

Victorian Spatial Council Guidance Note – Terms and Conditions of use of Google Maps and Microsoft Bing Maps

May 2010

The Victorian Spatial Council was established under the Victorian Spatial Information Strategy 2004-2007 to support the advancement of Victoria's social, economic and environmental goals through the provision and application of spatial information. It does this by providing a coordinated approach to spatial information policy, development and management, and facilitating opportunities for greater partnership building, collaboration, cooperation and education.



USING GOOGLE MAPS AND MICROSOFT BING MAPS

Disclaimer

This VSC Guideline is intended to provide guidance only and should not be used as an alternative to consulting the terms and conditions of Google Maps and Microsoft Bing Maps. Readers should seek legal advice if they have any concerns about the use of these products.

The VSC does not guarantee that this Guideline is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or consequences which may arise from the reader relying on any information contained in it.

Introduction

Many organisations, including Government agencies, are using spatial information to support their business operations. They are also using the readily available mapping interfaces offered by Google Maps and Microsoft's Bing Maps to display this information in on-line applications.

Both these products have achieved widespread popularity, and this appeal is stimulating efforts to make spatial information more widely accessible. We can therefore expect their use to continue to grow.

This Guideline directs agencies, whether Government, community or private sector, to the terms and conditions (licensing arrangements) associated with the use of Google Maps and Microsoft Bing Maps. The VSC strongly encourages potential users to consult these terms and conditions prior to making a decision on whether and how to use Google Maps and Microsoft Bing Maps.

Terms and Conditions of Use

Both Google Maps and Microsoft Bing Maps offer free and commercial (paid) licensing arrangements.

The terms and conditions associated with both these uses are summarised overleaf.

Before using the free services, agencies should assess the costs and benefits and risks of doing so, and should consult the relevant terms and conditions. These are available via the links below.

Google Maps Free API

http://www.google.com/intl/en_ALL/help/terms_maps.html

<http://code.google.com/apis/maps/terms.html>

Google Maps Premier Service

http://support.google.com/enterprise/doc/gme/terms/maps_purchase_agreement.html

Microsoft Bing Maps Platform API

<http://www.microsoft.com/maps/product/terms.html>

Microsoft Bing Maps and MapPoint Web Service End User Terms of Use and Embedded Maps Service Terms of Use

<http://www.microsoft.com/maps/assets/docs/terms.aspx#11>

Comment

Key risks from using the free services may arise from

- Neither service offering an assurance as to their continuous or reliable provision, nor that they will continue to be provided for free
- Agencies lacking control over the content displayed by Google and Microsoft, such as advertisements
- Agencies lacking control over how Google and Microsoft may use their data
- The requirement to indemnify Google and Microsoft from any claims arising from the agency's use

These risks may be small if the data being displayed is 'benign' and the applications created are simple ones.

If the commercial (paid for) versions of Google Maps and Bing Maps are used, these risks are further reduced.

While similar in appearance and functionality, Google Maps and Bing Maps have some design differences – in particular, Google is based on Java and Bing on .NET. Therefore the agency's choice will also depend on how they align to the IT architecture and the application's requirements.

Data Quality and Currency

Agencies considering the use of Google Maps and Microsoft Bing Maps, or any other similar product offerings, should also assess the costs and benefits of relying on the underlying spatial data, such as addresses or property boundaries, or imagery.

Agencies should ask how important the *currency* and *accuracy* of this data, including the timeliness and frequency of updates, are to the viewing tools or applications being used.

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SUMMARY OF TERMS AND CONDITIONS OF USE OF GOOGLE MAPS AND BING MAPS

Google Maps API – Free	Microsoft Bing Maps API – Free/Unlicensed
<p>Service may be used only on a public facing website accessible without charge</p> <p>Service may be changed, interrupted or terminated at any time</p> <p>Google has the right to use the agency's content</p> <p>Google may place advertisements in the maps</p> <p>Google and its partners and suppliers are given indemnity against any claim arising from the agency's use of the service</p> <p>It must be used in accordance with defined rules – eg it must not be integrated with other mapping platforms</p> <p>Google has rights to use the agency's brand to promote its services</p>	<p>Service may be used only on a public facing, non-password protected website</p> <p>Service may be changed, interrupted or terminated at any time</p> <p>Microsoft has the right to use the agency's content</p> <p>Microsoft may place advertisements or a search box in the maps</p> <p>Microsoft and its partners and suppliers are given indemnity against any claim arising from the agency's use of the service</p> <p>It must be used in accordance with defined rules – eg it may not be used on mobile phones, it must not be integrated with other mapping platforms</p> <p>It may be used by education and non-profit organisations</p> <p>It may be used by enterprise or government organisations if use is within 125,000 sessions or 500,000 transactions in a 12 month period</p> <p>It may be used by developers for up to 90 days for evaluation within a limit of 30,000 transactions per month</p>
Google Maps API – Premier	Microsoft Bing Maps API – Licensed
<p>The service may be used on a non-public web site or intranet</p> <p>Service Level Agreements are defined</p> <p>Service credits are available in the event of an interruption</p> <p>A contract with a defined term</p> <p>There is better control over content displayed on the platform</p> <p>The agency has more control over the placement of advertisements on the maps</p> <p>Google will provide an assurance that the previous version of the API will be supported for three years if required</p> <p>Defined case managed support arrangements</p> <p>The platform can be used to manage and track assets</p> <p>Pricing is based on the number of transactions, users, page views and/or assets tracked.</p> <p>There are some limits on the degree of indemnity given to Google.</p> <p>The agency has more control over Google's use of their brand</p> <p>Secure maps can be provided over https</p>	<p>The service may be used on a non-public web site or intranet</p> <p>Service Level Agreements are defined</p> <p>Service credits are available in the event of an interruption</p> <p>A contract with a defined term</p> <p>There is better control over content displayed on the platform</p> <p>The agency has more control over the placement of advertisements on the maps</p> <p>Microsoft will provide an assurance that the previous version of the API will be supported for one year if required</p> <p>Defined case managed support arrangements</p> <p>The service can be used to manage and track assets</p> <p>Pricing is based on the number of transactions, users, page views and/or assets tracked. The first 125,000 sessions or 500,000 transactions in any 12 month period are free.</p>