

## European Union

### “CV-Online Latvia”

**Decision of the European Court of Justice (Fifth Chamber)  
3 June 2021 – Case No. C-762/19**

*‘CV-Online Latvia’ SIA v. ‘Melons’ SIA*

**Directive 96/9/EC, Art. 7**

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**Keywords** *Sui generis* right · Database · Protection · Extraction or re-utilisation · Lack of permission · Freely accessible database · Risk to the substantial investment

1. Article 7(1) and (2) of Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases must be interpreted as meaning that an internet search engine specialising in searching the contents of databases, which copies and indexes the whole or a substantial part of a database freely accessible on the internet and then allows its users to search that database on its own website according to criteria relevant to its content, is ‘extracting’ and ‘re-utilising’ that content within the meaning of that provision, which may be prohibited by the maker of such a database where those acts adversely affect its investment in the obtaining, verification or presentation of that content, namely that they constitute a risk to the possibility of redeeming that investment through the normal operation of the database in question, which it is for the referring court to verify.

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