[NL] Real Estate Database Not Protected by the Dutch Database Act

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The Court of Appeal of the Hague has ruled that an on-line database set up by an organisation of real estate brokers and containing information on real estate property that is for sale, is not protected by the Databankenwet (Database Act). The Databankenwet, an implementation of the European Database Directive, requires a "substantial investment" to be made by the owner of the database. Considering that the database was created for the organisation's internal purposes prior to on-line publication, the Court judged that there had not been a substantial investment by the organisation. Therefore, search engine ElCheapo, operated by Dutch newspaper publisher De Telegraaf, could not be prevented from retrieving data from the database.

Court of Appeal `s-Gravenhage, Judgement of 21 December 2000, case 00/1053, De Telegraaf v. NVM

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