Sui Generis: A Unique Form of Intellectual Property
Governing Compilations of Data

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Introduction
The well-used Latin phrase sui generis translates into English as of its own kind or unique. In the arena of intellectual property (IP) law, the phrase refers to a form of IP that does not derive from other, traditional forms of IP, such as patents and copyrights. Beginning in the mid-1990s, the European Union (EU) began trying to create such a sui generis system to govern compilations of data. Ten years later, the EU has returned to re-examine this new system, perhaps to change or repeal it, perhaps not. The two questions for this chapter are, what does the sui generis system do and how does it affect technology transfer (both in the United States and elsewhere)?

This chapter will review the history of the law leading up to the creation of the sui generis system. It will also examine the sui generis system in detail. Then the chapter will recount the EU’s experiences with, commentary on, and international reaction to the system. Finally, the chapter ends with some suggestion of issues to consider in negotiating agreements with the sui generis system in mind.