[BE] European Directive on the Legal Protection of Databases Transposed into Belgian Law

IRIS 1998-9:1/16

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In July the Belgian Federal Parliament adopted legislation transposing Directive 96/9 of 11 March 1996 on the legal protection of databases (see IRIS 1996-3: 6 and IRIS 1996-2: 13). Firstly, a specific law recognises the rights of the producer of a database and provides for important exceptions as regards the legitimate user. Secondly, a number of amendments to the Copyright and Neighbouring Rights Act of 30 June 1994 relate to the protection of copyright regarding databases. A new Article 22a sets out the ways in which the originator of a database may not prohibit certain applications of reproduction or communication to the public. At the same time the Act also includes a number of amendments to the right to reprography, i.e., the private copying and the reproducing of short extracts of works on a graphic or similar medium for the purpose of illustration in educational settings or scientific research. What is important is that the new Act also provides for waivers of copyright as regards the reproduction of articles, works of sculpture or short extracts of other works on a support other than a graphic or similar medium (CD-Rom, CD-I, multimedia works) if such reproduction is carried out for the purpose of illustration in a context of education or scientific research to the extent that it is justified by a not-for-profit aim, and if it does not prejudice the normal exploitation of the work (art. 22, 4b). The authors and editors of works, originators of databases, performing artists, producers of phonograms, and producers of initial conversion to film are entitled to remuneration in respect of non-graphic reproduction of their works or performances (as the remuneration for the reproduction of works on graphic support was already determined in the Act of 30 June 1994). The criteria, methods and amounts of remuneration are determined jointly by those entitled to remuneration and the persons required to pay the remuneration, or the King may set up a commission with responsibility for determining the criteria, methods and amounts of the remuneration and the methods of collecting and supervision such remuneration (Art. 61c).

Loi transposant la directive 96/9 du 11 mars 1996 sur la protection juridique des bases de données.

Act to transpose Directive 96/9 of 11 March 1996 on the legal protection of databases.

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