



Universiteit  
Leiden  
The Netherlands

## **Protection for databases : the European Database Directive and its effects in the Netherlands, France and the United Kingdom**

Beunen, A.C.

### **Citation**

Beunen, A. C. (2007, June 7). *Protection for databases : the European Database Directive and its effects in the Netherlands, France and the United Kingdom*. Wolf Legal Publishers, Nijmegen. Retrieved from <https://hdl.handle.net/1887/12038>

Version: Corrected Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/12038>

**Note:** To cite this publication please use the final published version (if applicable).

## Bibliography

### Aalberts 2002

B. Aalberts, *Beelddatabanken: stilstaand beeld in beweging?*, Den Haag: Sdu 2002 (ITeR series nr. 54).

### Aalberts/Beunen 2002

B. Aalberts, A. Beunen, 'Exploiting Museum Images', in: R. Towse (ed.), *Copyright in the Cultural Industries*, London: Edward Elgar Publishing 2002, pp. 221-232.

### Adams 1999

J. Adams, 'The Reporting Exception: Does It Still Exist?', *EIPR* 1999/8, pp. 383-385.

### Alberdingk Thijm 2005

Chr.A. Alberdingk Thijm, 'Auteursrecht en internet', in: M. Berghuis (red.), *Intellectuele eigendom en ICT*, Den Haag: Sdu 2005 (Monografieën Recht en Informatietechnologie dl. 3), pp. 177-199.

### Amended Proposal for a Database Directive 1993

Amended proposal for a Council Directive on the legal protection of databases, Brussels, 4 October 1993, COM(93) 464 final, *OJEC* 1993 C 308/1 (with an Explanatory Memorandum).

### Anderman 1998

S.D. Anderman, *EC Competition Law and Intellectual Property Rights. The Regulation of Innovation*, New York: Oxford University Press 1998.

### Anderman 2004

S.D. Anderman, 'Compulsory Copyright Licenses under EC Competition Law: *Microsoft* and *IMS* and the "Exceptional Circumstances" Test', paper presented at the Fordham University Conference *International Intellectual Property Law and Policy*, New York 15 April 2004.

### Band 2005

J. Band, 'The Database Debate in the 108th US Congress: The Saga Continues', *EIPR* 2005/6, pp. 205-212.

### Bangemann Report 1994

*Europe and the global information society. Recommendations to the European Council*, report by the High-Level Group on the Information Society under the direction of Martin Bangemann, Brussels, 26 May 1994.

### Bâth 2002

U. Bâth, 'Access to Information v. Intellectual Property Rights', *EIPR* 2002/3, pp. 139-146.

### Bellamy/Child 2001

C. Bellamy, G. Child, *European Community Law of Competition*, London: Sweet & Maxwell 2001 (5<sup>th</sup> ed).

- Benjamin 1977  
W. Benjamin, *Das Kunstwerk im Zeitalter seiner technischen Reproduzierbarkeit*, Frankfurt am Main: Suhrkamp Verlag 1977 (first published in French in *Zeitschrift für Sozialforschung* 1936/1).
- Bensinger 1999  
V. Bensinger, *Sui-generis Schutz für Datenbanken. Die EG-Datenbankrichtlinie vor dem Hintergrund des nordischen Rechts*, München: Beck 1999 (Schriftenreihe Information und Recht, Bd. 4) (doctoral dissertation University of Münster 1998).
- Berne Convention conference proceedings 1910  
Union Internationale pour la Protection des Œuvres Littéraires et Artistiques, *Actes de la Conférence réunie à Berlin du 14 octobre au 14 novembre 1908 avec les actes de ratification*, Berne: Bureau de l'Union Internationale Littéraire et Artistique 1910.
- Beunen 1997  
A. Beunen, *Digitale manipulatie van beeldmateriaal: grenzen aan de grenzeloosheid?*, Alphen aan den Rijn/Diegem: Samsom 1997 (ITeR series nr. 6).
- Beunen 2000  
A. Beunen, 'Kanttekeningen bij KPN/XSO', *Informatierecht/AMI* 2000/4, pp. 58-61.
- Beunen/De Cock Buning 2000  
A. Beunen, M. de Cock Buning, 'Auteursrecht en musea', in: A. Beunen (ed.), *Museumrechtwijzer. Juridisch handboek voor musea*, Amsterdam: Boekmanstudies 2000, pp. 278-305.
- Beunen/Schiphof 2006  
A. Beunen, T. Schiphof, *Juridische Wegwijzer archieven en musea online*, s.l.: Taskforce Archieven/Museumvereniging 2006.
- Bojkovski 2003  
P. Bojkovski, 'Bastaardje verkracht', *Automatisering Gids* 10 January 2003.
- Bosboom 2001  
T. Bosboom, 'Rechtshandhaving van databanken', *IER* 2001/6, pp. 266-272.
- Bosboom 2003  
T. Bosboom, 'Rechtspraktijk worstelt met databankenwet', *Automatisering Gids* 17 January 2003, p. 15.
- Bovenberg 2005  
J.A. Bovenberg, *Property Rights in Blood, Genes & Data: Naturally Yours?*, s.l. 2005 (Ph.D. thesis Leiden University).
- Brison 2005  
F. Brison, 'De bescherming van databanken op de helling gezet?', *E-sbj*, 15 August 2005, pp. 27-30.
- Brüning 1998  
A. Brüning, 'Transposition de la directive base de données en France et en Allemagne. L'esprit du texte a-t-il été respecté?', *Expertises* 1998/221, pp. 380-385.
- Bull 1998-I  
G. Bull, 'How Will the EU Database Directive and the UK Regulations Impact on Database Use? – Part I', *C.L.S.R.* 1998/5, pp. 295-302.
- Bull 1998-II  
G. Bull, 'How Will the EU Database Directive and the UK Regulations Impact on Database Use? – Part II', *C.L.S.R.* 1998/6, pp. 367-375.

- Calvet/Desurmont 1996  
H. Calvet, T. Desurmont, 'L'arrêt Magill: une decision d'espèce?', *RIDA* 1996/167, pp. 3-67.
- Caron 1996  
C. Caron, 'Logiciel: oeuvre collective ou oeuvre de collaboration?', *Expertises* 1996/190, pp. 31-34.
- Cavanagh 1986  
F. Cavanagh, 'Gestion et exercice des droits d'auteur dans les banques de données: modes d'exploitation des données', in: *Banques de données et droit d'auteur*, Colloque organisé par l'IRPI et l'Université de Paris-Dauphine, Paris 27 novembre 1986, Paris: Litec 1987 (Publications de l'IRPI, nr. 6), pp. 23-37.
- Chalton 1993  
S. Chalton, 'The criterion of originality for copyright in computer programs and databases: a galloping Trojan horse', *C.L.S.R.* 1993/9, pp. 167-169.
- Chalton 1994  
S. Chalton, 'The Amended Database Directive Proposal: A Commentary and Synopsis', *EIPR* 1994/3, pp. 94-102.
- Chalton 1997  
S. Chalton, 'The Effect of the EC Database Directive on UK Copyright Law', *EIPR* 1997/6, pp. 278-288.
- Chalton 1998  
S. Chalton, 'The Copyright and Rights in Databases Regulations 1997: Some Outstanding Issues on Implementation of the Database Directive', *EIPR* 1998/5, pp. 178-182.
- Chalton 2000  
S. Chalton, 'Property in Databases', in: C. Reed, J. Angel (eds.), *Computer Law*, London: Blackstone Press Limited 2000 (4<sup>th</sup> ed), pp. 227-243.
- Chalton 2001  
S. Chalton, 'Database Right: Stronger Than it Looks?', *EIPR* 2001/6, pp. 296-300.
- Chavannes 2003  
R. Chavannes, 'Hype of echt link? De hyperlinkaansprakelijkheid van informatieaanbieders, internetaanbieders en zoekmachines', *JAVI* 2003/1, pp. 2-10.
- Clee 1998  
E. Clee, 'Database Rights Regulations: Protecting Investment Risk', *Computers and Law* April/May 1998, pp. 24-26.
- De Cock Buning 1993  
M. de Cock Buning, 'Computer generated works', een test voor de grondslagen van het auteursrecht?', *CR* 1993/1, pp. 10-17.
- De Cock Buning 1998  
M. de Cock Buning, *Auteursrecht en informatietechnologie. Over de beperkte houdbaarheid van technologiespecifieke regelgeving*, Amsterdam: Otto Cramwinckel 1998 (Ph.D. thesis University of Amsterdam).
- De Cock Buning/Vermeer 1999  
M. de Cock Buning, M. Vermeer, 'Hyperlinks en metatags; meeliften in cyberspace', *CR* 1999/4, pp. 166-173.
- Cohen Jehoram 1992  
H. Cohen Jehoram, 'Ontwerp EG-Richtlijn Databanken', *IER* 1992/4, pp. 129-133.

- Cohen Jehoram 1999  
H. Cohen Jehoram, 'Kroniek van de intellectuele eigendom', *NJB* 1999/10, pp. 477-481.
- Cohen Jehoram/Mortelmans 1997  
H. Cohen Jehoram, K. Mortelmans, 'Zur "Magill"-Entscheidung des Europäischen Gerichtshof', *GRUR Int* 1997/1, pp. 11-15.
- T. Cohen Jehoram 1998  
T. Cohen Jehoram, 'Copyright in Non-Original Writings. Past-Present-Future?', in: J.J.C. Kabel, G. Mom (eds.), *Intellectual Property and Information Law. Essays in Honour of Herman Cohen Jehoram*, Den Haag: Kluwer Law International 1998, pp. 103-112.
- Colston 2001  
C. Colston, 'Sui Generis Database Right: Ripe for Review?', *Journal of Information, Law & Technology* 2001/3, on the Internet: <<http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/>>.
- Common Position 1995  
Common Position (EC) No. 20/95 adopted by the Council on 10 July 1995 with a view to adopting Directive 95/.../EC of the European Parliament and of the Council of ... on the legal protection of databases, *OJEC* 1995 C 288/14.
- Conley/Brown/Bryan 2000  
J.M. Conley, M.M. Brown, R.M. Bryan, 'Database Protection in a Digital World: Why the United States Should Decline to Follow the European Model', *Information & Communications Technology Law* 2000/1, pp. 27-60.
- Consultative Paper  
Copyright Directorate, The Patent Office, Department of Trade and Industry, *Directive 96/9/EC of the European Parliament and the Council of 11 March 1996 on the legal protection of databases: A Consultative Paper on United Kingdom Implementation*, August 1997.
- Cook 1996  
T. Cook, 'The Final Version of the EC Database Directive – A Model for the Rest of the World?', *Copyright World* 1996/61, pp. 24-31.
- Cook 1998  
T. Cook, 'Implementation of the Database Directive in the UK', *Copyright World* 1998/78, pp. 35-40.
- Copinger and Skone James 1999  
K. Garnett, J. Rayner James, G. Davies, *Copinger and Skone James on Copyright*, London: Sweet & Maxwell 1999 (14<sup>th</sup> ed).
- Copinger and Skone James 2002  
K. Garnett, G. Davies, *Copinger and Skone James on Copyright. First Supplement to the Fourteenth Edition*, London: Sweet & Maxwell 2002.
- Cornish 1996-I  
W.R. Cornish, '1996 European Community Directive on Database Protection', *Columbia-VLA Journal of Law & the Arts* 1996/21, pp. 1-13.
- Cornish 1996-II  
W.R. Cornish, *Intellectual Property: patents, copyright, trade marks and allied rights*, London: Sweet & Maxwell 1996.

## Cornish 1997

W.R. Cornish, 'Protection of and vis-à-vis databases', in: M. Dellebeke (ed.), *Copyright in Cyberspace*, Amsterdam: Otto Cramwinckel 1997 (ALAI Study Days Amsterdam 1996), pp. 435-442.

## Cornish/Llewellyn 2003

W. Cornish, D. Llewellyn, *Intellectual Property: Patents: Copyright, Trade Marks and Allied Rights*, London: Sweet & Maxwell 2003 (5<sup>th</sup> ed).

## G.P. Cornish 1998

G.P. Cornish, 'Libraries and the Harmonisation of Copyright', *EIPR* 1998/7, pp. 241-243.

## Cornu/Mallet-Poujol 2001

M. Cornu, N. Mallet-Poujol, *Droit, œuvres d'art et musées. La protection et la valorisations des collections*, Paris: CNRS Editions 2001.

## Davies 1994

G. Davies, *Copyright and the Public Interest*, Weinheim/New York: VCH 1994 (IIC Studies (Studies in Industrial Property and Copyright Law) Vol. 14). (Published by the Max Planck Institute for Foreign and International Patent, Copyright and Competition Law, Munich).

## Davison 2003

M.J. Davison, *The legal protection of databases*, Cambridge: Cambridge University Press 2003 (Cambridge Studies in Intellectual Property Rights).

## Davison/Hugenholtz 2005

M.J. Davison, P.B. Hugenholtz, 'Football fixtures, horse races and spin-offs: the ECJ domesticates the database right', *EIPR* 2005/3, pp. 113-118.

## Debusseré 2006

F. Debusseré, 'Aansprakelijkheid voor hyperlinks naar websites met onrechtmatige inhoud. Een voorstel voor een wettelijke regeling', *CR* 2006/1, pp. 13-22.

## Derclaye 2002-I

E. Derclaye, 'What is a Database? – A Critical Analysis of the Definition of a Database in the European Database Directive and Suggestions for an International Definition', *Journal of World Intellectual Property* 2002/6, pp. 981-1011.

## Derclaye 2002-II

E. Derclaye, 'Do sections 3 and 3A of the CDPA violate the Database Directive? A closer look at the definition of a database in the U.K. and its compatibility with European law', *EIPR* 2002/10, pp. 466-474.

## Derclaye 2004-I

E. Derclaye, 'L'arrêt IMS Health. Une décision clarificatrice et salutaire tant pour le droit de la concurrence que pour le droit d'auteur', *Auteurs & Media* 2004/4, pp. 295-304.

## Derclaye 2004-II

E. Derclaye, 'Databases "Sui Generis" Right: Should we Adopt the Spin-off Theory?', *EIPR* 2004/9, pp. 402-413.

## Derclaye 2005

E. Derclaye, 'Database Sui Generis Right: What Is a Substantial Investment? A Tentative Definition', *IIC* 2005/1, pp. 2-30.

## Desbois 1978

H. Desbois, *Le droit d'auteur en France*, Paris: Dalloz 1978.

## Dommering 1988

E.J. Dommering, 'Gegevensbescherming. Bespreking van de vier preadviezen voor de vergadering van de Nederlandse Juristen Vereniging 1988', *CR* 1988/2, pp. 62-68.

## Dommering 1998

E.J. Dommering, 'De auteursrechtelijke aansprakelijkheid van intermediairs. Het Kabelpiratenarrest revisited in de tijd van Internet', in: D.W.F. Verkade, D.J.G. Visser (red.), *Intellectuele eigenaardigheden: Opstellen aangeboden aan mr Theo R. Bremer*, Deventer: Kluwer 1998, pp. 75-82.

## Doutrelepont 1994

C. Doutrelepont, 'Mißbräuchliche Ausübung von Urheberrechten? Bemerkungen zur Magill-Entscheidung des Gerichts 1. Instanz des Europäischen Gerichtshofs', *GRUR Int* 1994/4, pp. 302-308.

## Drexl 2004

J. Drexl, 'Intellectual Property and Antitrust Law', *IIC* 2004/7, pp. 788-808.

## Dufour 1999

B. Dufour, 'Des expositions comme oeuvres de l'esprit', *RIDA* 1999/180, pp. 3-85.

## Van Duijvenvoorde 1996

G.P. van Duijvenvoorde, *Informatietechnologie en Europees mededingingsrecht*, Deventer: Kluwer 1996 (Ph.D. thesis Leiden University).

## Dutch Databases Study Committee Report 1999

Report of the Databases Study Committee of the Dutch Association for Copyright, January 1999.

## Ecosoc Opinion 1993

Opinion of the Economic and Social Committee on the Proposal for a Council Directive on the legal protection of databases, 24 November 1992, *OJEC* 1993 C 19/3.

## Edelman 1998

B. Edelman, 'L'œuvre collective: une définition introuvable (à propos de l'arrêt de la Cour de cassation du 3 juillet 1996, Sté IFG c/ Sté NCI)', *D.* 1998/13, chron., pp. 141-144.

## Edelman 2000

B. Edelman, 'Les bases de données ou le triomphe des droits voisins', *D.* 2000/5, chron., pp. 89-94.

## Van Eechoud 1998

M. van Eechoud, 'Openbaarheid, exclusiviteit en markt: commercialisering van overheidsinformatie', *Mediaforum* 1998/6, pp. 177-184.

## Elferink 1998

M.H. Elferink, *Verwijzingen in wetgeving. Over de publiekrechtelijke status van normalisatienormen*, Leiden: Kluwer 1998 (Meijers series nr. 7) (Ph.D. thesis Leiden University).

## Elkin-Koren/Netanel 2002

N. Elkin-Koren, N.W. Netanel (eds.), *The Commodification of Information*, Den Haag/London/New York: Kluwer Law International 2002 (Information Law Series vol. 11).

## Van Engelen 1987

Th.C.J.A. van Engelen, 'De geschriften-bescherming in de Auteurswet en de bescherming van daarmee op één lijn te stellen prestaties', *BIE* 1987, pp. 243-253.

## Van Engelen 1994

Th.C.J.A. van Engelen, *Prestatiebescherming en ongeschreven intellectuele eigendomsrechten*, Zwolle: W.E.J.Tjeenk Willink 1994 (Ph.D. thesis Leiden University).

## European Commission Opinion 1995

Opinion of the Commission on the Council's common position regarding the proposal for a directive of the European Parliament and of the Council on the legal protection of databases, Brussels, 14 September 1995, SEC(95) 1430 def.

## European Commission Opinion 1996

Opinion of the Commission on the European Parliament's amendments to the Council's common position regarding the proposal for a directive of the European Parliament and of the Council on the legal protection of databases, Brussels, 10 January 1996, COM(96) 2 def.

## European Commission Staff Working Paper 2004

Commission staff working paper on the review of the EC legal framework in the field of copyright and related rights, Brussels, 19 July 2004, SEC(2004) 995.

## European Parliament Resolution 1993

Legislative resolution embodying the opinion of the European Parliament on the Commission proposal for a Council Directive on the legal protection of databases, 23 June 1993, *OJEC* 1993 C 194/144.

## European Parliament Decision 1995

Decision on the common position adopted by the Council with a view to adopting a European Parliament and Council Directive on the legal protection of databases, 14 December 1995, *OJEC* 1996 C 17/164.

## Evaluation Report 2005

DG Internal Market and Services Working Paper: First evaluation of Directive 96/9/EC on the legal protection of databases, Brussels, 12 December 2005.

## Feenstra/Krawczyk 1992

J.J. Feenstra, S. Krawczyk, 'De Magill-arresten: de uitoefening van het auteursrecht en misbruik van machtspositie', *Informatierecht/AMI* 1992/3, pp. 43-47.

## Fine 2002

F. Fine, 'NDC/IMS: A Logical Application of the Essential Facilities Doctrine', *ECLR* 2002/9, pp. 457-468.

## First Proposal for a Database Directive 1992

Proposal for a Council Directive on the legal protection of databases, Brussels, 13 May 1992, COM(92) 24 final, *OJEC* 1992 C 156/4 (with an Explanatory Memorandum).

## Fitzgerald 1998

D. Fitzgerald, 'Magill Revisited. Tiercé Ladbroke SA v. The Commission', *EIPR* 1998/4, pp. 154-161.

## Follow-up to the Green Paper 1991

Follow-up to the Green Paper – Working Programme of the Commission in the field of copyright and neighbouring rights, COM(90) 584 final, Brussels, 17 January 1991, pp. 18-20.

## Folmer 2005

F.C. Folmer, 'Arrest British Horseracing Board/William Hill: het einde van de spin-offtheorie in het databankrecht?', *NTER* 2004/3-4, pp. 70-73.



- Françon 1999  
A. Françon, 'Chronique de France', *RIDA* 1999/181, pp. 168-249.
- Franken/Kaspersen/De Wild 2004  
H. Franken, H.W.K. Kaspersen, A.H. de Wild, *Recht en computer*, Kluwer: Deventer 2004 (Recht en Praktijk series nr. 36).
- French AIPPI report on database protection 2004  
B. Warusfel, J. Combeau, Ch. De Haas, E. Logeais, J.-Y. Placais, Ph. Schmitt, *La protection nationale et internationale des bases de données*, AIPPI Rapport Q182 au nom du Groupe français, AIPPI World Congress in Geneva 19-13 June 2004.
- French Senate's Jolibois report 1997/1998  
Ch. Jolibois, *La protection juridique des bases*, Commission des lois constitutionnelles, de législation, du suffrage universel, du règlement et d'administration générale, Rapport No. 395, 1997/1998.
- Frequin 1999  
M.J. Frequin, 'Extra vangnet voor de producent van een databank. De Nederlandse implementatie van de Databank-richtlijn', *CR* 1999/1, pp. 10-16.
- Fromm/Nordemann 1998  
F.K. Fromm, W. Nordemann, K. Vinck, P.W. Hertin, *Urheberrecht. Kommentar zum Urheberrechtsgesetz und zum Urheberrechtswahrnehmungsgesetz*, Stuttgart: Kohlhammer 1998.
- Galli 2006  
P. Galli, 'Museums and Databases', *IIC* 2006/4, pp. 452-468.
- Garrigues 1997  
C. Garrigues, 'Databases: A Subject matter for Copyright or for a Neighbouring Rights Regime?', *EIPR* 1997/1, pp. 3-5.
- Gaster 1997-I  
J. Gaster, 'Zur anstehenden Umsetzung der EG-Datenbankrichtlinie', *CuR* 1997/11 (part I), pp. 669-676.
- Gaster 1997-II  
J. Gaster, 'Zur anstehenden Umsetzung der EG-Datenbankrichtlinie', *CuR* 1997/12 (part II), pp. 717-722.
- Gaster 1999  
J.-L. Gaster, *Der Rechtsschutz von Datenbanken: Kommentar zur Richtlinie 96/9 EG; mit Erläuterungen zur Umsetzung in das deutsche und österreichische Recht*, Köln-Berlin-Bonn-München: Heymanns Verlag 1999.
- Gaster 2000-I  
J.-L. Gaster, 'Zwei Jahre Sui-generis-Recht: Europäischer Datenbankschutz in der Praxis der EG-Mitgliedstaaten', *CuR Int* 2000/2, pp. 38-50.
- Gaster 2000-II  
J. Gaster, 'The EC *sui generis* right revisited after two years: a review of the practice of database protection in the 15 EU Member States', *Communications Law* 2000/3, pp. 87-98.
- Gaster 2001  
J.-L. Gaster, 'European Sui Generis Right for Databases. Legal Protection of Chronological Lists of Football Matches and Compilations of Data Related to Horseracing under Database Right – Or How your Judge might get it Right or Wrong', *CuR Int* 2001/3, pp. 74-78.

- Gaudrat 1995  
Ph. Gaudrat, 'Réflexions sur la forme des oeuvres de l'esprit', in: *Propriétés Intellectuelles. Mélanges en l'honneur de André Françon*, Paris: Dalloz 1995, pp. 195-221.
- Gaudrat 1998  
Ph. Gaudrat, 'Loi de transposition de la directive 96/9 du 11 mars 1996 sur les bases de données: dispositions relatives au droit d'auteur' (1<sup>re</sup> partie), *RTD com* 1998, pp. 598-609.
- Gaudrat 1999-I  
Ph. Gaudrat, 'Loi n° 98-536 du 1<sup>er</sup> juillet 1998 portant transposition de la directive 96/9/CE du Parlement Européen sur les bases de données: le champ de la protection par droit sui generis (2<sup>e</sup> partie)', *RTD com* 1999, pp. 86-109.
- Gaudrat 1999-II  
Ph. Gaudrat, 'Loi n° 98-536 du 1<sup>er</sup> juillet 1998 portant transposition de la directive 96/9/CE du Parlement Européen sur les bases de données: les caractères du droit sui generis (3<sup>e</sup> partie)', *RTD com* 1999, pp. 398-420.
- Gautier 2001  
P.-Y. Gautier, *Propriété littéraire et artistique*, Paris: PUF 2001.
- Gendreau 1998  
A. Gendreau, *Managing Intellectual Property* July / August 1998, pp. 44-45 (France).
- Gerbrandy 1988  
S. Gerbrandy, *Kort commentaar op de Auteurswet 1912*, Arnhem: Gouda Quint 1988.
- Gerbrandy 1992  
S. Gerbrandy, *Auteursrecht in de steigers*, Arnhem: Gouda Quint 1992.
- Gervais 1991  
D. Gervais, 'The Protection Under International Copyright Law of Works Created with or by Computers', *IIC* 1991/5, pp. 628-658.
- Gervais 1998  
D. Gervais, *The TRIPS Agreement: Drafting History and Analysis*, London: Sweet & Maxwell 1998.
- Gimeno 1998  
L. Gimeno, 'Protection of Compilations in Spain and the UK', *IIC* 1998/8, p. 907-920.
- Ginsburg 1990  
J. Ginsburg, 'Creation and Commercial Value: Copyright Protection of Works of Information', *Columbia Law Review* 1990/90, pp. 1865-1938.
- Ginsburg 1992  
J. Ginsburg, 'No Sweat? Copyright and Other Protection of Works of Information after Feist v Rural Telephone', *Columbia Law Review* 1992/92, pp. 338-388.
- Girot 2001  
C. Girot, *User Protection in IT Contracts. A Comparative Study of the Protection of the User Against Defective Performance in Information Technology*, The Hague: Kluwer Law International 2001 (Ph.D. thesis Catholic University of Tilburg).
- Govaere 1996  
I. Govaere, *The use and abuse of intellectual property rights in E.C. law. Including a case study of the E.C. spare parts debate*, London: Sweet & Maxwell 1996.
- Green Paper 1988  
Green Paper on copyright and the challenge of technology – Copyright issues requiring immediate action, COM(88) 172 final, Brussels, 30 January 1989, pp. 205-217.

- Grosheide 1986  
F.W. Grosheide, *Auteursrecht op maat*, Deventer: Kluwer 1986 (Ph.D. thesis Utrecht University).
- Grosheide 1996  
F.W. Grosheide, 'Monopolisering van informatie', *Mediaforum* 1996/5, p. 67.
- Grosheide 1998  
F.W. Grosheide, 'Database protection on the Borderline of Copyright Law and Industrial Property Law – A Status Report with regard to the Law of the EU, the USA and Japan', Tokyo: Institute of Intellectual Property 1998.
- Grosheide/Frequin 1990  
F.W. Grosheide, M.J. Frequin, 'Uitgeversrecht. Een studie naar de noodzaak tot een versterking van de rechtspositie van de uitgever', *Informatierecht/AMI* 1990/3, pp. 43-47.
- Grützmacher 1999  
M. Grützmacher, *Urheber-, Leistungs-, und Sui-Generis-schutz von Datenbanken. Eine Untersuchung des europäischen, deutschen und britischen Rechts*, Baden-Baden: Nomos 1999 (doctoral dissertation University of Kiel).
- Guibault 2002  
L.M.C.R. Guibault, *Copyright Limitations and Contracts. An Analysis of the Contractual Overridability of Limitations on Copyright*, London/The Hague/Boston: Kluwer Law International 2002 (Information Law Series vol. 9) (Ph.D. thesis University of Amsterdam).
- Guibault 2003  
L. Guibault, *The nature and scope of limitations and exceptions to copyright and neighbouring rights with regard to general interest missions for the transmission of knowledge: prospects for their adaptation to the digital environment*, Amsterdam 2003: Institute for Information Law, report prepared for UNESCO.
- Hackemann 1998  
M. Hackemann, 'Schutz multimedialer Datenbanken. Das Zusammenspiel von Urheber- und Wettbewerbsrecht', *CuR* 1998/8, pp. 510-514.
- Hackemann 1991  
M. Hackemann, 'Rechtlicher Schutz von Datenbanken', *CuR* 1991/5, pp. 305-310.
- Haeck 1998  
J.F. Haeck, *Idee en programmaformule in het auteursrecht*, Deventer: Kluwer 1998 (Ph.D. thesis University of Amsterdam).
- Hagen 2000  
S.R. Hagen, 'Databankenrechtelijke substantialiteit. Een 'wezenlijk' begrip in de Databankenwet, mede tegen de achtergrond van Europese jurisprudentie', *IER* 2002/1, pp. 6-13.
- Hoffman 1999  
B. Hoffman (ed.), *Exploiting Images and Image Collections in the New Media. Gold Mine or Legal Minefield?*, London: Kluwer Law International 1999.
- Hornung 1998  
O. Hornung, *Die EU-Datenbankrichtlinie und ihre Umsetzung in das deutsche Recht. Eine Untersuchung unter besonderer Berücksichtigung des Schutzrechts sui generis nach der EU-Datenbankrichtlinie*, Baden-Baden: Nomos 1998 (Schriftenreihe Europäisches Recht, Politik, und Wirtschaft nr. 209) (doctoral dissertation University of Kiel).

Holtzer 1993

M. Holtzer, 'Onpersoonlijke geschriftenbescherming en informatievrijheid', *Informatierecht/AMI* 1993/4, pp. 63-67.

Huet 1984

J. Huet, 'Droit de l'informatique: la liberté documentaire et ses limites, ou les banques de données à l'épreuve du droit d'auteur', *D.* 1984/21, chron., pp. 129-136.

Hugenholtz 1982

P.B. Hugenholtz, *Auteursrecht en Information Retrieval*, s.l.: Kluwer 1982 (series Post Scriptum Reeks).

Hugenholtz 1989

P.B. Hugenholtz, *Auteursrecht op informatie. Auteursrechtelijke bescherming van feitelijke gegevens en gegevensverzamelingen in Nederland, de Verenigde Staten en West-Duitsland. Een rechtsvergelijkend onderzoek*, Deventer: Kluwer 1989 (Ph.D. thesis University of Amsterdam).

Hugenholtz 1992

P.B. Hugenholtz, 'Het Ontwerp-Richtlijn Databasebescherming: de Europese Commissie lanceert een tweetrapsraket', *CR* 1992/3, pp. 97-101.

Hugenholtz 1995

P.B. Hugenholtz, 'Het einde van het omroepbladenmonopolie nadert', *Mediaforum* 1995/7-8, pp. 82-87.

Hugenholtz 1996

P.B. Hugenholtz, 'De Databankrichtlijn eindelijk aanvaard: een zeer kritisch commentaar', *CR* 1996/4, pp. 131-138.

Hugenholtz 1998-I

P.B. Hugenholtz, Preadvies 'Het Internet: het auteursrecht voorbij?', in: *Recht en Internet* (Handelingen Nederlandse Juristen-Vereeniging 1998-I), Deventer: W.E.J. Tjeenk Willink 1998, pp. 199-260.

Hugenholtz 1998-II

P.B. Hugenholtz, 'Implementing the Database Directive', in: J.J.C. Kabel, G. Mom (eds.), *Intellectual Property and Information Law. Essays in Honour of Herman Cohen Jehoram*, Den Haag: Kluwer Law International 1998, pp. 183-200.

Hugenholtz 1998-III

P.B. Hugenholtz, 'Het wetsvoorstel implementatie Databankrichtlijn', *IER* 1998/6, pp. 244-247.

Hugenholtz 2000

P.B. Hugenholtz, 'De wettelijke beperkingen beperkt. De WTO geeft de driestapen-toets tanden', *Informatierecht/AMI* 2000/10, pp. 197-203.

Hugenholtz 2002-I

P.B. Hugenholtz, 'De spin-off theorie uitgesponnen', *AMI* 2002/5, pp. 161-166.

Hugenholtz 2002-II

P.B. Hugenholtz, 'Copyright and the Freedom of expression in Europe', in: N. Elkin-Koren, N.W. Netanel (eds.), *The Commodification of Information*, Den Haag/London/New York: Kluwer 2002 (Information Law Series vol. 11), pp. 239-263.

Hugenholtz 2004

P.B. Hugenholtz, 'Het Europese Databankenrecht: Acht jaar later, en nu?', *Auteurs & Media* 2004/5-6, pp. 439-443.

## Hugenholtz 2005

P.B. Hugenholtz, 'Abuse of Database Right: Sole-Source Information Banks under the EU Database Directive', in: F. Lévêque, H. Shelanski, *Antitrust, Patents and Copyright. EU and US Perspectives*, Cheltenham: Edward Elgar 2005, pp. 203-219.

## Hughes 2001

S. Hughes, 'United Kingdom. First Case on Database Right Passes The Finishing Post', *World Intellectual Property Report* 2001/3, pp. 12-13.

## Hughes/Weightman 1992

J. Hughes, E. Weightman, 'EC Database Protection: Fine Tuning the Commission's Proposal', *EIPR* 1992/5, pp. 147-150.

## Kabel/Alberdingk Thijm/Hugenholtz 2001

J. Kabel, Chr. Alberdingk Thijm, P.B. Hugenholtz, *Kennisinstellingen en informatiebeleid. Lusten en lasten van de publieke taak*, Amsterdam: Instituut voor Informatierecht 2001.

## Kabel/Van Eechoud 1998

J. Kabel, M. van Eechoud, *Prijsbepaling voor elektronische overheidsinformatie*, Deventer: Kluwer 1998 (ITeR-series nr. 14).

## Kamperman Sanders 2002

A. Kamperman Sanders, 'Databases – In Search of the Free Flow of Information', in: N. Elkin-Koren, N.W. Netanel, *The Commodification of Information*, The Hague/London/New York: Kluwer Law International 2002 (Information Law Series vol. 11), pp. 365-393.

## Kamperman Sanders 2004

A. Kamperman Sanders, 'Intellectuele eigendom na HvJEG IMS Health/NDC Health: de dwanglicentie in opmars?', *AMI* 2004/4, pp. 124-132.

## Kapteyn/VerLoren van Themaat 2003

P.J.G. Kapteyn, P. VerLoren van Themaat, *Het recht van de Europese Unie en van de Europese Gemeenschappen*, Deventer: Kluwer 2003.

## Karnell 1991

G.W.G. Karnell, 'The Nordic Catalogue Rule', in: E.J. Dommering, P.B. Hugenholtz (eds.), *Protecting Works of Fact. Copyright, Freedom of Expression and Information Law*, Deventer/Boston: Kluwer 1991 (Information Law Series vol. 1), pp. 67-72.

## Karnell 1998

G. Karnell, 'European Originality: A Copyright Chimera', in: J.J.C. Kabel, G. Mom (eds.), *Intellectual Property and Information Law. Essays in Honour of Herman Cohen Jehoram*, Den Haag: Kluwer Law International 1998, pp. 201-209.

## Karnell 1999

G. Karnell, '§ 49 des schwedischen Urheberrechtsgesetz ein EG-rechtswidriger "Wolpertinger"?'', *GRUR Int* 1999/4, pp. 329-335.

## Kaye 1995

L. Kaye, 'The Proposed EU Directive for the Legal Protection of Databases: A Cornerstone of the Information Society?', *EIPR* 1995/12, pp. 583-588.

## Kemp/Gibbons 2006

R. Kemp, C. Gibbons, 'Database right after BHB v. William Hill: Enact and repent at leisure', *C.L.S.R.* 2006/22, pp. 493-498.

## Kéréver 1987

A. Kéréver, 'Protection par le droit d'auteur ou protection «sui generis»?', in: *Banques de données et droit d'auteur*, Colloque organisé par l'IRPI et l'Université de Paris-Dauphine, Paris 27 novembre 1986, Paris: Litec 1987 (Publications de l'IRPI, nr. 6), pp. 71-83.

## Kéréver 1997

A. Kéréver, 'Protection for and vis-à-vis databases – France', in: M. Dellebeke (ed.), *Copyright in Cyberspace*, Amsterdam: Otto Cramwinckel 1997 (ALAI Study Days Amsterdam 1996).

## Klos 2000

S. Klos, 'Databankieren in een lawyer's paradise. Enkele vragen rond het begrip Databank in de Databankenwet', *IER* 2000/1, pp. 1-8.

## Koelman 1998

K.J. Koelman, *Multimedialicenties. Enkele juridische en praktische knelpunten*, Alphen aan den Rijn/Diegem: Samsom 1998 (ITeR series nr. 10), pp. 85-159.

## Koelman 2003

K.J. Koelman, *Auteursrecht en technische voorzieningen. Juridische en rechtseconomische aspecten van de bescherming van technische voorzieningen*, Den Haag: Sdu 2003 (ITeR series nr. 57) (Ph.D. thesis University of Amsterdam).

## De Koning 2005

M. de Koning, 'Bescherming van databanken', in: M. Berghuis (red.), *Intellectuele eigendom en ICT*, Den Haag: Sdu 2005 (Monografieën Recht en Informatietechnologie dl. 3), pp. 93-130.

## Koopmans 1994

T. Koopmans, 'Intellectuele eigendom, economie en politiek', *Informatierecht/AMI* 1994/6, pp. 107-111.

## Koumantos 1997

G. Koumantos, 'Les bases de données dans la directive communautaire', *RIDA* 1997/171, pp. 79-135.

## Kreijger 2002

P.J. Kreijger, 'De afbakening tussen intellectuele eigendomsrechten en de Nederlandse Mededingingswet', *IER* 2002/4, pp. 167-173.

## Krikke -

J.I. Krikke, 'Commentaar Databankenwet', in: *Intellectuele Eigendom artikelsgewijs commentaar*, Den Haag: VUGA.

## Krikke 2000

J.I. Krikke, *Het bibliotheekprivilege in de digitale omgeving*, Deventer: Kluwer 2000 (ITeR series nr. 29).

## Kummer 1968

M. Kummer, *Das urheberrechtlich schutzbare Werk*, Bern: Stämpfli & Cie 1968.

## LAB Paper 1991

Legal Advisory Board Information & Discussion Paper 91/2 (The findings of the PROPRIINTELL-report. The protection of databases in the Member States of the European Community), with a report of the LAB meeting on databases on 23 and 24 May 1991.

- LAB Paper 1992  
Réunion du Legal Advisory Board, Luxembourg, DG XIII, 1 juillet 1992, Dossier No. 92/2: 1. La proposition de directive relative à la protection juridique des bases de données: synthèse des discussions.
- Laddie 1996  
Mr Justice Laddie, 'Copyright: Over-strength, Over-regulated, Over-rated?', *EIPR* 1996/5, pp. 253-260.
- Laddie/Prescott/Vitoria 2000  
H. Laddie, P. Prescott, M. Vitoria, *The Modern Law of Copyright and Designs*, London/Edinburgh/Dublin: Butterworths 2000 (3<sup>rd</sup> ed).
- Lai 1998  
S. Lai, 'Database Protection in the United Kingdom: The New Deal and its Effects on Software Protection', *EIPR* 1998/1, p. 32-35.
- Langer/Sauter 1999  
J. Langer, W. Sauter, 'Misbruik van economische machtspositie onder de nieuwe Mededingingswet', *Ars Aequi* 1999/2, pp. 88-98.
- Lea 1993  
G. Lea, 'Database Law – Solutions beyond Copyright', *C.L.S.R.* 1993/9, pp. 127-.
- Lebrun 2004  
B. Lebrun, 'IMS v NDC: Advocate General Tizzano's Opinion. Towards a Test for Mandatory Licensing?', *EIPR* 2004/2, pp. 84-87.
- Leistner 2000  
M. Leistner, *Der Rechtsschutz von Datenbanken im deutschen und europäischen Recht. Eine Untersuchung zur Richtlinie 96/9/EG und zu ihrer Umsetzung in das deutsche Urheberrechtsgesetz*, München: Beck 2000 (doctoral dissertation University of München).
- Lemarchand/Fréget/Sardain 2003  
S. Lemarchand, O. Fréget, F. Sardain, 'Biens informationnels: entre droits intellectuels et droit de la concurrence', *Propriétés Intellectuelles* 2003/6, pp. 11-23.
- Lenselink 1999  
B.J. Lenselink, 'Monopolisering van informatie in de Verenigde Staten? Het nieuwe Amerikaanse wetsvoorstel tot bescherming van databanken', in: J.M. van Buren-Dee, M.C. van Gestel, E.H. Hondius (eds.), *Privaatrecht en Gros*, Antwerpen/Groningen: Intersentia 1999, pp. 267-275.
- Von Lewinski 1992  
S. von Lewinski, 'Der Schutz von Datenbanken: Rechtsangleichung in der EG', *Medien und Recht* 1992/5, pp. 178-182.
- Von Lewinski 1997  
S. von Lewinski, 'WIPO Diplomatic Conference Results in Two New Treaties', *IIC* 1997/2, pp. 203-208.
- Van Lingen 2002  
N. van Lingen, *Auteursrecht in hoofdlijnen*, Groningen: Martinus Nijhoff 2002.
- Lipton 2003  
J. Lipton, 'Databases as Intellectual Property: New Legal Approaches', *EIPR* 2003/3, pp. 139-145.
- Lober 2002  
A. Lober, 'Die IMS-Health-Entscheidung der Europäischen Kommission: Copyright K.O.?', *GRUR Int* 2002/1, pp. 7-16.

- Van Loon 2004  
S.C. van Loon, *Databankenrecht en mededinging*, Den Haag: Sdu 2004 (ITeR series nr. 67).
- Lorimy 1999  
J. Lorimy, 'Loi du 1er juillet 1998 portant transposition en droit interne de la directive "base de données" du 11 mars 1996', *D.I.T.* 1999/2, pp. 100-102.
- Love 1996  
J. Love, 'A Primer on the Proposed WIPO Treaty on Database Extraction Rights that will be considered in December 1996', 10 November 1996, on the Internet: <<http://www.cptech.org/ip/cpt-dbcom.html>>.
- Lucas 1987  
A. Lucas, *Le droit de l'informatique*, Paris: PUF 1987.
- Lucas 1996  
A. Lucas, 'Actualités. Aperçu rapide sur la directive 96/9/CE du 11 mars 1996 concernant la protection juridique des bases de données', *JCP* éd. G. 1996/22.
- Lucas 1998-I  
A. Lucas, *Droit d'auteur et numérique*, Paris: Litec 1998.
- Lucas 1998-II  
A. Lucas, 'Brief uit Frankrijk', *Informatierecht/AMI* 1998/10, pp. 165-175.
- Lucas/Lucas 2001  
A. Lucas, H.-J. Lucas, *Traité de la propriété littéraire et artistique*, Paris: Litec 2001.
- Macgillivray 1969  
E.J. Macgillivray, *Copyright Cases 1911-1916*, London: Wildly & Sons Ltd. 1969.
- Mackaay 1985  
E. Mackaay, 'De hersenschim als rustig bezit. Moet alle informatie voorwerp van eigendom zijn?', *CR* 1985/6, pp. 12-16.
- Malaurie-Vignal 1996  
M. Malaurie-Vignal, 'Le parasitisme des investissements et du travail d'autrui', *D.* 1996/20, chron., pp. 177-181.
- Mallet-Poujol 1996-I  
N. Mallet-Poujol, 'La directive concernant la protection juridique des bases données: la gageure de la protection privative', *D.I.T.* 1996/1, pp. 6-16.
- Mallet-Poujol 1996-II  
N. Mallet-Poujol, 'Marché de l'information: le droit d'auteur injustement tourmenté', *RIDA* 1996/168, pp. 93-203.
- Marshall 2001  
L. Marshall, 'Database Right Infringement', *Computers & Law* 2001/6, p. 31.
- Maurer/Hugenholtz/Onsrud 2000  
S.M. Maurer, P.B. Hugenholtz, H.J. Onsrud, 'Europe's Database Experiment', *Science* 2001/294, pp. 789-790.
- Mayr 1997  
C.E. Mayr, 'Banche dati e musei', *AIDA* 1997/VI, pp. 110-133.
- McCurdy 2003  
G.V.S. McCurdy, 'Intellectual Property and Competition: Does the Essential Facilities Doctrine Shed Any New Light?', *EIPR* 2003/10, pp. 472-480.



Monotti 1993

A. Monotti, 'The Extent of Copyright Protection for Compilations of Artistic Works', *EIPR* 1993/5, pp. 156-161.

Möglich 2002

A. Möglich, 'Auswirkungen des EGG auf die haftungsrechtliche Behandlung von Hyperlinks', *CuR* 2002/8, pp. 583-592.

Nauta Dutilh Report 2002

Report by Nauta Dutilh, *The implementation and application of Directive 96/9/EC on the legal protection of database*, 30 September 2002, commissioned by the European Commission's Internal Market Directorate-General.

Van der Noordt/Beunen 2006

J. van der Noordt, A. Beunen, 'Nieuwe Auteurswet verruimt mogelijkheden musea', *Museumvisie* 2006/2, pp. 44-47.

O'Hare 2006

P. O'Hare, 'Electronic databases: Protecting your investment – An analysis of the legal rights in electronic databases under UK law', *C.L.S.R.* 2006/22, pp. 486-492.

Van Overbeek 1992

W.B.J. van Overbeek, 'De ontwerp EG-richtlijn betreffende de rechtsbescherming van databanken', *Informatierecht/AMI* 1992/7, pp. 123-129.

Overdijk 2002

T. Overdijk, 'Netherlands: No "Spin-Off" Defence against Online Databases?', *CuR Int* 2002/6, pp. 185-186.

Passa 1997

J. Passa, *Contrefaçon et concurrence déloyale*, Paris: Litec 1997.

Pattison 1992

M. Pattison, 'The European Commission's Proposal on the Protection of Computer Databases', *EIPR* 1992/4, pp. 113-120.

Pierrat 1998

E. Pierrat, 'Loi du 1<sup>er</sup> juillet 1998: Le nouveau droit des bases de données', *Légipresse* 1998/155, pp. II-120 – II-123.

Pollaud-Dulian 1996

F. Pollaud-Dulian, 'Brèves remarques sur la directive du 11 mars 1996 concernant la protection juridique des bases de données', *D. Affaires* 1996/18, pp. 539-546.

Pollaud-Dulian 1997

F. Pollaud-Dulian, 'Interventions', in: M. Dellebeke (ed.), *Copyright in Cyberspace*, Amsterdam: Otto Cramwinckel 1997 (ALAI Study Days Amsterdam 1996), pp. 525-526.

Posner 1992

R.A. Posner, *Economic Analysis of Law*, Boston: Little, Brown and Company 1992 (4<sup>th</sup> ed).

Prechal 1995

S. Prechal, *Directives in European Community Law. A Study on EC Directives and their Enforcement by National Courts*, s.l.: Brouwer Uithof 1995 (Ph.D. thesis University of Amsterdam).

## Prins and others 2000

J.E.J. Prins and others, *De universiteitsbibliotheek in het databankenrecht. Een juridisch perspectief op de vraag naar de noodzaak en wenselijkheid van een bibliotheek als informatie-producent*, Deventer: Kluwer 2000 (ITeR series nr. 28).

## Puttemans 2002

A. Puttemans, *Droits intellectuels et concurrence déloyale (Pour une protection des droits intellectuels par l'action en concurrence déloyale)*, Bruxelles: Bruylant 2000 (Ph.D. thesis Université Libre de Bruxelles).

## Quaedvlieg 1987

A.A. Quaedvlieg, *Auteursrecht op techniek. De auteursrechtelijke bescherming van het technisch aspect van industriële vormgeving en computerprogrammatuur*, Zwolle: W.E.J. Tjeenk Willink 1987 (Ph.D. thesis Catholic University of Nijmegen).

## Quaedvlieg 1998-I

A. Quaedvlieg, *Reactie 'Het verschil tussen wetten en databanken'*, *NJB* 1998/34, pp. 1594-1595 (reaction to D.J.G. Visser, *Opinie 'Het ministerie zwicht weer voor de uitgevers'*, *NJB* 1998/31, pp. 1396-1397).

## Quaedvlieg 1998-II

A. Quaedvlieg, *'Copyright's Orbit Round Private, Commercial and Economic Law – The Copyright System and the Place of the User'*, *IIC* 1998/4, pp. 420-438.

## Quaedvlieg 1998-III

A. Quaedvlieg, *'De producent van de databank. Het begrip producent in de databankrichtlijn en in het wetsvoorstel sui generis databankbescherming'*, *BIE* 1998, pp. 404-406.

## Quaedvlieg 2000

A. Quaedvlieg, *'Onafhankelijk, geordend en toegankelijk: het object van het databankenrecht in de richtlijn'*, *Informatierecht/AMI* 2000/9, pp. 177-186.

## Quaedvlieg 2002

A.A. Quaedvlieg, *'Televisie in de muil van de databankbescherming? Tv-programmalijsten als beschermde gegevensverzamelingen'*, *Ars Aequi* 2002/6, pp. 403-411.

## Quaedvlieg 2003

A.A. Quaedvlieg, *Review of M.M. Walter (red.), Europäisches Urheberrecht Kommentar*, Wien/New York: Springer 2001, *AMI* 2003/3, pp. 91-93.

## Reale 2002

E. Reale, *'Copyright in the digital age: opportunities and drawbacks for scientific research'*, in: R. Towse (ed.), *Copyright in the Cultural Industries*, London: Edward Elgar Publishing 2002, pp. 233-249.

## Rees/Chalton 1998

C. Rees, S. Chalton (eds.), *Database Law*, Bristol: Jordan Publishing Ltd 1998.

## Reeskamp 1998

P.L. Reeskamp, *'Databankrichtlijn: vooralsnog geen bescherming van wettendatanken'*, *NTER* 1998/6, pp. 112-115.

## Reichman/Samuelson 1997

J. Reichman, P. Samuelson, *'Intellectual Property Rights in Data?'*, *Vanderbilt Law Review* 1997/50, pp. 51- 166.

- Reinbothe/Von Lewinski 1993  
J. Reinbothe, S. von Lewinski, *The E.C. Directive on rental and lending rights and on piracy*, London: Sweet & Maxwell 1993.
- Reinbothe/Von Lewinski 2002  
J. Reinbothe, S. von Lewinski, *The WIPO Treaties 1996. The WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. Commentary and Legal Analysis*, London: Butterworths 2002.
- Reinsma 1998  
M. Reinsma, Reactie 'Het ministerie zwicht niet', *NJB* 1998/34, p. 1595 (reaction to D.J.G. Visser, Opinie 'Het ministerie zwicht weer voor de uitgevers', *NJB* 1998/31, pp. 1396-1397).
- Reinsma 1999  
M. Reinsma, 'De Databankenwet', *Ars Aequi* 1999/48, pp. 917-923.
- Ricketson 1987  
S. Ricketson, *The Berne convention for the protection of literary and artistic works: 1886-1986*, London: The Eastern Press Ltd 1987.
- Ricketson 2003  
S. Ricketson, *WIPO Study on limitations and exceptions of copyright and related rights in the digital environment*, June 2003 (WIPO document SCCR/9/7).
- Rowland 1997  
D. Rowland, 'The EC Database Directive: an Original Solution to an Unoriginal Problem?', *Web Journal of Current Legal Issues* 1997/5, <<http://webjcli.ncl.ac.uk/1997/issue5/rowland5.html>>.
- Samuelson 1997  
P. Samuelson, *Letter re: Tyson/Sherry Report*, House Judiciary Committee hearings on US bill H.R. 2652, 23 October 1997.
- Schellekens 2001  
M.H.M. Schellekens, *Aansprakelijkheid van Internetaanbieders*, Den Haag: Sdu 2001 (Ph.D. thesis Catholic University of Tilburg).
- Scheltema/Tjong Tjin Tai 2003  
M.W. Scheltema, T.F.E. Tjong Tjin Tai, 'Overeenkomsten sluiten door openen en klikken?', *CR* 2003/4, pp. 244-248.
- Schmidt 2002  
H.K.S. Schmidt, 'Article 82's "Exceptional Circumstances" That Restrict Intellectual Property Rights', *ECLR* 2002/5, pp. 210-216.
- Schricker 1999  
G. Schricker (ed.), *Urheberrecht: Kommentar*, München: Beck 1999 (2<sup>nd</sup> ed).
- Seignette 1994  
J. Seignette, *Challenges to the Creator Doctrine*, Deventer/Boston: Kluwer Law and Taxation 1994 (Information Law Series vol. 3) (Ph.D. thesis University of Amsterdam).
- Seignette 2001  
J.M.B. Seignette, 'Napster en de controle van de rechthebbende over de distributie van zijn werk', *AMI* 2001/2, pp. 29-34.

## Senftleben 2004

M. Senftleben, *Copyright, Limitations and the Three-Step Test. An analysis of the Three-Step Test in International and EC Copyright Law*, s.l. 2004 (Ph.D. thesis University of Amsterdam).

## Senftleben 2006

M. Senftleben, 'Towards a Horizontal Standard for Limiting Intellectual Property Rights? – WTO Panel Reports Shed Light on the Three-Step Test in Copyright Law, and Related Tests in Patent and Trademark Law', *IIC* 2006/4, pp. 407-438.

## Sirinelli 1994

*Industries culturelles et nouvelles techniques*, Rapport de la Commission Sirinelli, Ministère de la Culture et de la Francophonie, Paris: La Documentation française 1994.

## Soetenhorst 1993

W.J. Soetenhorst, *De bescherming van de uitgeefprestatie. Een onderzoek naar het functioneren van het uitgeefovereenkomstenrecht en het mededingingsrecht in Nederland en Duitsland met aandacht voor de situatie in Groot-Brittannië*, Zwolle: W.E.J. Tjeenk Willink 1993 (Ph.D. thesis Utrecht University).

## Speyart 1996-I

H. Speyart, 'De databank-richtlijn en haar gevolgen voor Nederland (I)', *Informatierecht/AMI* 1996/8, pp. 151-163.

## Speyart 1996-II

H. Speyart, 'De databank-richtlijn en haar gevolgen voor Nederland (II)', *Informatierecht/AMI* 1996/9, pp. 171-179.

## Spoor 1982

J.H. Spoor, 'Auteursrecht en databank', *Auteursrecht/AMR* 1982/4, pp. 95-99.

## Spoor 1997

J.H. Spoor, 'Interventions', in: M. Dellebeke (ed.), *Copyright in Cyberspace*, Amsterdam: Otto Cramwinckel 1997 (ALAI Study Days Amsterdam 1996), pp. 525-526.

## Spoor/Verkade/Visser 2005

J.H. Spoor, D.W.F. Verkade, D.J.G. Visser, *Auteursrecht. Auteursrecht, naburige rechten en databankenrecht*, Deventer: Kluwer 2005 (Recht en Praktijk series nr. 42).

## Stothers 2002

C. Stothers, 'The End of Exclusivity?: Abuse of Intellectual Property Rights in the EU. IMS Health (Commission Interim Measures, Suspended by Order of the President of the Court of First Instance)', *EIPR* 2002/2, pp. 86-93.

## Stothers 2004

C. Stothers, 'IMS Health and its Implications for Compulsory Licensing in Europe', *EIPR* 2004/10, pp. 467-472.

## Strowel/Derclaye 2001

A. Strowel, E. Derclaye, *Droit d'auteur et numérique: logiciels, bases de données, multi-média. Droit belge, européen et comparé*, Bruxelles: Bruylant 2001.

## Strowel/Triaille 1997

A. Strowel, J.-P. Triaille, *Le droit d'auteur, du logiciel au multimedia: droit belge, droit européen, droit comparé*, Bruxelles: Bruylant 1997.

## T&amp;C IE 1998

Ch. Gielen, D.W.F. Verkade (red.), *Intellectuele Eigendom Tekst & Commentaar*, Deventer: Kluwer 1998.

## Tabuchi 2002

H. Tabuchi, 'International Protection of Non-Original Databases; Studies on the Economic Impact of the Intellectual Property Protection of Non-Original Databases', Codata Conference 2002 presentation and paper on the Internet: <[http://www.codata.org/codata02/03invited/Tabuchi/Tabuchi\\_CODATA\\_ejournal.pdf](http://www.codata.org/codata02/03invited/Tabuchi/Tabuchi_CODATA_ejournal.pdf)>.

## Thorne 1991

C. Thorne, 'The Infringement of Database Compilations: A Case for Reform?', *EIPR* 1991/9, pp. 331-333.

## Thoumyre 2000

L. Thoumyre, 'L'ensemble journalistique: entre le collectif et la collaboration', *Les cahiers de propriété intellectuelle* 2000/2, pp. 421-448, on the Internet: <<http://www.juriscom.net/uni/doc/20000510.htm>>.

## Transfer of Technology Block Exemption report

European Commission evaluation report on the Transfer of Technology Block Exemption Regulation N° 240/96 Technology Transfer Agreements under article 81, December 2001, COM(2001) 786 final, on the Internet: <[http://europa.eu.int/comm/competition/antitrust/technology\\_transfer/en.pdf](http://europa.eu.int/comm/competition/antitrust/technology_transfer/en.pdf)>.

## Trosow 2005

S.E. Trosow 2005, 'Sui Generis Database Legislation: A Critical Analysis', *Yale Journal of Law & Technology* 2005, pp. 2-97.

## Tyson/Sherry 1997

L. Tyson, E.F. Sherry, *Statutory Protection for Databases: Economic & Public Policy Issues*, House Judiciary Committee hearings on US bill H.R. 2652, 23 October 1997, on the Internet: <<http://judiciary.house.gov/Legacy/41118.htm>>.

## Ullrich 2001

H. Ullrich, 'Intellectual Property, Access to Information, and Antitrust: Harmony, Disharmony, and International Harmonization', in: R. Dreyfuss, D. Zimmerman, H. First (eds.), *Expanding the Boundaries of Intellectual Property*, Oxford: Oxford University Press 2001, pp. 365-402.

## Ulmer 1980

E. Ulmer, *Urheber- und Verlagsrecht*, Berlin/Heidelberg/New York: Springer 1980.

## U.S. Copyright Office report 1997

U.S. Copyright Office, *Report on Legal Protection for Databases*, August 1997, on the Internet: <<http://www.copyright.gov/reports/dbase.html>>.

## Verkade 1988

D. Verkade, 'Gegevensbescherming en privaatrecht', in: *Gegevensbescherming, Preadviezen voor de Nederlandse Juristen-Vereniging*, Handelingen der Nederlandse Juristen-Vereniging dl. I, Zwolle: W.E.J. Tjeenk Willink 1988.

## Verkade 1990

D.W.F. Verkade, *Intellectuele eigendom, mededinging en informatievrijheid*, Deventer: Kluwer 1990 (Inaugural Lecture Leiden University).

## Verkade/Visser 1999

D.W.F. Verkade, D.J.G. Visser, *Inleiding en parlementaire geschiedenis Databankenwet*, Den Haag: Boom 1999.

## Visser 1997-I

D.J.G. Visser, *Auteursrecht op toegang. De exploitatierechten van de auteur in het tijdperk van digitale informatie en netwerkcommunicatie*, Den Haag: VUGA 1997 (Ph.D. thesis Leiden University).

## Visser 1997-II

D.J.G. Visser, 'The economic rights involved. The Netherlands', in: M. Dellebeke (ed.), *Copyright in Cyberspace*, Amsterdam: Otto Cramwinckel 1997 (ALAI Study Days Amsterdam 1996), pp. 124-139.

## Visser 1998-I

D.J.G. Visser, *Naar een multimediatekstendige auteursrecht*, Alphen aan den Rijn/Diegem: Samsom 1998 (ITeR series nr. 10).

## Visser 1998-II

D.J.G. Visser, *Opinie 'Het ministerie zwicht weer voor de uitgevers'*, *NJB* 1998/31, pp. 1396-1397.

## Visser 1998-III

D.J.G. Visser, *Naschrift 'Wetten zijn databanken'*, *NJB* 1998/34, pp. 1565-1566.

## Visser 1999-I

D.J.G. Visser, *Naburige rechten van uitvoerende kunstenaars, fonogrammenproducenten, filmproducenten en omroeporganisaties*, Deventer: W.E.J. Tjeenk Willink 1999 (Studiepockets Privaatrecht nr. 57).

## Visser 1999-II

D.J.G. Visser, *'Overweging 52 Databankrichtlijn'*, *Informatierecht/AMI* 1999/5, pp. 73-75.

## Visser 1999-III

D.J.G. Visser, *'Carnaval in Oss: variété, databank of folklore?'*, *Mediaforum* 1999/13, p. 374.

## Visser 2001

D.J.G. Visser, *'Napsteren', 'Gnutellen' en de afwezigheid van legale muziek op Internet'*, *CR* 2001/3, pp. 131-133.

## Visser 2003

D.J.G. Visser, *'The database right and the spin-off theory'*, in: H. Snijders, S. Weatherill (eds.), *E-commerce Law*, The Hague: Kluwer Law International 2003, pp. 105-110.

## Vivant 1995

M. Vivant, *'Recueils, bases, banques de données, compilations, collections...: l'introuvable notion? A propos et au-delà de la proposition de directive européenne'*, *D.* 1995/26, chron., pp. 197-200.

## De Vrey 2006

R. W. de Vrey, *Towards a European Competition Law. A Clash Between Legal Families. A comparative study of English, German and Dutch law in light of existing European and international legal instruments*, Leiden/Boston: Martinus Nijhoff Publishers 2006 (Ph.D. thesis Utrecht University).

## Van der Wal 1994

G. van der Wal, *'Article 86 EC: The Limits of Compulsory Licensing'*, *ECLR* 1994/4, pp. 230-235.

- Walter 2001  
M.M. Walter (red.), *Europäisches Urheberrecht Kommentar*, Wien/New York: Springer 2001.
- Westerdijk/Van der Klaauw 1991  
R.J.J. Westerdijk, F.A.M. van der Klaauw, 'De shrink-wrap licentie', *CR* 1991/1, pp. 18-24.
- Westkamp 2001  
G. Westkamp, 'Balancing Database Sui Generis Right Protection with European Monopoly Control under Article 82', *ECLR* 2001/1, pp. 13-24.
- Wezenbeek-Geuke 2001  
M.G. Wezenbeek-Geuke, 'IMS Health: misbruik van machtspositie en intellectuele-eigendomsrechten', *NTER* 2001/12, pp. 333-343.
- Wiebe 1996  
A. Wiebe, 'Rechtsschutz von Datenbanken und europäische Harmonisierung', *CuR* 1996, pp. 198-204.
- WTO Panel Report  
WTO Panel Report of 15 June 2000 (document WT/DS160/R), adopted by the Dispute Settlement Body on 27 July 2000, on the Internet: <<http://www.wto.org>>.
- Wuermeling 1996  
E. Wuermeling, 'Neuer Rechtsschutz für Datenbanken', *NJW-CoR* 1996/3, pp. 183-185.
- Zimmermann 1992  
H. Zimmermann, *Die Ausstellung als Werk*, Berlin: Humboldt Universität 1992 (doctoral dissertation Humboldt University of Berlin).