

# WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
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## DIPLOMATIC CONFERENCE ON CERTAIN COPYRIGHT AND NEIGHBORING RIGHTS QUESTIONS

**Geneva, December 2 to 20, 1996**

AMENDMENT TO ARTICLE 5 OF DRAFT TREATY No. 1

*proposed by the Delegation of India on behalf of itself and Jordan, Pakistan, Philippines,  
Qatar, Republic of Korea, Singapore, Sri Lanka and Thailand*

During the discussion in the Main Committee I on 6th December 1996 it was clarified that the intention of Article 5 was not to add to or detract from the substance of Article 10 of the TRIPS Agreement, that Article 5 should be interpreted in exactly the same manner as Article 10 of TRIPS, and that the provisions of Article 5 did not impose any obligation on member states over and above those under Article 10 of the TRIPS. In order to definitively incorporate this interpretation in the text and to prevent premature international recognition of a *sui generis* protection of databases, the following editorial changes are suggested:

*“Compilations of Data (Databases):*

*“Compilations of data or other material, whether in machine readable or other form, which by reason of the selection or arrangement of their contents constitute intellectual creations are protected as such. This protection does not extend to the data or the material itself and is without prejudice to any copyright subsisting in the data or material itself.”*

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