
STATUTORY INSTRUMENTS

1997 No. 3032

The Copyright and Rights in Databases Regulations 1997

PART III

DATABASE RIGHT

Qualification for database right

18.—(1) Database right does not subsist in a database unless, at the material time, its maker, or if it was made jointly, one or more of its makers, was—

- (a) an individual who was a national of an EEA state or habitually resident within the EEA,
- (b) a body which was incorporated under the law of an EEA state and which, at that time, satisfied one of the conditions in paragraph (2), or
- (c) a partnership or other unincorporated body which was formed under the law of an EEA state and which, at that time, satisfied the condition in paragraph (2)(a).

(2) The conditions mentioned in paragraphs (1)(b) and (c) are—

- (a) that the body has its central administration or principal place of business within the EEA, or
- (b) that the body has its registered office within the EEA and the body's operations are linked on an ongoing basis with the economy of an EEA state.

(3) Paragraph (1) does not apply in any case falling within Regulation 14(4).

(4) In this Regulation—

- (a) “EEA” and “EEA state” have the meaning given by section 172A of the 1988 Act;
- (b) “the material time” means the time when the database was made, or if the making extended over a period, a substantial part of that period.