



Treaty Series No. 19 (2003)

Agreement

in the form of an Exchange of Letters between the United Kingdom of Great Britain and Northern Ireland on behalf of the Isle of Man and the European Community

extending to the Isle of Man the legal protection of databases as provided for in Chapter III of Directive 96/9/EC

Brussels, 26 March 2003

[The Agreement will enter into force on 1 November 2003]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
June 2003*

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**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS
BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND ON BEHALF OF THE ISLE OF MAN AND THE
EUROPEAN COMMUNITY EXTENDING TO THE ISLE OF MAN THE
LEGAL PROTECTION OF DATABASES AS PROVIDED FOR IN
CHAPTER III OF DIRECTIVE 96/9/EC**

No. 1

*Letter from the United Kingdom of Great Britain and Northern Ireland, on behalf
of the Isle of Man*

Brussels

26 March 2003

I have the honour to propose that the following Agreement be concluded with a view to extending the sui generis protection of databases to the Isle of Man.

"Agreement in the form of an Exchange of Letters between the United Kingdom of Great Britain and Northern Ireland on behalf of the Isle of Man and the European Community extending to the Isle of Man the legal protection of databases as provided for in Chapter III of Directive 96/9/EC

THE EUROPEAN COMMUNITY AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ON BEHALF OF THE ISLE OF MAN

DESIRING to enhance and stimulate trade in databases and their production and distribution,

RECOGNISING that both the European Community and the Isle of Man provide for the sui generis protection of databases where it is shown that the obtaining, verification or presentation of the contents thereof has entailed substantial investment,

RECOGNISING that the protection under Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the Legal Protection of Databases (Official Journal of the European Communities L 77, 27.3.1996, p. 20) is limited to database makers and rightholders who are nationals of a Member State of the European Union or who have their habitual residence in the territory of the European Community and to companies and firms formed in accordance with the law of a Member State and complying with the conditions of Article 11(2) of the said Directive, but that such protection may be extended to third country rightholders,

HAVE agreed as follows:

ARTICLE 1

The European Community and the Isle of Man (each being a "Relevant Party" for the purposes of this Agreement) shall provide for a sui generis protection of databases as provided for in Chapter III of Directive 96/9/EC and shall (so far as it is not yet afforded) extend that sui generis protection to databases whose makers or rightholders are

- (a) nationals of one of the Member States of the European Union;
- (b) natural persons who have their habitual residence in the territory of the other Relevant Party;
- (c) companies or firms formed in accordance with the law of the Isle of Man or the law of one of the Member States of the European Union and having their registered office, central administration or principal place of business within the territory of a Relevant Party.

Provided that where a company or firm as referred to in point (c) of the first paragraph has only its registered office in the territory of a Relevant Party, its operations must be genuinely linked on an ongoing basis with the economy of a Relevant Party.

ARTICLE 2

The duration of protection for databases shall be in accordance with Article 10 of Directive 96/9/EC.

ARTICLE 3

This Agreement shall take effect on 1 November 2003."

I would be grateful if you would confirm the agreement of the European Community to the Agreement set out above and I propose that this letter and your letter in reply constitute an Agreement between our two authorities.

NIGEL SHEINWALD

No. 2

Letter from the European Community

Brussels

26 March 2003

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

As in No. 1

I have the honour to confirm that the above is acceptable to the European Community and that your letter and this letter constitute an Agreement in accordance with your proposal.

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