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.

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
Follow the latest progress and learn more about getting involved.
December infringements package: the Commission calls on Romania to comply with EU copyright rules

The Commission has decided to send an additional letter of formal notice to Romania on the grounds that their national rules on the management of rights in musical works run contrary to EU
Copyright rules.

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 | 04 June 2021
Les nouvelles règles de l'UE sur le droit d'auteur, dont profiteront créateurs, entreprises et consommateurs, entrent en application

Les États membres ont jusqu'au lundi 7 juin pour transposer les nouvelles règles de l'UE en matière de droit d'auteur dans leur législation nationale. La nouvelle directive sur le droit d'auteur protège la
créativité à l’ère numérique et apporte des avantages concrets aux citoyens, aux secteurs de la création, à la presse, aux chercheurs, aux enseignants et aux institutions de gestion du patrimoine culturel dans l’ensemble de l’UE. Dans le même temps, la nouvelle directive sur les programmes de télévision et de radio permettra aux radiodiffuseurs européens de rendre plus facilement accessibles...
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.

Source URL: https://digital-strategy.ec.europa.eu/policies/protection-databases