



Centre d'Information sur les Médias A.S.B.L.
Centrum voor Informatie over de Media V.Z.W.

To the members of the of CIM

Re: Protection of CIM data and reports

Dear Sir,
Madam,

Since 1971, the CENTRE FOR INFORMATION ON THE MEDIA (CIM) has been measuring the reach of various media (namely press, radio, television, cinema, billposting, Internet) and the multimedia behaviour in Belgium.

You will readily imagine that our – seemingly highly appreciated – output is the result of very considerable financial and human investments. As a matter of fact, a considerable amount of work is entailed in the design, the data-collection, processing, selection, arrangement, checking and validation of data and the continuous improvement of processes, as well as in methods to access very rapidly to the accurate information. As experienced consumers, demanding reliable, useful and high-quality information, the CIM's members lend their invaluable assistance to this work.

This means that the data and reports that CIM is able to provide are strictly confidential and reserved for the exclusive use of its members, or of persons authorized by it to access to them, subject to conditions. None of these persons may use these data for purposes other than the conduct of their own business and they are not permitted to divulge them to third parties.

These terms of access have been made known to the media, advertising sales houses, advertisers, media agencies and advertising agencies, audit bureaus commissioned by advertisers to evaluate campaign and/or agency performances and the groups to which these bodies belong to. These terms are also available on request from CIM.

We have been informed from reliable and converging sources that unauthorized persons are coming into possession of our data and reports with the assistance of CIM members and are reusing them for commercial purposes.



We therefore find it necessary to point out to these members, and to these people who are readily identifiable – even if not identified for the purposes of the present letter – and also to all those who respect our rules and therefore our work:

- that any member of CIM or any of its employees who provides data and reports, to which they have access, to third parties who are not themselves authorized to access them, commit a serious breach of their contractual obligations towards CIM to the extent that they may incur possible exclusion from the CENTRE without prejudice to such other legal remedies as CIM may have; that any such action is also likely to constitute a 'breach of trust', punishable under Article 491 of the Belgian Penal Code;
- that any person who, helped by any member of CIM or any of its employees, directly or indirectly gains unauthorized access to and/or makes use of information originating from CIM may be liable to be sued for aiding and abetting the breach of that member's or that employee's contractual obligations and may also, eventually, be accused of aiding and abetting a 'breach of trust'; this principle applies not only to anyone who comes into possession of and/or uses these data but also to anyone who commissions or instructs that person to use CIM data to which he has no access;
- more generally, that the unauthorized 'extraction' of such data and reports, as well as their 're-utilization' for commercial purposes, whether in their natural state or blended into other works, are prohibited by the Belgian law of 31 August 1998 (and all other national rules in the EU that are) implementing the European Directive on the legal protection of databases inasmuch as their re-usability necessarily depends on their being qualitatively substantial; this is especially so where the data is of a quantitatively substantial volume and likewise where it involves the 'extraction' and/or 're-utilization' of non-substantial parts of the contents of our databases where such 'extraction' is repeated and systematic and conflicts with the normal use thereof, or is simply damaging to ourselves as the 'maker' and producer thereof;
- that CIM will in the future seek injunctions to cease, under penalty of daily fines any practice that violates the rules laying down that prohibition and/or sue for compensation for the loss and harm suffered by us;
- that furthermore, as our reports are to a great extent works of original creation, being the result of a specific methodology, CIM is entitled to the same protection as the one granted under copyright legislation, including the rights to authorship, disclosure and respect for the integrity of the work;



- that those persons with unauthorized access, and unpaid for, information provided by CIM may also face being sued for 'unfair competition' and/or damages by those who are committed towards CIM and are honouring their commitments.

We therefore thought it advisable to remind all those who use our data and reports, whether they are members or not of our organization, and without wishing to point out at any group of people or anyone in particular, that CIM's data can only be used in strict compliance with the stipulated conditions at the risk of incurring the protective measures mentioned.

Trusting that you will not take offence at this general clearing exercise and reminder of these fundamental rules, we remain,

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Patrick de Borchgrave', written over a horizontal line.

Patrick de Borchgrave
President