

LAW FAILS TO KEEP UP WITH TECHNOLOGY - SOLUTIONS TO HELPING PRODUCERS MAINTAIN FARM DATA OWNERSHIP

Sub theme: Knowledge & information

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Abstract:

The issue of farm data has been a contentious point of debate with respect to ownership rights and impacts when access rights are misappropriated. One of the leading questions farmers ask deals with the protections provided to farm data.

Although to the best of our knowledge no specific laws or prevailing legal theory exists in the United States, Europe, or Australia, the possibility of farm data being a trade secret is real possibility but only under specific circumstances. Traditional views of ownership of property have not kept up with technology development. Ownership often requires the owner to be able to exclude others from the property and to destroy the property. With farm data being stored on a cloud drives often maintained by a third party, producers may not always be able to exclude the operator of the cloud drive from the data. Once created data is often difficult to destroy. As emphasized by the farm data ownership issue, the law often lags technology.

This poster calls attention to how data does not fall into traditional views of property ownership (both from a U.S. perspective and an international perspective) and highlight how trade secret laws could be utilized to potentially provide ownership protections of farm data. The poster also examines the ramification of relinquishing bargaining power between producers and agricultural technology providers due to sharing farm data. Lastly, the poster presents innovative policy solutions to change existing laws so that farmers may maintain control over their data.

Keywords: *ag data; precision agriculture; agricultural law; data ownership; trade secrets; big data*