

## Paper for Consideration by WENDWG

### Facilitation of chart providers for leisure market through harmonized license arrangements

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| <b>Submitted by:</b>      | IHO Secretariat  |
| <b>Executive Summary:</b> | The Secretariat is repeatedly approached by the leisure chart data industry to clarify the situation of access to official data with IHO member states and to take action to ease the situation through a harmonized approach. |
| <b>Related Documents:</b> | IRCC9 Report   |
| <b>Related Projects:</b>  | N/A  |

#### Introduction / Background

The provision of dedicated nautical paper charts, customized for the needs of the leisure market, has been a demand and therefore produced by numerous hydrographic services for many years. However, since the uptake of digital means for leisure and small boats navigation, this practice is more and more ceasing as the demand for paper products becomes less. Instead, private industry has established a wide offer of digital products ranging from chart plotters, hand held devices to pure software solutions on tablets and smart phones which enjoy high popularity, but in some instances operating on less accurate if not out of date navigational information.

#### Analysis/Discussion

The facilitation of this huge number of customers for leisure navigational products with correct, complete and up to date chart information is a challenge of its own. Since national Hydrographic Offices could not agree to provide comparable digital chart products for this user group, there is rather small number of specialized chart data providers who aspire global coverage for leisure chart data. The provided data sets differ from those of commercial shipping in terms of coverage, since they also focus on smaller harbours and marinas not accessible by vessels on international voyages and contain specific information targeting the needs of low draft boats. However, to maintain a complete set of bathymetry and existing aids to navigation, the leisure chart industry have to incorporate nautical chart information into their products which can only be obtained from official nautical charts. The allowance to do so is granted by many hydrographic services on the basis of individual license agreements, sometimes only limited to digitizing of paper charts, which creates an additional burden on the industry to maintain the digital data for chart corrections. The license agreements are subject to the applicable national law, however, some national Hydrographic Offices accepted custodianship of cooperating offices to manage license agreements on their behalf as they do not have the resources to manage commercial license agreements.

Though there is an established practice for the private chart data providers to interrelate with individual Hydrographic Offices there is a specific burden involved since the license terms sometimes differ drastically from one to one contracting country as do the authorization processes. Moreover, some countries deny to license their respective chart data at all with the argument that their duties to chart domestic waters are limited to the provision of SOLAS shipping. A deeper study of the SOLAS regulations show that this is an undue assumption as safety of navigation is not limited to SOLAS shipping only. Basically SOLAS carriage requirements for nautical publications apply to each and every vessel.

#### Conclusions

There is a real and urgent requirement to ensure that all mariners, not only SOLAS shipping, have access to data sets derived from official navigational information. Very few official digital leisure chart products are available for a huge market and industry has produced products to satisfy the demand, but has difficulty to obtain access to official digital data due to difficult and inconsistent individual license arrangements with Hydrographic Offices that in most cases do not have the capacity to manage commercial arrangements.

#### Recommendations

The development of a license system is subject to substantial legal and commercial considerations and can therefore not be within the remit of full international standardization. However, in order to ease access to the relevant official information for licensed reuse in derived products and thereby facilitate the overall safety of navigation, not limited to commercial shipping, it is proposed that the existing RENCs may consider their options to offer license management as a service for their respective member states and other nations who may wish to

make use of it. Best practice examples may be sought from fair and well working license agreements in place as confirmed by consultation with industry representatives.

### **Justification and Impacts**

A RENC based license arrangement service would well serve the underlying intentions of the WEND concept to enhance safety of shipping by the most efficient method to promulgate official chart information to a maximum of those who navigate at sea. The WEND Principles encourages Member States to strive for the greatest possible user –friendliness of their ENC services and to facilitate integrated services to the mariner in order to maximise the use of ENCs. The provision of S-57 data for licensed reuse of their relevant content in derived products through the RENCs to cater for the needs of the non-SOLAS market will support the vision of greater user-friendliness, facilitate integrated services to all mariners and will maximize the use of ENCs.

### **Action Required of WEND**

The WEND is invited to:

- a. note this paper,
- b. endorse the recommendation, and
- c. propose RENCs to consider offering license management as a service to their Members.