html>. In reference to this Policy, relevant clauses are (see **Attachment**):

- Clause 6 ‘Acknowledgement and Publicity’, and Schedule 1 item G ‘Acknowledgement and Publication’ – which outlines the preferred wording for acknowledgement of the Australian Government’s contribution to IMOS.
- Clause 7 ‘Subcontracting’, and Schedule 1 item H ‘Subcontractors’ - which transfers the intellectual property, acknowledgement, publicity and eMII requirements to the Operators who will be subcontracted to implement the IMOS infrastructure.
- Attachment A ‘Project Plan’, item 3.3 ‘Information Management and Access’, with sub-clauses 3.3.1 ‘Role of electronic Marine Information Infrastructure (eMII)’; and 3.3.2 ‘Intellectual Property (IP)’ – which stipulate the key role of eMII, the IP rights and that data will be openly available, provided unencumbered and access will be free and timely.
- Attachment E ‘Performance Indicators’, which include circumstances where IMOS and its Operators are required to provide statistics on use of the IMOS data.

The following items were considered in setting a Policy relating to the acknowledgement of the use of IMOS data:

- The need to gather usage statistics, to enable reporting against IMOS Performance Indicators.
- In some circumstances, access to data may need more monitoring. These may include circumstances where IP existed at the commencement of IMOS, or for specialised deployments of the IMOS equipment.
- Ease of use in accessing the data, including standardisation of formats, and simplification of any sign-on requirements.
- Data to be released with an explicit statement of ownership (ie acknowledging the organisation who has the IP rights, the individual who has the moral rights (if relevant) and meeting the Australian Government’s preferred wording for their contribution – this requirement to follow through with any publication or re-use of the IMOS data.
- The use of a central repository (eMII) for storage of and access to IMOS data. However, if IMOS data is available prior to set-up of eMII, Operators may allow alternative access, provided the guidelines in this Policy are followed.

Policy Statement

Access to IMOS data will be provided in a free, open and timely manner. However, to meet the requirements of the IMOS Funding Agreement and to manage the intellectual property rights of the owners of the IMOS data we need set guidelines for access to the data and acknowledging its use. Those guidelines are:

- IMOS data will normally only be available through IMOS' electronic Marine Information Infrastructure (eMII) facility.
- If IMOS data is to be provided via any means other than through eMII (which will only be permissible during periods that eMII is not available), it must be provided following the guidelines in this Policy.
- Fields to be included in the metadata record for all IMOS data, which must remain with the data in the event of any re-use will be:
 - IMOS acknowledgement – **“This data was sourced as part of the Integrated Marine Observing System (IMOS) - IMOS is supported by the Australian Government through the National Collaborative Research Infrastructure Strategy and the Super Science Initiative.”**
 - Intellectual Property Ownership– the name of the IMOS Operator who owns the infrastructure which sourced that data, and hence who has the intellectual property rights to the data
 - Background Intellectual Property Ownership (where relevant) - Any IPR existing at the commencement date of IMOS will be recognised and respected and will only be used as authorised by the owner of the IPR or as permitted under Law.
- Except where otherwise negotiated with the IMOS Project Office, any users (including re-packagers) of IMOS data, data products, services and publications are required to clearly acknowledge the source of the material derived from IMOS in the format **“Data was sourced from the Integrated Marine Observing System (IMOS) - IMOS is supported by the Australian Government through the National Collaborative Research Infrastructure Strategy and the Super Science Initiative.”**
- The citation in a list of references is **“IMOS <year of data download>”**, and an internet address (to be advised) that provides access to all IMOS data.
- Re-packagers of IMOS data should include a statement that information about data quality and lineage is available from the metadata record and a statement that data, products and services from IMOS are provided “as is” without any warranty as to fitness for a particular purpose.
- In some instances several Parties will work collaboratively to develop value-added products or services. In these instances, except in the circumstances where IMOS funds development of data products and/or services, or where subject to another project agreement, IP rights will be equally shared amongst the Parties as tenants in common, regardless of the individual level of contribution made by a project party in developing the material.
- In providing user access to eMII, sign-on requirements will be as simple as possible (with a preference for self-registration). To gather statistics for IMOS Performance Indicators, users will be required to complete a simple questionnaire each year when re-registering, which will focus on the use of the data previously obtained.

Further Information

For any questions in relation to this Policy, please contact:

Jo Neilson, IMOS Executive Officer, Phone 03 6226 7139, email jo.neilson@imos.org.au

Roger Proctor, eMII Director, Phone 03 6226 1977, email roger.proctor@utas.edu.au

ATTACHMENT

6 Acknowledgment and Publicity

- 6.1 You must, in all publications, promotional and advertising materials, public announcements and activities by You or on Your behalf in relation to the Project acknowledge the financial and other support You have received from Us, in the manner set out in item G of schedule 1.
- 6.2 We reserve the right to publicise and report on the awarding of Funding to You, including the amount of the Funds given to You and the title and a brief description of the Project.
- 6.3 You must invite the Minister and/or any other person nominated by the Minister to take part in any significant promotional event held by You or any subcontractor. This may include allowing the Minister or any other person nominated by the Minister to speak at, or play any role (including an integral role) in the relevant promotional event.

G. Acknowledgement and Publication (clause 6)

- G.1 In all of Your, or Your subcontractors, relevant publications, promotional materials, activities and statements, You or your subcontractors must acknowledge that the Project is an initiative of the Australian Government being conducted as part of the National Collaborative Research Infrastructure Strategy.

7 Subcontracting

- 7.1 You must not, without Our prior written approval, subcontract the performance of any obligations under this agreement. In giving approval, We may impose terms and conditions as We think fit.
- 7.2 The subcontractors We have approved at the Date of this Agreement, and any terms and conditions relating to their use, are identified in item H of schedule 1.
- 7.3 You are fully responsible for the performance of Your obligations under this agreement, even if You may subcontract some or all of Your obligations.
- 7.4 Despite any approval given by Us under clause 7.1, You are responsible for ensuring the suitability of a subcontractor for the work proposed to be carried out and for ensuring that the work meets the requirements of this agreement.

H. Subcontractors (clause 7)

H.1 The following subcontractors are approved to undertake work on the Project on the terms and conditions set out:

Name of Subcontractor	Condition of Approval
<ul style="list-style-type: none"> • Commonwealth Scientific and Industrial Research Organisation (CSIRO) ABN 41 687 119 230 • Australian Institute of Marine Science (AIMS) ABN 78 961 616 230 • Bureau of Meteorology (BoM) ABN 92 637 533 532 • Geoscience Australia (GA) ABN 80 091 799 039 • University of Western Australia (UWA) ABN 37 882 817 280 • Curtin University of Technology (CUT) ABN 99 143 842 569 • James Cook University (JCU) ABN 46 253 211 955 • South Australian Research and Development Institute (SARDI) ABN 53 763 159 658 • Sydney Harbour Institute of Marine Science (SHIMS) ABN 84 117 222 063 	<p>1. A written subcontract must be entered into which requires the subcontractor to execute all relevant activities specified in the Project Plan, including the arrangements for the treatment of intellectual property specified in section 3.3.2 of the Project Plan, and binds the subcontractor to all relevant terms and conditions of this agreement, including:</p> <ul style="list-style-type: none"> Clause 2.3, 2.4 and 2.5 [Project] Clause 3.2c and 3.3 [Funding] Clause 6 [Acknowledgement and Publicity] Clause 9 [Assets] Clause 10 [Insurance] Clause 11 [Liaison and Monitoring] Clause 14 [Project Material] Clause 15 [Disclosure of Information] Clause 16 [Protection of Personal Information] Clause 17 [Records] Clause 18 [Access to Premises and Records] Clause 19 [Indemnity] Clause 20 [Conflict of Interest] Clause 21 [Negation of Employment, Partnership and Agency] Clause 22 [Entire Agreement, Variation and Severance] Clause 27 [Termination with Costs] Clause 28 [Termination for Default]; Clause 29 [Compliance with Laws and Our Policies];

3.3 Information Management and Access

3.3.1 Role of eMarine Information Infrastructure [eMII]

As the provision of marine data and information is the main outcome for IMOS, the role of the eMarine Information Infrastructure [eMII] is the central element to the Projects success. It is essential that these data are discoverable and accessible to both the research and wider community in an open and timely way.

A single integrative framework for data and information management (e-Marine Information Infrastructure- eMII) will be established for discovery and access by the marine community using the existing Australian Oceans Data Network (AODN). The AODN is a distributed data network and current hosting partners include the Australian Ocean Data Centre Joint Facility (AODCJF) partner agencies and TPAC (Tasmanian Partnership for Advanced Computing). In the future other universities, agencies and APAC (Australian Partnership for Advanced Computing) nodes may join the existing network.

eMII will host, manage and archive the data (raw and/or processed) from the IMOS facilities. eMII will provide the standards, protocols and systems to integrate the data and related information into a number of conformal frameworks and will provide the tools to allow appropriate end users to access and utilise data. The initial strategy will focus on identifying specific data streams and developing end-to-end protocols, standards and systems to join the related observing systems into the eMII framework, thereby coherently integrating data and access systems. A set of data products integrating data across observations on regional and national scales will ultimately be developed, as well as tools which facilitate the integration and analysis of data. Higher level products will include visualising data as multiple web map layers, and web features. Description of data ownership, creation conditions, formats and data quality

will be standardised. eMII will promote processes for peer-review and comparisons of data and products, a key part of the new infrastructure aimed at providing an integrated and consistent framework for assessment and use of the data. Thus, the primary goal of eMII is to provide interoperability of IMOS data for the marine community.

eMII will build on AODCJF/BlueNet as a single national distributed and federated network to provide access to the IMOS streams of data. eMII aspires to address the multifaceted collaborative needs, as well as data and information seeking, use, processing and management needs of marine science researchers working in an eScience environment. An eventual aim is to ensure interoperability with similar services internationally, and with services from other related disciplines; however, additional resources are needed to achieve these higher level goals.

3.3.2 Intellectual Property

For data and data products produced under the auspices of IMOS, it is the intent of IMOS that these are openly available, are provided unencumbered, and that the eMarine Information Infrastructure [eMII] provide free and timely* access to these data and products. Any Intellectual Property Rights (IPR) associated with IMOS raw data lie with the institution that produced the data. Any IPR associated with IMOS value-added products produced under the auspices of IMOS lie with eMII/IMOS [University of Tasmania]. The IPR owning institutions will issue a non-exclusive licence to any user of the data or value added products. For value-added products not produced under the auspices of IMOS, but which use IMOS data, products or services, the IPR of the value-added product rests with the agency that produces the product, with no restriction other than that set out below.

Any IPR existing at the commencement date of IMOS will be recognised and respected and will only be used as authorised by the owner of the IPR or as permitted under Law.

To minimise conflicts over IPR arrangements, all data, products and services developed under the auspices of IMOS will be free of encumbrances (i.e. users should be able to use and apply the data in whatever way they see fit without restriction other than that set out below).

Except where otherwise negotiated with the IMOS Project Office, any users (including re-packagers) of IMOS data, data products and services are required to clearly and prominently acknowledge the source of the material derived from the IMOS, together with (where relevant) a reference/link to the related metadata record.

Re-packagers of IMOS data should include a statement that information about data quality and lineage is available from the metadata record and a statement that data, products and services from IMOS are provided “as is” without any warranty as to fitness for a particular purpose.

In some instances several Parties will work collaboratively to develop value-added products or services. In these instances, except in the circumstances where IMOS funds development of data products and/or services, or where subject to another project agreement, IPR will be equally shared amongst the Parties as tenants in common, regardless of the individual level of contribution made by a project party in developing the material.

* fast-tracked access to data and/or products may incur a processing fee.

PERFORMANCE INDICATORS (PI)

Meeting Researcher Needs

- Number of ongoing and new research projects and PhD students using IMOS data
 - This will initially be tracked by a questionnaire given to the IMOS Operators, who comprise most of the large groups of marine researchers in Australia. As they are the recipients of NCRIS funding a good return is expected. When the electronic Marine Information Infrastructure (eMII) is in operation, users who download data will be required to register annually and provide the data on new projects and PhD students.
 - Rationale: IMOS was established to enhance ongoing research (e.g. climate research) and open new areas of research by making new types of marine data available. New projects, particularly PhD projects, indicate how well this goal is being achieved.
- Measure of user satisfaction based on participation at the annual IMOS symposium
 - The symposium will be held in alternate years at the annual meetings of Australian Meteorological and Oceanographic Society and Australian Marine Science Association

Fostering Interdisciplinary and World-class Research

- List of publications using IMOS data
 - This will initially be tracked by a questionnaire given to the IMOS Operators, who comprise most of the large groups of marine researchers in Australia. As they are the recipients of NCRIS funding a good return is expected. When eMII is in operation, users who download data will be required to register annually and provide data on publications
 - Rationale: The number of publications is an indicator of the quantity of research. Probably tracking all publications that use IMOS data is not possible. Tracking the publications produced by the IMOS Operators will give an indication of the growth in uses of IMOS data within a fixed subset of the marine research community. Collecting publication-data from eMII users will in due course increase the sample size. IMOS will provide data-streams that are intended to facilitate interdisciplinary research. A subset of the publications can be counted in this category. World-class research is indicated by the number of articles in leading international journals.