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Database

Putting a Stop to Database Piracy

By Lisa Vaas
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The latest battle in the war against database piracy took place on Capitol Hill on Tuesday, as the Coalition Against Database Piracy testified before a joint House Judiciary and Energy and Commerce Subcommittee hearing on draft legislation to protect against database thievery.

DATABASE VIEW

LISA VAAS

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The legislation, named the Database and Collections of Information Misappropriation Act, is a narrowly scripted version of similar legislation that has kicked around for some seven years. A past incarnation was dubbed the Database Protection Act.

At issue is the theft and misuse of data published online. One such case involved the online auction site eBay and Bidder's Edge, a shopping bot that collected information on what was being auctioned anywhere online, along with the prices auctioned items were

fetching. Bidder's Edge would then publish the data in one central location. eBay filed suit in 1999 to stop Bidder's Edge from ransacking its auction listings, but the bot shop went out of business before an injunction could take effect.

The current version of the bill to stop such pilfering differs from previous bills in that it steers clear of the intellectual property issues that have mired those past bills. Past bills would have allowed database producers to prevent people from using information in a database or from extracting information from a database. Such an approach riled opponents such as research institutions, who saw it as an attempt to grab the property rights for naked facts.

In contrast, the current bill concerns itself with data misappropriation and doesn't cover the use or extraction of information, according to Keith Kupferschmid, vice president for Intellectual Property Policy and Enforcement at the Software and Information Industry Association, in Washington. Kupferschmid testified in favor of the bill at Tuesday's hearing.

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"We're hoping we can use it to prevent database piracy, where somebody takes somebody else's database, slaps their name on it and then goes into competition with the original database producer," Kupferschmid told eWEEK in an interview. "We're not trying to pursue libraries or research institutions. That was one of the concerns of the opponents—[previous bills] would have covered use of database data. If you can prevent somebody from extracting or using information, I can see where that would raise concerns."

What's at stake is the availability of organized, timely and comprehensive information, Kupferschmid said. In the eBay case, for example, Bidder's Edge's spiders were collecting sale-price data that was outdated almost instantly, as bids rose, because there was no real-time aggregator involved.

Bidder's Edge users would arrive at the eBay site, ready to buy, say, a 13-inch color TV for \$10, only to find it selling for \$50. They would then assume that eBay was pulling a bait-and-switch operation, Kupferschmid said, thus sullyng the firm's reputation and good standing with customers. "They don't get mad at Bidder, they get mad at eBay," he said. "That's a problem."

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