

Statutory Document No. 0076/13

*European Communities (Isle of Man) Act 1973*

DATABASE RIGHT (AMENDMENT) REGULATIONS 2013

Laid before Tynwald: 19 March 2013
Coming into Operation: 1 April 2013

The Council of Ministers makes the following Regulations under section 2B of the European Communities (Isle of Man) Act 1973.

1 Title

These Regulations are the Database Right (Amendment) Regulations 2013.

2 Commencement

These Regulations come into operation on 1 April 2013.

3 Application of copyright provisions to database right

For section 16 of the Copyright (Amendment) Act 1999 substitute —

16. Application of copyright provisions to database right

The following provisions of the Copyright Act 1991 apply in relation to database right and databases in which that right subsists as they apply in relation to copyright and copyright works —

- a) sections 90 to 93 (dealing with rights in copyright works);
- b) sections 96 to 101 (rights and remedies of copyright owner and exclusive licensee); and
- c) sections 112 and 113 (supplementary provisions relating to delivery up). **22**.

4 Circumvention of protection measures and rights management information

(1) After section 18 of the Copyright (Amendment) Act 1999 insert —

18A *Circumvention of protection measures etc.*

18A Circumvention of protection measures and rights management information

- (1) The following provisions of the Copyright Act 1991 apply, with any necessary modifications, to database right as they apply to copyright –
- (a) subsections (1) to (4) and (5)(b) of section 163ZA (circumvention of technological measures);
 - (b) subsections (1) to (5), (6)(b) and (7) of section 163ZD (rights and remedies in respect of devices and services) of that Act;
 - (c) section 163ZE (remedy where effective technological measures prevent permitted acts);
 - (d) subsections (1) to (5) and (6)(b) of section 163ZG (rights management information); and
 - (e) any other provision as it has effect for the purposes of the provisions mentioned in paragraphs (a), (b) and (d).
- (2) Section 15 applies in proceedings brought by virtue of section 163ZA or 163ZD of that Act in relation to database right.
- (3) In the application of section 163ZE of that Act to database right “permitted act” refers to an act that may be done by virtue of section 13 and Schedule 1. **18A**.
- (2) This regulation applies to databases in which database right exists, whether made before or after the coming into operation of these Regulations.

MADE

28TH FEBRUARY 2013

W GREENHOW
Chief Secretary

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations amend Part 2 of the Copyright (Amendment) Act 1999, which protects rights in databases, to comply with Directive 2001/29/EC and Directive 2004/48/EC. These Directives were applied to the Isle of Man with modifications by the European Union (Intellectual Property) Order 2013 (SD0073/13).