

# MANAGING RISK

Understanding database copyright & licensing

# Activity

See **handout 1**.

In teams discuss and answer, what is:

- Team A: Database right?
- Team B: Database copyright (“copyright in a database”)?

# Overview of rights

Main intellectual property rights.

- Patents (inventions)
- Trade marks
- Design rights
- **Copyright**
- **Database right**

# What is a database?

*A collection of independent works, data or other materials which are:*

- a) arranged in a systematic or methodical way and*
- b) are individually accessible by electronic or other means*

# Database right

- Protects investment
- Requires substantial investment in one of
  - obtaining
  - verifying
  - presenting

The contents

- “Substantial” may be:
  - qualitative
  - quantitative
- 15 years since database was last updated

# Database copyright

- Requires one or more authors.
- Protects creative authorship.
- Author's **own intellectual creation** in one of:
  - selecting the contents
  - arranging the contents
- Life of author + 70 years from date database was created

# IP in Football Data

See **handout 3**.

Find the IP rights in the following:

- Team A: Football Fixtures
- Team B: Football Live

# Football fixtures lists

- No Database Right
  - *Fixtures Marketing v Organismos prognostikon agonon podosfairou* (European Court of Justice)
  - created the data rather than obtained it
  - no substantial independent effort in verification
- No Database Copyright
  - *Football Dataco v Yahoo! UK*
  - database copyright about structure not contents
  - intellectual effort creating data irrelevant



# Football live data

- Yes - Database right
  - *Football Dataco v Stan James*
  - facts (such as scoring a goal) were ``obtained" by experts
  - directive clearly intended this conclusion
  - unmeasured information (eg temperature) is an ``existing independent material"
- Assumption - no database copyright

# Infringement

- Database right
  - extraction
  - re-utilization
- Database copyright
  - copying
  - making an adaptation

# German poems

See **handout 6**.

- Team A: has there been an infringement of database copyright?
- Team B: has there been an infringement of database right?

# German poems: results

- Database right
  - yes - *Directmedia Publishing v Albert-Ludwigs-Universitt Freiburg*
  - extraction may be done by hand
  - data may appear in a different form
- Database copyright
  - yes - German Federal Court of Justice

# Viral licences

- Licensees must use a compatible licence
- Forces others to share derived works
- Examples
  - CC-BY-SA
  - ODbL

# Access and criminality

- Section 1 Computer Misuse Act 1990
  - access is unauthorised
  - you know it is unauthorised
- Example: police officer using computer to find out whose car is parked outside his ex-wife's house
- Control of ``fresh" data:
  - if supplied by API
  - control access to control use

# OpenCorporates

See **handout 10**. Discuss how to:

- Encourage re-use
- Ensure no-one re-sells and competes
- Ensure significant uses are paid-for