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

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The European Database Directive introduced a new protection regime for database producers in 1996. This was to complement the already existing copyright protection for collections. This new sui generis right offers protection to producers who undertake a substantial investment in the production of a database. Even though it was presented as a unique right without precedent, its scope closely resembles an intellectual property right, while its rationale – preventing misappropriation of another’s investment – is related to the tenet of unfair competition.

The sui generis right is the main focus of this book. Its most important concepts are extensively discussed, such as the criterion of the substantial investment, the definition of the producer, and the scope of the sui generis right. For this, a comparative study is made of the literature and case law of the Netherlands, France and the United Kingdom. Particular attention is paid to the important judgments which the European Court of Justice delivered on the sui generis right in November 2004. Furthermore, consideration is given to the (re)introduction of a compulsory licensing regime to ward off information monopolies. The book ends with a conclusion which contains proposals for a review of the Database Directive.

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