What is a database? Are database copyright protections and database sui generis protection complementary? What is the creative content for a database sui generis protection to be eligible for database copyright protection? The purpose of sui generis protection is to protect the creative content and database copyright protection protects an arrangement of data. The database sui generis right does not provide protection to the raw data. The question is whether the sui generis database right should apply to database copyright protection. The EU Advocate General’s Opinion on the football fixture list database will be presented in this article.

The two questions posed to the Court are the following:

1. Does the Directive allow sui generis protection as an original selection or arrangement of data, which is protected by the sui generis database right? In that case, copyright protection results to cover not only the thematic structure of the database (which might to be found out of the scope of the sui generis right) but also its contents, if the database is protected by sui generis protection to sole source databases. Moreover, if the question is seen globally, it shall not be possible to protect a database solely by sui generis protection. Furthermore, the Advocate General’s Opinion on the football fixture list database will be presented in this article.

2. Does the Directive preclude national rights in the nature of copyright in databases other than those protected by the sui generis database right? The Advocate General’s Opinion on the football fixture list database will be presented in this article.

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The same effect as the Feist decision in the USA. This is far more true if it is combined with the answer of the Advocate General in question 1 which states that the Database Directive precludes national law from conferring copyright protection upon a database which does not meet the requirements laid down in article 3 of the Directive, thus which is not the author’s own intellectual creation. Even though we can imagine copyright protection for compilations which do not meet the criteria of the definition of a database under the Directive on the basis of less stringent criteria, such as pure skill and labour, it is, however, questionable if the Dataco decision combined with Infopaq which imposes the criterion of the “author’s own intellectual creation” as a threshold for all works and not only for databases, computer programs and photographs leaves any room for this option.