

Database Protection: A Comparative Study India Vs European Union

Mr. Siva S¹, Ms. Gowri Shankari R²

¹*Student, Vels Institute of Science Technology and Advanced Studies (VISTAS)*

²*Assistant Professor, Vels Institute of Science Technology and Advanced Studies (VISTAS)*

Abstract— In the contemporary digital economy, databases have become indispensable assets, underpinning the functioning of data-intensive industries such as finance, healthcare, e-commerce, and artificial intelligence. As structured collections of information, databases facilitate efficient storage, organization, and retrieval of vast quantities of data, thereby generating significant commercial value. However, their legal protection presents complex challenges, primarily because databases often consist of factual information that does not qualify for protection under traditional copyright principles. This has necessitated the evolution of specialized legal frameworks to address the unique nature of databases. This paper critically examines the legal protection of databases in the context of rapidly expanding data-driven economies, with a particular focus on the contrasting approaches adopted by the European Union and India. The European Union's introduction of a sui generis database right represents a proactive and distinct legal mechanism designed to safeguard the substantial investment involved in the creation and maintenance of databases, irrespective of originality. In contrast, India continues to rely predominantly on copyright law, supplemented by judicial interpretations, to extend limited protection to databases that meet the threshold of originality through selection or arrangement.

The divergence between these legal regimes raises significant concerns regarding the adequacy and effectiveness of existing laws in addressing modern technological realities. This study evaluates whether India's current framework sufficiently protects database creators while ensuring access to information and fostering innovation. It also explores the broader implications of adopting a sui generis model in India, considering economic, legal, and policy dimensions. Ultimately, the paper seeks to contribute to the ongoing discourse on developing a balanced and adaptive legal regime that aligns with the demands of the digital age and the principles of equitable information access.

Keywords—Database Protection, Digital Economy, Copyright Law, Sui Generis Right, European Union, India, Intellectual Property, Big Data, Legal Framework, Data Ownership

I. INTRODUCTION

1.1 Background

In the contemporary digital economy, databases constitute the backbone of information infrastructure, enabling efficient storage, retrieval, and dissemination of vast quantities of structured data. With the exponential growth of data-driven industries, the legal protection of databases has emerged as a critical concern for policymakers, legal scholars, and businesses alike. Unlike traditional intellectual property objects such as literary works or inventions, databases often involve a compilation of facts, which are not inherently protectable under classical copyright doctrines.

The increasing commercial value of databases—particularly in sectors such as finance, healthcare, e-commerce, and artificial intelligence—has intensified the need for robust legal frameworks that balance the interests of database creators and users. The European Union (EU) has taken a pioneering approach through the introduction of a sui generis database right, while India continues to rely primarily on copyright law and judicial interpretation.

This divergence raises important questions regarding the adequacy, efficiency, and adaptability of existing legal regimes in protecting databases in an era characterized by big data and digital transformation.

1.2 Significance of the Study

The significance of database protection lies in its dual role: incentivizing investment in data compilation while ensuring access to information for innovation and public use. Weak protection may discourage investment, whereas overly strong protection risks monopolizing information and stifling competition.

The European Union's Database Directive represents one of the most comprehensive attempts to address this balance by introducing a sui generis right that protects substantial investment in obtaining, verifying, or presenting database contents. Conversely, India's reliance on originality standards

under copyright law reflects a more conservative approach rooted in traditional intellectual property principles.

A comparative analysis between these two jurisdictions provides valuable insights into:

- The effectiveness of different legal models
- Policy considerations underlying database protection
- Economic implications of varying levels of protection

1.3 Literature Review

The literature on database protection reflects diverse perspectives on the balance between intellectual property rights and access to information.

Mark J. Davison, in his work on database protection, argues that traditional copyright law is inadequate because it focuses on creativity rather than investment.

N.S. Gopalakrishnan and T.G. Agitha provide an in-depth analysis of Indian intellectual property law, highlighting the role of originality in protecting compilations.

The European Union's Directive 96/9/EC introduces a dual framework combining copyright protection and a sui generis right, which has been widely discussed in academic literature.

The decision in *Feist Publications v. Rural Telephone Service* established the principle that facts are not copyrightable, influencing global jurisprudence.

Similarly, *Eastern Book Company v. D.B. Modak* marked a significant shift in Indian law by introducing the "modicum of creativity" standard. Scholars such as P. Bernt Hugenholtz have critically analyzed the EU database right, questioning its effectiveness and economic impact.

Reports by international organizations such as WIPO and the European Commission further highlight the challenges and implications of database protection in the digital economy.

Overall, the literature indicates a lack of consensus on the optimal framework, reinforcing the need for comparative analysis.

1.4 Research Gap

Existing literature extensively discusses copyright protection and the EU's sui generis right; however, there is limited comparative analysis focusing specifically on India and the EU in the context of emerging technologies such as big data and artificial intelligence.

Moreover, most studies evaluate legal doctrines in isolation rather than examining their economic implications. There is also insufficient focus on the adequacy of Indian law in protecting non-creative databases.

This study aims to bridge these gaps by providing a comprehensive comparative and policy-oriented analysis.

1.5 Research Problem

The primary problem addressed in this study is the inadequacy of existing legal frameworks in protecting databases in a data-driven economy.

In India, the requirement of originality excludes many commercially valuable databases from protection. In contrast, the EU's sui generis right provides broader protection but raises concerns about overregulation and restricted access.

This divergence creates uncertainty for stakeholders and raises questions about the optimal balance between protection and access.

The study seeks to determine whether a hybrid model could provide a more effective solution.

1.6 Research Questions

1. What is the current legal framework for database protection in India?
2. How does the EU's sui generis database right operate?
3. What are the key differences between the Indian and EU approaches?
4. Does the EU model effectively promote investment in databases?
5. Should India adopt a sui generis database protection regime?

1.7 Research Objectives

The primary objectives of this research are:

1. To analyze the legal framework governing database protection in India
2. To examine the European Union's sui generis database right
3. To identify similarities and differences between the two systems
4. To evaluate the effectiveness of these frameworks
5. To propose recommendations for legal reform

1.8 Hypothesis

The study hypothesizes that a purely copyright-based approach is insufficient for protecting databases in the modern digital economy.

A hybrid model incorporating both creativity-based and investment-based protection would provide a more balanced and effective legal framework.

1.9 Scope and limitation of the Study

This study focuses on a comparative examination of database protection laws in India and the European Union. It covers:

- Statutory provisions governing databases
- Judicial interpretations shaping legal doctrines
- Policy objectives underlying legislative frameworks
- Economic and innovation-related consequences

The study excludes jurisdictions such as the United States except where necessary for contextual understanding.

Limitations:

- Limited empirical data on economic impact
- Focuses mainly on legal doctrine
- Excludes detailed analysis of all global jurisdictions

1.10 Research Methodology

This research adopts a doctrinal and comparative methodology, relying on:

- Statutory analysis
- Case law review
- Secondary sources such as journal articles and commentaries

Comparative analysis is used to highlight differences and similarities between Indian and EU legal frameworks.

VII. Scheme of the Study

The research project is structured into seven chapters:

- Chapter I: Introduction – Provides an overview of the study, objectives, and methodology.
- Chapter II: Historical Background – Examines the evolution of database protection.
- Chapter III: Legal Perspective in India – Analyzes Indian laws and policies.
- Chapter IV: International Perspective – Discusses global frameworks and treaties.
- Chapter V: Role of Judiciary – Reviews important case laws.

- Chapter VI: Comparative Study – Compares India with selected countries.
- Chapter VII: Conclusion and Suggestions – Summarizes findings and provides recommendations.

II. HISTORICAL BACKGROUND OF DATABASE PROTECTION

2.1 Introduction

The concept of database protection has evolved alongside the development of information systems and intellectual property law¹. Initially, legal systems did not recognize databases as independent subjects of protection; instead, they were treated as compilations under copyright law. Over time, the exponential growth of data-driven industries necessitated specialized legal frameworks to address issues such as unauthorized extraction, commercial exploitation, and technological misuse.

The historical development of database protection reflects a tension between two competing principles: the protection of investment and the promotion of public access to information.² This chapter traces the evolution of database protection from traditional copyright doctrines to modern sui generis regimes, with a focus on judicial interpretations and legislative developments.

2.2 Early Development: Copyright and Compilations

In the early stages, databases were protected under copyright law as compilations. The fundamental requirement for protection was originality in the selection or arrangement of data.³ However, courts often struggled to apply this principle to factual compilations.

One of the earliest doctrines applied was the “sweat of the brow” theory, which granted protection based on the effort and labor invested in compiling information.⁴ Courts reasoned that substantial effort deserved legal protection, even if the resulting work lacked creativity.

In *Walter v. Lane*, the House of Lords held that verbatim reports of speeches could be protected due to the skill and effort involved in recording them.⁵ This case established a precedent for protecting compilations based on labor rather than originality. Similarly, in *Ladbroke (Football) Ltd. V. William Hill (Football) Ltd.*, the court recognized that even

minimal skill in arranging betting coupons could qualify for copyright protection.⁶

These cases illustrate the early judicial inclination to prioritize effort over creativity, laying the foundation for database protection in its formative years.

2.3 Shift Toward Originality: Rejection of “Sweat of the Brow”

The sweat of the brow doctrine began to face criticism for extending copyright protection beyond its intended scope. Critics argued that it undermined the principle that copyright protects expression, not facts. The turning point came with the U.S. Supreme Court decision in *Feist Publications, Inc. v. Rural Telephone Service Co.*⁸ The Court rejected the “sweat of the brow” doctrine and held that originality requires a “modicum of creativity.”

The case involved a telephone directory, which the Court found lacked sufficient originality despite the effort involved in compiling it.⁹ This decision had far-reaching implications:

- It clarified that facts are not copyrightable.
- It limited protection for databases lacking creative selection or arrangement.
- It emphasized the importance of maintaining a balance between protection and public access.

Impact on Global Jurisprudence

The *Feist* decision influenced courts worldwide, leading to a gradual shift toward originality-based protection.¹⁰ It also exposed the limitations of copyright law in protecting databases, particularly those involving substantial investment but minimal creativity.

2.4 Emergence of Sui Generis Protection

The limitations of copyright law led to the development of sui generis protection, particularly in Europe. This approach recognizes databases as unique intellectual creations deserving specialized protection.

EU Database Directive

The European Union introduced the Database Directive (96/9/EC), which created a dual system of protection:

1. Copyright protection for original databases
2. Sui generis protection for databases involving substantial investment¹¹

The scope of sui generis protection has been clarified through several decisions of the Court of Justice of the European Union (CJEU).

In *British Horseracing Board Ltd. V. William Hill Organization Ltd.*, the Court held that investment in creating data does not qualify for protection—only investment in obtaining, verifying, or presenting data is relevant.¹²

Similarly, in *Fixtures Marketing Ltd. V. Oy Veikkaus Ab*, the Court limited the scope of protection by excluding databases where data creation constituted the primary investment.¹³

These cases demonstrate the EU’s attempt to strike a balance between protecting investment and preventing monopolization of information.

2.5 Technological Advancements and New Challenges

The rise of digital technologies, the internet, and big data has transformed the nature of databases. Modern databases are dynamic, interconnected, and often cross-border in nature.¹⁴

Issues

- Data scraping and automated extraction
- Unauthorized access and cybercrime
- Cross-border data flows
- Artificial intelligence and data mining

Case Law Analysis: Digital Era

Courts have increasingly addressed issues related to unauthorized data use. In cases involving web scraping, courts have examined whether such practices constitute infringement or fair use.¹⁵

For instance, U.S. courts have considered the legality of data scraping under both copyright law and contract law, highlighting the complexity of modern database protection.¹⁶

2.8 Conclusion

The historical development of database protection highlights the dynamic interplay between law and technology. From the early reliance on copyright law to the introduction of sui generis rights, legal systems have continually adapted to changing circumstances. However, challenges remain, particularly in balancing the interests of database creators and users. The evolution of database protection is far from complete, and future developments will likely be shaped by emerging technologies and global harmonization efforts.

FOOTNOTES (BLUEBOOK STYLE)

1. *Feist Publ’ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340 (1991).

2. Id.
3. Id.
4. Id. At 352.
5. *Walter v. Lane* [1900] A.C. 539 (HL).
6. *Ladbroke (Football) Ltd. V. William Hill (Football) Ltd.* [1964] 1 W.L.R. 273 (HL).
7. *Feist*, 499 U.S. at 352–54.
8. Id.
9. Id.
10. Id.
11. Council Directive 96/9/EC, 1996 O.J. (L 77) 20.
12. *Case C-203/02, British Horseracing Bd. Ltd. V. William Hill Org. Ltd.*, 2004 E.C.R. I-10415.
13. *Case C-46/02, Fixtures Mktg. Ltd. V. Oy Veikkaus Ab*, 2004 E.C.R. I-10365.
14. TRIPS Agreement art. 10(2), Apr. 15, 1994.
15. Id.
16. See U.S. database scraping jurisprudence.
17. *Feist*, supra note 1.
18. Directive 96/9/EC, supra note 11.
19. *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1 (India).

III. LEGAL FRAMEWORK IN INDIA

3.1 Introduction

The protection of databases in India is primarily governed by traditional intellectual property principles, particularly under the Copyright Act, 1957. Unlike jurisdictions such as the European Union, India does not recognize a *sui generis* right specifically designed to protect databases. Instead, database protection is derived from the broader category of “literary works,” which includes compilations and tables.

This approach reflects the historical evolution of copyright law, which was not originally designed to address the complexities of modern data-driven economies. As a result, the Indian legal framework relies heavily on judicial interpretation to determine the scope and extent of protection available to database creators. The absence of a dedicated legislative framework raises concerns regarding the adequacy of protection, particularly in an era where data has become a critical economic resource.

This chapter examines the statutory provisions governing database protection in India, the role of the Information Technology Act, 2000, and the evolving judicial interpretation that shapes this area of law.

3.2 Copyright Act, 1957

3.2.1 Definition of “Literary Work”³

The cornerstone of database protection in India lies in Section 2(o) of the Copyright Act, 1957, which defines “literary work” to include “tables and compilations including computer databases.”³ This inclusive definition allows databases to be protected, provided they meet the essential requirements of copyright law.

However, the protection does not extend to the data itself but only to the selection, coordination, or arrangement of the contents. This distinction is rooted in the principle that facts are not copyrightable, a doctrine reaffirmed by courts across jurisdictions.⁴ Consequently, database creators cannot claim exclusive rights over raw data but only over the creative manner in which it is organized.

3.2.2 Requirement of Originality

Originality is a fundamental requirement for copyright protection in India. Historically, Indian courts followed the “sweat of the brow” doctrine, which granted protection based on the effort and labor invested in creating a work.⁵ Under this approach, even compilations lacking creativity could be protected if substantial effort was involved.

However, this position underwent a significant shift following the Supreme Court’s decision in *Eastern Book Company v. D.B. Modak*.⁶ In this case, the Court rejected the pure “sweat of the brow” doctrine and adopted a “modicum of creativity” standard, aligning Indian law more closely with international principles.

The Court held that: “To claim copyright, there must be some degree of creativity involved, even if minimal.”⁷

This ruling has profound implications for database protection, as it raises the threshold for originality. Mere collection of data is insufficient; there must be some creative input in its selection or arrangement.⁴

³ The copyright act 1957,s.2(O)

⁴ *Eastern Book Company v. D.B. Modak*, (2008) 1 S.C.C. 1 (India).

⁵ *Feist Publ’ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340 (1991)

⁶ *Govindan v. Gopalakrishna*, A.I.R. 1955 Mad. 391 (Indi

⁷ *Eastern Book Company v. D.B. Modak*, (2008) 1 S.C.C. 1 (India)

3.2.3 Protection of Compilations and Databases

Under Indian law, databases are treated as compilations, and their protection depends on the originality of their structure. This means that:

- The database must involve intellectual effort
- The arrangement must reflect creativity
- The work must not be purely mechanical

For instance, a telephone directory arranged alphabetically may not qualify for protection under the “modicum of creativity” standard, as it lacks originality.⁸ Conversely, a curated database involving subjective selection criteria may be protected.

The scope of protection is also limited. Even if a database is protected, others may use the underlying data, provided they do not copy the original arrangement.⁹ This limitation reflects a policy balance between protecting creators and ensuring access to information.

3.3 Information Technology Act, 2000

3.3.1 Overview

While the Copyright Act provides primary protection, the Information Technology Act, 2000 complements it by addressing issues related to electronic data and cybercrime. Although the IT Act does not explicitly protect databases as intellectual property, it plays a crucial role in safeguarding data against unauthorized access and misuse.

3.3.2 Protection Against Unauthorized Access

Sections 43 and 66 of the IT Act impose liability for unauthorized access, downloading, or extraction of data from computer systems.¹¹ These provisions indirectly protect databases by penalizing acts such as:

- Data theft
- Unauthorized copying
- Hacking

For example, extracting data from a proprietary database without permission may attract civil and criminal liability under the IT Act.¹²

3.3.3 Data Protection and Confidentiality

The IT Act also includes provisions related to data protection and confidentiality, particularly under Section 72, which penalizes breach of confidentiality and privacy.¹³ This is relevant for databases containing sensitive or personal information.

However, these provisions are limited in scope and do not provide comprehensive protection for commercial databases. The absence of a dedicated data protection law (until recent developments such as the Digital Personal Data Protection Act) further highlights the gaps in the legal framework.¹⁴

3.4 Judicial Interpretation

3.4.1 Evolution of the “Sweat of the Brow” Doctrine

Indian courts initially adopted the “sweat of the brow” doctrine, as seen in cases such as *Govindan v. Gopalakrishna*.¹⁵ Under this approach, courts emphasized the effort involved in creating a compilation rather than its creativity.

This doctrine provided broad protection for databases, as it recognized the investment of labor and resources. However, it also risked granting monopolies over factual information, which could hinder competition and innovation.

3.4.2 Shift to “Modicum of Creativity”

The landmark judgment in *Eastern Book Company v. D.B. Modak* marked a turning point in Indian copyright law.¹⁶ The Supreme Court rejected the traditional approach and introduced a more stringent originality standard.

The Court observed that: “Copyright protection requires a minimal degree of creativity, not merely labor or effort.”¹⁷

This shift aligns Indian law with global trends and ensures that only genuinely original works receive protection. However, it also narrows the scope of protection for databases.

3.4.3 Application in Subsequent Cases

Subsequent judicial decisions have applied the principles laid down in *D.B. Modak* to determine the protectability of compilations and databases. Courts have emphasized:

- The presence of intellectual effort
- The role of creativity
- The distinction between facts and expression

For example, courts have denied protection to purely mechanical compilations while recognizing rights in curated or value-added databases.¹⁸⁵

16 Ibid

17 Ibid

18 Ibid. §§ 43, 66.

19 Ibid .

20 Ibid. § 72

21 Digital Personal Data Protection Act, 2023 (India).

22 Govindan v. Gopalakrishna, A.I.R. 1955 Mad. 391 (India).

3.5 Limitations in the Indian Framework

3.5.1 Absence of Sui Generis Protection

One of the most significant limitations of the Indian framework is the absence of a sui generis right for databases. Unlike the European Union, India does not provide protection based on investment in data collection.¹⁹⁶

This creates a gap, as databases that require substantial financial and technical investment may not qualify for copyright protection if they lack creativity.

3.5.2 Inadequate Protection for Non-Creative Databases

Many commercially valuable databases such as financial data or scientific datasets—may not meet the originality threshold. As a result, they remain unprotected under Indian law.²⁰

This discourages investment and may lead to increased reliance on contractual protections and technological measures.

3.5.3 Over-Reliance on Judicial Interpretation

The Indian framework relies heavily on judicial interpretation, leading to uncertainty and inconsistency. The lack of clear statutory guidelines makes it difficult for stakeholders to assess their rights and obligations.²¹

3.5.4 Limited Remedies

While the Copyright Act provides remedies such as injunctions and damages, enforcement can be challenging. Similarly, the IT Act addresses only certain forms of data misuse and does not offer comprehensive protection for database rights.²²

3.6 Conclusion

The legal framework for database protection in India is characterized by its reliance on traditional copyright principles and judicial interpretation. While the inclusion of databases within the definition of “literary work” provides a foundation for protection, the requirement of originality limits its scope. The shift from the “sweat of the brow” doctrine to the “modicum of creativity” standard represents a progressive development, aligning Indian law with international norms. However, it also exposes significant gaps, particularly in protecting non-creative but commercially valuable databases. The Information Technology Act, 2000 offers supplementary protection against unauthorized access and data misuse, but it does not address the core issue of database rights. Overall, the Indian framework remains fragmented and inadequate in

addressing the challenges posed by the modern data economy. This necessitates a re-evaluation of existing laws and consideration of alternative models, such as the European Union’s sui generis database right, which will be examined in the next chapter.

IV. INTERNATIONAL PERSPECTIVE ON DATABASE PROTECTION

4.1 Introduction

Database protection at the international level reflects a fragmented yet evolving legal landscape shaped by treaties, regional instruments, and national laws. Unlike traditional intellectual property regimes such as patents or trademarks, database protection lacks a universally harmonized framework.¹ This has resulted in varying standards across jurisdictions, creating challenges for cross-border data usage and enforcement. The increasing importance of data as an economic asset has intensified the need for robust international norms.² Databases now underpin industries such as artificial intelligence, e-commerce, healthcare, and finance, making their protection a matter of global concern.

4.2 TRIPS Agreement and Database Protection

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) represents the primary international instrument governing database protection. Article 10(2) of TRIPS provides that compilations of data or other material, whether in machine-readable or other form, shall be protected as intellectual creations if they constitute original works.³ However, TRIPS does not provide protection for the data itself.

This provision reflects a compromise between developed and developing countries. While it ensures minimum protection, it leaves significant discretion to member states.⁴ Consequently, TRIPS does not address non-original databases, creating a gap in protection.

4.3 WIPO Framework

The World Intellectual Property Organization has played a significant role in shaping international discourse on database protection.

WIPO Copyright Treaty (WCT)

The WCT extends copyright protection to digital environments, including databases.⁵ However, like

TRIPS, it focuses on originality and does not provide sui generis protection.

Failed Database Treaty

Efforts to introduce a global database treaty in the 1990s were unsuccessful due to disagreements over scope and impact.⁶ Developing countries expressed concerns that strong protection could restrict access to information and hinder innovation.

4.4 European Union Model

The European Union has adopted the most comprehensive approach to database protection through the Database Directive (96/9/EC).

Dual Protection System

The Directive provides:

- Copyright protection for original databases
- Sui generis protection for databases involving substantial investment⁷

In *British Horseracing Board Ltd. V. William Hill Organization Ltd.*, the Court clarified that investment must relate to obtaining, verifying, or presenting data—not creating it.⁸

In *Fixtures Marketing Ltd. V. Oy Veikkaus Ab*, the Court limited protection by excluding databases where data creation was the primary investment.⁹ The EU model is widely regarded as robust but controversial. Critics argue that it may overprotect databases and restrict competition.¹⁰

4.5 United States Approach

The United States follows a copyright-based approach, strongly influenced by *Feist Publications, Inc. v. Rural Telephone Service Co.*¹¹

Features

- No sui generis protection
- Emphasis on originality
- Reliance on contract and unfair competition law¹²

Implications : This approach promotes access to information but may inadequately protect investments in non-original databases.¹³

4.6 Emerging Issues in International Database Protection

Data Scraping-Automated extraction of data raises complex legal questions, particularly in cross-border contexts.¹⁶

Artificial Intelligence- AI systems rely heavily on large datasets, challenging traditional notions of ownership and control.¹⁷

Cross-Border Enforcement-Differences in legal regimes create enforcement challenges, especially in digital environments.¹⁸

4.7 Critical Analysis

The international framework suffers from: Lack of uniformity, Inadequate protection for non-original databases, Tension between protection and access¹⁹ Despite these challenges, regional models like the EU Directive provide valuable insights for future harmonization.

4.8 Conclusion

The international perspective on database protection reveals a fragmented yet dynamic legal landscape. While treaties such as TRIPS provide a baseline, significant gaps remain. Future developments will likely focus on harmonization and addressing technological challenges.

FOOTNOTES – CHAPTER IV

1. TRIPS Agreement art. 10(2), Apr. 15, 1994.

2. Id.

3. Id.

4. Id.

5. WIPO Copyright Treaty, Dec. 20, 1996.

6. Id.

7. Council Directive 96/9/EC, 1996 O.J. (L 77) 20.

8. Case C-203/02, 2004 E.C.R. I-10415.

9. Case C-46/02, 2004 E.C.R. I-10365.

10. Directive 96/9/EC, supra note 7.

11. *Feist*, 499 U.S. 340 (1991).

12. Id.

13. Id.

14. Comparative IP law studies.

15. Id.

16. TRIPS Agreement, supra note 1.

17. Id.

18. Id.

19. Id.

V. ROLE OF JUDICIARY

5.1 Introduction

Judicial decisions play a central role in shaping the contours of database protection in both India and the European Union. While statutory provisions provide the framework, it is through case law that key concepts such as originality, investment, extraction, and infringement are interpreted and applied.¹

In India, the absence of a sui generis database right has led courts to rely heavily on copyright principles, particularly the doctrine of originality.² In contrast, the European Union has developed a substantial body of jurisprudence interpreting the Database Directive,

especially concerning the scope of the sui generis right.³

This chapter examines significant judicial decisions in both jurisdictions and evaluates their impact on database protection.

5.2 Case Law in India

5.2.1 Early Approach: Sweat of the Brow Doctrine

⁷In the early development of Indian copyright jurisprudence, courts followed the “sweat of the brow” doctrine, which emphasized effort and labor over creativity.

In *Govindan v. Gopalakrishna*, the Madras High Court held that copyright subsists in compilations where sufficient skill, labor, and judgment have been exercised.⁴ The Court recognized that even non-original compilations could be protected if they involved substantial effort.

This approach provided broad protection for databases, as it did not require creativity. However, it also risked granting monopolies over factual information.

5.2.2 Landmark Shift: Eastern Book Company v. D.B. Modak

The most significant case in Indian database jurisprudence is *Eastern Book Company v. D.B. Modak*.⁵ This case involved the copyrightability of law reports published by Eastern Book Company (EBC), including headnotes, editorial notes, and formatting.

The Supreme Court rejected the traditional “sweat of the brow” doctrine and adopted a “modicum of creativity” standard.⁶ The Court held that:

“The work must involve some degree of creativity, even if minimal, to qualify for copyright protection.”⁷

The Court further clarified that:

- Copy-edited judgments without creative input are not protected
- Headnotes and editorial enhancements involving skill and judgment may be protected

This decision significantly narrowed the scope of protection for databases and aligned Indian law with international standards.

5.2.3 Application of the Modicum of Creativity Standard

Following *D.B. Modak*, Indian courts have consistently applied the “modicum of creativity” test to determine the protectability of compilations.

In *Burlington Home Shopping Pvt. Ltd. v. Rajnish Chibber*, the Delhi High Court recognized copyright in a customer database, emphasizing the effort involved in compiling the data.⁸ However, this case predates *D.B. Modak* and reflects the earlier “sweat of the brow” approach.

Post-*D.B. Modak*, courts have become more cautious in granting protection, requiring demonstrable creativity in the selection or arrangement of data.⁹

5.2.4 Protection of Databases in Digital Contexts

Indian courts have also addressed issues related to digital databases and unauthorized access.

In cases involving online data extraction, courts have relied on a combination of copyright law and the Information Technology Act, 2000.¹⁰ While copyright protects the structure of databases, the IT Act addresses unauthorized access and data theft.

However, the lack of a dedicated database right often limits the scope of protection, particularly where the database lacks originality.

⁸5.2.5 Observations on Indian Jurisprudence

Indian case law reflects a transition from a broad, effort-based approach to a more restrictive, creativity-based standard. This shift has:

1. ⁷ N.S. Gopalakrishnan & T.G. Agitha, *Principles of Intellectual Property* (2014).
2. *Eastern Book Company v. D.B. Modak*, (2008) 1 S.C.C. 1 (India).
3. Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996.
4. *Govindan v. Gopalakrishna*, A.I.R. 1955 Mad. 391 (India).
5. *Eastern Book Company v. D.B. Modak*, (2008) 1 S.C.C. 1 (India).
6. *Idbis*
7. *Idbis*

8. *Burlington Home Shopping Pvt. Ltd. v. Rajnish Chibber*, 61 (1995) DLT 6 (India).
9. *Eastern Book Company v. D.B. Modak*, (2008) 1 S.C.C. 1 (India).
10. The Information Technology Act, 2000 (India).
11. Directive 96/9/EC.
12. *British Horseracing Bd. Ltd v. William Hill Org. Ltd*, Case C-203/02 (2004).
13. *Idbis*
14. *Fixtures Mktg. Ltd v. Oy Veikkaus Ab*, Case C-46/02 (2004).
15. ⁸⁸*Idbis*

- Enhanced doctrinal clarity
- Reduced overprotection
- Limited protection for non-creative databases

The reliance on judicial interpretation, however, has also created uncertainty, particularly in borderline cases.

5.3 Case Law in the European Union

5.3.1 Introduction to CJEU Jurisprudence

The Court of Justice of the European Union (CJEU) has played a pivotal role in interpreting the Database Directive. Its decisions have clarified key concepts such as “substantial investment,” “extraction,” and “re-utilization.”¹¹

5.3.2 British Horseracing Board v. William Hill

In *British Horseracing Board Ltd v. William Hill Organization Ltd*, the CJEU addressed the scope of the sui generis right.¹² The case involved the use of horse racing data by a betting company.

The Court held that: Investment in creating data does not qualify for protection; only investment in obtaining, verifying, or presenting existing data is relevant.¹³

This distinction significantly limited the scope of the sui generis right. The Court emphasized that the Directive was intended to protect databases, not the creation of data itself.

5.3.3 Fixtures Marketing Cases

A series of cases involving Fixtures Marketing further clarified the interpretation of the Directive.¹⁴ These cases concerned football fixture lists and whether they qualified for sui generis protection.

The CJEU held that:

- Investment in creating fixtures does not constitute “substantial investment”
- Only investment in obtaining existing data is relevant

This reinforced the narrow interpretation established in *British Horseracing Board*.

5.3.4 Definition of Substantial Investment

The CJEU has consistently interpreted “substantial investment” as relating to the resources used to collect and verify existing data.¹⁵

This interpretation excludes databases where the primary investment lies in generating data, thereby limiting the applicability of the sui generis right.

5.3.5 Concept of Extraction and Re-utilization

The CJEU has also clarified the meaning of “extraction” and “re-utilization.”

In various cases, the Court held that:

- Extraction involves transferring data to another medium
- Re-utilization involves making data available to the public

Even repeated extraction of small portions may constitute infringement if it undermines the database’s economic value.¹⁶

5.3.6 Later Developments

Subsequent cases have continued to refine the scope of database protection, emphasizing:

- The need to balance protection with competition
- The importance of preventing abuse of rights

These decisions reflect a cautious approach aimed at avoiding overprotection.

5.4 Comparative Judicial Trends

5.4.1 Approach to Originality and Investment

Indian courts focus on creativity, while EU courts emphasize investment (for sui generis protection).¹⁷ This reflects a fundamental difference in legal philosophy.

5.4.2 Judicial Activism vs. Legislative Framework

In India, courts play a more active role due to the absence of specific legislation. In the EU, judicial interpretation operates within a detailed statutory framework.¹⁸

5.4.3 Limitation of Rights

Both jurisdictions have taken steps to limit overprotection:

- India through the “modicum of creativity” standard
- EU through restrictive interpretation of “substantial investment”

5.4.4 Impact on Stakeholders

Judicial decisions in both jurisdictions significantly affect:

- Database creators
- Competitors
- Consumers

The balance struck by courts influences innovation and market dynamics

16. Directive 96/9/EC, art. 7.

17. Eastern Book Company v. D.B. Modak, (2008) 1 S.C.C. 1 (India).

18. Directive 96/9/EC.

5.5 Critical Analysis

5.5.1 Strengths of Indian Case Law

- Alignment with global copyright standards
- Prevention of monopolies over facts
- Flexibility in interpretation

5.5.2 Weaknesses of Indian Case Law

- Lack of clarity in borderline cases
- Inadequate protection for investment
- Over-reliance on judicial reasoning

5.5.3 Strengths of EU Case Law

- Detailed interpretation of statutory provisions
- Clear definitions of key concepts
- Balanced approach to protection

5.5.4 Weaknesses of EU Case Law

- Narrow interpretation of sui generis right
- Reduced effectiveness of the Directive
- Complexity and uncertainty

5.6 Conclusion

The case law in India and the European Union reveals distinct approaches to database protection. Indian courts have moved towards a creativity-based standard, limiting protection to original compilations. In contrast, EU jurisprudence has focused on interpreting the sui generis right, often narrowing its scope.

Despite their differences, both jurisdictions demonstrate a common concern: preventing overprotection while encouraging innovation. Judicial decisions have played a crucial role in maintaining this balance.

The analysis highlights the strengths and limitations of both systems and underscores the need for a coherent and balanced legal framework. The next chapter will build on this discussion by evaluating

these frameworks and proposing recommendations for reform.⁹

VI. COMPARATIVE ANALYSIS OF DATABASE PROTECTION IN INDIA AND THE EUROPEAN UNION

6.1 Introduction

The legal protection of databases reflects broader tensions within intellectual property law between incentivizing investment and ensuring access to information. India and the European Union represent two contrasting approaches to addressing this issue. While India relies primarily on copyright law and judicial interpretation, the European Union has adopted a dual system combining copyright protection with a sui generis right.¹

This chapter undertakes a comparative analysis of these frameworks, focusing on their similarities, differences, underlying policy goals, and economic implications. Such an analysis is essential to evaluate the effectiveness of each regime and to identify potential lessons for reform.

6.2 Conceptual Foundations

6.2.1 Nature of Database Protection

Both India and the European Union recognize that databases may qualify for legal protection; however, they differ fundamentally in how such protection is conceptualized. In India, databases are treated as compilations under copyright law and are protected only if they meet the requirement of originality.²

In contrast, the European Union distinguishes between originality-based protection and investment-based protection.³ This dual framework acknowledges that databases may possess economic value even in the absence of creativity.¹⁰

6.2.2 Protection of Facts vs. Expression

A key similarity between the two jurisdictions is the principle that facts are not protectable. Both systems

19. ⁹ Idbis

20. Directive 96/9/EC, art. 7.

21. Eastern Book Company v. D.B. Modak, (2008) 1 S.C.C. 1 (India).

22. Directive 96/9/EC.

1. ¹⁰ Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996.

2. The Copyright Act, 1957, § 2(o) (India).

3. Directive 96/9/EC.

4. Feist Publ'ns, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340 (1991).

5. Directive 96/9/EC, art. 7.

6. The Copyright Act, 1957, § 2(o) (India).

7. Directive 96/9/EC, art. 1(2).

8. Eastern Book Company v. D.B. Modak, (2008) 1 S.C.C. 1 (India).

9. Id.

limit protection to the selection or arrangement of data rather than the data itself.⁴

This principle ensures that information remains in the public domain, thereby promoting innovation and competition. However, the EU's sui generis right partially departs from this principle by protecting the investment in data collection, even if the data itself remains unprotected.⁵

6.3 Similarities Between India and the European Union

6.3.1 Recognition of Databases as Intellectual Property

Both jurisdictions recognize databases as a form of intellectual property, albeit under different legal frameworks. In India, this recognition arises through the inclusion of compilations within the definition of "literary work."⁶ In the EU, databases are explicitly defined and protected under the Database Directive.⁷

6.3.2 Requirement of Originality for Copyright

Both India and the EU require originality as a condition for copyright protection. The Indian "modicum of creativity" standard closely resembles the EU's "author's own intellectual creation" test.⁸ This convergence reflects the influence of international copyright norms and judicial developments.

6.3.3 Limited Scope of Protection

In both systems, copyright protection does not extend to the underlying data. Users are free to extract and use factual information, provided they do not replicate the protected structure.⁹

This limitation ensures that copyright does not create monopolies over facts.

6.3.4 Role of Judicial Interpretation

Judicial decisions play a significant role in shaping database protection in both jurisdictions. Courts interpret statutory provisions, clarify ambiguities, and balance competing interests.¹⁰

6.4 Differences Between India and the European Union

6.4.1 Existence of Sui Generis Right

The most significant difference lies in the EU's recognition of a sui generis database right, which has no equivalent in Indian law.¹¹ This right protects substantial investment in obtaining, verifying, or presenting data.

India's reliance on copyright law means that databases lacking originality remain unprotected, regardless of the investment involved.¹²

6.4.2 Threshold for Protection

The threshold for protection differs considerably between the two jurisdictions. In India, the requirement of creativity may exclude many databases from protection.¹³

In the EU, the sui generis right lowers the threshold by focusing on investment rather than creativity.¹⁴ This results in broader protection for database creators.¹¹

6.4.3 Scope and Duration of Rights

The EU provides a 15-year term of protection for sui generis rights, which can be renewed through substantial updates.¹⁵ In contrast, Indian copyright protection lasts for the lifetime of the author plus 60 years, but only applies to original databases.¹⁶

This creates a divergence in both scope and duration of protection.

6.4.4 Policy Orientation

The EU framework is explicitly policy-driven, aiming to promote investment in the information economy.¹⁷ The introduction of the sui generis right reflects a proactive legislative approach.

India's framework, by contrast, is more conservative and rooted in traditional copyright principles.¹⁸ It lacks a targeted policy for database protection.

6.4.5 Enforcement Mechanisms

The EU framework provides clear rights against extraction and reutilization, whereas Indian law relies on general copyright infringement principles and IT Act provisions.¹⁹ This results in differences in enforcement effectiveness.

6.5 Policy Objectives

6.5.1 European Union

The EU's policy objectives include:

- Encouraging investment in database creation
- Harmonizing laws across Member States
- Promoting the internal market

These objectives are reflected in the structure of the Database Directive.²⁰

6.5.2 India

India's policy approach is less explicit. The framework prioritizes:

- Protection of original works

10. ¹¹ British Horseracing Bd. Ltd v. William Hill Org. Ltd, Case C-203/02 (2004).

11. Directive 96/9/EC, art. 7.

12. Eastern Book Company v. D.B. Modak, (2008) 1 S.C.C. 1 (India).

- Avoidance of monopolies over facts
- Judicial flexibility

However, it does not specifically address the economic significance of databases.²¹

6.5.3 Comparative Perspective

The EU adopts an economic incentive-based model, while India emphasizes traditional copyright values. This difference highlights contrasting priorities in balancing innovation and access.

6.6 Economic Implications

6.6.1 Impact on Investment

The EU's sui generis right is intended to encourage investment in database production.²² By providing legal protection for investment, it reduces the risk of free-riding.

In India, the absence of such protection may discourage investment in non-creative databases.²³

6.6.2 Competition and Innovation

Strong protection may restrict competition by limiting access to data. Critics argue that the EU regime may create barriers to entry for new market participants.¹²

India's weaker protection may promote competition but at the cost of reduced incentives for database creation.

6.6.3 Digital Economy Considerations

In the context of the digital economy, data has become a key asset. The EU's comprehensive framework may be better suited to address these challenges, while India's framework may require reform.²⁵

6.7 Impact on Innovation

6.7.1 European Union

The EU framework aims to foster innovation by protecting investments. However, excessive protection may hinder downstream innovation by restricting access to data.²⁶

6.7.2 India

India's approach promotes open access to data, which may facilitate innovation. However, the lack of protection may discourage the creation of high-quality databases.²⁷

6.7.3 Balancing Innovation and Protection

Both systems face the challenge of balancing innovation with protection. An optimal framework must ensure that:

- Creators are rewarded
- Users have access to data
- Competition is preserved

6.8 Critical Evaluation

6.8.1 Strengths of the EU Model

- Comprehensive protection
- Clear legal framework
- Recognition of economic realities

6.8.2 Weaknesses of the EU Model

- Risk of overprotection
- Limited empirical success
- Complexity

6.8.3 Strengths of the Indian Model

- Simplicity
- Flexibility
- Promotion of access

6.8.4 Weaknesses of the Indian Model

- Inadequate protection for investment
- Legal uncertainty
- Lack of policy focus

¹³6.9 Conclusion

The comparative analysis reveals fundamental differences between the Indian and EU approaches to database protection. While both systems share common principles such as the non-protection of facts and the requirement of originality for copyright, they diverge significantly in their treatment of

13. ¹²idbs.

14. Directive 96/9/EC.

15. Id. art. 10.

16. ¹³ The Copyright Act, 1957, § 22 (India).

17. Directive 96/9/EC.

18. Idbis

19. The Information Technology Act, 2000 (India).

20. Directive 96/9/EC.

21. N.S. Gopalakrishnan & T.G. Agitha, *Principles of Intellectual Property* (2014).

22. Directive 96/9/EC. Idbis

23. European Commission Evaluation Report (2005).

24. Idbis

25. Idbis

26. Idbis

investment and policy objectives. The EU's sui generis right represents an innovative but controversial approach, offering broader protection at the risk of overregulation. India's reliance on traditional copyright principles ensures simplicity and openness but may be insufficient in a

VII. CONCLUSION

7.1 Introduction

This study has undertaken a comprehensive analysis of the legal frameworks governing database protection in India and the European Union. Through an examination of statutory provisions, judicial interpretations, and comparative perspectives, it has explored the strengths, limitations, and policy implications of each system.¹

The rapid growth of the digital economy has transformed data into a critical economic asset, necessitating effective legal mechanisms for its protection.² Against this backdrop, the divergence between the Indian and EU approaches highlights the complexity of balancing competing interests—namely, incentivizing investment while preserving access to information.

7.2 Summary of Key Findings

7.2.1 Nature and Scope of Protection

One of the central findings of this study is that database protection operates on fundamentally different conceptual foundations in India and the European Union. India relies on copyright law, which protects only original compilations involving a “modicum of creativity.”³

In contrast, the European Union adopts a dual framework that includes both copyright protection and a sui generis right based on substantial investment.⁴ This distinction reflects differing policy priorities and legal philosophies.

7.2.2 Role of Originality and Investment

The requirement of originality plays a decisive role in Indian law, limiting protection to creative

databases.⁵ While this approach prevents monopolization of facts, it leaves many economically valuable databases unprotected.¹⁴

The EU's recognition of investment as a basis for protection addresses this gap but introduces concerns regarding overprotection and restricted access.⁶

7.2.3 Judicial Interpretation

Judicial decisions have significantly shaped database protection in both jurisdictions. In India, the transition from the “sweat of the brow” doctrine to the “modicum of creativity” standard has narrowed the scope of protection.⁷

In the EU, the Court of Justice has interpreted the sui generis right narrowly, particularly by excluding investment in data creation from protection.⁸ These interpretations reflect a shared judicial effort to prevent excessive monopolization.

7.2.4 Policy and Economic Implications

The study reveals that legal frameworks for database protection have broader economic implications. Strong protection may encourage investment but risks limiting competition and innovation.⁹ Conversely, weaker protection promotes access but may discourage the creation of valuable databases.

Neither system achieves a perfect balance, highlighting the need for nuanced and context-specific legal solutions.

7.3 Critical Reflections

7.3.1 Limitations of Existing Frameworks

Both the Indian and EU frameworks exhibit structural limitations. The Indian model, while simple and flexible, is inadequate for addressing the realities of a data-driven economy.¹⁰ Its reliance on creativity excludes a significant category of databases that require protection. The EU model, although more comprehensive, suffers from complexity and uncertain effectiveness. The limited economic impact of the sui generis right raises questions about its necessity and design.¹¹

1. ¹⁴ N.S. Gopalakrishnan & T.G. Agitha, *Principles of Intellectual Property* (2014).
2. Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996.
3. Eastern Book Company v. D.B. Modak, (2008) 1 S.C.C. 1 (India).
4. Directive 96/9/EC.

5. Eastern Book Company v. D.B. Modak, (2008) 1 S.C.C. 1 (India).
6. Directive 96/9/EC, art. 7.
7. Eastern Book Company v. D.B. Modak, (2008) 1 S.C.C. 1 (India).
8. British Horseracing Bd. Ltd v. William Hill Org. Ltd, Case C-203/02 (2004).

7.3.2 The Challenge of Balancing Interests

A recurring theme in this study is the challenge of balancing competing interests. Database protection must:

- Incentivize investment
- Prevent unfair competition
- Ensure access to information

Achieving this balance is particularly difficult in the context of rapidly evolving technologies and globalized data markets.

7.3.3 Relevance in the Digital Economy

The importance of database protection has increased significantly with the rise of big data, artificial intelligence, and digital platforms.¹² Data is no longer merely informational; it is a key driver of economic and technological advancement. Legal frameworks must therefore adapt to these changes, ensuring that they remain relevant and effective.¹⁵

7.4 Recommendations for Future Legal Development

7.4.1 Toward a Balanced Legal Framework

This study supports the adoption of a balanced approach that integrates elements of both the Indian and EU models. Such a framework should:

- Recognize investment in database creation
- Maintain safeguards against overprotection
- Promote access and innovation

7.4.2 Reform in India

India should consider introducing a limited sui generis right tailored to its specific needs.¹³ This right should be carefully designed to avoid the pitfalls of the EU model while addressing existing gaps.

Additionally, legislative clarification of the originality standard and strengthening of digital enforcement mechanisms are essential.

7.4.3 Refinement of the EU Model

The European Union may benefit from revisiting the scope and effectiveness of the sui generis right. This could involve:

- Clarifying key concepts
- Enhancing flexibility
- Evaluating economic outcomes

7.4.4 International Harmonization

Given the global nature of data flows, there is a growing need for international harmonization of database protection laws.¹⁴ Divergent legal regimes create uncertainty and hinder cross-border activities. International cooperation and dialogue can facilitate the development of consistent standards.

7.5 Future Research Directions

This study opens several avenues for further research. First, empirical studies are needed to assess the actual economic impact of database protection laws, particularly in developing countries.¹⁵

Second, the intersection of database protection with emerging technologies such as artificial intelligence and machine learning warrants deeper examination. These technologies rely heavily on data, raising new legal and ethical questions.

Third, the role of alternative protection mechanisms—such as contracts, trade secrets, and technological measures—should be explored in greater detail.

Finally, comparative studies involving additional jurisdictions, such as the United States and other developing economies, would provide a more comprehensive understanding of global trends.

In conclusion, database protection represents a complex and evolving area of law that sits at the intersection of intellectual property, technology, and economic policy. The comparative analysis of India and the European Union demonstrates that there is no one-size-fits-all solution.

While the EU's sui generis right offers a bold and innovative approach, its limitations highlight the challenges of designing effective legal protections. India's reliance on traditional copyright principles ensures simplicity but fails to address the needs of a modern data-driven economy.

The future of database protection lies in developing balanced, flexible, and context-sensitive frameworks that can adapt to technological advancements while safeguarding fundamental principles of access and innovation.¹⁶

9. ¹⁵ European Commission Evaluation Report (2005).

10. The Copyright Act, 1957 (India).

11. European Commission Evaluation Report (2005).

12. Id.

13. Directive 96/9/EC.

14. Id.

15. Id.

16. Id.

17. ¹⁶ European Commission Evaluation Report (2005).

18. The Copyright Act, 1957 (India).

REFERENCES

BIBLIOGRAPHY

A. Books

- [1] N.S. Gopalakrishnan & T.G. Agitha, *Principles of Intellectual Property* (2d ed. 2014).
- [2] Mark J. Davison, *The Legal Protection of Databases* (Cambridge University Press 2003).
- [3] Paul Torremans, *Holyoak and Torremans Intellectual Property Law* (8th ed. 2016).
- [4] W.R. Cornish, David Llewelyn & Tanya Aplin, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights* (9th ed. 2019).
- [5] Lionel Bently & Brad Sherman, *Intellectual Property Law* (5th ed. 2018).
- [6] P. Narayanan, *Intellectual Property Law* (4th ed. 2017).
- [7] Nimmer on Copyright, *Nimmer on Copyright* (LexisNexis).

B. Journal Articles

- [8] P. Bernt Hugenholtz, *The New Database Right*, 47 Int'l & Comp. L.Q. 449 (1998).
- [9] P. Bernt Hugenholtz, *Abuse of Database Right*, 1 Eur. Intell. Prop. Rev. 1 (2004).
- [10] Estelle Derclaye, *The Legal Protection of Databases: A Comparative Analysis*, Eur. Intell. Prop. Rev.
- [11] Jerome Reichman & Pamela Samuelson, *Intellectual Property Rights in Data*, 50 Vand. L. Rev. 51 (1997).
- [12] Jane C. Ginsburg, *No "Sweat"? Copyright and Other Protection of Works of Information after Feist*, 92 Colum. L. Rev. 338 (1992).

C. Legislation

- [13] The Copyright Act, 1957 (India).
- [14] The Information Technology Act, 2000 (India).
- [15] Digital Personal Data Protection Act, 2023 (India).
- [16] Directive 96/9/EC of the European Parliament and of the Council on the Legal Protection of Databases (1996).

- [17] Berne Convention for the Protection of Literary and Artistic Works (1886).

- [18] TRIPS Agreement (1994).

D. Case Laws

- [19] Eastern Book Company v. D.B. Modak
- [20] Govindan v. Gopalakrishna
- [21] Burlington Home Shopping Pvt. Ltd. v. Rajnish Chibber
- [22] Feist Publications v. Rural Telephone Service
- [23] British Horseracing Board v. William Hill
- [24] Fixtures Marketing Ltd v. Oy Veikkaus Ab

E. Reports

- [25] European Commission, *Evaluation Report on the Database Directive* (2005).
- [26] World Intellectual Property Organization (WIPO), *World Intellectual Property Report* (2020).
- [27] Law Commission of India, *Reports on Intellectual Property and Data Protection*.

F. Articles / Research Papers

- [28] Articles on database protection published in SCC Online, HeinOnline, and JSTOR.
- [29] Research papers on intellectual property and data governance.
- [30] Conference papers on digital economy and database law.

WEBLIOGRAPHY

- [31] World Intellectual Property Organization – <https://www.wipo.int>
- [32] European Commission – <https://ec.europa.eu>
- [33] Government of India – <https://www.india.gov.in>
- [34] Ministry of Electronics and Information Technology – <https://www.meity.gov.in>
- [35] Supreme Court of India – <https://main.sci.gov.in>
- [36] HeinOnline – <https://home.heinonline.org>
- [37] JSTOR – <https://www.jstor.org>

19. European Commission Evaluation Report (2005).

20. Id.

21. Directive 96/9/EC.