

MODULE 9

INNOVATION AND THE DIGITAL ECONOMY

Article 9.1: Definitions

For the purposes of this Module:

open data means digital data that is made available with the technical and legal characteristics necessary for it to be freely used, reused, and redistributed. This definition relates only to information held or processed by or on behalf of a Party.

Article 9.2: Objectives

The Parties affirm the importance of technological innovation, creativity, and the transfer and dissemination of technology, being for the mutual advantage of producers and users of knowledge, as a means to achieve social and economic welfare.

Article 9.3: Public Domain

1. The Parties recognise the importance of a rich and accessible public domain.
2. The Parties also acknowledge the importance of informational materials, such as publicly accessible databases of registered intellectual property rights that assist in the identification of subject matter that has fallen into the public domain.

Article 9.4: Data Innovation

1. The Parties recognise that cross-border data flows and data sharing enable data-driven innovation. The Parties further recognise that innovation may be enhanced within the context of regulatory data sandboxes where data, including personal information,¹³ is shared amongst businesses in accordance with the Parties' respective laws and regulations.
2. The Parties also recognise that data sharing mechanisms, such as trusted data sharing frameworks and open licensing agreements, facilitate data sharing and promote its use in the digital environment to:
 - (a) promote innovation and creativity;
 - (b) facilitate the diffusion of information, knowledge, technology, culture and the arts;and

¹³ For greater certainty, this is without prejudice to Article 4.2 (Personal Information Protection).

(c) foster competition and open and efficient markets.

3. The Parties shall endeavour to collaborate on data-sharing projects and mechanisms, and proof of concepts for new uses of data, including data sandboxes, to promote data-driven innovation.

Article 9.5: Open Government Data

1. The Parties recognise that facilitating public access to and use of government information may foster economic and social development, competitiveness and innovation.

2. To the extent that a Party makes government information, including data, available to the public, it shall endeavour to ensure that the information is made available as open data.

3. The Parties shall endeavour to cooperate to identify ways in which Parties can expand access to and use of open data, with a view to enhancing and generating business opportunities.

4. Cooperation under this Article may include activities such as:

(a) jointly identifying sectors where open data sets, particularly those with global value, can be used to facilitate technology transfer, talent formation and innovation, among other things;

(b) encouraging the development of new products and services based on open data sets; and

(c) fostering the use and develop open data licensing models in the form of standardised public licences available online, which will allow open data to be freely accessed, used, modified and shared by anyone for any purpose permitted by the Parties' respective laws and regulations, and which rely on open data formats.