



# Advanced Data Licensing and Other Data-centric Transactions

Ed Cavazos | Partner  
Pillsbury Winthrop Shaw Pittman LLP



1

## The Role of Data in Modern Business

- What is Data?
  - **Data** is information that 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.



2

# 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

pillsbury

3

# 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."<sup>1</sup>Douglas, Laney [\*"The Importance of 'Big Data': A Definition"\*](#) Gartner, 2012.

pillsbury

4

# 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

pillsbury

5

# 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. Wireddata, 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).

pillsbury

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

## Title search: Advanced Data Licensing and Other Data-centric Transactions

Also available as part of the eCourse

[Advanced Data Licensing, Open Source Licensing, New Licensing Trends](#)

First appeared as part of the conference materials for the  
34<sup>th</sup> Annual Technology Law Conference session

"Advanced Data Licensing and Other Data-centric Transactions"