

PRESS RELEASE & PRESS INFORMATION
31st May 2002

GETMAPPING IN COURT AGAINST ORDNANCE SURVEY

Getmapping plc ("Getmapping"), the UK's leading provider of colour aerial photography, was in the High Court today to hear the judgment in respect of proceedings issued by it against Ordnance Survey ("OS"), the Government-owned National Mapping Agency, which operates as a publicly-funded Trading Fund now controlled by the Office of the Deputy Prime Minister. Getmapping has been seeking an interim injunction to require OS to make Getmapping's Millennium Map available through the OS web site.

Getmapping's Millennium Map is the first and only complete, mapaccurate aerial photograph of the whole of England and Wales (available from www.getmapping.com). Until March 2001, OS had intended not to develop its own Imagery Layer but to use and promote the Millennium Map and other private sector products. However, in March 2001 the Ordnance Survey completely reversed its policy and decided to compete against Getmapping and other digital imagery suppliers by developing its own Imagery Layer. The Ordnance Survey also decided to use its publicly-funded sales and marketing infrastructure to support the sales of its own Imagery Layer to the exclusion of the private sector..

The judge did not award the interim injunction requested by Getmapping but, in view of the harm that the Judge recognised Getmapping may suffer as a result of the exclusion of the Millennium Map from OS's website, he made an order that there be a speedy trial, to come on for hearing on the first available date after 30th September 2002.

Tristram Cary, the Managing Director of Getmapping, said:

"Whilst I am obviously disappointed that we have not been awarded the interim injunction, I am pleased that the judge has ordered an early trial date. There are important issues at stake here, not only for Getmapping, but also for the whole of the Geographic Information industry. OS's evidence reveals that, although it preaches a policy of working in partnership with third party data providers, in fact it regards the data providers as a threat. OS is in a dominant position in the mapping market and is using public money to leverage itself into the imagery market.

We are now going to consult with our advisers and we will make a further announcement shortly."

END

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Notes to Editors:

The Legal Case

Getmapping was founded in 1998 and by 2001 the company had completed its Millennium Map for England and Wales. The Millennium Map is the first ever complete and map-accurate colour photographic survey of the whole country. The whole survey is available from www.getmapping.com and the survey of England was published by Harper Collins in November 2001 (England: The Photographic Atlas). The Millennium Map is being used extensively by the public sector (Local Authorities, Environment Agency...), the private sector (Insurance, Property, Civil Engineers....) and the retail sector (Books, Posters). Millennium Map sales grew by over 600% in 2001 to £3.3m.

In March 2001 Ordnance Survey decided to compete with Getmapping and other private sector imagery companies by creating its own colour Imagery Layer. This was a complete reversal of its previous policy not to create its own Imagery Layer but to work instead in collaboration with the private sector.

The Ordnance Survey has been built with public funds over many years. It receives enormous ongoing support – nearly half of its annual income of £100 million comes from government sources. OS also has many facilities which were publicly-funded on the basis that they were for purely “non-commercial purposes”. A main one is a system called the Digital National Framework which was designed firstly to provide on-line access to Ordnance Survey’s own data and secondly to support explicit links to third-party data, including imagery. Other publicly-funded facilities include help-desks to respond to requests for geographic information from the general public, the government, the emergency services and education.

The Ordnance Survey wants to use these publicly-funded facilities and its huge database built with public money exclusively to support its own Imagery Layer. It has refused to promote the Millennium Map even though the Millennium Map is ready today. The Ordnance Survey’s own product will not be launched at all until November 2002 and will not be complete until c. 2004 at the earliest.

To justify its actions the Ordnance Survey claims that the Millennium Map is not geographically accurate enough for most professional purposes. This claim is not supported by the users themselves. Indeed the Millennium Map was made to fit OS’ own existing maps in accordance with OS’s own pre-2001 advice.

Getmapping has been forced by Ordnance Survey’s actions to start these proceedings in order to protect its business.

Getmapping’s allegations/demands are based on OS’ abuse of its dominant position, breach of confidence, and breach of the contract. They include:

- 1. Reasonable Warning:** Ordnance Survey (“OS”) gave Getmapping no warning of its intention to procure an Imagery Layer. Therefore, Getmapping has not had time to recoup its initial investment in the Millennium Map (which is reflown at least every five years) and adjust its business plan to cope with the added competition.
- 2. Fair Pricing:** OS has told customers that its Imagery Layer will be offered at prices below the Millennium Map. OS cannot be allowed to cross-subsidise its commercial Imagery Layer from its public service cartography business. At full

recovery of costs the OS Imagery Layer should be at least twice as expensive as the Millennium Map.

3. **Use of the Digital National Framework Infrastructure:** A substantial part of the cost of the MasterMap® infrastructure has been paid *for from public funds (i.e. by the tax payer)*, which were provided on the basis that they were for purely non-commercial activities. By refusing to associate the Millennium Map, and other comparable 3rd party colour images, with the Digital National Framework (also called MasterMap®) OS is unfairly competing against the private sector. Public funds and a publicly funded asset must be made available on equal terms to those with whom OS competes in markets closely related to the maps. Getmapping therefore insists that OS offers the Millennium Map through its MasterMap® infrastructure.
4. **Abusive leveraging by OS of its dominant position .** OS is dominant in the mapping market and therefore has tremendous influence over the closely-related imagery market. OS has misused its dominant position to seek to control the separate market for digital imagery – by seeking to dictate to the industry the technical standards for it and monopolise sales. In particular OS has chosen a specification for its Imagery Layer which it knew was different to that of the Millennium Map and would make the latter more difficult to associate with the Master Map. It is unable to show any evidence to support its claim that it chose this specification because its customers demanded it.
5. **Misuse of confidential information.** While OS claimed it had no plans for its own imagery layer, Getmapping worked very openly with OS to develop the market for imagery, which was also for OS' benefit in sales of maps and mapping data. Getmapping gave OS very valuable confidential commercial information. OS is now cynically using what Getmapping told OS about the imagery market to develop its own imagery product.
6. **Breach of contract.** OS has a contract which obliged it to promote the Millennium Map. OS has blithely ignored its obligations under that contract.

B. Background to the legal action:

1. **History of the Company:** Getmapping plc was founded in 1998 (as the Millennium Mapping Company) to create and maintain a complete aerial survey of the UK and to make the photography available to all users at affordable prices. By May 2001 Getmapping had completed the entire Millennium Map for England and Wales, and by September the entire dataset was available online on a pay-as-you-use basis (see www.getmapping.com Imagexpress Plus). Getmapping was listed on AIM in 2000.
2. **The Millennium Map:** Although there are other private sector aerial survey suppliers, Getmapping's Millennium Map is the first ever complete and *map-accurate* survey of England and Wales, and no other company offers an on line access facility. The Millennium Map is, in fact, the first country-wide survey available online anywhere in the world. The Millennium Map has opened many new markets for aerial photography, particularly over the internet where it is used in property websites such as Primelocation and map sites such as MultiMap. The Millennium Map is also being increasingly used in smaller businesses such as high street estate agents and surveyors. The Millennium Map also has wide retail

appeal; in summer 2001 the Daily Mail ran an offer for its readers to buy a photograph centred on their home for 50 p. Over 330,000 photographs were delivered.

3. **Business performance & development:** Getmapping's sales rose to over £4m in 2001 and the company has now almost reached a self-sustaining level whereby the profits from Millennium Map sales will fully fund the five year re-fly/update cycle. As a result of its achievements to date Getmapping has been able to set up Joint Ventures in other countries (Spain and Australia) to capitalise on the Getmapping brand, the Getmapping internet technology and Getmapping's unique knowledge of the market.
4. **Ordnance Survey:** Ordnance Survey ("OS") is Britain's National Mapping Agency. It is a part publicly-funded Trading Fund under the direction of Stephen Byers's DTLR and it is responsible for maintaining Britain's topographic mapping. OS is, in its charter, also responsible for supporting the owners of other geographically-related information.
5. **OS and aerial colour photography:** At the time that Getmapping was listed on AIM, OS had expressed no interest in developing a colour aerial survey like the Millennium Map. The aerial survey business had been in the hands of the private sector since 1923. OS only used photography (black and white) as a means of creating its conventional mapping.
6. **The Reseller Agreement:** In September 2000, Getmapping and OS signed an agreement for OS to become a reseller of the Millennium Map. Under this contract OS was to exploit the synergy between the Millennium Map and OS's mapping products. In January, 2001, OS made a 180° about turn. It announced that it wanted to create its own Imagery Layer (see Note 8). OS announced that, initially, it would buy in third party data (such as the Millennium Map), but then replace this data with its own colour aerial photography so that within a few years it would be *competing directly against the private sector imagery suppliers*.
7. **Digital National Framework/Master Map:** MasterMap® is the latest large scale product from OS which allows customers to look at OS data in discrete/separate thematic layers (roads, rail, land, buildings etc). OS had expressed interest in offering other data layers within MasterMap, and photographic imagery had been cited as a layer which would be provided from other, non OS, sources.
8. **The OS Imagery Layer competition:** In May 2001 OS began a competition to buy in the photography for its Imagery Layer and, although *Getmapping offered its complete Millennium Map free of charge to OS for sale within MasterMap*, OS deliberately chose a specification for the Imagery Layer which it knew the existing Millennium Map did not meet.
9. **Market requirements:** When Getmapping objected to the OS Imagery Layer specification, OS claimed that it had chosen this specification because its customers demanded it. Getmapping has extensive evidence that OS did not properly consult its customers, most of whom do not want or need the OS specification.
10. **Unfair competition:** OS has told its customers that the OS Imagery Layer data will be cheaper than the Millennium Map data (although it will cost over twice as

much to produce) and that the Imagery Layer will be offered to its public sector customers under a centrally-negotiated Service Level Agreement under which OS provides maps and mapping services and data to local and central government. These erroneous OS statements have had the effect of freezing sales to the government sector (local and central). This has significantly damaged sales of the Millennium Map to the public sector (not the retail sector), although the OS as yet has no colour photography to sell. Finally, OS has refused to offer the Millennium Map as an alternative product to its own Imagery Layer, thus denying its customers choice and the ability to buy colour photography clearly in order to get customers to hold off buying competing products until its imagery is ready.