

REQUEST FOR LEGAL ADVICE ON THE OWNERSHIP OF DATA STORED IN A FUTURE DATABASE FOR THE EXCHANGE OF TYPE APPROVAL DOCUMENTATION (DETA)

A. BACKGROUND

The informal group DETA is preparing the installation of a database in which relevant data of UN/ECE regulations can be stored. The topic of the ownership of the data has been discussed during several meetings. Based on the results of the questionnaire the report of the fifth meeting (DETA-06-012) contains the following summary of the DETA group:

"The ownership could be divided in the following manner:

- the approval authority makes the communication form and is the owner of that form,*
- the technical service makes the test report and is so the owner of the test report and*
- the manufacture is the owner of the information document".*

With regard to the financing of the system, no one wants to pay for access to its own data. For that reason it has to be clear who is the owner of the data. In addition, it can be argued that the manufacturer pays for the reports and certificates and that he is the owner of all documents.

As long as the use of the database is limited to the exchange of data as prescribed in the present UN/ECE regulations the ownership of the data seems to be not too problematic. However, the questionnaire shows an interest of several organisations or bodies to extend the use of and the accessibility to the data for other purposes in a later stage of DETA. In that case, especially for confidential information like test reports, it has to become clear who the owner of the data is and who can download that data with or without paying a fee.

B. REQUEST TO WP.29

DETA requests WP.29 to make a decision on the ownership of the data that is part of the type approval system as used for the UN/ECE regulations and to ask legal advice of the Official Legal Service of the UN/ECE on this topic.
