



Calgary, Alberta/May 14, 2014

Statement in the matter of the Federal Court decision between;

Geophysical Service Incorporated and Canada-Nova Scotia Offshore Petroleum Board

The Federal Court has rejected Geophysical Service Incorporated's motion for an interlocutory injunction in an attempt to protect our seismic data. GSI was seeking to prohibit the Canada Nova Scotia Offshore Petroleum Board from disclosing GSI data and work products on the internet.

This decision really underscores the need in Canada for copyright and intellectual property courts that have a full understanding of these issues.

I am very concerned about the obiter dictum comments in decisions on major issues of intellectual property rights, Copyright, and ownership of property being put in interlocutory matters where GSI has not had the opportunity to even argue or defend against these matters. How is this fair? Worse yet these are parroted over and over as if they are case law which they are not.

How can there be statements made in this decision that flat out say seismic data is not copyrightable when this was never argued and there is no basis for that comment?

GSI did not have a chance to argue or defend against such statements, which are simply not true.

Take a simple example. When you take a photograph everyone understands that can be copyrighted, and so do judges. Seismic data is exactly the same thing, essentially imaging of the subsurface of the earth, just like a photograph but in this case we use acoustic imaging technology.

So why can't these simple concepts of copyright be understood?

It is very disappointing that there is such little understanding in Canada of the geophysical industry, and how seismic data is handled and needs to be protected, including ignorance to the many ways the industry has already learned the hard way how pirates and infringers seek to steal seismic data by altering it, or commingling it with other information or data. In the industry we are not fooled by these methods otherwise it would allow all intellectual property to be stolen.

On another point is that the CNSOPB knows that GSI protects its data and finds out about copyright infringement by using access to information as a tool. But GSI cannot use this to discover who is viewing GSI data since the CNSOPB and other governments appear to be putting the data online and are not

tracking who views it or how many times it is downloaded. We have been told we can quantify our damages because we have a price list, but how is this possible when we have no idea to whom or how many times it was downloaded? How can these simple facts not be evident?

I believe this government ploy is unethical, and a trick to blind GSI to circumvent the Access to Information Act and it appears they are getting away with it.

What this really comes down to is who really owns this data. We think it is reasonable that GSI paid to create it, we are required by law to maintain and store it, and we are recognized as the only entity that can legally license the data.

And where did government clearly communicate to firms like Geophysical Service Incorporated that ownership and rights to this seismic data would end up being turned over to the government.

It never did.

We do not think this legal setback affects any of our other cases or our fight for justice, but It is frankly embarrassing this happened in Canada.

Paul Einarsson
COO and Chairman
Geophysical Service Incorporated

For further information, questions and comments please visit our [contact page](#).