

## ***Database Act Amendments (implementing the Copyright Directive).***

### **Article 1, section 1, sub "e"**

Technological measures: technology, devices or components which in the normal course of their operation serve to prevent or restrict acts in respect to databases and which are not authorised by the producer of the database or his successor in title; Technological measures are considered to be «effective» if the request or reuse of a database of a database producer or his successor in title is controlled by means of an access control or by application of a protection process, such as encryption, scrambling or other transformation of the database or a copy control mechanism, which achieves the intended protection.

### **Article 5a**

1. He who circumvents an effective technological measure, and does so with the knowledge or with reasonable grounds to know, that he is pursuing that objective, acts unlawfully.

2. He who provides services or manufactures, imports, distributes, sells, rents, advertises or possesses for commercial purposes devices, products or components that:

- a. are promoted, advertised or marketed for the purpose of circumvention of any effective technological measures, or
- b. have only a limited commercially significant purpose or use other than to circumvent any effective technological measures, or
- c. are primarily designed, produced, adapted or performed for the purpose of enabling or facilitating the circumvention of any effective technological measures,

acts unlawfully.

3. By ministerial decree, rules can be specified that compel the database producer to make available to the user of the database for the purposes described in article 5 of this Act the necessary means needed to benefit from this exception, provided that the beneficiary has lawful access to the protected database. The provisions of the previous sentence do not apply to databases, made available to the public under contractual terms from a place and at a time individually chosen by them.