(Amendment No 3)

Article 1(3)

3. Protection in accordance with this Directive shall apply to the expression in any form of a computer program but shall not extend to the ideas, principles, logic, algorithms or programming languages underlying the program. Where the specification of interfaces constitutes ideas and principles which underlie the program, those ideas and principles are not copyrightable subject matter.

(Amendment No 4)

Article 1(4)

4. (a) A computer program shall not be protected unless it satisfies the same conditions as regards its originality as applied to other literary works.
(b) Programs generated by means of a computer shall be protected in so far as they satisfy the conditions laid down in point (a).

(Amendment No 22)

Article 2(1)

1. Subject to the following paragraphs, the author of a computer program is the natural person or group of natural persons who has created the program.

1. The author of a computer program is the natural person or group of natural persons or, where the law of the Member States permits, the legal person who has created the program. Where collective works are recognized by the law of a Member State, the natural or legal person considered by the law of the Member State to have created the work shall be considered to be its author.

(Amendment No 5)

Article 2(2)

2. In respect of computer programs created by a group of natural persons, the exclusive rights shall be exercised in common unless otherwise provided by contract.

2. In respect of computer programs created by a group of natural persons, the rights conferred by the protection accorded by Article 1 shall be exercised in common unless otherwise provided by contract.

(Amendment No 6)

Article 2(4)

4. Where a computer program is created in the course of employment, the employer shall be entitled to exercise all rights in respect of the program, unless otherwise provided by contract.

4. Where a computer program is created by an employee in the execution of his duties or following the instructions given by his employer, the employer shall be entitled to exercise all economic rights in the program so created, unless otherwise provided by contract.
TEXT PROPOSED BY THE COMMISSION
OF THE EUROPEAN COMMUNITIES

(Amendment No 7)

Article 2(5)

5. In respect of programs which are generated by the
use of a computer program, the natural or legal person
who causes the generation of subsequent programs shall be
entitled to exercise all rights in respect of the programs,
unless otherwise provided by contract.

(Amendment No 8)

Article 4, introduction and subparagraphs (a) and (b)

Subject to the provisions of Article 5, the exclusive rights
referred to in Article 1 shall include the right to do or to
authorize:

(a) the reproduction of a computer program by any
means and in any form, in part or in whole. In so far
as they necessitate a reproduction of the program in
part or in whole, loading, viewing, running, transmis-
sion or storage of the computer program shall be
considered restricted acts;

(b) the adaptation of a computer program;

Subject to the provisions of Article 5, the protection
accorded by Article 1 shall include the right to do or to
authorize:

(a) the reproduction of a computer program by any
means and in any form, in part or in whole, and for
whatever purpose. In so far as they necessitate a per-
manent or temporary reproduction of the program,
loading, viewing, running, transmission or storage of
the computer program shall be subject to authoriza-
tion by the right-holder;

(b) the translation, adaptation, arrangement and any oth-
er modification of a program and the reproduction of
the results thereof;

(Amendments Nos 33 and 9)

Article 5

1. Where a computer program has been sold or made
available to the public other than by a written licence
agreement signed by both parties, the acts enumerated in
Article 4(a) and (b) shall not require the authorization of
the right-holder, in so far as they are necessary for the use
of the program. Reproduction and adaptation of the pro-
gram other than for the purposes of its use shall require the
authorization of the right-holder.

2. Where a computer program has been sold or made
available to the public by means other than a written
licence agreement signed by both parties, the exclusive
right of the right-holder to authorize rental shall not be
exercised to prevent use of the program by the public in
normal use of the program in non-profit making public
libraries.

1. In the absence of specific contractual provisions, the
acts referred to in Article 4(a) and (b) shall not require the
authorization by the right-holder where they are neces-
sary for the use of the program by the lawful acquiror in
accordance with its intended purpose. The making of a
back-up copy by a person having a right to use the program
may not be prevented by contract in so far as it is necessary
for that use.

2. Where a copy of a computer program has been made
available to the public in a legal manner, and in the
absence of contractual provisions to the contrary, the right
to authorize rental shall not be exercised to prevent nor-
mal use of the program in non-profit making public
libraries.
2a. Notwithstanding the provisions of Article 4(a), the legitimate holder of a copy of a program may, without having to request the authorization from the right-holder, observe, study or test the working program in order to determine its underlying ideas, principles and other characteristics where these are not protected by copyright, in the course of loading, viewing, running, transmission or storage.

(Artment No 35)

Article 5a (new)

Article 5a

Notwithstanding any contractual arrangements to the contrary, the rights enumerated in Article 4(a) and (b) shall not be exercised by the author to prevent any act essential to ensure the maintenance of the program and the creation or operation of interoperable programs.

This option may only be exercised by the licensee or by another person entitled to use a copy of the program on his behalf by the person authorized to do so and only where the following conditions are fulfilled:

(a) the information necessary to achieve interoperability shall not have been published or made available previously;

(b) the retrieval of information shall be confined to the parts of the original program which are necessary for the achievement of this aim;

(c) the information retrieved may not be communicated to third parties except in so far as this is necessary for the operation of the second program;

(d) the information retrieved may not be used to create or market a program which violates a copyright or the program of origin.

The provisions of this article may not be interpreted in such a way as to allow information obtained in the application thereof to be used in a manner which unreasonably prejudices the legitimate interests of the right-holder or which conflicts with a normal exploitation of the program.
### Amendment No 12

**Article 7**

Protection shall be granted for 50 years from the date of creation.

Protection shall be granted for 50 years from 1 January of the year following publication of the program, or, where a program has not been published, its creation.

### Amendment No 13

**Article 8**

1. The provisions of this Directive shall be without prejudice to any legal provisions concerning patent rights, trade marks, unfair competition, trade secrets or the law of contract in so far as such provisions do not conflict with the principles laid down in the present Directive.

2. The provisions of this Directive are applicable also in respect of works created prior to [date in Article 9].

1. The provisions of this Directive shall be without prejudice to any other legal provisions such as those concerning patent rights, trade marks, unfair competition, trade secrets or the law of contract.

2. The provisions of this Directive are applicable also to programs created prior to 1 January 1993.

### Amendment No 14

**Article 9**

1. Member States shall bring into force the laws, regulations or administrative provisions needed in order to comply with this Directive by [date].

2. Member States shall ensure that they communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

1. Member States shall bring into force the laws, regulations or administrative provisions needed in order to comply with this Directive by 1 January 1993.

2. Member States shall ensure that they communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

2a. A Consultative Committee shall be set up by the Commission, to consist of representatives of the Member States and of representative associations of authors and producers of computer programs with the objectives of:

(a) providing the Commission with information on research and on problems arising from the implementation of this Directive;

(b) drawing up proposals with a view to possible changes in the rules which may be required for more effective realization of the Community's objectives.

2b. The Commission shall take all the necessary initiatives in order to ensure the realization, at national and international level, of the objectives set out in this Directive.

2c. The Commission shall, every two years, forward to Parliament and to the Council a report on the implementation of this Directive at national and Community level.
LEGISLATIVE RESOLUTION
(Cooperation procedure: first reading)

embodying the opinion of the European Parliament on the proposal from the Commission to the Council for a directive on the legal protection of computer programs

The European Parliament,

— having regard to the proposal from the Commission to the Council (COM(89) 816 final) (1),
— having been consulted by the Council pursuant to Article 100a of the EEC Treaty (Doc. C3-56/89 — SYN 183),
— having regard to the report of the Committee on Legal Affairs and Citizens' Rights and the opinions of the Committee on Economic and Monetary Affairs and Industrial Policy and the Committee on Energy, Research and Technology (Doc. A3-173/90),

1. Approves the Commission proposal subject to Parliament's amendments and in accordance with the vote thereon;

2. Calls on the Commission to amend its proposal accordingly, pursuant to Article 149(3) of the EEC Treaty;

3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;

4. Calls on the Council to incorporate Parliament's amendments in the common position that it adopts in accordance with Article 149(2)(a) of the EEC Treaty;

5. Instructs its President to forward this opinion to the Council and Commission.


6. Standard emergency call number  **1

— Proposal for a decision COM(89) 452 final — SYN 223

Proposal for a Council decision on the introduction of a standard Europe-wide emergency call number

Approved with the following amendments:

TEXT PROPOSED BY THE COMMISSION OF THE EUROPEAN COMMUNITIES (*)

TEXT AMENDED BY THE EUROPEAN PARLIAMENT

(Amendment No 1)

Third recital

Whereas the effect of such differences is to create problems in contacting the responsible services for citizens, in particular tourists and business travellers, facing emergency situations in other Member States;

Whereas the effect of such differences is to create problems in contacting the responsible services for citizens facing emergency situations in other Member States;