Legal protection of databases

1992/0393(COD) - 23/06/1993 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Mr Manuel Garcia Amigo (PPE, E) on the legal protection of databases. It rejected, by 178 votes to 128, with one abstention, the extension of the scope of application of the Directive to non-electronic databases as requested by the JURI Committee. It also adopted part of amendment 24 of the JURI Committee according to which 'the right to prevent unauthorised extraction of the content of a database shall last from its creation for a period of 15 years (10 in the Commission proposal) from 1 January of the year following: a) the first occasion on which it was made available to the public or b) any substantial amendment of the database'. It rejected, however, the end of the amendment which added a point c): c) the date of introduction of any data input into a regularly updated database, notwithstanding the provisions of Article 9(4). According to the latter, in the version adopted by Parliament, 'insubstantial amendments do not entail a new period of protection of the base by the right to prevent unauthorised extraction of content (unfair extraction in the Commission's version)'. Parliament took up the definitions approved by the JURI Committee (database author, database rightholder, commercial purposes, insubstantial amendments, substantial amendments). Parliament accepted the amendment of the JURI Committee according to which 'copyright protection is granted to all rightholders, whether natural or legal persons, satisfying the conditions set out in national legislation or in international conventions on copyright applicable to literary works'. It also agreed with the JURI Committee in calling for the inclusion of any work or matter, with the exception of references or analytical summaries, in a database to continue to be subject to the authorisation of the copyright holder. The provisions on the right to prevent unauthorised extraction and re-utilisation of a database also applied to databases created prior to the entry into force of this Directive. Lastly, as regards licences granting a right of re-utilisation of the content of a database when the latter had been made available to the public by a number of bodies (public authorities, enterprises holding a monopoly by virtue of an exclusive concession granted by a public body), Parliament excluded from these bodies 'enterprises possessing a de facto monopoly in the field of the creation or compilation of data input into databases'.