

[IE] Copyright and Related Rights Bill 1999

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*Candelaria van Strien-Reney
Faculty of Law, National University of Ireland, Galway*

Copyright in Ireland is still governed by the Copyright Act 1963 (as amended). However, new legislation which will replace that Act almost in its entirety has now been published. The Copyright and Related Rights Bill 1999 updates the law. It implements various recent EU Directives and anticipates forthcoming ones. It also fulfils Ireland's international obligations as a signatory of the TRIPs Agreement 1994 and the WIPO Treaties of 1996. New provisions in the Bill include rental and lending rights, and copyright protection for databases and cable programmes. The Bill also introduces into Irish law moral rights for authors and performers of copyright works. There is a new right to privacy in photographs and films. A lengthy portion of the Bill is devoted to performers' rights (some aspects of performers' rights were already covered by the Performers Protection Act 1968). The Bill also regulates commercial collecting societies and provides for a voluntary system of registration for such bodies. New provisions are introduced to safeguard the originals and copies of copyright works and databases which are protected by technological means (such as encryption). It will be an offence to unlawfully receive broadcasts or cable programmes to which technological protection measures have been applied.

As well as the totally new provisions, the Bill also expands existing areas: for example, in relation to copying, the prohibited acts are more comprehensively defined, particularly with regard to types of copying made possible by newer forms of technology. In addition, the Bill states that to provide the means for making copies which infringe the right in the work concerned, or to permit the use of premises or apparatus for performances which infringe copyright, may constitute a secondary infringement of copyright. The increased criminal and monetary penalties which were enacted recently in the Intellectual Property (Miscellaneous Provisions) Act 1998, in an attempt to stem Ireland's growing problem of copyright piracy, are repeated in the Bill, but are applied to a wider range of offences.

Copyright and Related Rights Bill, 1999.

