

THE LEGAL PROTECTION OF DATABASES

A COMPARATIVE ANALYSIS

Estelle Derclaye

Legal Protection Of Databases

Library of Congress. Copyright Office



Legal Protection Of Databases:

The Legal Protection of Databases Estelle Derclaye, 2008-01-01 Dr Derclaye's book is well structured the methodology is theoretical and comparative Derclaye's work on database law is timely and readable presenting a sound thesis to the perceived problems Patricia Akester Journal of Intellectual Property This book has a wide ranging detailed appeal for all lawyers students and those in the public and private sectors Richard Chambers this book is a detailed comprehensive and well researched examination of legal protection of databases which offers a valuable template for reform that will be of great interest to academics and policymakers alike Tanya Aplin European Intellectual Property Review The protection of the investment made in collecting verifying or presenting database contents is still not harmonised internationally Some laws over protect database contents whilst others under protect them This book examines and compares several methods available for the protection of investment in database creation namely intellectual property unfair competition contract and technological protection measures in order to find an adequate type and level of protection To this effect the author uses criteria based on a combination of the economics of information goods the human rights to intellectual property and to information and the public interest proposing a model that can be adopted at international and national levels The Legal Protection of Databases will be of interest to intellectual property lawyers competition lawyers as well as general commercial lawyers because of the breadth of laws reviewed It will also appeal to practitioners policymakers economists and students

Report on Legal Protection for Databases Library of Congress. Copyright Office, 1997 This report gives an overview of the past and present domestic and international legal framework for database protection It describes database industry practices in securing protection against unauthorized use and Copyright Office registration practices relating to databases Finally it discusses issues raised and concerns expressed in a series of Copyright Office meetings to create a new federal intellectual property right in databases The report is divided into the following sections 1 Copyright Protection for Databases in the United States 2 Database Industry Practices 3 Copyright Office Registration Practices 4 The International Context 5 Prior Congressional Consideration 6 Copyright Office Meetings and 7 Issues including general needs for additional protection form of new protection definitions public interest users duration sole source data and constitutionality Appendices include the Copyright Office Circular 65 European Database Directive Proposed WIPO Database Treaty Database Investment and Intellectual Property Antipiracy Act of 1996 H R 3531 and Copyright Office Database Meeting Participants AEF

The Legal Protection of Databases Mark J. Davison, 2003-06-26 Mark Davison examines several legal models designed to protect databases considering in particular the EU Directive the history of its adoption and its transposition into national laws He compares the Directive with a range of American legislative proposals as well as the principles of misappropriation that underpin them In addition the book also contains a commentary on the appropriateness of the various models in the context of moves for an international agreement on the topic This book will be of interest to academics and practitioners

including those involved with databases and other forms of new media

A Comparison of the Legal Protection of Databases in the United States and EU Mitchell Smith, 2010 In this paper the laws governing the protection of databases in Europe and the United States are considered as they provide a useful comparison of different approaches to protection The potential implication of US and EU laws on bioinformatics is also explored as bioinformatics presents difficult issues centring on the commercial nature of the science In focussing on copyright protection in the US and the sui generis protection under the EU Directive it is argued that US copyright law currently provides an insufficient level of database protection While the tort of misappropriation exists in the US it is argued that it remains limited in use in protecting database owners due to the onerous cause of action requirements As such for protection to be sufficient under the US regime database owners are required to proactively seek protection for example through the creation of contracts and TPMs While these are not insufficient ways to protect databases it may be the case that these options promote the locking up of data and so are not optimal Conversely following the ECJ's clarification of the function of the sui generis right of database protection in the case of *BHB v William Hill* it is argued that the Directive may provide a more effective means of promoting the openness of information as opposed to a closed system where database owners are less likely to share data In considering the effects of the Directive on bioinformatics research it is however contended that the Directive requires further fair dealing exceptions for non commercial use It is to be noted that while these arguments remain pertinent to database protection beyond only scientific databases there is a particularly interesting question with respect to the effects of the law on science that is worth considering

The Legal Protection of Databases Mark J. Davison, 2003 Davison examines several legal models designed to protect databases considering in particular the EU Directive the history of its adoption and its transposition into national laws As well as comparing the Directive with a range of American legislative proposals he comments on various models in the context of an international agreement

New Directions in Copyright Law Fiona Macmillan, 2006-02-24 This second volume contains further exploration of the themes considered in Volume 1 namely the theoretical framework of copyright and the convergence divergence and globalisation of copyright

The Legal Protection of Databases Simon Chalton, 2001

"The" Legal Protection of Traditional Knowledge in the Pharmaceutical Field Tobias Kiene, 2009

Report of Legal Protection for Databases U.s. Copyright Office, 2014-10-17 Databases have always been commodities of both commercial value and social utility ranging from their early incarnation in the eighteenth century as directories compiled by walking door to door to the late twentieth century compendiums of millions of items in electronic form The question of whether and how databases should be protected by the law has never been easy as it necessarily involves finding a balance between two potentially conflicting societal goals the goal of providing adequate incentives for their continued production and the goal of ensuring public access to the information they contain At different points in time and in different societies that balance has been struck in different ways In the past few years the issue has taken on new urgency due to changes in the legal technological

and international landscape The major landmarks among these changes have been the U S Supreme Court s 1991 decision in *Feist Publications v Rural Telephone Service Co* rapid developments in the technologies for collecting organizing reproducing and disseminating information and the actions of the European Union in harmonizing the laws of its member states As a result 1996 saw the consideration of proposals for a new form of protection for databases both in the World Intellectual Property Organization and in the U S Congress The discussions sparked a heated debate in the United States involving a broad spectrum of interests

Information Communication Technology Law, Protection and Access Rights: Global Approaches and Issues Portela, Irene Maria, Cruz-Cunha, Maria Manuela, 2010-06-30 This book identifies key issues in the relationship between ICT and law ethics politics and social policy drawing attention to diverse global approaches to the challenges posed by ICT to access rights Provided by publisher

Gaster and Powell Jens Gaster, Mark Powell, 1997 This text provides detailed commentary on the recently adopted Database Directive It analyzes the various legal issues which arose during the legislative process and studies the background cases and developments both in the EC member states and also in the international arena

The Legal Protection of Databases in the European Union, 1995 **The WIPO Treaties on Copyright** Jörg Reinbothe, Silke Von Lewinski, 2015-03-12 This work is the leading guide to the WIPO Copyright Treaty WCT the WIPO Performances and Phonograms Treaty WPPT and the Beijing Treaty on Audiovisual Performances and includes a chapter on the Marrakesh Treaty of 2013 More than ten years have passed since the entry into force of the WCT and the WPPT This revised commentary on the treaties reflects on the impact of their implementation and illustrates how they have come to be applied in different ways in particular through national legislation It gives a detailed analysis of the development and meaning of all articles of these treaties and integrates current debates on copyright and neighbouring rights protection in the digital age Written by two leading experts in copyright law both closely involved in the evolution of the treaties and their implementation into national and EU law this work is the definitive guide to the recently adopted international copyright treaties

Collections of Information Antipiracy Act; Vessel Hull Design Protection Act; Trade Dress Protection Act; and Internet Domain Name Trademark Protection United States. Congress. House.

Committee on the Judiciary. Subcommittee on Courts and Intellectual Property, 1999 **Research Handbook on Intellectual Property and Employment Law** Bruun, Niklas, Mansala, Marja-Leena, 2021-07-31 This comprehensive Research Handbook explores the rights of employers and employees with regard to intellectual property IP created within the framework of the employment relationship Investigating the development of employee IP from a comparative perspective it contextualises issues in the light of theoretical approaches in both IP law and labour law

Personal Data in Competition, Consumer Protection and Intellectual Property Law Mor Bakhoun, Beatriz Conde Gallego, Mark-Oliver Mackenrodt, Gintarė Surblytė-Namavičienė, 2018-11-02 This book analyses the legal approach to personal data taken by different fields of law An increasing number of business models in the digital economy rely on personal data as a key input In exchange for sharing

their data online users benefit from personalized and innovative services But companies collection and use of personal data raise questions about privacy and fundamental rights Moreover given the substantial commercial and strategic value of personal data their accumulation control and use may raise competition concerns and negatively affect consumers To establish a legal framework that ensures an adequate level of protection of personal data while at the same time providing an open and level playing field for businesses to develop innovative data based services is a challenging task With this objective in mind and against the background of the uniform rules set by the EU General Data Protection Regulation the contributions to this book examine the significance and legal treatment of personal data in competition law consumer protection law general civil law and intellectual property law Instead of providing an isolated analysis of the different areas of law the book focuses on both synergies and tensions between the different legal fields exploring potential ways to develop an integrated legal approach to personal data

A Question of Balance National Research Council, Division on Engineering and Physical Sciences, Commission on Physical Sciences, Mathematics, and Applications, Committee for a Study on Promoting Access to Scientific and Technical Data for the Public Interest, 1999-12-15 New legal approaches such as the European Union's 1996 Directive on the Legal Protection of Databases and other legal initiatives now being considered in the United States at the federal and state level are threatening to compromise public access to scientific and technical data available through computerized databases Lawmakers are struggling to strike an appropriate balance between the rights of database rights holders who are concerned about possible commercial misappropriation of their products and public interest users of the data such as researchers educators and libraries A Question of Balance examines this balancing act The committee concludes that because database rights holders already enjoy significant legal technical and market based protections the need for statutory protection has not been sufficiently substantiated Nevertheless although the committee opposes the creation of any strong new protective measures it recognizes that some additional limits against wholesale misappropriation of databases may be necessary In particular a new properly scoped and focused U S statute might provide a reasonable alternative to the European Union's highly protectionistic database directive Such legislation could then serve as a legal model for an international treaty in this area The book recommends a number of guiding principles for such possible legislation as well as related policy actions for the administration

Legal Protection for the Database Susan Corbett, Bronwyn E. Howell, Mina Moayyed, 2014 The business database is a valuable commodity However without adequate legal protection the economic incentives required to invest in their creation ongoing updating and maintenance will be absent The underlying objectives of many business databases can only be achieved if they are made accessible to the public these databases are particularly vulnerable to misuse Although copyright law provides protection for the original structure and format of a database judicial decisions in this area reveal many inconsistencies In addition traditional copyright law fails to address the complexity of features found in a modern database In this article we examine decisions from the European Union the United

States and Australia and conclude that traditional copyright protection for the modern database is inappropriate We analyze the structure of the 21st century business database and explain how copyright could protect specific features of this structure in a more nuanced fashion As an alternative we consider the use of compulsory licensing as a suitable tool for protecting the economic value of the database

Legal Protection of Databases European Commission. Legal Advisory Board. Meeting,1992

Legal Protection of Databases in the Global Information Infrastructure Jonathan Agmon,1996

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Table of Contents Legal Protection Of Databases

1. Understanding the eBook Legal Protection Of Databases
 - The Rise of Digital Reading Legal Protection Of Databases
 - Advantages of eBooks Over Traditional Books
2. Identifying Legal Protection Of Databases
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Legal Protection Of Databases
 - User-Friendly Interface
4. Exploring eBook Recommendations from Legal Protection Of Databases

- Personalized Recommendations
- Legal Protection Of Databases User Reviews and Ratings
- Legal Protection Of Databases and Bestseller Lists
- 5. Accessing Legal Protection Of Databases Free and Paid eBooks
 - Legal Protection Of Databases Public Domain eBooks
 - Legal Protection Of Databases eBook Subscription Services
 - Legal Protection Of Databases Budget-Friendly Options
- 6. Navigating Legal Protection Of Databases eBook Formats
 - ePub, PDF, MOBI, and More
 - Legal Protection Of Databases Compatibility with Devices
 - Legal Protection Of Databases Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Legal Protection Of Databases
 - Highlighting and Note-Taking Legal Protection Of Databases
 - Interactive Elements Legal Protection Of Databases
- 8. Staying Engaged with Legal Protection Of Databases
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Legal Protection Of Databases
- 9. Balancing eBooks and Physical Books Legal Protection Of Databases
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Legal Protection Of Databases
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Legal Protection Of Databases
 - Setting Reading Goals Legal Protection Of Databases
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Legal Protection Of Databases

- Fact-Checking eBook Content of Legal Protection Of Databases
- Distinguishing Credible Sources

13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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