

Advanced Data Licensing and Other Data-centric Transactions

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The Role of Data in Modern Business

- What is Data?
 - **Data** is information that has been translated to a form that is convenient to move or process
 - A **database** is a collection of data arranged in a systematic or methodical way and individually accessible by electronic or other means
- Data is Driving Big Business
 - 161 exabytes—161 billion gigabytes—of data being stored per year
 - roughly equal to 37,000 times the amount of information stored in the Library of Congress
 - Global Big Data's 2018 market revenues for software and services rose to \$42B and are expected to exceed \$100B by 2027.



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The Role of Data in the Modern World

- Trends Driving Increasing Importance of Data
 - New sources of data
 - Machine-generated data (Example - Web server logs)
 - Sensor data (Example - Sensors in a single jet engine generate over 10 terabytes of data in 30 minutes)
 - Social data (Example - Twitter generates 8 terabytes per day) – “When you are using a free social media service on-line, you aren’t the customer, you are the product”
 - Tracking / Profiling
 - Development of high-powered, low cost data storage and computing resources for data processing
 - Cloud computing
 - Network accessibility

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The Role of Data in the Modern World

- The Emergence of “Big Data” Business Models
 - Big Data defined: "Big data are high volume, high velocity, and/or high variety information assets that require new forms of processing to enable enhanced decision making, insight discovery and process optimization."¹Douglas, Laney [*"The Importance of 'Big Data': A Definition"*](#) Gartner, 2012.

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The Legal Status of Data

- Legal protections for data derive from many theories, including IP law, contract law, tort law and others
- Inherent conflict between two competing interests:
 - controlling/restricting/exploiting data
 - societal value of the free flow of information
- First Amendment concerns dictate that any legal theories restricting data are suspect

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The Legal Status of Data

- Can Anyone Own Data? – IP Law
 - Copyright
 - US Supreme Court says that information alone without a minimum of original creativity is not protected by copyright. *Feist Publications, Inc., v. Rural Telephone Service Co.*, 499 U.S. 340 (1991)
 - Arrangement and selection may be enough for protection as an original compilation. *Assessment Technologies of WI LLC v. Wiredata, Inc.*, 350 F.3d 640 (7th Cir. 2003).
 - Such arrangements or selections need only be minimally creative, but compilations of facts or data receive limited protection. *Experian Info. Sols., Inc. v. Nationwide Marketing Services, Inc.*, 893 F.3d 1176, 1181–1183 (9th Cir. 2018).

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