[IE] Copyright and Other Intellectual Property Law Provisions Bill 2018 published

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On 9 March 2018, the Minister for Business, Enterprise and Innovation, published the Copyright and Other Intellectual Property Law Provisions Bill 2018. The Bill amends the Copyright and Related Rights Act 2000 (see IRIS 2000-8/28) to take account of certain recommendations for amendments to that Act contained in the Report of the Copyright Review Committee entitled 'Modernising Copyright' published by that Committee in October 2013 (see IRIS 2014-2/24); and also to take account of certain exceptions to copyright permitted by Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001, on the harmonisation of certain aspects of copyright and related rights in the information society (the "InfoSoc Directive"). The Bill also contains some amendments necessary for the transposition of the EU Directive (2017/1564) allowing the European Union to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (see IRIS 2017-9/4).

The Bill is intended to enhance provision for copyright and other intellectual property (IP) protection in the digital era and to enable "rightsholders" to better enforce their IP rights in the courts. To tackle the issue of intellectual property infringement, Section 5 of the Bill extends the jurisdiction of the Circuit Court and District Court to include IP claims. This makes it easier for rightsholders to bring lower-value intellectual property infringement claims for relief in civil proceedings within the monetary jurisdiction of the limits of those courts.

The Bill also provides for a number of exemptions, as permitted by the InfoSoc Directive. Section 11 of the Bill amends the Copyright and Related Acts 2000 to provide an exemption from copyright infringement for criticism or review of a work, provided that "such use is not expressly reserved" and that "the copy and communication are accompanied by a sufficient acknowledgement." Section 12 creates an exception for use of copyright works to allow for "caricature, parody or pastiche." Section 21 pertains to the use of notes or recordings of spoken words in certain cases. This amendment will align Ireland more closely with the scope of exceptions permissible under Article 5(3)(f) of the InfoSoc Directive, resulting in newspapers and broadcasters receiving greater protection with regard to reporting on current events.

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Section 23 clarifies the position and rights of a person acting on behalf of a broadcaster with regard to the copying of a work. By the insertion of this section, the Bill allows copying for the purpose of extending the broadcast or cable programme to a person acting on behalf of and under the responsibility of the broadcaster.

Sections 24, 25 and 26 of the Bill jointly expand the existing exception to copyright for persons with a disability as endorsed by the InfoSoc Directive. Collectively, these sections provide that persons with a disability can gain access to a wider range of copyright material in accessible formats. Several technical amendments are contained within these sections, such as the broadening of the definition of disability and the creation of a definition for “relevant work”, and the identification of the acts permitted by a designated body. These sections also make some of the necessary legislative amendments to allow Ireland to transpose the Directive permitting the European Union to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

The Bill is currently before the Lower House of Parliament (Dáil Éireann) - First Stage - and is expected to progress through Parliament in the coming months.

Copyright and Other Intellectual Property Law Provisions Bill 2018 [No.31 of 2018], 9 March 2018

http://www.oireachtas.ie/documents/bills28/bills/2018/3118/b3118d.pdf

Copyright and Other Intellectual Property Law Provisions Bill 2018: Explanatory Memorandum, 9 March 2018

https://www.oireachtas.ie/documents/bills28/bills/2018/3118/b3118d-memo.pdf

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