

## Protection of databases

Databases in the European Union are protected under EU Law. The Directive on the legal protection of databases was adopted in 1996 and was evaluated in 2018.



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The Directive on the legal protection of databases protects databases by copyright if they are original by reason of the selection or arrangement of their content. Non-original databases can also be protected if the investment in obtaining, verifying and presenting the data was substantial. Non-original databases include compilations of legal cases and laws, listings of advertisements and databases of scientific publications.

The protection of databases is known as the *sui generis* right — a specific property right for databases that is unrelated to other forms of protection such as copyright. The copyright and the *sui generis* right may both apply if the conditions of protection for each right are fulfilled. The Directive's provisions apply to both analogue and digital databases.

## Review of the Database Directive

The second evaluation of the Database Directive from 2018 showed that, while the Database Directive provides added value, it could be revisited to facilitate data access and use.

The Commission announced in its 2021 Work Programme and action plan on intellectual property that it will review the Directive. This followed the launch of the European Strategy for Data. The review will focus on facilitating the sharing and trading of machine generated data and data generated in the context of rolling out the Internet of Things (IoT). The review will take place alongside the Data Act.

## Evaluation report

The European Commission has published two evaluations of the protection EU law gives to databases since the directive came into force in 1996.

The first of these evaluations took place in 2005. The second evaluation of the Database Directive was published on 25 April 2018, as part of the third data package. The main purpose of the evaluation was to assess the effectiveness, efficiency, relevance, coherence and EU added value of the Directive. In particular, it took into account the *sui generis* right, analysing whether it remains fit for purpose in the new legal, economic and technological environment.

The evaluation was supported by an external study. This supporting study also provided considerable evidence to back up the Commission's evaluation of the Directive. It contained a legal and an economic analysis, an online survey, in-depth interviews with legal experts and practitioners, and the results of a stakeholder workshop.

## Stakeholder consultation

The European Commission carried out a public consultation between 24 May and 30 August 2017 to inform its evaluation report.

The aim of the consultation was to understand how the Database Directive, and in particular the *sui generis* protection of databases, is applied and what impact it has had on users and makers. A total of 113 replies were received. These came from the publishing sector, the research and academic sector, the IT sector, the transport sector and more. The summary report of the public consultation was published in October 2017.

The consultation activities carried out by the European Commission and a contractor resulted in a synopsis report. This report provides an overview of the database market and analyses the impact and application of the Directive. It also assesses the need for adjustments to it in order to ensure a balance between database owners' rights and users' needs.

Evaluation report (.pdf)

Study in support of the evaluation

Summary of public consultation

Public consultation

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PRESS RELEASE | 26 July 2021

Copyright: Commission calls on Member States to comply with EU rules on copyright in the Digital Single Market

The Commission has requested Austria, Belgium, Bulgaria, Cyprus, Czechia, Denmark, Estonia, Greece, Spain, Finland, France, Croatia, Ireland,

Italy, Lithuania, Luxembourg, Latvia, Poland, Portugal, Romania, Sweden, Slovenia and Slovakia to communicate information about how the rules included in the Directive on Copyright in the Digital Single Market (Directive 2019/790/EU) are being enacted into their national law.

PRESS RELEASE | 04 June 2021

New EU copyright rules that will benefit creators, businesses and consumers start to apply

This Monday 7 June marks the deadline for Member States to transpose the new EU copyright rules into national law. The new Copyright Directive protects creativity in the digital age, bringing concrete benefits to citizens, the creative sectors, the press, researchers, educators and cultural heritage institutions across the EU. At the same time, the new Directive on television and radio programmes will make it easier for European broadcasters to make certain programmes on their online services available across borders. Furthermore, today, the Commission has published its guidance on Article 17

PRESS RELEASE | 14 October 2019

Copyright: dialogue between platforms and rights holders starts on 15 October

The first meeting of the stakeholder dialogue on the application of Article 17 of the Directive on Copyright in the Digital Single Market on the use of protected content by online content-sharing service providers will take place on 15 October in Brussels. The stakeholders will discuss best practices on how content-sharing platforms and service providers should cooperate with rights holders.

PRESS RELEASE | 28 August 2019

Copyright: Commission launches dialogue between platforms and rights holders

The European Commission opened today a call for expression of interest to participate in the stakeholder dialogue on the application of Article 17 of the Directive on Copyright in the Digital

Single Market on the use of protected content by online content-sharing service providers. The stakeholders will discuss best practices on how content-sharing platforms and service providers should cooperate with rights holders. This dialogue is requested under the new directive and will feed into the preparation of guidance on the application of Article 17.

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### **Big Picture**

[Copyright](#)

The European Commission is adapting EU copyright rules to new consumer behaviours in a Europe which values its cultural diversity.

## **See Also**

The EU copyright legislation

The EU copyright law consists of 11 directives and 2 regulations, harmonising the essential rights of authors, performers, producers and broadcasters.

Implementation of the Marrakesh Treaty in EU law

The Marrakesh Treaty allows people with print disabilities to access more books and other print material in formats that are accessible to them.

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