EUROPEAN PARLIAMENT

OPINION

of the Committee on Energy, Research and Technology

Letter from the chairman of the committee to Mr Reinhold Bocklet, chairman of the Committee on Legal Affairs and Citizens' Rights

Strasbourg, 26 May 1993


Dear Mr Bocklet,

At its meeting of 25 May 1993 the Committee on Energy, Research and Technology examined the above-mentioned Commission proposal and came to the following conclusions:

The Commission proposal seeks to take account of technical developments in the field of the storage and dissemination of and collections of information works and to improve the incomplete and varying legal protection of databases. According to the Commission proposal, the term 'database' should be taken to mean collections of literary, musical, artistic or other works or other information materials which are arranged, stored and accessed by electronic means, such as text, sounds, images, numbers, facts, data or combinations thereof as well as electronic material which is required for the operation of the database.

The quantity of information continuously being produced that needs to be archived, collected or catalogued (new books, newspapers, periodicals, sound and image recordings) is increasing exponentially and it is now almost impossible to arrange it rationally using traditional physical media and to make it available to interested parties in a reasonable time. Accordingly, the electronic storage and marketing of information of all kinds using databases is making increasing headway. In industry, the possibility of utilizing databases (which are, like stock-exchange quotations, updated in real time and on offer to the public) is increasingly becoming a key factor in competitiveness.

The following took part in the vote: Desama, chairman; Adam and Quisthoudt-Rowohl, vice-chairmen; Bettini, Rovsing, Schlee, Seligman, De Gaulle (for Verwaerde, pursuant to Rule 111(2)) and Goedmakers (for Garcia Arias, pursuant to Rule 111(2)).
Essential factors for the dissemination of electronically stored collections of data in databases include on-line services between the database and the user (ASCII-database services, especially financial, economics and science databases), increasingly CD-ROM, videotext services as well as audiotext and radio. These information delivery media fulfil very different requirements, but have one thing in common: there is only incomplete legal protection for information which has been arranged by individual effort (in no Member State does copyright law mention the legal protection of databases) and essentially protection has so far only been secured through contract law. Because the information market in the Community is growing very rapidly, it is advisable to establish, at an early stage, a harmonized legal framework for the protection of databases to prevent the Member States from legislating in differing ways to prevent the misappropriation of electronically stored and retrievable collections of information.

The Committee on Energy, Research and Technology therefore fundamentally welcomes the Commission proposal to establish early on a framework for the whole Community so that the development of this fast-growing sector is not hampered and a further fragmentation of the European market is prevented from the outset.

The course adopted by the Commission strikes a balance between the essential protection needs of database operators and the legitimate interests of users and the authors of the works incorporated in databases. The proposal is also an incentive to the development of the European market for information collection stored and offered by electronic (or optical) means.

In order to ensure rational operation and to safeguard investment in databases, the right of database owners to protection from unfair extraction - involving the neutralization of the contents of databases, and existing alongside the rights of the authors of works incorporated therein, is particularly important.

However, the term 'database' should be defined more comprehensively so as to include unprotected collections of data resulting from the operation of Earth-observation satellites (such as weather and climatic satellites). This was rightly pointed out by the ESA. Legal protection must also extend to databases already in existence. Provided that these points are taken into account, the Committee on Energy, Research and Technology recommends approval of the Commission proposal.

Yours sincerely,

(sgd) C. DESAMA