[AT] Parliament Deals with Transposition of Database Directive

IRIS 1997-10:1/18

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The ministerial Bills to transpose the EC Database Directive into Austrian law (see IRIS 1997-6: 9) have been reworked and combined into a single text; this has now been passed by the Council of Ministers and tabled in Parliament on 2 October 1997 as the 1997 Government Bill amending the Copyright Act.

Not only is the new version of the new sui generis protection included among the related protective rights under the Copyright Act (instead of a specific legislative regulation in the form of a separate Act on database law) dogmatically more satisfactory - it also offers the clarity of the legal system; on the other hand, abandoning designation of the new right would seem to be disadvantageous.

In the field of compulsory licences the Government Bills diverge from the ministerial Bills in that they do not in general exclude copying for own use from the copyright law on electronic database, but include it subject to further conditions set out in the Directive. A further user-friendly point is the clarification that the importance of the investment for sui generis protection can be qualitative as well as quantitative in nature.

The designation of sui generis rights in the government bill is in line with the terminology of the Copyright Act; the regulation is also based on the German Information and Communications Services Act (Informations- und Kommunikationsdienstegesetz - IuKDG), which would also have served as guidance for the Austrian ministerial Bills.

Regierungsvorlage / Bundesgesetz, mit dem das Urheberrechtsgesetz geändert wird (Urheberrechtsgesetz-Novelle 1997 -- UrhG-Nov 1997), 883 der Beilagen zu den Stenographischen Protokollen des Nationalrates XX. GP, 2. Oktober 1997

Government Bills / for a Federal Act, amending the Copyright Act (1997 amendment to the Copyright Act - UrhG-Nov 1997), 883 in attachments to the stenographic record of the National Council XX. GP, 2 October 1997

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