

Copyright & Related Rights Act, 2000

Brief Look-Up Guide for LIBRARY STAFF

March 2011

S.I. 427 of 2000

Librarians and Archivists (Copying of Protected Material)
Prescribed libraries for various Library Exemptions; Copyright Declaration Form

Copyright Duration

- Literary, dramatic, musical, artistic works & databases: life of author + 70 years
- Film: longest life (principal director, author of screenplay, author of dialogue, author of music specifically composed for use in the film) + 70 years
- Typographical arrangement, recordings, Government & Oireachtas - 50 years
- Special Database Right - 15 years from completion or from date first lawfully re-utilised, whichever is later

Exclusive rights of copyright owners

Copy, distribute (lend, rent, publish), adapt (translate etc.), perform, etc.

Copying Legislation: Government & Oireachtas Copyright

Permission was given in the past by Government to reproduce legislation - covers legislation written up to Dec 2000. Act of 2000 transfers copyright in future legislation to Oireachtas. Oireachtas is well-disposed to give permission on individual basis, but has not given blanket permission.

Exemptions include

- **Caching** (when pages download *automatically* from Internet to your PC) – s.87
- **Parliamentary & judicial proceedings** (nothing done for these is breach of Copyright) – s.71
- **Fair Dealing (NB for self-service photocopying by readers. See Poster for details)** – s.50 – 51
Making use of a work ... “for a

purpose and to an extent which will not unreasonably prejudice the interests of the owner of the copyright”

- **Quotations or extracts** (with acknowledgement) provided it does not prejudice the interests of the copyright owner - s.52(4)
- **Library Exemptions – copying by librarians for researchers and for libraries** – s.59 - 70

Copying done for an end user

If copying is done by someone other than the researcher:

- ... if by a librarian, it must be within limits of library exemptions (see below)
- ... if by anyone else, he/she may not supply the same material to more than 1 person at the same time and for the same purpose

Library Provisions – s.59 – 70 (and analogous sections)

Is your library prescribed for exemptions under S.I. 427 of 2000 ?

- List 1-10 in Schedule I Part A, Library must also be non-profit

Ss 61 (journals), 62 (other published, eg books), & 67 (unpublished): Copying for a person's research or private study

Under these sections you are copying for a *person* for research or private study (not for another library's collection, though you may be supplying via another library)

Quantitative limits

Quantitative limits are absolute for end-user's lifetime

Journal articles (in addition to Table of Contents):

As many articles from a volume as there are issues in the volume - or 10%

Published works other than journal articles (e.g., books):

"A reasonable amount"

Unpublished works:

"Work or part of a work"

Conditions for journal articles & other published works

- Satisfied reader wants it for **research or private study**

- Satisfied it will **not** be used for any **other** purpose or supplied to another person
- Librarian may not supply to more than **3 persons** with **related** requirements
- Reader has not been supplied already (unless lost, stolen, discarded, destroyed, or a reasonable period has elapsed)
- Library should charge for the copy (**Minister agreed to remove this**)
- Copyright Declaration must be obtained – Schedule 2, Form A:
 - Must be the personal signature

Conditions for unpublished works

Very similar to above, similar Declaration, but must be in permanent collection, no replacement copy & copyright owner can prohibit copying)

Sections 64 & 65 – Supply to Library, or replace a Library copy.

- Section 64 - **Supply** a prescribed library with an article or whole or part of a published work - if

rightsholder's consent cannot be obtained

- Section 65 – Copy a work in permanent collection to **preserve or replace** the work in the library or replace lost/damaged copy in another prescribed library - if a copy cannot be purchased

Sections 64 & 65 – Conditions in S.I. 427 of 2000

- One copy only
- Charge for copy (to be removed?)

Sections 64 & 65 – Prescription under S.I. 427 of 2000

- Supply of copies:
 - "All libraries in Ireland"
- Receipt of copies:
 - List 1-10 in Schedule I Part A, plus overseas "study" libraries in Part B
 - Library must also be non-profit.

Things to Note

- For multiple-copy photocopy collections you need a licence.
- under sections 61, 62 & 67 you supply a *reader* only. Copies for libraries must be under s.64 or 65.