

Teknologiateollisuus



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Data - What?



Tweet



Data is not oil, because it's non-rivalrous, non-excludable, non-fungible, an experience good, and subject to rapidly diminishing returns.



Why Data Is Not the New Oil - Truth on the Market

"Data is the new oil," said Jaron Lanier in a recent op-ed for The New York Times. Lanier's use of this metaphor is only the latest instance of what has become the ... \mathscr{D} truthonthemarket.com

Productivity

Guaranteed Service Level

Product + Service

Insight

XaaS

Circular + carbonneutral economy

Why?

- Time is ripe
 - Digitalisation
 - 5G (and beyond) communication networks direct connectivity
 - Cloud services storage and processing



Ability to gather and utilise digital information

- Data -

without heavy investments



Why?

- Not yet established legal tools
- IPR and NDA clauses are widely used
 - Not ideally fit to use on data why?
 - concept of ownership (IPR)
 - too restrictive for data usage (NDA)
- Should data be owned? Or should we just agree on data usage?
- Data has only value when it is used
 - Wide usage rights
 - Data-driven networks



Model Terms - in Practice

- intended to be used in companies' existing delivery and subcontracting relations
 - —The terms are intended to be used as part of a main agreement, i.e. in that respect they do not constitute not a "stand alone" contract
 - Parties: "Supplier" and "Customer"
- intended for sharing of industrial data (e.g. "machine data") not as such suitable for personal data
 - If personal data is also intended to be shared, DPA to be added
- simplicity over detail; relatively high level of abstraction
- Can be used both in connection with supply of devices and services

Parties' rights to use the data

- The concept of Data use in the model terms is broad and covers practically all types of processing, use and modification of the agreed Data
 - Essentially, a party may use the Data in all of its present and future operations where the Data is not assigned or disclosed to third parties
 - Unless otherwise agreed, the right to use is *perpetual*
- If a party desires to disclose data to third parties, the Data must be modified so that the other party or its confidential information cannot be identified from it
- A Party shall not have any rights to "derived data":
 - Such information or materials that the other party has developed, derived or otherwise created through the use of Data in accordance with the terms
- The parties may agree on deviations / further specifications to the permitted use



What Data?

- The terms include multiple alternatives for the definition of "Data"
 - Can be adjusted and narrowed down depending on the use case
- Basis of the definition:
 - Data = information, which a party has received or will receive during and based on the (main) agreement, and which information is formed or processed in connection with the device, software or service supplied by the supplier

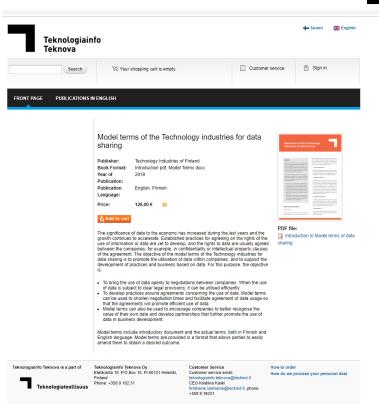
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Additional remarks

- Use of data takes place at the party's own risk
- Party's right to utilize the professional skills and experience gained by the party during the Agreement is not restricted
- No assignment of IPR
- Affiliated companies may also use the data
- Access to other party's devices, software, or technical environments, as well as relevant interfaces (APIs) and data security requirements to be agreed on separately
- Competition law implications must to be analysed in each case when using the terms

Best thing: You can have them. Now.



https://teknologiainfo.net/en/content/model-terms-technology-industries-data-sharing

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