
Kluwer Copyright Blog

Opinion of the European Copyright Society on selected aspects of the proposed Data Act

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The European Copyright Society posted an [opinion](#) on selected aspects of the proposed Data Act. 

The aim of the Data Act's sui generis clause (art. 35) to reduce the availability of IP rights over some datasets is welcome. However, its drafting is flawed and risks creating even more fragmentation in the laws of Member States. To avoid this, article 35 should be amended to make sure that 1) obtaining datasets from usage of Internet of Things products does not qualify as protectable investment under the Database Directive, and 2) the Member States are not allowed to protect the same datasets by any other type of investment protection beyond that envisaged by the Data Act. The revision of the Database Directive that is included in the Data Act does not address the status of public sector data nor does it enable access and use of data for research, but it should.

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