This chapter discusses database protection and database right under European Parliament and Council Directive on the protection of databases [1996] OJ L 77/20.1, better known as the Database Directive. Long before the advent of digital technology various forms of databases were around in analogue format, such as telephone directories. Digital technology opened up opportunities of scale in this area and made data easy to search. But at the same time it impeded the mere consultation or reading of the data, that are now hidden in a digital format. The real value of a database lies in the comprehensive nature of the information it contains, rather than in the originality of the information itself. Thus, granting an exclusive right in a collection of data or information, without any requirement of originality in relation to the data or information, not only risks interfering with the right of access to information, but also risks interfering with the freedom of competition, since the only workable access to information and data that are themselves in the public domain and freely available will now pass via the rights holder and its database.
21. Database Rights

The database right has the difficult task of striking the right balance between the various interests involved, and the Directive has been accused of putting in place the least balanced and most anti-competitive exclusive right in the EU.

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