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MOTION PICTURE ASSOCIATION
MULTIMEDIA ENTERTAINMENT
FOR GLOBAL AUDIENCES



UNIVERSAL MUSIC GROUP
INTERNATIONAL

The WALT DISNEY Company



WARNER MUSIC
INTERNATIONAL

**COMMUNICATION FROM THE COMMISSION
DRAFT EVALUATION OF DIRECTIVE 96/9/EC ON THE LEGAL
PROTECTION OF DATABASES (9.8.2005)
15TH September 2005**

CMBA, the Creative and Media Business Alliance, comprises industry bodies such as the International Federation of the Phonographic Industry, the Motion Picture Association, associations from the book, newspaper, magazine and internet publishing sectors (ENPA, EPC, FAEP, FEP), media companies, and European advertising and publishing groups.

CMBA welcomes this opportunity to provide initial comments on the Commission's draft Communication dated 9.8.2005 on the Evaluation of Directive 96/9/EC on the Legal Protection of Databases ("the Directive"). Databases play a vital role in the cultural and economic development of the information society in Europe.

The CMBA is of the opinion that the Directive strikes an appropriate balance between the protection of the creativity and investment in database production and the interests of users. Furthermore we believe that the sui generis right has contributed to the development and competitiveness of the sector in Europe in line with the Lisbon objectives of promoting growth and jobs.

The CMBA is therefore concerned by the claims of the academic and scientific communities and of the libraries that the sui generis right has not proved 'sustainable', asserting that the balance between the legitimate interests of producers and users has not been achieved. CMBA considers that the opposite is in fact the case and requests that the Commission provides the appropriate counter-balancing views of the producers in the Evaluation report.

Regarding the evaluation of the market in the report, the CMBA queries the analysis as this appears to have been based on only one aspect of measurement: the number of database entries in the Gale Directory of Databases. This measure takes no account of other types of collections of content which derive protection from the sui generis right including, for example, newspapers, magazines and electronic programme guides. As digital collections develop, the sui generis form of legal protection will continue to help protect substantial investment and thereby drive the development of the digital economy.

In conclusion therefore, the CMBA would object strongly to any reduction in the scope of protection of the sui generis/database right.

We look forward to providing further input when the Commission consults on the final Evaluation Report.

**Creative and Media Business Alliance
15th September 2005**



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