
STATUTORY INSTRUMENTS

1997 No. 3032

The Copyright and Rights in Databases Regulations 1997

PART IV

SAVINGS AND TRANSITIONAL PROVISIONS

Introductory

26.—(1) In this Part “commencement” means the commencement of these Regulations.

(2) Expressions used in this Part which are defined for the purposes of Part I of the 1988 Act have the same meaning as in that Part.

General rule

27. Subject to Regulations 28 and 29, these Regulations apply to databases made before or after commencement.

General savings

28.—(1) Nothing in these Regulations affects any agreement made before commencement.

(2) No act done—

(a) before commencement, or

(b) after commencement, in pursuance of an agreement made before commencement,

shall be regarded as an infringement of database right in a database.

Saving for copyright in certain existing databases

29.—(1) Where a database—

(a) was created on or before 27th March 1996, and

(b) is a copyright work immediately before commencement,

copyright shall continue to subsist in the database for the remainder of its copyright term.

(2) In this Regulation “copyright term” means the period of the duration of copyright under section 12 of the 1988 Act (duration of copyright in literary, dramatic, musical or artistic works).

Database right: term applicable to certain existing databases

30. Where—

(a) the making of a database was completed on or after 1st January 1983, and

(b) on commencement, database right begins to subsist in the database,

database right shall subsist in the database for the period of fifteen years beginning with 1st January 1998.