FOBID Juridische Commissie

Leidseveer 35 Postbus 2290 3500 GG UTRECHT

telefoon 030 2346600

fax 030 2332960

e-mail <u>vanwestrienen@surf.nl</u>
Internet www.surf.nl/fobid

Markt-D1@cec.eu.int



Ons kenmerk: FOBID JC 06.0874 Utrecht, 3 March 2006

Onderwerp: Evaluation of EU rules on databases

Dear Sir, Madam,

The FOBID Legal Committee (FJC) is one of the permanent committees of the Federation of Organisations in the field of Libraries, Information and Documentation, the national umbrella organisation for co-operation between Dutch library organisations. It focuses on important legal issues affecting libraries, information and documentation centres, and prompts initiatives and articulates responses concerning relevant issues, both nationally and internationally.

FJC welcomes the opportunity to take part in the consultation regarding the evaluation of EU rules on databases. It has followed this topic quite closely and has for instance expressed its views about the Database Directive and its implementation in Dutch legislation in the questionnaire of Nauta Dutilh in June 2002.

It is important that public and research libraries can fulfil their social tasks in a digital environment. Therefore producers of databases should give access to material stored in databases under reasonably terms and conditions. The provisions of a licence should make it possible for a library to preserve and make available, produce electronically, adapt, add en store bibliographical entries, abstracts and data.

At the time of the implementation of the Database Directive FJC consulted its constituency and asked them if they had noticed whether the Database Directive had led to licences for databases which would hamper aforementioned use of licensed material.

The results of the consultation were not very satisfactory. Many licences contained provisions which hindered the social tasks of libraries. At the same time FJC could conclude that producers of databases improved their licences although this improvement didn't mean that the rights of legitimate users or the exceptions to the 'sui generis' right always were respected.

This considering FJC would like to support option 3: Amend the 'sui generis' provisions of the Database Directive. FJC does not want to reformulate the 'sui generis' right in order to establish the scope of the database right but merely to amend the exceptions to this right. FJC takes the view that the exceptions to the 'sui generis' right should be the same as the exceptions in the Information Society Directive.

## FOBID Juridische Commissie

Leidseveer 35 Postbus 2290

3500 GG UTRECHT telefoon 030 2346600

fax 030 2332960

e-mail <u>vanwestrienen@surf.nl</u>
Internet www.surf.nl/fobid



Furthermore FJC thinks that the prospect of infinite protection of a database must be reduced. This could be done by stating that the lifetime of a database is assumed to be 15 years from date of first publication. Portions of the database can have their lifetime extended only if reliable authenticated date stamping is applied to the revised parts, and in which case those revised parts get 15 years from the date when they were last updated.

Yours sincerely,

Mr. drs. A.H.J.A. Verhagen Chairman FOBID Legal Committee