

LICENCE TO RE-USE REAL-TIME TRAFFIC INFORMATION DIGITISED DATA

1. Preamble

Roads authorities, road infrastructure operators and service providers, both public and private, make real-time traffic information digitised data available, in application of (EU) Commission Delegated Regulation no 2015/962 of December 18th 2014, published in the OJEU on June 23rd 2015.

This real-time traffic information digitised data (hereafter referred to as the “Information”) is made up of static data, dynamic data and traffic-related data, as defined in the Appendix to the above-mentioned regulation and re-listed in the Appendix to this licence.

This data is made available via the national access point, hosted on the website <http://www.bison-fute.gouv.fr>, in accordance with decree n°2017-1517 of October 30th 2017.

This document defines the conditions for use of this digitised data, with the exception of static data which is covered by the “Licence Ouverte / Open Licence” issued by Etalab.

2. Definitions

Intellectual property rights: this refers to legally-recognized rights such as those cited in the French Intellectual Property Code (author’s rights, neighbouring rights, sui generis database rights).

Information: refers to traffic information data (dynamic data involving traffic, as listed in the appendix, and excluding static data) provided for re-use under the rights and conditions of this licence.

Derivative information: refers to new data or information created either directly using the “Information” or using a combination of the “Information” and other data or information which is not subject to the terms of this licence.

Producer: refers to an entity which produces the “Information” and provides this information for re-use under the rights and conditions stipulated in this licence.

Licensee: refers to any legal or natural person who reuses the “Information” in accordance with the rights and conditions of this licence.

3. Subject of this licence

This licence serves to define the conditions under which the “Producer” makes the “Information” available, on a non-exclusive basis, to the “Licensee” for the purposes of its re-use.

4. Contractual Documents

This document, supplemented where necessary by any addenda, provides the general framework for the contract. It may be supplemented by other contractual documents specifying certain points, including financial conditions, on the condition that these are covered by an explicit written agreement. These other contractual documents may under no circumstances serve to contradict the provisions of this document.

5. Conditions for re-use of Information disseminated under this licence

The “Producer” grants the “Licensee” the worldwide, personal and non-exclusive right to re-use

the “Information” covered by this licence, under the rights and conditions expressed below, for the following duration:

- for static data: unlimited duration,
- for dynamic data and traffic-related data: from the beginning of broadcasting the event (which may occur before the beginning of the event itself, in the case of planned events), until the end of the event or a change in status.

The “Licensee” may freely re-use the “Information”, and more precisely, may:

- reproduce, copy, publish and transmit the “Information”;
- disseminate and redistribute the “Information”;
- extract content based on the Information, notably in order to create “derivative Information”;
- use the “Information”, for example by combining it with other Information, or by including it in the “Licensee’s” own product or application.

Under the conditions cited below:

In the event of redistribution of the “Information” or dissemination of “derivative Information” to a third party, the rights and conditions applying to the “Licensee” under the terms of this licence shall also apply to said third party.

The re-use of the “Information” is subject to the conditions that it may not be altered¹ and that its meaning may not be distorted (which implies, in particular, that the event in question must be cited and its location given, without prejudice to any resulting traffic advice issued), and that the source and date of last update must be indicated.

As such, the “Licensee” is required to:

- attribute the « Information » by acknowledging its source

Insofar as permitted by the technology being used, the presentation method used to display the “Information” or “derivative Information” must include the phrase: *“Information supplied by...”*, followed by the name of the “Producer.” The wording must not leave any doubt as to the applicability of the “derivative Information.”

For websites, the BISON FUTE logo must be displayed alongside the hyper-text phrase “For more information”, with a link to the following web page: <http://www.bison-fute.gouv.fr>, which describes how to subscribe to the Information.

This indication of the source of the Information must not confer any official character on the re-use of the “Information,” nor suggest any recognition or endorsement by the “Producer” or any other public entity of the “Licensee” or the act of re-use.

This obligation to indicate the name of the producer does not grant any other right to the licensee regarding the use of the producer’s name for any other purpose.

- Indicate the date of the latest update of the “Information.”

Insofar as permitted by the technology being used, the end user must also be made aware of the timestamping for the Information.

In the event that the data is being paid for, other contractual documents must be drawn up to specify the conditions for re-use of the data in accordance with the terms of this document.

6. Other requirements incumbent upon the “Licensee”

The “Licensee” agrees to respect the provisions of (EU) Regulation n° 2015/962.

¹ The issue here is alteration of content. A change in format, without altering the content, remains possible.

In particular, if the “Licensee” is a service provider, they must, to the greatest extent possible, include traffic circulation plans and all temporary traffic management measures being implemented by local authorities.

This wording should be understood as follows:

- traffic circulation plans are systematically included in the services provided for the “affected users” category,
- diversions and traffic easing measures provided via georeferencing are taken into account as a substitution for the calculation of alternative routes (unless congested),
- temporary traffic measures having not caused diversions are indicated (at least) for informative purposes.

If the “Licensee” is also a producer of data covered by the regulation (where the “Licensee” is a service provider, this refers only to traffic data), they are required to make this data available via the national point of access in accordance with Article 3 of (EU) regulation n° 2015/962, and to complete the declaration of compliance as indicated in Article 11 of the above-mentioned regulation.

7. Responsibility

The “Information” is made available as produced or received by the “Producer”, without any explicit or tacit guarantee other than those covered in this licence.

The “Producer” cannot guarantee the absence of potential errors or irregularities within the “Information.” The “Producer” does not guarantee continued supply of the “Information.”

The “Producer” may not be held responsible for any loss, prejudice or damage, of any kind, experienced by a third party as a result of the re-use of the “Information.”

This licence is granted without prejudice to the “Producer’s” right to make unilateral modifications, notably to the formats in which the data is provided or its access pathway on the server, on the condition that the “Licensee” is previously informed in a simplified format, within the 90 calendar days preceding the appearance of said modifications. Nonetheless, these formats must comply with the stipulations of (EU) Regulation n° 2015/962.

The “Licensee” is solely responsible for the re-use of the “Information.” Its re-use must not mislead third parties regarding the content of the “Information”, its source or the date on which it was last updated.

All re-use of the “Information” by the “Licensee” offering or promoting products or services which do not comply with the rules and provisions of law and order and public safety, notably in terms of road safety, or which does not conform to proper moral standards (for example, and in particular, the promotion of alcohol consumption, speeding, and erotic or pornographic services) is strictly prohibited.

8. Intellectual property rights

The “Producer” guarantees that the “Information” does not contain any intellectual property rights belonging to third parties.

The “Intellectual property rights” held by the “Producer” over the documents containing the “Information” do not preclude the free re-use of the “Information”.

While the “Producer” retains “Intellectual property rights” over the documents containing the “Information”, these rights are conceded on a non-exclusive basis, for a worldwide use and only for the duration of the validity of this licence, to the “Licensee”, who may use the documents in any way they see fit in accordance with the rights and conditions defined in this licence.

9. Duration of the licence

This licence is valid for three years and may be automatically renewed.

If any party should observe a failure by one of its counterparts to meet the obligations of this licence, they shall request that the other party take necessary action to rectify the non-compliance. In the event of repeated or sustained non-compliance, the observing party may ask the Ministry of Transport to intervene. As a measure of last resort, the Ministry may deny the non-compliant party access to the national data access point.

10. Governing Law

This licence is governed by French law.

APPENDIX

DATA CATEGORIES

1. Types of static road data may include, in particular, the following elements:

- a) road network links, including physical characteristics, such as: i) geometry; ii) road width; iii) number of lanes; iv) gradients; v) crossroads;
- b) road classification;
- c) traffic signs indicating traffic rules and hazards, such as: i) tunnel access conditions; ii) bridge access conditions; iii) permanent access restrictions; iv) other traffic rules;
- d) speed limits;
- e) traffic circulation plans;
- f) freight delivery regulations;
- g) toll booth locations;
- h) identification of toll roads, fixed charges applicable to road users and available payment methods;
- i) location of parking and service areas;
- j) location of charging stations for electric vehicles and conditions for their use;
- k) location of natural gas fuelling stations, liquified natural gas stations, and liquefied petroleum gas stations;
- l) location of public transport stops and interchange points;
- m) location of delivery zones.

2. Types of dynamic data regarding road conditions may include, in particular, the following elements:

- a) road closures;
- b) lane closures;
- c) bridge closures;
- d) overtaking bans for heavy goods vehicles;
- e) roadworks;
- f) accidents and incidents;
- g) dynamic speed limits;
- h) direction of traffic on reversible lanes;
- i) roads in poor condition;
- j) temporary traffic management measures;
- k) variable charges applicable to road users, and available payment methods;
- l) availability of parking places;
- m) availability of delivery zones;
- n) cost of parking;
- o) availability of recharging stations for electric vehicles;
- p) weather conditions affecting road surface and visibility.

It is not necessary to include this type of short-term data in digital map updates, as these conditions are not considered to constitute changes of a permanent nature.

3. The types of traffic-related data include, notably, the following aspects:

- a) traffic volume;
- b) speed;
- c) location and length of traffic jams;
- d) travel times;
- e) waiting time at border crossings with non EU Member States.