

Preface

India enjoys the unique combination of a knowledge society and phenomenal growth in information technology which results in generating massive informational products. In such a situation, a state's law is expected to offer minimum incentive in generating such products, keeping robustness of public domain intact. This manuscript is a step towards this direction.

Chapter 1 analyses information as property and examines its features. Information has become a very valuable resource in today's society. It has an impact on the economic, social and cultural spheres of a nation because of its great utility. However, if this information is regulated strictly and access is restricted to only certain groups of consumers, there will be a divide in the information market.

Information that is of public interest and in the public domain is of immense value to people and therefore sensitive to monopolization. This has especially been felt with the use of intellectual property right in protecting databases. It was anticipated that IPR in databases would effectively restrict free flow of information and become an obstacle to the advancement of science, research and society. Thus Chap. 2 displays the interaction between information and intellectual property.

Chapter 3 critically examines pros and cons of copyright law in offering protection to databases. The protection of databases by copyright law is an issue under great debate. Protecting information as property has proved to be extremely difficult due to the lack of exclusivity of possession and enjoyment. Copyright law has, however, maintained a balance between rewarding an author's efforts and making information accessible to the society for its advancement.

The European Union adopted a Directive on Legal Protection of Databases to protect non-original databases, both in electronic and paper form. Protection under the Directive can be renewed in case of a substantial change in the existing database. The Directive also allows creators to prevent extraction and reutilization of full or substantial part of the database. In both Europe and USA, the general concern of securing effective balance between protection and access to databases, however, remains. The comparative analysis of European and American model of protection of databases have been the focus of Chaps. 4 and 5.

The focus of Chap. 6 is to develop a road map for India. The growth of digital technology has contributed to an exponential growth in the information industry, which has positively influenced not only compilation of information but also its dissemination. Legislations like the Information Technology Act 2000 have come up as an added protection for electronic databases in India. The new legislation must balance between private interest and public right while ensuring commercial need of database producers, access to information and prevention of unfair competition.

This book, being one of the pioneering publications on database law in India, will help bridge the gap in existing literature on database and intellectual property law and will hopefully pave the way for many more such books in future.

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I dedicate this book to my father, Late Pijush Kanti Mazumder, who himself was a judge and who introduced me to the legal education—'*Pita swarga, Pita dharma, Pita hi Paramang Tapo: Pitori pritima pannay. Priyantay sarva devata*'.

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