
STATUTORY INSTRUMENTS

1997 No. 3032

The Copyright and Rights in Databases Regulations 1997

PART II

AMENDMENT OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

Copyright in databases

5. In section 3(1), in the definition of “literary work”—
- (a) in paragraph (a) after “compilation” insert “other than a database”;
 - (b) at the end of paragraph (b) leave out “and”;
 - (c) at the end of paragraph (c) insert “and (d) a database;”.

Commencement Information

I1 Reg. 5 in force at 1.1.1998, see [reg. 1\(2\)](#)

Meaning of “database”

6. After section 3 insert—

“Databases

3A.—(1) In this Part “database” means a collection of independent works, data or other materials which—

- (a) are arranged in a systematic or methodical way, and
- (b) are individually accessible by electronic or other means.

(2) For the purposes of this Part a literary work consisting of a database is original if, and only if, by reason of the selection or arrangement of the contents of the database the database constitutes the author’s own intellectual creation.”.

Commencement Information

I2 Reg. 6 in force at 1.1.1998, see [reg. 1\(2\)](#)

Meaning of “adaptation” in relation to database

7. In section 21 (infringement by making adaptation or act done in relation to adaptation), in subsection (3)—

- (a) in paragraph (a), for “other than a computer program or” substitute “other than a computer program or a database, or in relation to a”, and

(b) after paragraph (ab) insert—

“(ac) in relation to a database, means an arrangement or altered version of the database or a translation of it;”.

Commencement Information

I3 Reg. 7 in force at 1.1.1998, see [reg. 1\(2\)](#)

Research

8.—(1) In section 29 (research and private study), in subsection (1), after “literary” insert “work, other than a database, or a”.

(2) After subsection (1) of that section insert—

“(1A) Fair dealing with a database for the purposes of research or private study does not infringe any copyright in the database provided that the source is indicated.”.

(3) After subsection (4) of that section insert—

“(5) The doing of anything in relation to a database for the purposes of research for a commercial purpose is not fair dealing with the database.”.

Commencement Information

I4 Reg. 8 in force at 1.1.1998, see [reg. 1\(2\)](#)

Permitted acts in relation to databases

9. After section 50C insert—

“Databases: permitted acts

Acts permitted in relation to databases.

50D.—(1) It is not an infringement of copyright in a database for a person who has a right to use the database or any part of the database, (whether under a licence to do any of the acts restricted by the copyright in the database or otherwise) to do, in the exercise of that right, anything which is necessary for the purposes of access to and use of the contents of the database or of that part of the database.

(2) Where an act which would otherwise infringe copyright in a database is permitted under this section, it is irrelevant whether or not there exists any term or condition in any agreement which purports to prohibit or restrict the act (such terms being, by virtue of section 296B, void).”.

Commencement Information

I5 Reg. 9 in force at 1.1.1998, see [reg. 1\(2\)](#)

Avoidance of certain terms

10. After section 296A insert—

“Databases

Avoidance of certain terms relating to databases

296B. Where under an agreement a person has a right to use a database or part of a database, any term or condition in the agreement shall be void in so far as it purports to prohibit or restrict the performance of any act which would but for section 50D infringe the copyright in the database.”.

Commencement Information

I6 Reg. 10 in force at 1.1.1998, see [reg. 1\(2\)](#)

Defined expressions

11. In section 179 (index of defined expressions), in the appropriate place in alphabetical order insert—

“database	section 3A(1)”
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“original (in relation to a database)	section 3A(2)”.
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Commencement Information

I7 Reg. 11 in force at 1.1.1998, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Copyright and Rights in Databases Regulations 1997, PART II.