

Abstract

The importance of data in the information society is steadily increasing. Today's digital economy revolves around the information and communications technology and data are being produced and collected in unprecedented volume. That is why this thesis focuses on the complicated relationship between data and law with an emphasis on copyright law.

The thesis itself is divided into four chapters. First chapter explores the nature of data and information as such and shows that neither legal theory, nor legal practise offers a complex concept and methodology of data or information. Second chapter presents various areas of law which can provide protection of data in different contexts. The protection of certain types of data can be achieved by both relative and absolute rights but there is no absolute right that protects data as such.

Third chapter focuses on intellectual property rights, particularly on copyright law and database protection law. This area of law is presented both in general terms and in terms of data protection. It shows which conditions must be met for data to become a subject of intellectual property laws.

A primary objective of the last chapter is to introduce a term of data mining both from technical and legal perspective. In the past years various laws related to data mining were adopted in the EU. More exceptions and limitations to the author's exclusive rights and to exclusive rights of the maker of the database allows more subjects to benefit from data mining but there is still a great need of further harmonisation for the Digital single market to function properly.

Although the European Union constantly stresses the need to create a harmonised and flexible legal framework on intellectual property rights which can foster the development of the information society in Europe, an analysis conducted in this thesis shows that the current legal framework doesn't fit perfectly into the information age and can not properly protect author's rights while simultaneously stimulate investments in research and innovations.