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Feds Try To Veto Copyright: 'This Is A Blow To Industry'

A federal board in a “novel” motion is asking a federal judge to abolish copyright on data received from a licensed contractor. The [Canada-Nova Scotia Offshore Petroleum Board](#) seeks a Federal Court order striking ownership of millions of dollars’ worth of marine seismic mapping.

“This would be a tremendous blow to the energy industry,” said Paul Einarsson, chief operating officer of [Geophysical Service Incorporated](#) of Calgary. Einarsson’s firm previously sued the Halifax board and other government agencies alleging violation of the *Copyright Act*.

“We go in, we invest, we take all the risks,” Einarsson said; “We provide information that wasn’t there before. There’s a lot of expertise that goes into this.”

Geophysical accuses federal agencies of distributing data it provided as a condition of license to map underwater basins for oil exploration. The Nova Scotia board acknowledges the company complied with license requirements when it conducted Atlantic surveys between 1998 and 2003, but now claims Geophysical’s copyright is void.

No board official would speak to *Blacklock's*. The board's Halifax attorney did not respond to an interview request.

"The question of whether copyright subsists in seismic data submitted to the Canada-Nova Scotia Offshore Petroleum Board or other offshore regulators is a novel question," the board wrote in its Federal Court motion; "Copyright cannot subsist in information or data."

However Einarsson said the firm's data cannot be obtained without expensive surveys using acoustical sound waves to measure layers of the sea floor, then processing the results into dimensional images. "All of this was acquired at a tremendous cost," he said. "There is no question it is copyright."

"You need millions of dollars in equipment, ships and seismic gear to collect the data," he said. "You need trained staff. We did all that. We acquired original field data using propriety hardware, proprietary software and proprietary methods. We have internal programs and algorithms nobody else has. It takes knowledge and know-how. This is not like taking a photograph. There's a tremendous amount of expertise that goes into this."

A federal judge will hear the board's motion September 10. In court documents the board said Geophysical's copyright was "wrongly made" and "contrary to the public interest"; "The consequences of a finding of copyright in this proceeding would be serious and would extend far beyond this proceeding."

Einarsson's firm owns the largest collection of marine seismic maps in the country, by company estimate. It has previously filed more than \$100 million worth of claims in the largest copyright case of its kind against Natural Resources Canada; the National Energy Board of Calgary; the Canada-Newfoundland & Labrador Offshore Petroleum Board; Crown-owned [Nalcor Energy Inc.](#) of St. John's; and numerous exploration and consulting companies accused of trading its seismic maps without a licensing agreement.

"This is completely ridiculous," Einarsson said.

The [Office of the Information Commissioner](#) earlier cited Natural Resources Canada for concealing documents Einarsson said would prove the copyright breach; and the Newfoundland offshore board acknowledged it sold licensed data for \$759.

By Tom Korsi  