

Case Alert:

Landmark decision helps sports to protect and exploit their official data

The UK Court of Appeal ruled on 6 February 2013 that a database containing official match data owned by the UK Football Leagues (namely, The Premier League, The Football League, The Scottish Premier League and The Scottish Football League) is protected under the European “sui generis” database right.

The sui generis database right allows database owners that have invested substantially in collecting and collating official data to prohibit third parties from extracting or re-using it.

The Facts

Football DataCo Limited (“**DataCo**”) and the UK Football Leagues brought infringement proceedings against a number of defendants including Sportradar AG, a collector/reseller of sports data and bookmaker Stan James.

DataCo and the UK Football Leagues claimed that the defendants had copied and/or made available official match data (such as goals, goal scorers and yellow/red cards) contained in their proprietary database without permission.

The Decision

The Court of Appeal held that DataCo/the UK Football Leagues’ official match data service was “indisputably a database” and merited protection by sui generis database right due to the “considerable investment” that DataCo and the UK Football Leagues had made in collecting the data within it.

Sportradar was found to have copied a substantial part of the database even where copying was limited to goals and time of goals and had therefore infringed DataCo and the UK Football Leagues’ sui generis database rights.

The bookmaker Stan James, which provided access to Sportradar’s data service on its website via a “pop-up” screen was also held to be jointly responsible for the infringement of

DataCo/the UK Football Leagues' database rights which occurred when its customers accessed the Stan James' website.

The Court also followed an earlier ruling by the Court of Justice of the European Union and confirmed that where a website operator targets members of the public in the UK, and provides them with material infringing sui generis database rights from a server located outside of the UK, infringement proceedings can be brought in the UK.

Why is this ruling significant?

The global market for sports data is experiencing rapid growth due to an increase in demand for data and statistics from fans, digital media, broadcasters, sponsors, betting companies and coaches.

By taking greater control of the collection and exploitation of their official data sports governing bodies can:

- generate new and sustainable revenues;
- increase the reach and profile of their sports;
- better engage with their fans;
- develop performance/coaching tools; and
- combat betting fraud and improve sporting integrity

This decision protects the investment made by sports bodies in the collection and collation of official data and increases the value of their official data.

Want to know more?

Couchmans LLP is the pre-eminent sports data practice. Our lawyers have worked with a large number of national and international sports governing bodies and rights holders to develop data collection, licensing and enforcement schemes and implement press and photographer accreditation schemes. We also advise on related and complementary areas, including data protection and enforcement, sports betting, virtual animation, tracking and coaching products, ground regulations and ticket conditions.

If you would like to discuss the implications of this judgment further or would like more information about implementing a data collection and licensing scheme please contact: Steven Burton, Couchmans LLP: steven.burton@couchmansllp.com