AMENDMENT No. 33

by Mr GARCIA AMIGO, on behalf of the PPE Group

REPORT by Mr GARCIA AMIGO

LEGAL PROTECTION OF DATA BASES

Proposal for a directive

COM(92) 0024 - C3-0271/92 - SYN 393

Commission text

(Amendment No. 33)
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 also 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.
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<th>Commission text</th>
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<td>(Amendment No. 34) Article 9(2)a (new)</td>
<td>A substantial change to the selection or arrangement of the contents of a data base shall give rise to the creation of a new data base, which shall be protected from that moment for the period recognized in paragraph 1 of this Article. Such protection shall not prejudice existing rights in respect of the original data base.</td>
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