

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