



Rights in Data

an introduction

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**“Wisdom is not a product
of schooling but of the
lifelong attempt to
acquire it.”**

- Albert Einstein



What is data?

- Information, such as facts, statistics
- Scientific, health, financial, consumer, personal, AI
- Raw or structured

**Data is certainly worth protecting ...
but how to do we protect data?**

Let's consider IP protection

What is IP?

Intellectual Property

- "creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce"

<https://www.wipo.int/about-ip/en/>

- Patents, copyrights, trademarks
- IP laws foster innovation and creativity by rewarding innovators and creators for their efforts and investment.

Can IP protect data?

**Is there any creativity or
innovation in data?**

Does data need IP protection?



IP Rights

Patents | protect products, methods, processes, compositions of matter

Trademarks | protect one's brand, reputation, and goodwill

Copyrights | protect expression of idea – does not protect idea itself

Patents, Copyrights, and *Sui Generis* Rights

Patents | do not protect data itself; may protect use of data or manner of generating data (process)

Copyrights | rights in data limited to structured data in the form of a database if original selection and arrangement of contents

***Sui generis* rights (EU)** | database protection if resulting from substantial investment

In sum, the availability of these IP rights for Data are limited

Even so ...

are there other means for protecting data?

Additional Protection for Data

as Confidential Information

as a Trade Secret

- TS is information maintained in secrecy:
 - **not generally known** to the public;
 - **that confers economic benefit** because information is not publicly known; and
 - **for which the holder makes efforts** to maintain its secrecy.

Contract Law | Terms of Non-Disclosure

So what's next?

“Logic will get you from A to B.
Imagination will take you everywhere.”
- Albert Einstein



Thank You

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