

Copyright and licensing in Ireland

Sean Phillips
Librarian UCD

CONUL/IATUL Seminar 07.11.2005



Legislative basis

- Before 2000, the Copyright Act 1963; thereafter:-
- **Copyright and Related Rights Act 2000**
 - incorporating provisions of the 1996 WIPO Copyright and Performances Treaties
 - incorporating (and in some cases anticipating) EU copyright directives

Context of change

- Development of copying technologies
- Digitisation and digital communications
- Media, entertainment, software industries
- EU harmonisation of copyright in context of the single market

Copyright: the basics

- Creators/producers of intellectual output are given rights over its use
- There are many separate rights (reproduction, making available, distribution, rental, lending, adaptation, moral performance, recording, database)
- The law limits, or makes exceptions to, the rights ...
- ...with the aim of balancing the interests of creators (producers) and the needs of users (consumers)

Exceptions

- Individuals
- Libraries
- Educational use

Exceptions for individuals – fair dealing

- No quantitative limitations
- Applies to almost all works, but not sheet music or electronic databases
- Purpose must be research or private study, criticism or review, reporting current events
- Use for research or private study must not prejudice the interest of the rightsowner in extent and purpose
- Multiple similar-requirement copying is not allowed
- Library copying is excluded

Exceptions for libraries: copying for users

- Published works
 - Periodical articles (the greater of 10% of a volume, or as many articles as issues in a volume)
 - Other works (a reasonable proportion)
- Unpublished works
 - All or part of a work, if not prohibited by rightsowner
- Conditions
 - One copy per person (except replacement)
 - No more than 3 similar-requirement copies
 - Signed declaration required, use must be research or private study, and user must pay cost + overhead

Exceptions for libraries

- All or part of a published work can be copied for another library (subject to reasonable enquiry for consent)
- Any work can be copied for security or replacement in own library, or replacement in another library, if it cannot be purchased
- Curatorial copying is allowed for insurance, security, cataloguing or exhibition purposes

Educational exceptions

- Non-reprographic copying in the course of instruction
- Copying for examination purposes
- Reprographic copying for educational use, limited as to format (textual materials) and as to quantity (5%) and only if a licensing scheme does not exist

Licensing scheme

- ICLA (Irish Copyright Licensing Agency)
- Copying for educational purposes (e.g. similar-requirement copying for class distribution or library reserve collections)
- Limitations as to quantity, categories, publishers, countries of publication
- Initially, only paper-to-paper copying
- Audit and data collection not yet finalised

The ideal digital licence

- Print to be digitised for
 - class distribution – reading, downloading, printing via course or institutional websites
 - library electronic reserves
 - instructional use – powerpoint presentations etc
- Digital originals to be copied for these purposes
- In either case, to the same extent as allowed for print

The ICLA digital licence

- An experimental licence extension
- To allow scanning for closed intranet access, downloading, printing
- Initially for mandated Irish publications only
- Negotiations for reciprocal arrangements with agencies in other jurisdictions in progress
- Imminent, but not yet available