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## STATUTORY INSTRUMENTS

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# 1997 No. 3032

## The Copyright and Rights in Databases Regulations 1997

### PART IV

#### SAVINGS AND TRANSITIONAL PROVISIONS

##### Introductory

[<sup>F1</sup>26. Expressions used in this Part which are defined for the purposes of Part I of the 1988 Act have the same meaning as in that Part.]

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##### Textual Amendments

**F1** Reg. 26 substituted (1.11.2003) by [The Copyright and Rights in Databases \(Amendment\) Regulations 2003 \(S.I. 2003/2501\)](#), regs. 1(2), 6

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##### Commencement Information

**I1** Reg. 26 in force at 1.1.1998, see [reg. 1\(2\)](#)

##### General rule

27. Subject to Regulations 28 and 29, these Regulations apply to databases made before or after [<sup>F2</sup>1st January 1998].

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##### Textual Amendments

**F2** Words in [reg. 27](#) substituted (1.11.2003) by [The Copyright and Rights in Databases \(Amendment\) Regulations 2003 \(S.I. 2003/2501\)](#), regs. 1(2), 7

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##### Commencement Information

**I2** Reg. 27 in force at 1.1.1998, see [reg. 1\(2\)](#)

##### General savings

[<sup>F3</sup>28.—(1) Nothing in these Regulations affects any agreement made before 1st January 1998.

(2) Nothing in these Regulations affects any agreement made after 31st December 1997 and before 1st November 2003 in so far as the effect would only arise as a result of the amendment of these Regulations by the Copyright and Rights in Databases (Amendment) Regulations 2003.

(3) No act done in respect of any database, in which database right subsists by virtue of the maker of the database (or one or more of its makers) falling within one of the provisions contained in Regulations 14(4) and 18(1)(a), (b) and (c),—

(a) before 1st January 1998, or

(b) after 31st December 1997, in pursuance of an agreement made before 1st January 1998, shall be regarded as an infringement of database right in the database.

(4) No act done in respect of any database, in which database right subsists by virtue of its maker (or one or more of its makers) falling within one of the provisions contained in Regulation 18(1) (d), (e) and (f),—

(a) before 1st November 2003, or

(b) after 31st October 2003, in pursuance of an agreement made before 1st November 2003, shall be regarded as an infringement of database right in the database.]

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**Textual Amendments**

**F3** Reg. 28 substituted (1.11.2003) by [The Copyright and Rights in Databases \(Amendment\) Regulations 2003 \(S.I. 2003/2501\)](#), regs. 1(2), **8**

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**Commencement Information**

**I3** Reg. 28 in force at 1.1.1998, see [reg. 1\(2\)](#)

**Saving for copyright in certain existing databases**

**29.**—(1) Where a database—

(a) was created on or before 27th March 1996, and

(b) is a copyright work immediately before [<sup>F4</sup>1st January 1998],

copyright shall continue to subsist in the database for the remainder of its copyright term.

(2) In this Regulation “copyright term” means the period of the duration of copyright under section 12 of the 1988 Act (duration of copyright in literary, dramatic, musical or artistic works).

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**Textual Amendments**

**F4** Words in [reg. 29](#) substituted (1.11.2003) by [The Copyright and Rights in Databases \(Amendment\) Regulations 2003 \(S.I. 2003/2501\)](#), regs. 1(2), **9**

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**Commencement Information**

**I4** Reg. 29 in force at 1.1.1998, see [reg. 1\(2\)](#)

**Database right: term applicable to certain existing databases**

[<sup>F5</sup>**30.** Where—

(a) the making of any database is completed on or after 1st January 1983, and before 1st January 1998, and

(b) either—

(i) the database is a database in which database right subsists by virtue of the maker of the database (or one or more of its makers) falling within one of the provisions contained in Regulations 14(4) and 18(1)(a), (b) and (c) and database right begins to subsist in the database on 1st January 1998, or

(ii) the database is a database in which database right subsists by virtue of its maker (or one or more of its makers) falling within one of the provisions contained in

Regulation 18(1)(d), (e) and (f) and database right begins to subsist in the database on 1st November 2003,  
then database right shall subsist in the database for a period of fifteen years beginning with 1st January 1998.]

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**Textual Amendments**

**F5** Reg. 30 substituted (1.11.2003) by [The Copyright and Rights in Databases \(Amendment\) Regulations 2003 \(S.I. 2003/2501\)](#), regs. 1(2), **10**

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**Commencement Information**

**I5** Reg. 30 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 IV.