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STATUTORY INSTRUMENTS

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**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;”.

**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.”.

**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;”.

**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.”.

**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).”.

**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.”.

**Defined expressions**

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

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