[IE] Copyright and Related Rights Act 2000

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After lengthy delays, the Copyright and Related Rights Act 2000 has finally been enacted. The delays were mainly due to the large number of proposed amendments to the draft legislation that was published in 1999 (See IRIS 1999-5: 11).

The Act implements various recent EC 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. It is a complex and comprehensive piece of legislation, being over 200 pages long.

New provisions in the Act include rental and lending rights, and copyright protection for databases and cable programmes. The Act 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 Act is devoted to performers' rights (some aspects of performers' rights were already covered by the Performers Protection Act 1968).

The Act also regulates commercial collecting societies and provides for a system of compulsory registration for such bodies. The draft legislation had envisaged a voluntary system of registration, but it was felt that compulsory registration was needed to ensure the proper operation of collecting societies. In addition, an amendment to the draft legislation governs the playing of sound recordings in public and the inclusion of such recordings in broadcasts and cable programme services. Commercial users of sound recordings will be afforded a licence of right. This will allow them to use such recordings provided they agree to make fair payments to the rightsholder. There is also provision for a dispute resolution mechanism.

New provisions are introduced to safeguard the originals and copies of copyright works and databases that are protected by technological means (such as encryption). It will now 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 Act 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 Act states that to provide the means for

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making copies that 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. An amendment to the draft legislation has resulted in the introduction of offences governing false claims of copyright and false claims of rights in performances.

Amendments to the draft legislation limit qualification for the rights concerned in the Act to materials protected by corresponding laws in countries with which Ireland shares obligations under international law. This is in accordance with the principles of normal international practice in this area. The draft legislation had proposed a more liberal approach, but it was felt that this would be inappropriate, given the differing levels of protection in some jurisdictions, particularly in the area of performers' rights.

The increased criminal and monetary penalties which were enacted in the Intellectual Property (Miscellaneous Provisions) Act 1998, in an attempt to stem Ireland's growing problem of copyright piracy, are repeated in the Act, but are applied to a wider range of offences.

Copyright and Related Rights Act 2000.

http://www.entemp.ie/copyright.pdf

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