Legal protection of databases

1992/0393(COD) - 04/10/1993 - Modified legislative proposal

In its modified proposal, the Commission introduced a fundamental modification proposed by the European Parliament. This modification concerns the extension of the period of protection under the sui generis system: it has been increased from ten years, the period proposed by the Commission, to fifteen years. In addition, the Commission has made editorial changes relating to the following points: - the definition of the term 'database' must be clarified so that it expressly includes collections of data; - the term 'rightholder' must cover both the author, in other words the person holding any copyright in the database, and the creator of the database when a sui generis right exists in respect of its content but there is no copyright associated with the selection or disposal of that content; - the definitions of the terms 'substantial change' and 'non-substantial change' are clarified in so far as they relate to the period of protection; - the term 'unauthorised extraction' must be preferred throughout the text to 'unfair extraction'; - the conditions under which licences allowing use of the content of a database must be granted are defined more clearly in the text. The amendments rejected by the Commission related to: - a definition of a database including 'a substantial number of data, works or other material'; - a definition of the 'author' of a database such as to make him the person who takes 'the initiative and responsibility for establishing' the database; - a definition of 'non-commercial purposes' which included any use for the purposes of teaching, research or humanitarian aid, on a non-profit basis; - the additions suggesting that the legitimate user of a database could be restricted by contractual provisions in his ability to perform the acts necessary for the use of the database; - additional restrictions placed on the use of the database for private or personal purposes; - an obligation to protect the databases against unauthorised extraction under the provisions of the international treaties.