COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS

Amendment No. 29

by Mrs SALEMA O. MARTINS

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

Commission text

Entire proposal for a directive

Table a motion for a resolution, pursuant to Rule 41(4), calling on the Commission to withdraw its proposal for a directive, as provided for in the above Rule.

JUSTIFICATION:

It is proposed that the Committee on Legal Affairs and Citizens' Rights table a motion for a resolution in which Parliament would call upon the Commission to withdraw its proposal for a directive and to submit a clearer, more simply worded text consistent with existing law on intellectual property.
COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS

Amendment No. 30

by Mr GARCIA AMIGO

Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

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Commission text

Thirty seventh recital a (new)

Whereas distributors of databases should make provision in their contracts for exceptions as regards the unauthorized reutilization of the contents of the database by the lawful user where such reutilization is for strictly domestic purposes or for the purposes of teaching or research provided such activities are not carried out for commercial purposes:
Amendment No. 31 (to replace Amendment No. 2 of the draft report)

by Mr GARCIA AMIGO

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

Commission text

Article 1(1)

For the purposes of this Directive:

1. 'database' means a collection of works or materials arranged, stored and accessed by electronic means, and the electronic materials necessary for the operation of the database such as its thesaurus, index or system for obtaining or presenting information; it shall not apply to any computer programme used in the making or operation of the database;

Amendment

Article 1(1)

For the purposes of this Directive:

1. 'database' means a collection of data, works or other materials arranged, stored and accessed by electronic or non-electronic means, and the materials necessary for the operation of the database such as its thesaurus, index or system for obtaining or presenting information. It shall not apply to any computer programme used in the making or operation of the database;
**Commission text**

**Amendment**

**Article 1**

**DEFINITIONS**

For the purposes of this Directive:

1. 'database' means a collection of works or materials arranged, stored and accessed by electronic means, and the electronic materials necessary for the operation of the database such as its thesaurus, index or system for obtaining or presenting information; it shall not apply to any computer programme used in the making or operation of the database;

For the purposes of this Directive:

1. 'database' means a very large collection of works or materials arranged, stored and accessed by electronic means, and the electronic materials necessary for the operation of the database such as its thesaurus, index or system for obtaining or presenting information; it shall not apply to any computer programme used in the making or operation of the database;
Committee on Legal Affairs and Citizens' Rights

Amendment No. 33

by Mr Bru Puron

Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr Garcia Amigo

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**Commission text**

**Amendment**

Art. 1(1)

1. 'database' means a collection of works or materials arranged, stored and accessed by electronic means, and the materials necessary for the operation of the database such as its thesaurus, index or system for obtaining or presenting information; it shall not apply to any computer programme used in the making or operation of the database;

1. 'database' means a collection of a large number of works or materials arranged, stored and accessed by electronic means, and the materials necessary for the operation of the database such as its thesaurus, index or system for obtaining or presenting information; it shall not apply to any computer programme used in the making or operation of the database;
COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS

Amendment No. 34

by Mrs FONTAINE

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

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Commission text

Article 1(1), final clause

For the purposes of this directive:

1. 'database' means a collection of works or materials arranged, stored and accessed by electronic means, and the electronic materials necessary for the operation of the database such as its thesaurus, index or system for obtaining or presenting information; it shall not apply to any computer programme used in the making or operation of the database;

Amendment

For the purposes of this Directive:

1. 'database' means a collection of works or materials arranged, stored and accessed by electronic means, and the electronic materials necessary for the operation of the database such as its thesaurus, index or system for obtaining or presenting information; it shall not apply to any computer programme or hardware used for the making or operation of the database;
COMMITTEE ON LEGAL AFFAIRS AND CITIZEN'S RIGHTS

Amendment No. 35

by Mrs FONTAINE

Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

<table>
<thead>
<tr>
<th>Commission text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 1a (new)</td>
<td>For the purposes of this Directive:</td>
</tr>
<tr>
<td></td>
<td>'author of a database' means the person who undertook to and assumed responsibility for creating the database and selecting or arranging the facts, works, or other materials contained therein.</td>
</tr>
</tbody>
</table>
Amendment No. 36

by Mrs FONTAINE

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

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**Commission text**

**Amendment**

**Article 1b (new)**

*For the purposes of this Directive:*

'holder of a database' means the author of a database or the natural or legal person to whom the author has lawfully granted the right to prevent unauthorized extraction of material from a database.
COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS

Amendment No. 37

by Mr BOCKLET

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

Commission text  Amendment

Article 1(2)

2. 'right to prevent unfair extraction' means the right of the maker of a database to prevent acts of extraction and re-utilization of material from that database for commercial purposes.

2. 'right to prevent unauthorized extraction' means the right of the legal owner of a database to prevent acts of extraction and re-utilization of material from that database for any other than purely private purposes.
AMENDMENT NO. 38

by Mrs FONTAINE

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

Article 1(2)

2. 'right to prevent unfair extraction' means the right of the maker of a database to prevent acts of extraction and re-utilization of material from that database for commercial purposes;

2. 'right to prevent unauthorized extraction' means the right of the owner of a database to prevent acts of extraction and re-utilization of part or all of the material in that database with a view to its sale;
Committee on Legal Affairs and Citizens' Rights

Amendment No. 39

by Mr GARCIA AMIGO

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

Commission text

Article 1(2a) (new)

2. For the purposes of the present directive, and in particular the provisions of Article 8(4), 'commercial purposes' shall be understood to mean any use - whether private or collective - aiming at economic activity or a compulsory transaction.
Amendment No. 40

by Mrs GRUND

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

<table>
<thead>
<tr>
<th>Commission text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 1(2a) (new)</td>
<td>An exemption shall be granted in respect of the claim on the right to prevention of unauthorized extraction where a database is demonstrably being used for non-commercial purposes.</td>
</tr>
</tbody>
</table>


Amendment No. 41

by Mrs GRUND

Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

<table>
<thead>
<tr>
<th>Commission text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 1(4a)</td>
<td>4a For the purposes of the term of protection provided for in Article 9, 'substantial change' must be objectively verifiable under the jurisdiction of the national courts responsible.</td>
</tr>
</tbody>
</table>
Amendment No. 42

by Mrs FONTAINE

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

Commission text

Article 2(3)

3. A database shall be protected by copyright if it is original in the sense that it is a collection of works or materials which, by reason of their selection or their arrangement, constitutes the author's own intellectual creation. No other criteria shall be applied to determine the eligibility of a database for this protection.

Amendment

3. A database shall be protected by copyright if it is original in the sense that it is a collection of facts, works or other materials which, by reason of their selection or their arrangement, constitutes the maker's own intellectual creation. No other criteria shall be applied to determine the eligibility of a database for this protection.
COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS

Amendment No. 43

by Mr GARCIA AMIGO

Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

Commission text

Article 2(3)

3. A database shall be protected by copyright if it is original in the sense that it is a collection of works or materials which, by reason of their selection or their arrangement, constitute the author's own intellectual creation. No other criteria shall be applied to determine the eligibility of a database for this protection.

Amendment

3. A database shall only be protected as a literary work if it is original. Only databases in the form of a collection of data, works or materials which, by reason of their selection or their arrangement, constitute the author's own intellectual creation, shall be considered as being original.
Article 2(4)

4. The copyright protection of a database given by this Directive shall not extend to the works or materials contained therein, irrespective of whether or not they are themselves protected by copyright; the protection of a database shall be without prejudice to any rights subsisting in those works materials themselves.

4. The copyright protection of a database given by this Directive shall not extend to the facts, works or other materials contained therein, irrespective of whether or not they are themselves protected by copyright; the protection of a database shall be without prejudice to any rights subsisting in those facts, works or other materials themselves.
Amendment No. 45

by Mr Yves FREMION

Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

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**Commission text**

Article 2(5)

5. Member States shall provide for a right for the **maker** of a database to prevent the **unauthorized** extraction or re-utilization, from that database, of its contents ...

(Rest unchanged)

**Amendment**

5. Member States shall provide for a right for the **manufacturer** of a database to prevent the extraction or re-utilization, from that database, **without his consent**, of its contents ...

(Rest unchanged)
COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS

Amendment No. 46

by Mrs FONTAINE

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

Commission text  Amendment

Article 2(5), first sentence

5. Member States shall provide for a right for the maker of a database to prevent the unauthorized extraction or re-utilization, from that database, of its contents, in whole or in substantial part, for commercial purposes.

(Rest unchanged)  5. Member States shall provide for a right for the maker of a database to prevent the unauthorized extraction or re-utilization, from that database, of its contents, in whole or in substantial part, for purpose of offering the latter for sale.

(Rest unchanged)
**COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS**

Amendment No. 47

by Mr FREMION

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

<table>
<thead>
<tr>
<th>Commission text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Article 3</strong></td>
<td></td>
</tr>
<tr>
<td><strong>AUTHORSHIP: COPYRIGHT</strong></td>
<td><strong>ORIGINAL COPYRIGHT HOLDER</strong></td>
</tr>
<tr>
<td>1. The <em>author of a database</em> shall be the natural person or group of natural persons who created the database, or where the legislation of the Member States permits, the legal person designated as the rightholder by that legislation.</td>
<td>1. The <em>original copyright holder</em> shall be:</td>
</tr>
<tr>
<td></td>
<td>- <em>either the author of the database, i.e. the natural person or persons who created the database;</em></td>
</tr>
<tr>
<td></td>
<td>- <em>or, where the legislation of the Member State concerned permits, the legal person designated as the rightholder by that legislation.</em></td>
</tr>
</tbody>
</table>
Amendment No. 48 (replaces Amendment No. 12 of the draft report)

by Mr GARCIA AMIGO

Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

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Commission text | Amendment

Article 3a (new)

ENTITLEMENT TO PROTECTION UNDER COPYRIGHT

Protection under copyright shall be granted to any natural or legal person who fulfils the requirements laid down in national legislation or international agreements on copyright applicable to literary works.
**COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS**

Amendment No. 49

by Mr BRU PURON

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

<table>
<thead>
<tr>
<th>Commission text</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>Article 4</td>
<td></td>
</tr>
<tr>
<td>1. The incorporation into a database of bibliographical material or brief abstracts, quotations or summaries which do not substitute for the original works themselves, shall not require the authorization of the rightholder in those works.</td>
<td>1. The incorporation into a database of any works or materials remains subject to any copyright or other rights acquired or obligations incurred therein.</td>
</tr>
<tr>
<td>2. The incorporation into a database of other works or materials remains subject to any copyright or other rights acquired or obligations incurred therein.</td>
<td>2. However, for the purposes of indexing, the incorporation into a database of references or abstracts specially produced for the database, with the exception of substantial descriptions or summaries of the content of the form of existing works, shall not require the authorization of the rightholders on those works, provided the name of the author and the source are clearly indicated.</td>
</tr>
</tbody>
</table>
Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

Article 4(1)

1. The incorporation into a database of bibliographical material or brief abstracts, quotations or summaries which do not substitute for the original works themselves, shall not require the authorization of the rightholder in those works.

Amendment

1. The incorporation into a database of brief extracts, quotations or summaries which do not substitute for the original works themselves, shall not require the authorization of the holder of copyright or of other rights acquired relating to those works.
COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS

Amendment No. 51

by Mrs FONTAINE

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

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<table>
<thead>
<tr>
<th>Commission text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. The incorporation into a database of other works or materials remains subject to any copyright or other rights acquired or obligations incurred therein.</td>
<td>2. The incorporation into a database of other forms of work or material remains subject to any copyright or other rights acquired or obligations incurred therein.</td>
</tr>
</tbody>
</table>
Amendment No. 52

by Mrs FONTAINE

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

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Commission text

**Article 5**

The author shall have, in respect of:

- the selection or arrangement of the contents of the database, and

- the electronic material referred to in point 1 of Article 1 used in the creation or operation of the database,

the exclusive right within the meaning of Article 2(1) to do or to authorize:

...
(d) any form of distribution to the public, including the rental, of the database or of copies thereof. The first sale in the Community of a copy of the database by the rightholder or with his consent shall exhaust the distribution right within the Community of that copy, with the exception of the right to control further rental of the database or a copy thereof.

(d) any form of distribution to the public, including the rental, of the database or of copies thereof. The first sale in the Community of a copy of the database by the holder of the database or with his consent shall exhaust the distribution right within the Community relating to that copy, with the exception of the right to control further rental of the database or a copy thereof.
Amendment No. 54

by Mrs FONTAINE

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

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**Commission text**

1. The lawful user of a database may perform any of the acts listed in Article 5 which is necessary in order to use that database in the manner determined by contractual arrangements with the rightholder.

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**Amendment**

1. Unless otherwise stipulated, authorization to use a database, issued by the copyright holder, shall imply the right to perform the acts listed in Article 5 for the requirements and within the limits of the authorized use.
Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

Article 7

1. Member States shall apply the same exceptions to any exclusive copyright or other rights in respect of the contents of the database as those which apply in the legislation of the Member States to the works or materials themselves contained therein, in respect of brief quotations, and illustrations for the purposes of teaching, provided that such utilization is compatible with fair practice.

2. Where the legislation of the Member States or contractual arrangements concluded with the rightholder permit the user of a database to carry out acts which are permitted as derogations to any exclusive rights in the contents of the database, performance of such acts shall not be taken to infringe the copyright in the database itself provided for in Article 5.

Amendment

1. Member States shall apply the same exceptions to any exclusive copyright or other rights of the author of a work contained in a database as those which apply in the legislation of the Member States to that work, in respect of brief quotations, and illustrations for the purposes of teaching, provided that such utilization is compatible with fair practice.

2. Where the legislation of the Member States or contractual arrangements concluded with the author of a work contained in a database permit the user of that database to carry out acts which are permitted as derogations to any exclusive rights of the author of the work, performance of such acts shall not be taken to infringe the right of the creator of the database laid down in Article 5.
Amendment No. 56

by Mrs FONTAINE

Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

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**Article 7(1)**

1. Member States shall apply the same exceptions to any exclusive copyright or other rights in respect of the contents of the database as those which apply in the legislation of the Member States to the works or materials themselves contained therein, in respect of brief quotations, and illustrations for the purposes of teaching, provided that such utilization is compatible with fair practice.

1. Member States shall apply the same exceptions to any exclusive copyright or other rights in respect of the contents of the database as those which apply in the legislation of the Member States to the facts, works or other materials themselves contained therein, in respect of brief quotations, and illustrations for the purposes of teaching, provided that such utilization is compatible with fair practice.
COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS

Amendment No. 57

by Mrs FONTAINE

Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

Commission text

Article 7(2)

2. Where the legislation of the Member States or contractual arrangements concluded with the rightholder permit the user of a database to carry out acts which are permitted as derogations to any exclusive rights in the contents of the database, performance of such acts shall not be taken to infringe the copyright in the database itself provided for in Article 5.

Amendment

2. Deleted
Amendment No. 58

by Mrs FONTAINE

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

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**Commission text**

Article 8, before paragraph 1, paragraph -1 (new)

**Amendment**

For the purposes of this Article, databases shall not be deemed to have been made publicly available unless they may be freely interrogated and no obligation is entailed therein other than payment for the service rendered.
1. Notwithstanding the right provided for in Article 2(5) to prevent the unauthorized extraction and re-utilization of the contents of a database, if the facts, works or other materials contained in a database which is made publicly available cannot be independently created, collected or obtained from any other source, the right to extract and re-utilize, in whole or substantial part, works or materials from that database for profit-making purposes, shall be licensed on fair and non-discriminatory terms.
COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS

Amendment No. 60 (to replace amendment No. 16 of the draft report)

by Mr GARCIA AMIGO

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

---

Commission text

Article 8(2)

2. The right to extract and re-utilize the contents of a database shall also be licensed on fair and non-discriminatory terms if the database is made publicly available by a public body which is either established to assemble or disclose information pursuant to legislation, or is under a general duty to do so.

Amendment

2. The right to extract and re-utilize the contents of a database shall be licensed on fair and non-discriminatory terms if the database is made publicly available by:

(a) public authorities or public corporations or bodies which are either established or authorized to assemble or to disclose information pursuant to legislation, or are under a general duty to do so.

(b) firms or entities enjoying a monopoly status by virtue of an exclusive concession by a public body.

(c) firms which exercise a de facto monopoly as regards the creation of collection of the information introduced into the database.
Amendment No. 61

by Mrs FONTAINE

Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

<table>
<thead>
<tr>
<th>Commission text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Article 8(4) and (5)</strong></td>
<td></td>
</tr>
<tr>
<td>4. The lawful user of a database may, without authorization of the database maker, extract and re-utilize insubstantial parts of works or materials from a database for commercial purposes provided that acknowledgement is made of the source.</td>
<td>4. The lawful user of a database may, without authorization of the database holder, and provided that acknowledgement is made of the source, extract and re-utilize insubstantial parts of facts, works or other materials from that database for profit-making or other purposes.</td>
</tr>
<tr>
<td>5. The lawful user of a database may, without authorization of the database maker, and without acknowledgement of the source, extract and re-utilize insubstantial parts of works or materials from that database for personal private use only.</td>
<td>5. Deleted</td>
</tr>
</tbody>
</table>
COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS

Amendment No. 62 (to replace Amendment No. 19 of the draft report)

by Mr GARCIA AMIGO

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393)

Rapporteur: Mr GARCIA AMIGO

<table>
<thead>
<tr>
<th>Commission text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 8(5)a (new)</td>
<td></td>
</tr>
<tr>
<td>5a. For the purposes of paragraphs 4 and 5 of this Article, 'insubstantial parts' means parts of a database made available to the public whose reproduction, evaluated quantitatively and qualitatively in relation to the database from which they are copied, can be considered not to prejudice the exclusive rights of the holder of that database to exploit the database.</td>
<td></td>
</tr>
<tr>
<td>In both instances, it shall likewise be incumbent on the lawful user to demonstrate that the extraction and re-utilization of insubstantial parts do not prejudice the exclusive rights of the holder of that database to exploit the database, and that such practices are not carried out any more than is necessary to achieve the desired objective.</td>
<td></td>
</tr>
</tbody>
</table>
Amendment No. 63 (to replace Amendment No. 23 of the draft report)

by Mr GARCIA AMIGO

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

---

**Commission text**

**Article 9(3)**

3. The right to prevent unfair extraction shall run from the date of creation of the database and shall expire at the end of the period of 10 years from the date when the database was first lawfully made available to the public. The term of protection given in this paragraph shall be deemed to begin on 1 January of the year following:

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**Amendment**

3. The right to prevent unauthorized extraction shall run from the date of creation of the database for 15 years, starting on 1 January of the year following:

(a) the date when the database was first made available to the public;

(b) any substantial change to the database;

(c) the date of insertion of each data item included in a regularly updated database, without prejudice to the provisions of Article 9(4).
Committee on Legal Affairs and Citizens' Rights

Amendment No. 64

by Mr BRU PURON

Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

Commission text

Article 9(3)

3. The right to prevent unfair extraction shall run from the date of creation of the database and shall expire at the end of a period of 10 years from the date when the database is first lawfully made available to the public. The term of protection given in this paragraph shall be deemed to begin on 1 January of the year following the date when the database was first made available.

Amendment

3. The right to prevent unfair extraction shall run from the date of creation of the database and shall expire at the end of a period of 15 years, starting on 1 January of the year following:

(a) the date when the database was first made available to the public.

(b) any substantial change to the database.
COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS

Amendment No. 65

by Mr BOCKLET

Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

Commission text

Article 9(3)

2. The right to prevent unfair extraction shall run from the date of creation of the database and shall expire at the end of a period of ten years from the date when the database is first lawfully made available to the public. The term of protection given in this paragraph shall be deemed to begin on 1 January of the year following:

3. The right to prevent unauthorized extraction shall run for 25 years, beginning on 1 January of the year following:

(a) the date when the database was first made available to the public,

(b) any substantial change to the database.
COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS

Amendment No. 66

by LORD INGLEWOOD

Commission proposal for a Council directive on the legal protection of databases (COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

Commission text

Article 9(3)

The right to prevent unfair extraction shall run from the date of creation of the database and shall expire at the end of a period of ten years from the date when the database is first lawfully made available to the public. The term of protection given in this paragraph shall be deemed to begin on 1 January of the year following:

Amendment

The right to prevent unauthorized extraction shall run for 15 years starting on 1 January of the year following:

(a) the date when the database was first lawfully made available to the public or

(b) any substantial change to the database or

(c) the date of insertion, for each data item included in a regularly updated database, notwithstanding Article 9(4).
Amendment No. 67

by Mr BOCKLET

Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

Commission text

Article 11(2a) (new)

2a. Furthermore, databases shall be protected against unauthorized extraction in accordance with the terms of international treaties.

3. Agreements extending the right to prevent unfair extraction to databases produced in third countries and falling outside the provisions of paragraphs 1 and 2 shall be concluded by the Council acting on a proposal from the Commission. The term of any protection extended to databases by virtue of this procedure shall not exceed that available pursuant to Article 9(3).

3. Agreements extending the right to prevent unauthorized extraction to databases produced in third countries and falling outside the provisions of paragraphs 1 to 3 shall be concluded by the Council acting on a proposal from the Commission. The term of any protection extended to databases by virtue of this procedure shall not exceed that available pursuant to Article 9(3).
COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS

Amendment No. 68 (to replace Amendment No. 27 of the draft report)

by Mr GARCIA AMIGO

Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

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**Commission text**

**Article 12(2)**

2. Protection pursuant to the provisions of this Directive shall also be available in respect of databases created prior to the date of publication of the Directive without prejudice to any contracts concluded and rights acquired before that date.

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**Amendment**

**ARTICLE 12(2)a: TRANSITIONAL PROVISIONS**

Protection pursuant to the provisions of this Directive as regards the right to prevent unauthorized extraction and re-utilization of the contents of the database shall also be available in respect of databases created prior to the entry into force of this Directive and since that date without prejudice to any contracts concluded and rights acquired before that date.
COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS

Amendment No. 69

by Mr BRU PURON

Commission proposal for a Council directive on the legal protection of databases
(COM(92) 0024 final - C3-0271/92 - SYN 393

Rapporteur: Mr GARCIA AMIGO

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Commission text

Article 12(2)

2. Protection pursuant to the provisions of this Directive shall also be available in respect of databases created prior to the date of publication of the Directive without prejudice to any contracts concluded and rights acquired before that date.

Amendment

2. Protection pursuant to the provisions of this Directive shall also be available in respect of databases created prior to the date of publication of the Directive which on that date fulfilled the requirements laid down therein as regards the protection of databases. Such protection shall be without prejudice to any contracts concluded and rights acquired before that date.