The Legalities of the Cloud

One of the hot topics in IT these days is **the cloud**, its benefits and constraints.

Cloud computing allows data to be stored virtually anywhere in the world by a third-party vendor.

While a great solution for many companies, **cloud computing comes with its own challenges**, specifically when it comes to copyright and intellectual property.

Fear of the Unknown

Like many new technological developments of today, in both mobility and on-premise, people often find cloud computing an intimidating concept. **Now utilizing cloud services has become a common work practice.**

Before cloud networks were widely used, **data security** was the main concern for small and large businesses.

47% of IT managers initially wanted their companies to create private clouds rather than using shared servers

With more workers travelling and working remotely, free Web-based cloud programs became popular

> Dropbox   Google   Using these common cloud services eased the worry of businesses

A study of B1B Small to Medium Businesses conducted in 2011 showed:

In 2012: **Cloud is commonplace**

> Virtual desktop sales among businesses **will rise 10%** in the next year

Cloud Concerns

One of the biggest concerns of those using cloud systems is who owns that data and what copyright laws guide the information.

Who Owns the Data?

Ownership of material is covered by copyright, confidentiality and contract law

> Those laws differ by country
> Data is created in one country and stored in another
> Data is based on intellectual property, therefore owned by the creator of content. Hardware, applications and operating systems belong to could provider.

Who owns the information?
> U.S. law: Intellectual property owners have rights to their work that is a product of human intellect

Where is the Data Created?

Two types of cloud data:

> Data created BEFORE it went in the cloud - belonging to the creator, thus country's laws
> Data created "in" the actual cloud - the issue here is that the data could be where the creator writes it, or in some cases it could be where the cloud is located.

How Countries Fare with Cloud Issues

A United States software industry report ranked **24 countries** (representing 80% of the global information and communication industry).

Countries were ranked on their handling of cloud computing within various areas.

The Rankings

> Japan   = highest ranked country

Other countries like Turkey and a cluster of countries in Asia are ranked in the bottom few, such as

> Australia
> Germany
> United States,
> France
> Italy
> United Kingdom
> South Korea
> New Zealand   = ranked highly

> Indonesia,
> China
> and Vietnam.

Report Conclusion and Purpose

United Kingdom
South Korea
Australia
United States
Germany
Italy   France   Global Cloud with Common Laws

Rally support from international community for greater common copyright, security and privacy laws
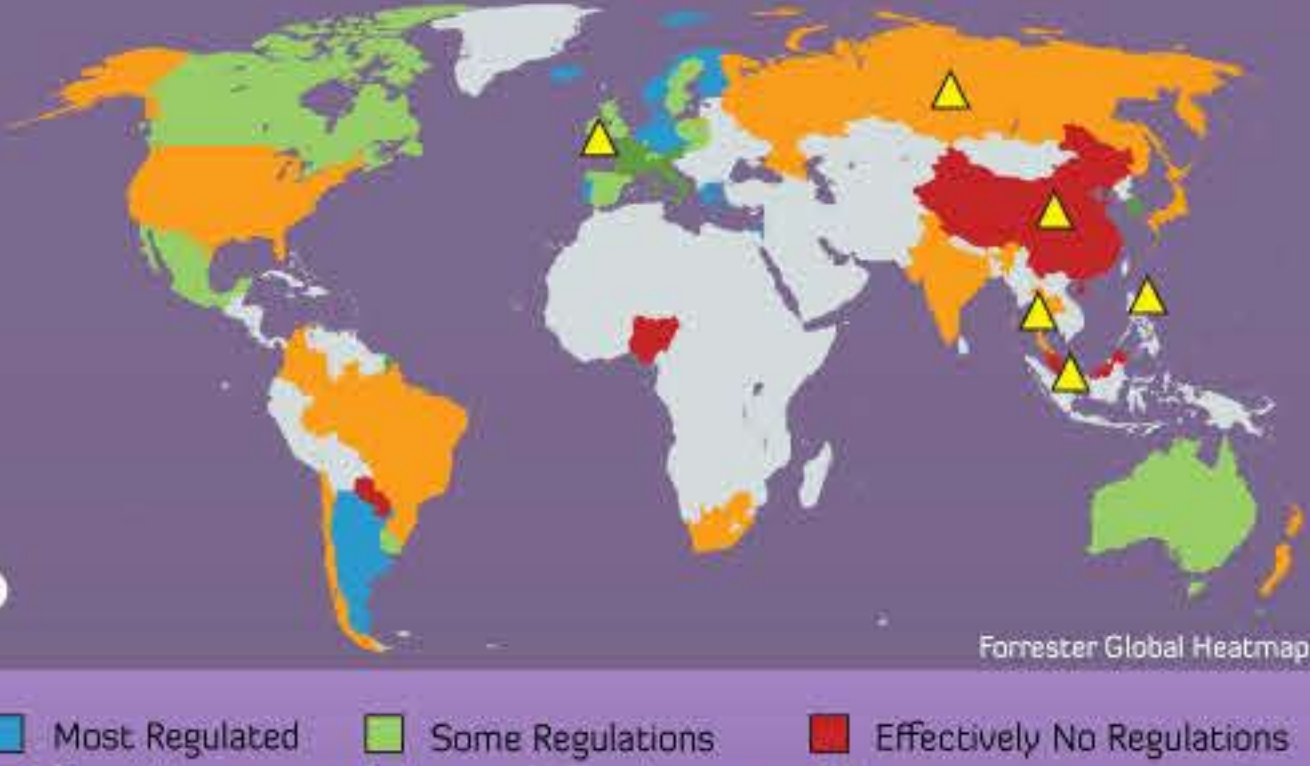
> Thus creating a global cloud with common laws

Business and Technology Priorities by Country

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Privacy and Data Protection By Country

Each country has its own regulations on privacy and data, making consistent cloud policies difficult.

Forrester Global Heatmap, 2011

- Most Regulated
- Regulations
- Some Regulations
- Minimal Regulations
- Effectively No Regulations
- No legislation or no information
- ⚠ Government surveillance may impact privacy

Countries Doing Well With Cloud Policies

The United States, United Kingdom, New Zealand, Germany and Japan rank among the top countries with the best cloud policies and regulations, while Australia is making headway towards joining the top countries by prioritizing cloud services.

Gartner, 2011-2012

Global Priorities

2011	10 Business Priorities
1	Increasing enterprise growth
2	Attracting and retaining new customers
3	Reducing enterprise costs

2011	Top 10 Technology Priorities
1	Cloud computing
2	Virtualization
3	Mobile Technologies

Clouding computing and the legalities surrounding the subject have **become one of the most highly contested subjects in IT.**

While some companies have consistent regulations, others are struggling to development policy.

Regardless, there is still no universal decision as to who holds the rights to copyright materials: the owner of the cloud.

Base your cloud decisions on your business' needs by considering security, cost and ease of implementation.

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Need help deciding if the cloud is right for you? Download: Two Roads to Mobile Workforce Management - Choosing Between On-Premises and Cloud Delivery www.clicksoftware.com/cloud

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