The crux of the judgment comes at paragraph 42 when the court clearly states that skill and labour in the selection or arrangement of the data, even if significant, is not sufficient as such to trigger copyright protection. The issue that still must be resolved there is the question of the separate role of the database itself. The court has held that the skill and labour of the author of the database is not sufficient to qualify that database as original but that the database itself is a database.

However, the question is whether or not the database is original. The court then refers to its [Infopaq] judgment, which contains the criticism of the [Infopaq] judgment and lays the basis for its reasoning.

The court then refers to the following paragraphs where it states that the database is original in the sense that it is the result of the author's own intellectual creation. Accordingly, and applied to databases, the "criteria of originality is satisfied when, through the selection or arrangement of the data which it contains, it adds something new to the earlier elements.

Nonetheless, it is slightly unclear whether the Court of Appeal cannot find that the judgement and discretion of the author are required. Therefore, the Court concludes that the judgement and discretion of the author are required.

Finally, the decision means that the English skill and labour copyright protection as well as the Dutch softwarová asociace, the Court held that when the different ways of expressing an idea are so limited, the creation of the database is original.

Comment

The decision is a clarifying one in many ways and also one that makes a lot of sense. The court had decided that copyright could subsist in the list, if it would have been itself in the first place. It would, in effect, have rendered the [Infopaq] judgment and changed the outcome. As the court stated it, the court then refers to its [Infopaq] judgment where it states that the database is original.

The court then refers to its [Infopaq] judgment where it states that the database is original. In my view, adding significance to the data has to do with the creation of the data. Database Directive says no other criterion than that of originality is to be applied to determine whether the database is original and that the database is original.

In my view, the criterion is "not satisfied when the setting up of the database is dictated by technical means and arrangements. Accordingly and applied to databases, the "criterion of originality is satisfied when, through the selection or arrangement of the data in the case at hand is original, it is irrelevant whether or not this selection and arrangement includes significant labour or skill that is involved.

Therefore, the criterion is "not satisfied when the setting up of the database is dictated by technical means and arrangements. Accordingly and applied to databases, the "criterion of originality is satisfied when, through the selection or arrangement of the data in the case at hand is original, it is irrelevant whether or not this selection and arrangement includes significant labour or skill that is involved.

The court then refers to [Infopaq] judgment where it states that the database is original. In my view, adding significance to the data has to do with the creation of the data. Database Directive says no other criterion than that of originality is to be applied to determine whether the database is original and that the database is original.

The court then refers to its [Infopaq] judgment where it states that the database is original. In my view, adding significance to the data has to do with the creation of the data. Database Directive says no other criterion than that of originality is to be applied to determine whether the database is original and that the database is original.

The court then refers to its [Infopaq] judgment where it states that the database is original. In my view, adding significance to the data has to do with the creation of the data. Database Directive says no other criterion than that of originality is to be applied to determine whether the database is original and that the database is original.

Finally, the decision means that the English skill and labour copyright protection as well as the Dutch softwarová asociace, the Court held that when the different ways of expressing an idea are so limited, the creation of the database is original.

The court then refers to its [Infopaq] judgment where it states that the database is original. In my view, adding significance to the data has to do with the creation of the data. Database Directive says no other criterion than that of originality is to be applied to determine whether the database is original and that the database is original.

The court then refers to its [Infopaq] judgment where it states that the database is original. In my view, adding significance to the data has to do with the creation of the data. Database Directive says no other criterion than that of originality is to be applied to determine whether the database is original and that the database is original.

The court then refers to its [Infopaq] judgment where it states that the database is original. In my view, adding significance to the data has to do with the creation of the data. Database Directive says no other criterion than that of originality is to be applied to determine whether the database is original and that the database is original.

Finally, the court refers to its [Infopaq] judgment where it states that the database is original. In my view, adding significance to the data has to do with the creation of the data. Database Directive says no other criterion than that of originality is to be applied to determine whether the database is original and that the database is original.

The court then refers to its [Infopaq] judgment where it states that the database is original. In my view, adding significance to the data has to do with the creation of the data. Database Directive says no other criterion than that of originality is to be applied to determine whether the database is original and that the database is original.

Finally, the court refers to its [Infopaq] judgment where it states that the database is original. In my view, adding significance to the data has to do with the creation of the data. Database Directive says no other criterion than that of originality is to be applied to determine whether the database is original and that the database is original.

The court then refers to its [Infopaq] judgment where it states that the database is original. In my view, adding significance to the data has to do with the creation of the data. Database Directive says no other criterion than that of originality is to be applied to determine whether the database is original and that the database is original.

Finally, the court refers to its [Infopaq] judgment where it states that the database is original. In my view, adding significance to the data has to do with the creation of the data. Database Directive says no other criterion than that of originality is to be applied to determine whether the database is original and that the database is original.