CORRIGENDUM TO THE AMENDED PROPOSAL FOR A COUNCIL DIRECTIVE ON THE LEGAL PROTECTION OF COMPUTER PROGRAMS


Encl.: COM(90) 509 final/4 SYN 183

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1 Concerns the English version only.
COMMISSION OF THE EUROPEAN COMMUNITIES

CORRIGENDUM
La page 28 ci-jointe
annule et remplace la page
correspondante du document
COM(90)509final-SYN183
du 18/10/1990
Ne concerne que la version anglaise.

Amended Proposal for a
COUNCIL DIRECTIVE

ON THE LEGAL PROTECTION OF COMPUTER PROGRAMS

(presented by the Commission pursuant to Article 149 (3)
of the EEC Treaty)
Article 5bis

1. Notwithstanding contractual provisions to the contrary, the authorization of the owner of the rights shall not be required where reproduction of the code and translation of its form are indispensable to achieve the creation, maintenance or functioning of an independently created interoperable program, provided that the following conditions are met:

a) these acts are performed by the licensee or by another person having a right to use a copy of a program, or on their behalf by a person authorised to do so;

b) the information necessary to achieve interoperability has not previously been published, or made available to the persons referred to in subparagraph a);

and

c) these acts are confined to the parts of the original program which are necessary to achieve interoperability.