Copyright Session April 2024
List of Legislation and Further Reading

1. Key Copyright Acts in Irish Law (selected)

- Copyright and Other Intellectual Property Law Provisions Act 2019
- Copyright and Related Rights Act 2000 (No. 28 of 2000)
- Broadcasting Act 2009 (No. 18 of 2009, Section 183)
- Copyright and Related Rights (Amendment) Act 2007
- Copyright and Related Rights (Amendment) Act 2004
- Intellectual Property (Miscellaneous Provisions) Act 1998
- Copyright (Amendment) Act 1987
- Performers Protection Act 1968
- Copyright Act 1963

2. Copyright and Other Intellectual Property Provisions Act 2019

- New ruling ensuring digitisation and preservation of cultural heritage for future generations in digital environment
- Amended Copyright and Related Rights Act 2000
- Came into effect in 2019 and 2020
- Introduces some recommendations of Copyright Committee ‘Modernising Copyright’ (2013)
- Ensures rights holders have protection whilst allowing access to creative content for users
- Exceptions updated to implement EU Directive

Key changes included:

- Life + 70 years now applies to all unpublished literary, dramatic, musical and artistic works of any date
- ‘Fair dealing’ updated and extended to use of ‘dedicated terminals’ on premises for items in permanent collection for research or private study
- Extends to recordings of performances in permanent collection of library, museum or archive

- ‘Format shifting’ – archivists can make copy of work in permanent collection in a different form to that the copy takes
- Exceptions also created for purposes of displaying works from permanent collection for talks
- Recording of performance in collection for preparing catalogue or publishing image or clip from recording in catalogue relating to exhibition
- Display of still image of short clip from recording of performance for public lecture for communication through internet or display
- Exceptions still limited to use of work in non-commercial circumstances and educational

Other amendments:

- Extending concept of ‘fair dealing’ in copyright works for purposes of news reporting
- Extension of existing copyright exception for persons with a disability to allow a personal copy to be made and modified for their special requirements with designated bodies to make multiple copies of works modified
- Expanded existing copyright exceptions for education using digital technology such as interactive whiteboards
- Exception for use of copyright works for caricature, pastiche and parody.
- Exceptions for use of recordings of spoken words, for the purposes of reporting and broadcasting, within specific circumstances

3. EU Directives and Acts (selected)

In EU countries, copyright is legislated at Member State level. The EU sets the copyright framework within which Member States operate through EU Directives. Ireland adheres to these through the Copyright and Related Rights Act 2000 and other amendments and acts. Relevant EU directives and acts include:

- European Union (Copyright and Related Rights in the Digital Single Market) Regulations 2021 (SI No 567 of 2021)
- European Communities (Artist's Resale Right) (Amendment) Regulations 2022 (SI No 375 of 2022)

- European Union (Marrakesh Treaty) Regulations 2018 (SI No 412 of 2018)
- The European Union (Collective Rights Management) (Directive 2014/26/EU) (Amendment) Regulations 2016 (SI No 156 and 616 of 2016)
- The European Union (Certain Permitted Uses of Orphan Works) Regulations 2014, Directive 2012/28/EU (SI No 490 of 2014)
- EU Term of Protection of Copyright and Certain Related Rights (Directive 2011/77/EU) Regulations 2013 (SI No 411 of 2013)
- European Union (Copyright and Related Rights) Regulations 2012 (SI No 59 of 2012)
- European Communities (Artist's Resale Right) (Amendment) Regulations 2011 (SI No 709 of 2011)
- European Communities (Artists' Resale Right) Regulations, 2006 (SI No 312 of 2006)
- European Communities (Copyright and Related Rights) Regulations 2004 (SI No 16 of 2004)
- EU Directive Harmonisation of Certain Aspects of Copyright and Related Rights in Information Society 2001 (29/EC)

4. International Agreements or Treaties effective in Irish law

Ireland signed international agreements, treaties and conventions in copyright and related rights areas. These provide consistent copyright protection in countries which are party to those agreements. Key agreements and treaties include:

Beijing Treaty on Audiovisual Performances (2012)

- Regulates copyright for audio-visual performances and performers' rights
- Grants performers economic rights in their own performances, eg motion pictures – right of reproduction, right of distribution, right of rental, right of making available

Marrakesh Treaty (2013)

- To facilitate access to published works for persons who are visually impaired, or otherwise print disabled
- Administered by World Intellectual Property Organization (WIPO)

- Mandatory limitations and exceptions for benefit of visually impaired, print disabled

Rome Convention for the protection of performers, producers of phonograms and broadcasting organisations (1979)

- Protection in performances for performers, in phonograms for producers of phonograms, and in broadcasts for broadcasting organisations (administered by WIPO and International Labour Party Organisation (ILO)

Berne Convention for the protection of literary and artistic works (1886)

- Protection of works and rights of authors, musicians, poets, painters
- Provisions determining minimum protection

International agreements and treaties administered by WIPO

WIPO Copyright Treaty (1997)

- Special agreement under Berne Convention dealing with protection of works and rights of authors in digital environment
- Deals with computer programs, and databases

WIPO Performances and Phonograms Treaty (1997)

- Rights of beneficiaries in digital environment, including performers (actors, singers, musicians etc) and producers of phonograms (people or legal entities)

Further Reading / Resources

1. General

- Department of Enterprise, Trade and Employment: https://enterprise.gov.ie/en/what-we-do/innovation-research-development/intellectual-property/copyright/
- EU Orphan Works Database: https://euipo.europa.eu/orphanworks/
- Intellectual Property Office of Ireland: https://www.ipoi.gov.ie/en/understanding-ip/help-guidance/ip-information-booklets/copyright-and-related-rights.pdf
- Intellectual Property Office of Ireland, Orphan Works: https://ipoi.gov.ie/en/types-of-ip/copyright1/orphan-works/
- UK & Ireland Branch of the International Association of Music Libraries, Archives and Documentation Centres (UK & Irl): https://iaml-uk-irl.org/copyright/republic-of-ireland-copyright-faqs/#1
- UK & Ireland Branch of the International Association of Music Libraries, Archives and Documentation Centres (UK & Irl): https://iaml-uk-irl.org/changes-to-irish-copyright-legislation/
- Library of Trinity College Dublin: https://www.tcd.ie/library/support/copyright.php#WorksNoLongerProtectedbyCopyright

2. Key Acts

- Irish Statute Book (2019): https://www.irishstatutebook.ie/eli/2019/act/19/enacted/en/print.html
- Irish Statute Book (2000): https://www.irishstatutebook.ie/eli/2000/act/28/enacted/en/html

3. Licensing

- Creative Commons: https://creativecommons.org/
- The Music Licensing Company: https://www.ppimusic.ie/about-ppi/what-is-ppi#:~:text=PPI%20controls%20the%20public%20performance,also%20most%20recordings%20available%20worldwide.

4. Case studies

Irish Traditional Music Archive: https://www.itma.ie/

Virtual Treasury: https://virtualtreasury.ie/terms-conditions