

Third Party Mapping Software Review

Advisory to the CAB regarding licensing and use of Google Earth software

Presented by the Geographic Information Technology Committee (ISB)

History

- Keyhole Earthviewer 1.0, 2001
- Keyhole acquired by Google, 2005
- Google Earth 3.0 initial release June 2005 (“free” for a short time)
- Google Earth 4.0, June 2006, (free only for home use)
- Google Earth 4.2, August 2007 – free for “internal” government use
- DNR poses a question to the GIT – December 2008
- GIT investigates license conditions – March to June 2009

Google Earth Product Line

- Google Earth – basic “free” download
- Google Earth Pro – advanced features, \$400 per user per year
- Google Earth Enterprise – server-based, ~\$150K per server per year

The Key Issues

What can a state employee actually do with “free” Google Earth?

- Internal business only

What other risks come with using “free” Google Earth?

- The Google “click through” user license agreement goes beyond the typical industry standard
- Legal opinion is that only the agency contract authority should accept
- The license agreement potentially makes your data property of Google
- Some bundled downloads include undesirable products such as Skype

The GIT recommends that you closely monitor all use of Google Earth.

Third Party Mapping Software Matrix

5/28/09

Legal Use Questions	Microsoft (Virtual Earth & Map.Live)	Google (Google Maps & Google Earth)	ESRI (ArcExplorer & ArcGIS Online)
<p><i>Is a license required for:</i> Government use of the vendor product internally in state government?</p>	<p>Desktop: Yes (unless the use is for the above mentioned in the Note)</p> <p>Server/Web API: Yes (unless the use is for the above mentioned in the Note)</p>	<p>Desktop: See Notes</p> <p>Server/Web API:</p>	<p>Desktop: No</p> <p>Server/Web API: No</p>
<p><i>Is a license required for:</i> Government use of the vendor product internally and with its state and local stakeholders in state government (non-commercial)?</p>	<p>Desktop: Yes (unless the use is for the above mentioned in the Note)</p> <p>Server/Web API: Yes (unless the use is for the above mentioned in the Note)</p>	<p>Desktop:</p> <p>Server/Web API:</p>	<p>Desktop: No</p> <p>Server/Web API: No</p>
<p><i>Is a license required for:</i> Government use of its images and maps in reports/presentations that is available for internal use only?</p>	<p>Desktop: Yes (unless the use is for the above mentioned in the Note)</p> <p>Server/Web API: Yes (unless the use is for the above mentioned in the Note)</p>	<p>Desktop:</p> <p>Server/Web API:</p>	<p>Desktop: No**</p> <p>Server/Web API: No**</p>
<p><i>Is a license required for:</i> Government use of its images and maps in reports/presentations that are available for internal and external use (non-commercial)?</p>	<p>Desktop: Yes (unless the use is for the above mentioned in the Note)</p> <p>Server/Web API: Yes (unless the use is for the above mentioned in the Note)</p>	<p>Desktop:</p> <p>Server/Web API:</p>	<p>Desktop: No**</p> <p>Server/Web API: No**</p>

<i>Is a license required for:</i> Government use of its image and map services in an intranet application that is available only to state government and in a non-commercial manner?	Desktop: Yes (unless the use is for the above mentioned in the Note) Server/Web API: Yes (unless the use is for the above mentioned in the Note)	Desktop: Server/Web API:	Desktop: No Server/Web API: No
<i>Is a license required for:</i> Government use of its image and map services in an internet application that is publically available but in a non-commercial manner?	Desktop: Yes (unless the use is for the above mentioned in the Note) Server/Web API: Yes (unless the use is for the above mentioned in the Note)	Desktop: Server/Web API:	Desktop: No Server/Web API: No
<i>Is your company:</i> Willing to negotiate terms to establish a master contact with WA state government?	Desktop: Yes Server/Web API: Yes	Desktop: Server/Web API:	Desktop: N/A*** Server/Web API: N/A***

Definitions:

State governments = comprises all state agencies, boards and commissions

Commercial = indicates the selling of a service or charging for a product

Microsoft Notes: State governments/government employees can use Microsoft Virtual Earth commercially available product www.virtualearth.com or <http://maps.live.com> eg. finding a particular location, getting directions to the location, etc., but if State governments are using Microsoft Virtual Earth to deliver a service internally or externally to their citizens, even though it is not revenue generating, selling, or charging for the service, State governments will have to license the platform per the Microsoft Virtual Earth API terms of use, the MS Service Agreement and the Code of Conduct below. Please note that <http://maps.live.com> is an public facing application that was developed by Microsoft leveraging the Microsoft Virtual Earth API, in essence <http://maps.live.com> is powered by Microsoft Virtual Earth.

Please refer to the Microsoft VE Platform API Terms of Use <http://www.microsoft.com/virtualearth/product/terms.html> and the Microsoft Service Agreement <http://help.live.com/help.aspx?project=searchtou&market=en-us> including the Code of Conduct <http://help.live.com/help.aspx?project=searchtou&market=en-us>

ESRI Notes:

*ArcGIS Online includes free Standard Services and transactions based for fee Premium Services (e.g. Virtual Earth). Once purchased, Premium Services right of use (license) is identical to Standard Services right of use.

**Copyright attribution must be maintained on or near the presentations or reports

***A master contract would not be necessary for the use of ArcGIS Explorer or ArcGIS Online Standard Services. Premium Services and other fee based products from ESRI can be integrated into a negotiated master contract for Washington state government.

Google Notes:

Google's Response to Third Party Mapping Software Questions

From: Google Earth Sales [ge_sales@google.com]

Sent: Fri 4/24/2009 3:27 PM

Subject: Re: ISB-GIT 3rd Party Mapping Software Question and Answer Session

I will start by reiterating the difference between Google Earth Pro and the free, standard version.

Google Earth Free and Pro share the same imagery; however Google Earth Pro is the productivity tool that allows professionals to make better & faster location-related decisions. If you are using Google Earth in a business environment for external purposes (printing images for reports, presentations, external KML distribution) Google Earth Pro is the appropriate version.

So, with that context in mind, here are the answers to the specific questions asked during our call. I have confirmed these with my colleagues who have worked with other government customers. The information above and below will also address some of the questions from your document.

Q. We create public request reports and use Google Earth imagery. Does this count as external use and, if so, how many licenses would we need?

A. Yes, the public request reports with Google Earth imagery included count as external use of the imagery. Anyone creating these final reports would need to be licensed.

Q. Does government to government count as external?

A. Yes. Communicating within your own organization counts as internal. Communicating with other government organizations is external use.

Q. We make presentations to people who ultimately post the presentations on their website.

A. You will need a license of Google Earth Pro for the initial presentation. If the end user is looking to post a static map on their website, or an image, please refer to the Google Permissions Page:

<http://www.google.com/permissions/geoguidelines.html>

Now, I will address some of the questions (not already covered) listed on your document "Questions and Use Scenarios"

Department of Natural Resources

Q. Under what conditions can you embed Google Earth into a website?

A. Please refer to the Google Earth Pro API:

<http://code.google.com/apis/earth/>

Department of Military - Emergency Management

Q. Are there any restrictions on the use of the free product by WA State employees in the course of their normal duties?

A. If their normal duties are exclusively for internal viewing, or to do things like look up addresses/routes, they may use the free, standard version.

Department of Information Services - Contracting

Q. Is Google willing to negotiate terms of service favorable to state government?

A. No, due to contracts with the imagery providers themselves, we are unable to negotiate terms of service.

Q. Would Google be interested in a master contract?

A. It depends on the intent, purpose and terms. Please describe further.

Q. If a free product exists, would Google be willing to negotiate terms of use for government?

A. The terms of use for the free product are as stated above. There is no negotiation in the use of free versus Google Earth Pro. Here is a link to our End Users License Agreement pages for both products.

<http://earth.google.com/support/bin/answer.py?answer=34344&topic=15105>

Scenario 1:

Your users in this case would need Google Earth Pro if the imagery was external facing. If all viewers are internal, or under employ, then the free version would be acceptable.

Scenario 2:

If outputs are public facing Power Points, the user will need a license of Google Earth Pro.

Scenario 3:

For educational purposes, the free version of Google Earth is permitted for use. You may also apply for an educational grant if you need the functionality of Google Earth Pro. Please let me know if you would like further information on the grant.

Scenario 4:

As long as the field people are employees, emailing them for general navigational purposes is acceptable use of the standard, free version of Google Earth.

Scenario 5:

Again, you need Google Earth Pro for external facing purposes. (Posters and handouts, etc)

Regards,

Jamie

Google Earth Pro Sales

http://earth.google.com/enterprise/earth_pro.html

Explore the Earth! <http://earth.google.com/gallery/index.html>