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Database Rights A Quick Guide

Data is becoming an increasingly valuable commodity for businesses and constitutes a significant part of the information technology economy.



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Some key issues to note are:

- A database is legally defined as “a collection of independent works, data or other materials which are arranged in a systematic or methodical way, and are individually accessible by electronic or other means”, for example, contact management systems, document management systems and back-office inventory systems.
- A database right automatically exists in a database if there has been a substantial investment in obtaining, verifying or presenting the contents of the database.
- In the UK, the maker of a database is the owner of the database right.
- An employer is regarded as the maker of a database made by an employee in the course of his / her employment, subject to any agreement to the contrary.
- A database right lasts for 15 years from the end of the calendar year in which the database was completed but can be “renewed” if there has been a “substantial change” to the contents of the database.
- If a person uses all or a substantial part of the contents of your database without your permission, a claim for infringement can be made.
- The remedies available for an infringement of a database right include: (i) an injunction (ii) damages, (iii) an account of profits, and (iv) seizure of infringing copies of the database.

HOW WE CAN HELP

We can advise on all aspects of protection of your database and advise you how you make a return on your investment in the database and generate licence fees. As the founding member of Mackrell International, an international network of independent law firms, we can offer Intellectual Property assistance worldwide.



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