

# ECJ 490/14 Case

## Database directive case

# ECJ 490/14 Case background

- ▶ Federal State Bayern, Germany, litigated Verlag Esterbauer publishing company for unauthorised extraction and re-utilization of the official map data (TK 50) owned by the State of Bavaria.
- ▶ The first Court affirmed the database properties of the 50 TK map as well as the independence of its elements on the grounds that : “Even an inexperienced user (map reader) is in a position to extract from a map a large quantity of individual pieces of information that interest him or her.”

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- ▶ The Higher Regional Court in the appeal process refused to recognize the database properties of the maps because the individual elements of information had hardly any value!
- ▶
- ▶ Therefore German Federal Court of Justice suspended the proceedings in the appeal and lodged a request for preliminary ruling to ECJ.

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- ▶ Key question ECJ shall bring a preliminary ruling upon is whether a collection of independent materials exists within the meaning of Article 1(2) of Directive 96/9/EC because the materials can be separated from one another without the value of their informative content being affected, is every conceivable informative value decisive or only the value which is to be determined on the basis of the purpose of the collection and having regard to the resulting typical conduct of users?

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- ▶ oral hearing took place in Luxembourg on 2 September
- ▶ judgment in the Verlag Esterbauer case is scheduled for the 29th October 2015.