

Report of Legal Protection for Databases



The Legal Protection Of Databases

Mark J. Davison



The 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

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 *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 **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 in the European Union**, 1995 The Legal Protection of Databases Simon Chalton, 2001 Inventions can be patented knowledge can be protected through the law of trade secrets but information itself The form or medium of information can be protected by copyright but information itself is more difficult It cannot be owned So how can the law effectively protect it Both the law and hence the commercial realities remain uncertain Professional advisers must at least be fully up to speed with what the law currently says and doesn't say and what the implications are This Special Report examines the current EU and so EEA law on the legal protection of databases including the sui generis right established when the European Union adopted its Directive 96/9 EC in 1996 **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 *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 **The Proposed EU Directive for the Legal Protection of Databases** Laurence Kaye, 1995

Big Data, Databases and "Ownership" Rights in the Cloud Marcelo Corrales Compagnucci, 2019-11-02 Two of the most important developments of this new century are the emergence of cloud computing and big data However the uncertainties surrounding the failure of cloud service providers to clearly assert ownership rights over data and databases during cloud computing transactions and big data services have been perceived as imposing legal risks and transaction costs This lack of clear ownership rights is also seen as slowing down the capacity of the Internet market to thrive Click through agreements drafted on a take it or leave it basis govern the current state of the art and they do not allow much room for negotiation The novel contribution of this book proffers a new contractual model advocating the extension of the negotiation capabilities of cloud customers thus enabling an automated and machine readable framework orchestrated by a cloud broker Cloud computing and big data are constantly evolving and transforming into new paradigms where cloud brokers are predicted to play a vital role as innovation intermediaries adding extra value to the entire life cycle This evolution will alleviate the legal uncertainties in society by means of embedding legal requirements in the user interface and related computer systems or its code This book situates the theories of law and economics and behavioral law and economics in the context of cloud computing and takes database rights and ownership rights of data as prime examples to represent the problem of collecting outsourcing and sharing data and databases on a global scale It does this by highlighting the legal constraints concerning ownership rights of data and databases and proposes finding a solution outside the boundaries and limitations of the law By allowing cloud brokers to establish themselves in the market as entities coordinating and actively engaging in the negotiation of service level agreements SLAs individual customers as well as small and medium sized enterprises could efficiently and effortlessly choose a cloud provider that best suits their needs This approach which the author calls plan like architectures endeavors to create a more trustworthy cloud computing environment and to yield radical new results for the development of the cloud computing and big data markets The Legal Protection of Databases Mark J. Davison, 2003-06-26 Mark Davison examines several legal models designed to protect databases and specifically the E U Directive the history of its adoption and its transposition into national laws Davison compares the Directive with various American legislative proposals as well as the principles of misappropriation that are behind them In addition the book contains a commentary on the appropriateness of the various models in the context of arguments for international agreement

on the topic *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

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

The Legal Protection of Databases Victor Haim Bouganim, 1999

Governing Intellectual Property Rights Within Publicly Funded Biobanks Rajam Neethu, 2019-06-21

Governing Intellectual Property Rights Within Publicly Funded Biobanks R Neethu The boom in biobanks and health databases as research infrastructures have evoked various legal and ethical debates Since then numerous new developments have emerged such as digitalization big data research and artificial intelligence which has important implications for biobank based research and collaborations This new paradigm offers new legal challenges for commercial involvement particularly within a publicly funded setting In this innovative book the author shows that securing maximum social benefit out of the knowledge emanating from the use of biobank resources lies in managing intellectual property inputs and outputs effectively

in keeping with the values core to such research Focusing on the challenges of involving intellectual property rights IPRs particularly in the precompetitive phase of biobank based research the book offers an extensive understanding of the role of different IPRs and identifies the gaps in the law and its implications for biobanks The analysis covers important aspects in relation to biobanks such as Digital integration and biomedical data storage Ownership of biological samples Commercialization and benefit sharing Partnership models Public sector research Disposition of samples Consent Cross border exchange Trade secrecy Privacy Regulatory stewardship Business strategies Ethical considerations over biological resources Patenting of inventions relating to personalized medicine Ethical parameters within patent law and Rights regarding genetic data and databases The book includes observations case studies and interviews conducted by the author In conclusion the author offers cogent recommendations for legal interoperability of IP rules and research practices designed to enhance the ability of biobanks to share access and reuse data This book is the first of its kind to explore the organizational and legislative choices for biobanks particularly while engaging in the protection of research results and technology transfer within a publicly funded setting It will be of substantial interest to all stakeholders in biobanking especially policymakers biobankers and researchers working in the field of health law as well as for legal practitioners academics and patient interest groups

The Legal Protection of Databases in the EU, 2005 Interpretive Research: Economics and Administration Sciences Erkan USTAOĞLU, Serkan IŞIK, Gülay ÇİZGİCİ AKYÜZ, Mehmet KUZU, Ozkan HAYKIR, İbrahim YAGLI, Erol USTAAHMETOĞLU, Hilal ÖZTÜRK KÜÇÜK, İsmail Tamer TOKLU, Kadirnedim ÇELEBİ, Ebru YILDIZ, Hatice ÖZKURT ÇOKGÜNGÖR, Musa ATGÜR, Selçuk ALP, Tuğba KIRAL ÖZKAN, Tolga TUZCUOĞLU, Davut ELMACI, 2022-10-15 Interpretive Research Economics and Administration Sciences Livre de Lyon *E-business Legal Handbook*, 2002 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, 2000-01-15 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 *The Legal Protection of Computer Databases: is the Law Inadequate?*. Jane Helena Susan Foulser,1993

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