Council of the EU/European Parliament: Database Directive adopted

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Bernt Hugenholtz
Institute for Information Law (IViR), University of Amsterdam

On 15 or 22 February 1996 the European Directive on the legal protection of databases has finally been adopted by the EU Council and the European Parliament. The Directive will protect authors and producers of databases and other collections of information against various acts of misappropriation. It offers protection at two levels: copyright in original collections and a novel sui generis right in respect of sui generis right, an invention by the Commission, aims at protecting the the contents of a database. The investment in obtaining, verifying or protecting the contents of the database. Thus a database is protected even if the data contained therein are not copyrighted, assuming the investment criterion is met.

The final version of the Directive is different in many respects from the initial Commission proposal of 13 May 1992. In the original proposal the scope of the Directive was limited to databases in electronic form.

The final text protects compilations of information in any media, including analogue form. Moreover, the compulsory licensing provisions originally envisaged have been deleted. The term of the sui generis right has been set at 15 years; it may be (infinitely) extended in case of a substantial new investment. The Directive's importance for the audiovisual industry lies in its scope. The Directive's definition of "database" is broad enough to cover multimedia productions.

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