

TERMS GOVERNING ACCESS TO MERCATOR PROJECT OCEANOGRAPHY DATA

1. RECITALS

Six organizations—CNES, CNRS/INSU, IFREMER, IRD, Météo-France and SHOM—have teamed together to work on a project called **Mercator**. This project aims to develop a system to model and assimilate satellite and *in-situ* data for the purpose of generating analyses and predictions covering the global ocean in three dimensions.

The Mercator project is currently in its development phase and has started implementing its first prototype systems. To contribute to the development of operational oceanography applications, working closely with the Mercator project, the six abovementioned organizations intend to make data from Mercator prototype systems available to approved users. These data will be provided free of charge.

The only data made available shall be those derived from Mercator systems—not those used by Mercator, in other words *in-situ*, altimetry and forcing data. Neither shall tools used by Mercator be made available. Data shall be accessible only from the Mercator website (via Internet protocols or ftp).

In return for the provision of data free of charge, users shall accept the data as are, shall not use them to do business with third parties, and shall communicate results obtained from the data to the Mercator project leader in timely fashion.

2. TERMS

2.1 General

In sending their application to receive Mercator data, applicants thereby unreservedly accept the terms herein. No other terms shall apply.

The waiver by the participating organizations, at any time, of a breach of these terms shall not operate or be construed as a waiver of any subsequent breach thereof.

2.2 Applications

Applications shall be sent by postal mail or by facsimile. Applications shall be addressed to:

Mercator User Services
Mercator Ocean
8/10 rue Hermès
31526 Ramonville st Agne – France
Fax: +33 (0)5 61 39 38 99
e-mail : products@mercator-ocean.fr

Applications shall indicate the applicant's name, postal address and e-mail address. Corporations must also indicate their business name and registration number. Application forms must be free of deletions or crossings-out. Applicants shall describe their objectives, explain why they wish to obtain Mercator data, and how they intend to use them. They shall also indicate what kind of feedback to the Mercator project they undertake to provide. The Mercator Project Leader may ask applicants for any additional information required to clearly identify the rationale behind the application. He may reject any application deemed incompatible with the normal functioning of the Mercator project, or with the objectives and missions pursued by the project or its participating organizations. The applicant's commitment to provide real feedback in support of the project's efforts to develop new prototypes will be a key factor when evaluating applications. The project leader shall send approved applicants a code to access Mercator data, valid for two months. A new code shall be issued for a further two months, not beyond December 31, 2001, provided the applicant complies with the terms herein and communicates results obtained directly from the data to the project leader. The project leader shall also give each applicant the details of a contact person.

2.3 Use of data

Mercator data users shall accept the data as delivered and use them as described in the application and for their own needs. They shall not use or transfer the data in business dealings with third parties. They shall communicate the results obtained directly from the data to the project leader in timely fashion. They shall have no exclusive right of use over the data. They shall not make the data available to third parties without prior written consent from the Mercator Project Leader. They shall inform any person working under their authority and likely to use the data of the terms of use attached. Results obtained from the data shall not be copyright protected or used commercially, neither in return for payment nor free of charge. Users shall indicate the source of Mercator data in any publication arising out of their use. They shall send a copy of such publications to the Mercator Project Leader.

2.4 Liability

No claims shall be admitted relating to the provision of data governed by the terms herein. The participating organizations shall not be held liable for interruptions or delays in the provision of data. Data provided by the organizations within the scope of the Mercator project are the result of research and development work. No warranty is therefore attached to the data.

The organizations shall not be held liable for problems arising out of the interpretation or use of the data, directly or indirectly, by users. Consequently, users waive any claim against the organizations in relation to interpretation of the data. Users shall indemnify the organizations for any damages they may incur as a result of a breach of the terms herein. The organizations reserve the right to demand that users destroy data they have received.

2.5 Intellectual property

The organizations shall retain copyright over the data provided. Users shall only have the right to use the data under the terms defined herein. They may not reproduce the data. Users shall have no right to use the Mercator name or logo, nor the name or logo of participating organizations in results they obtain from Mercator data.

2.6 Applicable law

The agreement between the organizations participating in the Mercator project and the Mercator data user, access to said data being subject to the terms herein, shall be governed by the laws of France.

ANNEX

to

Terms Governing Access to Mercator Project Oceanography Data

APPLICATION FOR ACCESS TO MERCATOR DATA

To apply for access to Mercator data, please provide all information requested on the form below. Complete and sign the form and return it to the Mercator Project office. If the form does not provide enough space and you want to include extra information, please attach any additional documents you think relevant.

NAME OF INTENDED PROJECT OR PRODUCT:

PERSON FILING APPLICATION (signatory):

COMPANY / ORGANIZATION / REGISTRATION N°:

NAME AND DETAILS OF PERSON WITH RESPONSIBILITY FOR APPLICATION
(single contact for Mercator project)

Name and job title:

Postal address (to be used for all correspondence with the applicant):

E-mail address (to be used for all correspondence with the applicant):

Phone:

Fax:

PROJECT DESCRIPTION (detail on a separate sheet if necessary):

TYPE AND FORM OF FEEDBACK ENVISAGED (detail on a separate sheet if necessary):

DATA REQUIRED (use the list and description of data provided in the catalog on the project website; indicate if you only require access to data for a limited period):

- I, the undersigned, confirm that I am authorized to represent my company or organization, and that I have read the terms governing the provision of Mercator data and hereby undertake to ensure that it abides by said terms.
- I, the undersigned, confirm that I have read the terms governing the provision of Mercator data and hereby undertake to abide by said terms.

Done in:	Applicant:
Date:	Signature: