

SCHEDULE

AMENDMENTS, REPEALS AND REVOCATIONS

Copyright and Rights in Databases Regulations 1997

31.—(1) The Copyright and Rights in Databases Regulations 1997⁽¹⁾ are amended as follows.

(2) In Schedule 2 (licensing of database right), in paragraph 15 (powers exercisable in consequence of competition report) for sub-paragraphs (1) and (2) there is substituted—

“(1) Sub-paragraph (1A) applies where whatever needs to be remedied, mitigated or prevented by the Secretary of State, the Office of Fair Trading or (as the case may be) the Competition Commission under section 12(5) of the Competition Act 1980 or section 41(2), 55(2), 66(6), 75(2), 83(2), 138(2), 147(2) or 160(2) of, or paragraph 5(2) or 10(2) of Schedule 7 to, the Enterprise Act 2002 (powers to take remedial action following references to the Commission in connection with public bodies and certain other persons, mergers or market investigations) or article 12(7) of, or paragraph 5(2) or 10(2) of Schedule 2 to, the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (power to take remedial action following references to the Commission in connection with European mergers) consists of or includes—

- (a) conditions in licences granted by the owner of database right in a database restricting the use of the database by the licensee or the right of the owner of the database right to grant other licences; or
- (b) a refusal of an owner of database right to grant licences on reasonable terms.

(1A) The powers conferred by Schedule 8 to the Enterprise Act 2002 include power to cancel or modify those conditions and, instead or in addition, to provide that licences in respect of the database right shall be available as of right.

(2) The references to anything permitted by Schedule 8 to the Enterprise Act 2002 in section 12(5A) of the Competition Act 1980 and in sections 75(4)(a), 83(4)(a), 84(2)(a), 89(1), 160(4)(a), 161(3)(a) and 164(1) of, and paragraphs 5, 10 and 11 of Schedule 7 to, the Act of 2002 and paragraphs 5, 10 and 11 of Schedule 2 to the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 shall be construed accordingly.”.

(1) [S.I. 1997/3032](#), amended by [S.I. 1999/506](#).