

22003A0405 (01)

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

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Author:

United Kingdom ; European Community

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Legal basis:

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Amended by:

Adopted by.... 303D0239..... from 18/02/2003

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Chapter III of Directive 96/9/EC

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

Sir,

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.

Please accept, Sir, the assurance of my highest consideration.

Done at Brussels, /Fait Bruxelles, le/Hecho en Bruselas, el/Udfrdiget i Bruxelles, den/Geschehen zu Brssel am/ >ISO-7> ó

ü ü, / >ISO-1>Fatto a Bruxelles, add ü /Gedaan te

Brussel, /Feito em Bruxelas, em/Tehty Brysselissä /Utfördat i Brysselden

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For the United Kingdom of Great Britain and Northern Ireland on behalf of the Isle of Man/ Por el Gobierno del Reino Unido de Gran

Bretaña e Irlanda del Norte, en nombre de la Isla de Man/ For Det

Forenede Kongerige Storbritannien og Nordirland p vegne af Isle of

Man/ Fr das Vereinigte Knigreich Grobritannien und Nordirland im

Namen der Insel Man/ >ISO-7> ü ü ÷ ó ü ÷

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/ >ISO-1> Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du

Nord, au nom de l'le de Man/ Per il Regno Unito di Gran Bretagna e

Irlanda del Nord, per conto dell'Isola di Man/ Voor het Verenigd

Koninkrijk van Groot-Brittannië en Noord-Ierland namens het eiland

Man/ Pelo Reino Unido da Gró-Bretanha e Irlanda do Norte, em nome da

Ilha de Man/ Mansaarta edustavan Ison-Britannian ja Pohjois-Irlanninyhdistyneen kuningaskunnan puolesta/ Fr Frenade konungariket

Storbritannien och Nordirland p Isle of Mans v ö gnar

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B. Letter from the European Community

Sir,

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

"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.

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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

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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.

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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."

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.

Please accept, Sir, the assurance of my highest consideration.

Hecho en Bruselas, el/Udfærdiget i Bruxelles, den/Geschehen zu

Bruxelles am/ISO-7> ó ü ü, />ISO-1>Done at

Brussels, /Fait Bruxelles, le/Fatto a Bruxelles, add ü /Gedaan te

Brussel, /Feito em Bruxelas, em/Tehty Brysselissä /Utfördat i Brysselen

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Por la Comunidad Europea/For Det Europiske Fællesskab/For die

Europäische Gemeinschaft/>ISO-7> ÷

÷ />ISO-1>For the European Community/Pour la Communauté

européenne/Per la Comunità europea/Voor de Europese Gemeenschap/Pela

Comunidade Europeia/Euroopan yhteisön puolesta/P Europeiska gemenskapens vägnar

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