

Abstract

The topic of this thesis is legal protection of databases. The thesis aims to introduce the concept of databases and their protection at the international, European and national level. Furthermore, European as well as American case law regarding legal protection of databases is dealt with in this thesis, since the impact of the case-law in this area including vital interpretation of some terms has been significant.

The first chapter is divided into three subchapters and characterises the concepts of intellectual property, intangible assets and copyright. This chapter theoretically analyses these terms including their relationship, basic characteristics and structure.

The second chapter is called the information society and databases and deals with the term database and with its significance in modern society. The third chapter focuses on legal protection of databases, particularly at the international level. In its three subchapters it introduces database protection as regulated by Bern convention, TRIPS Agreement and World Intellectual Property Organization international treaties. The fourth chapter represents the most extensive part of this thesis as it describes legal protection of databases in European Union. The Directive on the legal protection of databases which was adopted in 1996 forms the basis of this chapter. This chapter is concerned with the legislation process and adoption of the Directive, it describes the basic terms including the two-tier protection scheme created by the Directive. Basic terms are further explained by the elaboration of the Court of Justice of the European Union case-law.

The fifth chapter is divided into four subchapters that correspond to particular states which have been selected for the case study by the author of this thesis. The description of the legal protection of databases in Finland, Netherlands, the Czech Republic and the United States of America is illustrated in the last fifth chapter.

This thesis was written in accordance with the applicable law on the 30th October 2013.