

AGM Consultation 2008 – Species 2000 14 May 2008

## **Decision to license certain commercial users, with a Fee contribution to Running Costs.**

### **Introduction: The Decision in principle at the AGM 2007**

At the 9th AGM of Species 2000 in 2007 a decision was made in principle to go ahead with licensing certain commercial users of the Catalogue of Life. This was agreed unanimously, and without a single representative speaking against. This followed an extensive consultation with the supplier database custodians, with the members, and with our partner ITIS.

Acting on this decision requires some alteration to the procedures adopted by Species 2000, and some alterations to the Access Documents by which the supplier database custodians (SDCs) regulate how Species 2000 may access and make use of their data.

This document is provided by the Executive Director for consultation with the supplier database custodians and the Members as to how such an arrangement may be implemented in practice.

As indicated at the 2007 AGM, the Directors have also gone ahead with initiating the first such arrangement, with Taylor & Francis Ltd. It is proposed that arrangements suggested in this document are put in place as a trial run, to be reported at the AGM 2009, alongside the more permanent outcome of the consultation for general use.

### **1. Directors' Recommendation**

A third-party sub-license to use the Catalogue of Life as part of a commercial activity shall be subject to the Directors reporting that the service or product created has no significant impact on the normal free services provided by Species 2000. This means that the service or product will not be labelled directly as the Catalogue of Life, and that it will provide a service or product that Species 2000 does not itself provide.

### **2. Terms of usage.**

A third-party sub-license to a commercial user shall be licensed under the same terms of use as other third-party sub-licenses, except that the Directors will set a Fee to be paid, usually on an annual basis. This means that the terms relating to copyright, non alteration of the taxonomic treatment, three-level credit, and no further sub-licensing as given in the present Access Documents remain unaltered.

### **3. Not-for-profit Status**

Species 2000 and many of the supplier database and partner organisations are legally not-for-profit organisations barred by their articles of association from returning surplus as profit to directors or to members. However, Species 2000, and

also the majority of supplier and partner organisations are in reality under-resourced for the basic ongoing operation of their activity in relation to Species 2000. It is in this context that funds received from a commercial user's Fee will be i) treated as a contribution to Running Costs, and ii) placed in the Species 2000 Rotating Fund for division between Species 2000 Running Costs and the Running Costs of suppliers, as already specified in Clause 3.1 of Schedule 2 in the Access Documents.

#### 4. Reporting expenditure from the Rotating Fund

It has become established practice for the Directors to append the Species 2000 Project Accounts to the Statutory Accounts required by law, and distributed for adoption by the members at the AGM each year. One of these accounts shows clearly the funds received and distributed using the Rotating Fund by the Directors.

#### 5 Proposed alterations to the Species 2000 Access Documents

The Directors believe that a transparent and workable system can be put in place by making minimal changes to the current Access Documents that have been signed between Species 2000 and the majority of SDCs. The following changes are proposed.

i) Clause 1, be altered as follows:

(Previous wording)

*In consideration of Species 2000 making the Standard Data available to the public free of charge in accordance with the terms of this Agreement, SDC grants to Species 2000 free of charge, permission to use the Standard Data for the uses described in Schedule Two of this Agreement.*

(Proposed new wording)

*In consideration of Species 2000 making the Standard Data available to the public free of charge in its own services or via sub-licenses to commercial organisations in accordance with the terms of this Agreement, SDC grants to Species 2000 free of charge but subject to possible contributions to Running Costs in accordance with the terms of this Agreement, permission to use the Standard Data for the uses described in Schedule Two of this Agreement.*

ii) Schedule 2, Clause 5 be deleted.

(Wording to be deleted)

*Species 2000 may not sub-license its right to use the Standard Data (whether or not in conjunction with Standard Data from any other Custodian) to any commercial organisation without prior written approval of SDC.*

iii) Schedule 2, Clause 2 be altered as follows:

(Previous wording)

*Species 2000 may sub-license its rights to use the Standard Data to bona fide not-for-profit organisations where these organisations seek access to Standard Data from two or more SDCs provided that: (followed by sub-clauses 2.1 – 2.6)*

(Proposed new wording)

*Species 2000 may sub-license its rights to use the Standard Data to bona fide not-for-profit organisations, and to certain commercial organisations recommended by*

the Directors as providers of services or products that do not interfere with the free services and products of Species 2000 where these organisations seek access to Standard Data for two or more SDCs provided that: (followed by sub-clauses 2.1 – 2.6).

## **6. Revised Framework for distribution from the Rotating Fund**

Clause 3 of Schedule 2 of the Access Documents requires the Directors to propose a framework for division and distribution of contribution to Running Costs between Species 2000 Running Costs and the Running Costs of SDCs.

The proposed framework is as follows:

- i) In financial years when the minimal establishment of Species 2000 is secured, the Directors shall arrange to distribute these funds in the ratio 20: 80 between Species 2000 Running Costs and the Running Costs of SDCs. Above a certain level of funds to distribute, the Directors will offer a contribution to all SDCs. Below a certain level of funds to distribute, the Directors will seek and evaluate a number of particularly needy cases.
- ii) In financial years when the minimal establishment of Species 2000 is not secured and there is a shortage of funds, the Directors shall report this fact to the AGM and use a proportion, which may be up to 100% of the funds to secure the minimal establishment of Species 2000. Where this leaves a residual amount, the remainder will be treated as under i) above.
- iii) The Directors shall report to the AGM the figure considered necessary to secure the minimal establishment of Species 2000 (a), and the level above which they propose to make a distribution offer to all SDCs (b).

(Proposed figures for 2008 are a) £150,000, and b) £52,000. Figure a) is based on 3.5 employees and 2 meetings of the directors per year).

F.A.Bisby  
Executive Director

13 May 2008.