



Is the Sui Generis Right a Failed Experiment?: A Legal and Theoretical Exploration of How to Regulate Unoriginal Database Contents and Possible Suggestions for Reform

By Robin Elisabeth Herr

DJOF Publishing. Paperback. Condition: new. BRAND NEW, Is the Sui Generis Right a Failed Experiment?: A Legal and Theoretical Exploration of How to Regulate Unoriginal Database Contents and Possible Suggestions for Reform, Robin Elisabeth Herr, Controversial from its inception, the European Database Directive protects unoriginal contents in contrast to the United States where there is no statutory protection. Despite this extra incentive, empirical evidence seems to indicate that database production in the European Community remains largely unchanged while that in the United States is increasing, at least in the short term. Dissatisfaction with the Directive has sparked efforts to revise database protection policy, including by the European Commission. In order to determine the best method of regulation, three factors are explored in this Ph.D. thesis: the nature of the database industry, regulatory theories emanating from economic analysis of the law and the evidence offered by the US and EC protection regimes. A major insight that emerges is that the productive potential of secondary producers, what the author terms re-users, is being undervalued in Europe. A greater emphasis on access could harness their economic potential. However, this conclusion comes with a twist based upon the American experience. A reduction in statutory protection...



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