IP Festival: Expert Lecture

Title: **Towards a Theory of Limited Exclusive Right in Big Data**
Speaker: **Prof Guobin CUI**
Language **English**
Date : **8 Jan 2020 (Wed)**
Time : **10:00 am - 12:00 nn**
Venue : **Video Seminar Room [G5353, 5/F, School of Law, Yeung Kin Man Academic Building, City University of Hong Kong]**

Guobin CUI is an Associate Professor as well as Director of the Center for Intellectual Property Law at Tsinghua University School of Law

Topic: Towards a Theory of Limited Exclusive Right in Big Data

Abstract:

Human society is entering into the era of big data and artificial intelligence. Large-scale datasets now are viewed as a critical economic resource and a clearer delineation of intellectual property rights surrounding these datasets becomes increasingly desirable.

Existing trade secret law and copyright law do provide some protection for datasets that are kept in secret or contain original contents. But those of no originality and secrecy are not protectable under those laws. To fill this gap, some Chinese courts apply the general principle of unfair competition law to prohibit competitors from copying and distributing others' datasets that are made available to the public by its collectors.

This author examines recent important judicial cases of datasets in Mainland China, and finds that current unfair competition law protection is not satisfying enough. A special legislation that recognize a limited exclusive right in datasets should be a better institutional choice. This protection would incentivize data collectors, improve the accessibility of datasets, promote the commercialization of datasets, and reduce the overall social costs. It would not undermine the public policy goals maintained by the existing copyright law or trade secret law.

After justifying the idea of a limited exclusive right, this author further proposes key elements of the legislation, including the scope of eligible subject matters, the content of exclusive rights (right of communication to the public), the ownership of datasets, the term of protection and restrictions on the rights.

Prof. Guobin CUI

Admission is free. Registration is on a first-come-first-served basis. Registrants will be placed on a waiting list if the registration quota is reached. Registration deadline will be due by 7 Jan 2020.If you would like to attend the lecture, please reserve a seat now at : https://forms.gle/XeJmTCMSFMTsG6Ck6

For enquiry, please contact Miss Lala Wong at snwong@cityu.edu.hk

Refreshments will be served
ALL ARE WELCOME