

Who Owns the Map?

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SUMMARY

In the context of map publication, a copyright work means a piece of original literary or artistic work in which copyright subsists. However, copyright does not automatically subsist in a work unless the requirements with respect to qualification for copyright protection are met. Unlike making a sculpture or writing a song, mapping the real world with ground features visible by everyone is obviously not a simple creative work. It is arguable and sometimes difficult to prove someone has infringed the intellectual right of other's work in the absence of distinct and objective evidences. The geographic features on the earth surface such as lakes, rivers and roads are objective phenomenon which everyone can visualize. However, the presentation of these features on the map involves artistic design and very much dependent on the map author's professional knowledge and judgment. Moreover, the collection of these information requires tremendous effort, time and resources to complete. The originality in producing a map is the primary consideration constitutes the subsistence of copyright to a map. Two different pieces of map works, even with the same theme, are unlikely be identical if not imitated. Illustrated with some examples, this paper will discuss the approaches in collecting evidences to testify whether a particular map work has infringed the copyright of the others. By making reference to the court judgment, the author would also discuss the role play and liability of different parties in a map copyright infringement casebase.

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