Legal protection of databases

1992/0393(COD) - 11/03/1996 - Final act

OBJECTIVE : To harmonise the provisions of the Member States with regard to the legal protection of databases, with a view to facilitating the functioning of the internal market. COMMUNITY MEASURE : Directive 96/9/EC of the European Parliament and of the Council on the legal protection of databases. SUBSTANCE : - For the purposes of the directive, "database" means a collection of independent works, data or other materials arranged in a systematic or methodical way and individually accessible by electronic or other means. - The directive, which concerns databases in any form, extends to databases on the one hand, a protection by copyright, and on the other hand, a protection by a new specific 'sui generis' right. - Databases which, by reason of the selection or arrangement of their contents, constitute the author's own intellectual creation shall be protected as such by copyright, though copyright shall not extend to the contents themselves. - The object of the new 'sui generis' right, which covers the contents of a database, is to ensure protection of any investment (which may consist in the deployment of financial resources and/or the expending of time, effort and energy) in obtaining, verifying or presenting the contents of a database. This right will give the maker of a database the option of preventing the unauthorised extraction and/or re-utilization of all or a substantial part of the contents of that database, without prejudice to the application of competition rules (abuses of a dominant position or agreements between database makers). - The protection afforded by this right shall run for fifteen years following the date of completion of the making of the database; - Member States shall be given the option of providing for exceptions to the 'sui generis' right, notably in the case of extraction for private purposes, for the purposes of illustration for teaching or scientific research, or for the purposes of public security. Such operations must not prejudice the exclusive rights of the maker to exploit the database and their purpose must not be commercial. - The 'sui generis' right may be extended to databases produced in third countries, on the basis of reciprocal agreements. - Finally, the directive contains a revision clause applicable three years after its entry into force. DEADLINE FOR TRANSPOSITION INTO NATIONAL LEGISLATION: 1 January 1998.