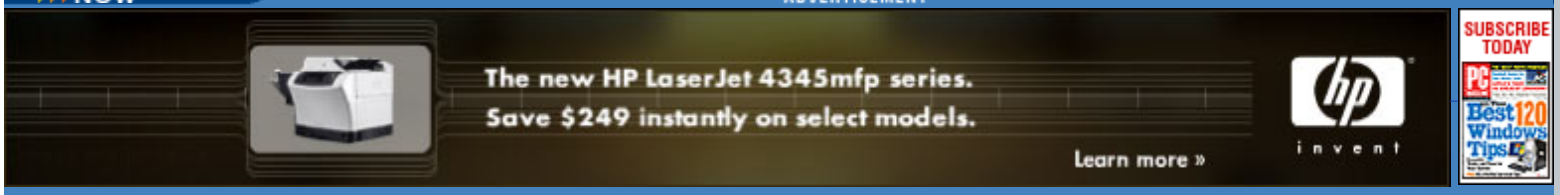
PC PCMAG.COM SUBSCRIBE NOW
THE INDEPENDENT GUIDE TO TECHNOLOGY
ZIFF DAVIS INTERNET
HOME | REVIEWS | DOWNLOADS | SOLUTIONS | NEWS | COLUMNS | SHOP | DISCUSSIONS
Product Bulletin | Special Reports | Show Reports
ADVERTISEMENT


SEARCH
My Account | Sign In Not a member? Join now

Critics Assail Proposed Database Law

03.03.04

Discuss Total posts: 1

By Sebastian Rupley

What would be the impact of allowing companies to own copyrights on databases? Experts in the legal community in concert with a number of high-tech industry watchdogs say the shock to the Internet, ISPs, and others could be seismic. But such legislation is making its way through the U.S. Congress. The controversial Database and Collections of Information Misappropriation Act has already been approved by the House Judiciary Committee, and the House Commerce Committee is slated to evaluate it late this week.

When PC Magazine last reported on the proposed legislation, the ACLU, numerous libraries, and NetCoalition, a group that describes itself as "the public policy voice for some of the world's most innovative Internet companies," were in vigorous opposition. In January, top law professors from around the U.S., including Stanford's Lawrence Lessig and the University of California at Berkeley's Pamela Samuelson, joined NetCoalition in opposition.

"HR 3261 would inevitably chill communication, and the First Amendment concerns raised by the bill have not been effectively addressed by its advocates," says a letter from the law professors to House judiciary chairman James Sensenbrenner (R–WI). "It would be a tragic error to ignore the needs and wishes of the innovators who will build the next generation of valuable information-based products while providing

breaking news

- *6.21.2005* Sneak a Peek at the New AOL.com
- *6.20.2005*

unneeded and unjustified new protections to the companies that dominate the field today."

What's all the hubbub about? In 1991, the Supreme Court ruled that copyrights applied to "creative works" and not to mere collections of facts such as those compiled in a database. The essence of the Supreme Court's ruling was that you cannot copyright a fact, such as a person's address, a stock quote, or many of the examples of fact-based, real-time information delivered through search engines and informational sites on the Web.

RELATED LINKS

- Don't Touch My Database
- Product Guide: Database Software

The Database and Collections of Information Misappropriation Act would allow databases of facts to be copyrighted, and give subpoena rights to owners of databases, conferring powers similar to those being employed by the music industry as it pursues online traders of copyrighted songs. The stated goal of the proposed legislation is to prevent the misappropriation of information stored in databases, and it was originally set in motion by several companies that own extensive databases, including Reed-Elsevier, owner of the LexisNexis database. Among other things, LexisNexis contains information on all court cases in the United States, data that would become copyrightable under the legislation.

H.R. 3261 defines a database as "a collection of a large number of discrete items of information produced for the purpose of bringing such discrete items of information together in one place or through one source so that persons may access them." Under that definition, a Web page containing individuals' phone numbers could be construed to be a database.

"The support for NetCoalition's position from [leading law professors] shows the mounting opposition to any database legislation at this time," says Markham Erickson, director of federal policy for NetCoalition, in an advisory. "H.R. 3261 is a fundamentally flawed piece of legislation that seems to be an answer in search of a problem."

The House Commerce Committee will likely evaluate the bill on Thursday of this week. PC Magazine will follow up on the story.

Email Save Reprints

XML **Add** PC Magazine: New Product Reviews to your RSS newsreader or My Yahoo!

ADVERTISEMENT marketplace Ads By Google

- Industrial Market News
  Exclusive Industry Coverage - Daily Reporting; 3,600 Articles Archived
  www.industrialinfo.com
- Industry News
  Choose Hoover's Online Resources! News, Subscriber Tools & More Here
  www.Hoovers.com
- Business Databases
  Get unlimited access to 2 million company profiles with contact info.
  www.harrisinfo.com
- Company Stealing Software
  Copying software illegally is stealing. Report software piracy!
  www.bsa.org/usa
- New Product Licensing
  Professional research & design of products, patents & ideas. Get info
  www.davison54.com

MSN Stakes Local-Search Claim on Virtual Earth

6.20.2005
How Safe Are the New Contactless Payment Systems?

6.19.2005
Monks Use Hi-tech Camera to Read Ancient Texts

6.18.2005
Online Calendars Make Appt with Web

View All >

new white papers

Exclusive insider info on wireless email products

Learn about email management with EMC EMAILXTENDER

Competitive Advantage of Enterprise Remote Control

All White Papers >

discussions

Recent Discussions

- An Epson First
- Samsung's First Prosumer Digital Camera
- How Safe Are the New Contactless Paym...
- Monks Use Hi-tech Camera to Read Anci...
- Linksys, Vonage Hold Big Router Give-...

Start a Discussion >

Find a Topic:

View All >

newsletters

Get PCMag.com's **FREE** email newsletters delivered to your inbox.

Its easy, just follow the steps.

Want more? Check out our other newsletters here.

Manage your newsletter subscriptions here.

1. Make your selections:

- Inside PCMag.com
- Productwire: First Looks Update
- Tip of the Day
- PC Magazine's TrendWatch
- Utility Library Update
- Security Watch
- Shareware Update

2. Select email format:

3. Enter email address:

top sellers

Digital Cameras

1. Nikon D70
2. Canon Digital Rebel / EOS-300D
3. Canon EOS-20D
4. Fuji FinePix E550
5. Olympus C-765

more >

PRODUCT GUIDES

- Desktops
- Digital Cameras
- DVD Creation
- Handhelds
- Laptops
- LCDs
- MP3 Players
- PDAs & Phones
- Printers
- VoIP
- Windows XP
- Wireless Networks
- All categories

Shop for products from our partners

Dell Business Systems | Dell Home Systems | TigerDirect

ZIFF DAVIS PARTNER SITES:

- Visual Studio & .Net Dev Center
- Small Business Technology Center
- Nokia Mobility Resource Center
- Web Meeting Solutions

Search more than 60,000 tech jobs. Search by keywords, skill, job title and location.

Powered by: Dice

FIND A TECH JOB • WHAT WILL I EARN?

Recent job postings from Dice

- ASP/Web Developer
- Project Manager
- Project Manager
- Senior Reporting Analyst
- Senior Cost Accountant
- Jr. Accountant
- C# .Net Developer
- Information Technology Re...
- Hyperion Developer
- IT Audit
- IT Audit
- Project Costing Consultan...
- IT Audit
- Controls Engineer

Find a tech job FIND IT 60,000+ tech jobs > Tech jobs via email >

Subscription Help | Renew | Give a Gift | About Our New Digital Format

cover story

- *6.1.2005* Top Tips & Tricks For Windows
- *5.4.2005* Productivity
- *5.4.2005* Remote Access

View All >

PCMag.com career center

Access our new career resources and job search!

Click here to post your resume and search job listings!

Powered by Dice

ADVERTISEMENT

Partner Services:

FREE ZIFF DAVIS MEDIA ESEMINARS AT ESEMINARSLIVE.COM

- **June 21, 12:30 p.m. ET**
Delivering ROI: CompUSA's Success with Michael Krieger. *Sponsored by ProClarity*
- **June 21, 2 p.m. ET**
HSPD-12 Compliance: Creating a Practical Identity Management Strategy with Frank Derfler. *Sponsored by Computer Associates*
- **June 29, 12:30 p.m. ET**
Business-Oriented Production Management with Frank Derfler. *Sponsored by BMC Software*
- **June 29, 2 p.m. ET**
Itanium II or EM64T: Which Suits Your Database Environment with Michael Krieger. *Sponsored by Unisys, Microsoft & Intel*

VIRTUAL TRADESHOW SMB

Have you registered for our next Ziff Davis Internet Virtual Tradeshow? If not, there is still time, and it's free! Join us on June 22-23 for **Big Issues Facing Little Enterprises - It's All About Productivity** with keynote presentations from the Small Business Administration and the U.S. Department of Justice, and live, interactive panels with Ziff Davis Media editors, IT experts, corporate executives, analysts and consultants!

Register Now!

DELL SPECIAL OFFER

Sign up for Dell e-mail updates today!

Dell Small Business invites you to receive our exclusive e-mail updates. Start saving right away with your new member exclusive deal - **10% off your next purchase**. This amazing discount gives you a glimpse of the savings to come as a Dell subscriber.

Click here to Subscribe!

>> brought to you by Dell

NEW IN THE PCMAG.COM UTILITY LIBRARY

Download this just released version of XpanDesk3.0!

With enhanced features and more powerful functionality, this software fan's favorite has got a new look too!

XspanDesk 3.0 lets you:

- Create up to 9 virtual desktops with different programs and backgrounds.
- See each desktop with its own screen resolution.
- Dock the deskview.
- And much more!

Get XspanDesk 3.0 today – at the one and only **PCMag.com Utility Library!**

- Dell Business Systems
- Dell Home Systems
- MPC (MicronPC)

ADVERTISEMENT intel showcase

- Shop Now! - Dell Home Solutions Center
- Fujitsu notebooks and Tablet PCs- Official Site
- Build your custom desktop or notebook now at MPC!
- Dell Small Business Products
- Save $200 on Gateway's 7310S Desktop. Now $599.99

sponsors

- $298 Dell Home Desktop ($373 pre mail-in rebate).
- Save Time. Save Space. Save $249 instantly on select models of the new HP LaserJet 4345mfp series.
- Profit from the Internet! Own #1 rated Internet Business
- Save on Hard Drives, CPUs, Memory, Displays & more
- Visual Studio ® .NET Special Edition – Upgrade now.
- Canon's full line of photo printers now available.
- Buy any Fujitsu notebook or Tablet PC and get a FREE scanner!
- Low prices, fast shipping, great selection @Newegg. Visit: http://newegg.com
- Small Medium Business solutions from Trend Micro
- FREE Security Patch Management Software - Shavlik HFNetChkPro!
- CDW. The Technology You Need When You Need It.
- Search more than 60,000 tech jobs. Enter keywords skill, job title, location.
- Get great deals on a Media Center PC. See it now.
- powerful. mobile. versatile. Tablet PC
- T-MOBILE® BLACKBERRY 7100™ ONLY $199.99!
- Review TCO studies comparing Windows to Linux.
- See how True MIMO wireless delivers the best performance.
- Try Adobe Premiere Elements free for 30 days

- Be sure your music and devices will work together
- Dads & grads deserve Panasonic's Toughbook
- Try Adobe Photoshop CS2 for Free
- Register to WIN a Vacation From Content Management Stress
- Win a 50" HD Plasma TV or a Xerox Phaser® 8400 Color Printer
- Get great deals on a customized Media Center PC.
- McAfee®: Get a free article on SMB PC defense.

Use of this site is governed by our Terms of Use and Privacy Policy
Copyright © 1996-2005 Ziff Davis Publishing Holdings Inc. All Rights Reserved. PC Magazine is a registered trademark of Ziff Davis Publishing Holdings Inc. Reproduction in whole or in part in any form or medium without express written permission of Ziff Davis Media Inc. is prohibited.