

STATUTORY INSTRUMENTS

**1997 No. 3032**

**The Copyright and Rights in Databases Regulations 1997**

**PART III**

**DATABASE RIGHT**

**Qualification for database right**

**18.**—(1) Database right does not subsist in a database unless, at the material time, its maker, or if it was made jointly, one or more of its makers, was—

- (a) an individual who was a national of [<sup>F1</sup>the United Kingdom] or habitually resident within [<sup>F2</sup>the United Kingdom],
- (b) a body which was incorporated under the law of [<sup>F3</sup>any part of the United Kingdom] and which, at that time, satisfied one of the conditions in paragraph (2), <sup>F4</sup>...
- (c) a partnership or other unincorporated body which was formed under the law of [<sup>F5</sup>any part of the United Kingdom] and which, at that time, satisfied the condition in paragraph (2) (a) [<sup>F6</sup>.]
- [<sup>F7</sup>(d) an individual who was habitually resident within the Isle of Man,
- (e) a body which was incorporated under the law of the Isle of Man and which, at that time, satisfied one of the conditions in paragraph (2A), or
- (f) a partnership or other unincorporated body which was formed under the law of the Isle of Man and which, at that time, satisfied the condition in paragraph (2A)(a).]

(2) The conditions mentioned in paragraphs (1)(b) and (c) are—

- (a) that the body has its central administration or principal place of business within [<sup>F8</sup>the United Kingdom], or
- (b) that the body has its registered office within [<sup>F2</sup>the United Kingdom] and the body's operations are linked on an ongoing basis with the economy of [<sup>F8</sup>the United Kingdom].

[<sup>F9</sup>(2A) The conditions mentioned in paragraphs (1)(e) and (f) are—

- (a) that the body has its central administration or principal place of business within the Isle of Man, or
- (b) that the body has its registered office within the Isle of Man and the body's operations are linked on an ongoing basis with the economy of the Isle of Man.]

(3) Paragraph (1) does not apply in any case falling within Regulation 14(4).

(4) In this Regulation—

- <sup>F10</sup>(a) .....
- (b) “the material time” means the time when the database was made, or if the making extended over a period, a substantial part of that period.

### Textual Amendments

- F1** Words in [reg. 18\(1\)\(a\)](#) substituted (31.12.2020) by [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/605), regs. 1(2), **28(3)(a)(ii)** (with [reg. 38](#)) (as amended by [S.I. 2020/1050](#), regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in [reg. 18\(1\)](#) substituted (31.12.2020) by [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/605), regs. 1(2), **28(3)(a)(i)** (with [reg. 38](#)) (as amended by [S.I. 2020/1050](#), regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in [reg. 18\(1\)\(b\)](#) substituted (31.12.2020) by [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/605), regs. 1(2), **28(3)(a)(iii)** (with [reg. 38](#)) (as amended by [S.I. 2020/1050](#), regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in [reg. 18\(1\)\(b\)](#) omitted (1.11.2003) by virtue of [The Copyright and Rights in Databases \(Amendment\) Regulations 2003](#) (S.I. 2003/2501), regs. 1(2), **5(a)**
- F5** Words in [reg. 18\(1\)\(c\)](#) substituted (31.12.2020) by [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/605), regs. 1(2), **28(3)(a)(iii)** (with [reg. 38](#)) (as amended by [S.I. 2020/1050](#), regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)
- F6** [Reg. 18\(1\)\(c\)](#): comma substituted for full stop (1.11.2003) by [The Copyright and Rights in Databases \(Amendment\) Regulations 2003](#) (S.I. 2003/2501), regs. 1(2), **5(b)**
- F7** [Reg. 18\(1\)\(d\)-\(f\)](#) inserted (1.11.2003) by [The Copyright and Rights in Databases \(Amendment\) Regulations 2003](#) (S.I. 2003/2501), regs. 1(2), **5(c)**
- F8** Words in [reg. 18\(2\)](#) substituted (31.12.2020) by [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/605), regs. 1(2), **28(3)(b)** (with [reg. 38](#)) (as amended by [S.I. 2020/1050](#), regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)
- F9** [Reg. 18\(2A\)](#) inserted (1.11.2003) by [The Copyright and Rights in Databases \(Amendment\) Regulations 2003](#) (S.I. 2003/2501), regs. 1(2), **5(d)**
- F10** [Reg. 18\(4\)\(a\)](#) omitted (31.12.2020) by virtue of [The Intellectual Property \(Copyright and Related Rights\) \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/605), regs. 1(2), **28(3)(c)** (with [reg. 38](#)) (as amended by [S.I. 2020/1050](#), regs. 1(2), 4); 2020 c. 1, Sch. 5 para. 1(1)

### Commencement Information

- I1** [Reg. 18](#) in force at 1.1.1998, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Copyright and Rights in Databases Regulations 1997, Section 18.