[IE] Artists Resale Right

IRIS 2006-9:1/32

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Ireland failed to meet the January 2006 deadline to introduce legislation giving effect to the EC Directive provision on a *droit de suite* for artists. Instead, Ministerial regulations (European Communities (Artists Resale Right) Regulations, S.I. No. 312 of 2006) were made in June as an interim measure to provide a share of the resale price of all works sold for over EUR 3000. Payments may be made up to EUR 12,500. An Intellectual Property Bill to be introduced before the end of the year will lower the threshold to EUR 1000, and will determine the time limits (the lifetime of the author under the Regulations) to be applied to the resale right and the methods of collection and disbursement. Artist Robert Ballagh took an action against the State claiming losses sustained as a result of the delay in implementing the Directive. An award of EUR 5000 (plus costs) was made by the High Court on 30 June as compensation for loss of rights on works of art for the period 1 January - 13 June, the date on which the Regulations came into effect.

Regulations S.I. No. 312 of 2006, 13 June 2006

http://www.entemp.ie/science/ipr/copyrightsis.htm

Ballagh v Ireland, High Court, 30 June 2006

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