Databases form a vitally important part of the information society. The traditional approach in the United Kingdom has been to protect their contents as compilations under the law of copyright. This contrasts with the approach adopted in civil law states which have historically required a more significant qualitative element as a condition for the award of copyright than has been the case in the United Kingdom. Databases would not meet this requirement—although many states would offer protection under unfair competition laws. The European Union’s database directive strikes something of a compromise between the two approaches. The chapter will consider the extent of the sui generis database right and consider its practical application in the, albeit limited, number of cases in which it has been considered by the courts.
18. Protection of databases

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