

Databases

Databases are automatically protected by database right against the unauthorised removal and re-use of the contents. They may also receive copyright protection as a literary work for the selection and arrangement of the contents.

Database rights last for 15 years from date of creation, which is renewed for a further 15 years each time the database is updated or amended.

Databases are treated differently depending on the originality of the content.

- If the content of a Database is original work and the Database (i.e. layout, method of delivery) is creative, then it will receive full Copyright protection of life plus 70 years plus Database Right protection of 15 years.
- If the content is original work, but the database is not creative e.g. a list of all company reports in the UK, the content will retain full copyright protection as a literary work of life plus 70 years, but the database will only hold Database Right which is 15 years from the end of year of creation.
- If the content is not original i.e. in the public domain (e.g. Telephone Numbers), but the Database is creative, only Database Right applies which is 15 years from the end of year of creation.
- If neither content nor database are creative, the work may fall under the category of a compilation. Surprisingly, compilations qualify for full copyright protection of 70 years.

Although databases are given only 15 years copyright protection, this can be extended each time an amendment is made. Thus Database right could be indefinite as the protection covers the entire work, not just the amended sections.

Court Clarification

In order to attract database right protection, there must have been a qualitative or quantitative substantial investment in the obtaining, verification or presentation of the contents. The courts have made clear that in assessing this, investment in the creation of the data itself should be ignored.

The European Court of Justice has since narrowed the protection of Database rights in the 'British Horseracing Board v William Hill' [ECJ Case C-203/02](#) (9th Nov 2004).

See summary at: <https://cms-lawnow.com/en/ealerts/2005/07/database-rights-recent-judgment-from-the-court-of-appeal>