

## QUESTIONNAIRE

### Completed on behalf of Ireland

#### A. COPYRIGHT REGISTRATION AND RECORDATION

Answer: Under Irish legislation there is no requirement for copyright registration or recording. A qualifying work, for the purposes of the legislation (Copyright and Related Rights Act 2000), obtains copyright once it comes into existence and is fixed in a stable medium. Accordingly, there is no State copyright registering/recording body in Ireland.

1. What is the name and legal status of the copyright registering/recording body in your country?
2. Please provide full contact details of the copyright registering/recording body, including location of its offices, with indication of the hours they open to public.
3. Does the copyright registering/recording body have a webpage and e-mail address? If so, please list them.
4. Is the copyright registry interconnected to any other copyright data system?
5. Please list relevant national legislation, including regulations, regarding copyright recordation/registration.
6. What kind of copyright works can be registered/recorded? Is the registration/recordation process different for each type of copyrighted work? Please describe the differences, if any.
7. Can the subject matter of related rights (e.g., performances, broadcasts, sound recordings) also be registered/recorded? If yes, is there a different registration/recordation process than for works protected by copyright?
8. Is there a possibility to record the transfer or licensing of copyright/related rights?
9. Is there a possibility to record a security interest in the copyright or related right? If so, what are the legal requirements and effects of such recordation?
10. What is the legal effect of registration?
11. Is copyright registration/recordation mandatory or voluntary in the following circumstances?
  - (a) Recognition of creation?
  - (b) Transfer of rights?
  - (c) Initiation of judicial proceedings?
  - (d) Other changes in title/ownership (such as leasing)?

If your country has a mandatory registration/recordation system, please describe any legal consequences for non-compliance.

12. Do courts in your country recognize copyright registrations affected by public authorities in other countries? If yes, is recognition automatic or is a local procedure required to validate or otherwise give effect to the foreign registration?
13. What are the requirements for registration?
  - (a) What are the mandatory elements of the request for registration/recording?
  - (b) Does the request need to be submitted in a specific form? Can the request be submitted by the post? Can the request be submitted electronically?
  - (c) Is there a deposit requirement, that is, must a copy of the work be submitted with the registration request? If so, can it be submitted in digital form?
  - (d) Is there a registration/recording fee? If so, how much is the registration/recording fee?
  - (e) What is the average time taken to complete the registration/recording process?
14. Are foreigners allowed to register/record their creations? Are people without legal residence in your country allowed to register/record their creations? Is there a different registration/recording process for domestic as opposed to foreign works or objects of related rights?
15. Are the files stored in digital form?
16. What criteria are followed for classification of the registrations/recordations (including chronology/name of right owner/name of work or related right/type of work or subject matter of related rights, etc)? Is it possible to correct or update relevant information?
17. Does the system have a search facility?
18. Is it accessible by the public? Is the search facility available online?
19. Is access granted to the work registered or its copies?
20. Does the general public have access to other documents submitted or to any information regarding the work registered/recorded?
21. Does your country have legislation dealing specifically with “orphan works”, i.e. works in respect of which the right owner can not be identified and/or located (e.g., a compulsory license or a limitation on liability)? Please briefly describe the main elements of that legislation.
22. Independently of whether your country has legislation on the subject, are there industry practices in your country aimed at identifying and/or locating the copyright owner of “orphan works”?
23. Does the registering/recording body play a relevant role in the legislation or practice dealing with “orphan works”?
24. Is there a system to identify and list recorded/registered works or objects of related rights in the public domain? Is that system automated? Is that information made available to the public?

25. If your country has a public registration/recording system, do private institutions or initiatives exist that provide additional mechanisms to access registered/recorded information from the public system?
26. Please provide statistics on following registrations/recordations:
- (a) Number per statistical period (last five years)
  - (b) Number per nationality (last five years)
  - (c) Number of inquiries/requests for information filed per statistical period (last five years).
  - (d) Number of recordation/registrations whose subject matter has entered the public domain. Global figure/Figure per statistical period (last five years)

#### B. LEGAL DEPOSIT

27. Does your country have a legal deposit system/s in place?

27. Answer: Yes

28. Please list relevant national legislation regulating the legal deposit.

28. Answer: The deposit of certain copyright materials is provided for in Section 198 of the Copyright and Related Rights Act 2000

29. Is the legal deposit mandatory or voluntary in your Country? If mandatory, what are the legal consequences in case of non compliance?

29. Answer: Legal deposit is mandatory. The legal consequences in case of non compliance are set out in Section 198 (9)

“Where a publisher fails to comply with this section he or she shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500 and in addition the person shall be liable to be ordered to comply with this section.”

30. What are the functions performed by your National legal deposit system (e.g. preservation of cultural heritage; collection of statistical information, etc)?

30. Answer: The object of legal deposit is to establish and maintain an archival record of Ireland’s published output which is

- Made available to readers
- Preserved for the benefit of future generations and
- Becomes part of Ireland’s national heritage

31. Is there any connection or interaction among legal deposit and copyright protection?

31. Answer: No, other than the works involved are protected by copyright in the normal way.

32. Does your national legislation have any provision in regard to making copies or adapting formats of deposited works for preservation purposes? If so, please clarify under which terms and conditions.

32. Answer: Section 65 of the Copyright and Related Rights Act 2000 provides  
 .—(1) The librarian or archivist of a prescribed library or prescribed archive may, where the prescribed conditions are complied with, make a copy of a work in the permanent collection of the library or archive in order—

(a) to preserve or replace that work by placing the copy in the permanent collection of that library or archive in addition to or in place of that work, or

(b) to replace in the permanent collection of another prescribed library or prescribed archive a work which has been lost, destroyed or damaged,

without infringing the copyright in the work, in any illustrations accompanying the work or in the typographical arrangement.

(2) This section shall only apply where it is not reasonably practicable to purchase a copy of the work concerned for the purposes of subsection (1).

33. What is the object of legal deposit? Please list all types or categories of material subject to legal deposit (e.g. Print Material, such as books, serials, government publication; Non-Print Material, such as music and audiovisual works, broadcast material).

33. Answer: The object of legal deposit is to establish and maintain an archival record of Ireland's published output which is

- Made available to readers
- Preserved for the benefit of future generations and
- Becomes part of Ireland's national heritage

The subject of legal deposit is books which are defined in Section 198 (10) of the Copyright and Related Rights Act 2000:  
 “For the purposes of this section, “book” includes every part or division of a book, pamphlet, sheet of letterpress, sheet of music, map, plan, chart or table separately published, but shall not include any second or subsequent edition of a book unless such edition contains additions or alterations either in the letterpress or in the maps, plans, prints or other engravings belonging thereto.”

34. Does legal deposit apply upon production/printing of content or after its distribution?  
 Does legal deposit apply to material printed in your country but distributed abroad?

34. Answer: Legal deposit applies to any book first published in the State. In addition, in the case of the National Library of Ireland, it applies to any book published in the State.

35. Is there any type or category of material exempted from legal deposit for policy reasons?

35. Answer: Legal deposit is limited to books. A possibility for exemption exists in Sec 198 (3) as follows:

“The Minister may, on an application of a Board or authority referred to in subsection (1), make regulations exempting from subsection (1) in respect of the Board or authority making the application, publications wholly or mainly in the nature of trade advertisements, or any class of work as may be specified in those regulations, and it shall not be necessary for the publisher of any publication so excepted to deliver the publication to that Board or authority or for such Board or authority to give a receipt unless as respects any particular publication a written demand for the delivery of that work is made by the Board or authority concerned.”

To date, regulations have not been made under this section.

36. Is there any specific regulation in regard to material published in electronic format? If so, does the regulation distinguish between on-line and off-line material? Please clarify relevant differences.

36. Answer: The Boards or authorities to whom books have to be delivered, may before delivery of a book is made, request that a book be delivered in a particular form, being one of the forms in which the book is published and the publisher shall deliver it in the form requested.

Where a copy of a book is so requested, and is delivered in a form other than an electronic form, the Board or other authorities may request, in addition to that copy, a copy in an electronic form readable by means of an electronic retrieval system and on such request being made a copy in electronic form shall be delivered by the publisher to the Board or authority concerned.

37. How many copies does the depositor have to deposit? Are there special conditions for limited or *de luxe* editions?

37. Answer: 9 copies (includes 4 to the National University of Ireland for use in its four constituent universities).

In addition, where requested by the following libraries—

- (a) the Bodleian Library, Oxford,
- (b) the University Library, Cambridge,
- (c) the National Library of Scotland, and
- (d) the National Library of Wales,

before the expiration of 12 months after the book is published, deliver within one month after receipt of that written demand a copy of that book

Section 198 (7) provides that a copy of a book delivered to the National Library of Ireland or the British Library shall be a copy of the whole book with all maps and illustrations belonging to that book and, subject to a request for delivery in a particular

form by the National Library of Ireland or the British Library, finished in the same manner as the copy in that form which is superior in quality to any other copy in that form of the book available.

Section 198 (8) provides that a copy of a book delivered to the designated authorities (other than the National Library of Ireland or the Board of the British Library) shall be in the form specified by the Board or authority, which shall be one of the forms in which the book has been published, and shall be in like condition as that form of the book.

38. Who is/are the subject/subjects responsible for delivering the legal deposit?

38. Answer: The publisher of any book first published in the State , or in the case of National Library of Ireland or the British Library the publisher of any book published in the State.

39. What are the time requirements for legal deposit?

39. Answer: Within one month after the publication

40. Is there a payment or compensation involved in legal deposit? If so, Please indicate its amount.

40. Answer: No

41. What is/are the entity/entities responsible for acting as legal depository?

41. Answer: (a) the authority having control of the National Library of Ireland,

(b) the authority having control of the library of Trinity College, Dublin,

(c) the authority having control of the library of the University of Limerick,

(d) the authority having control of the library of Dublin City University, and

(e) the Board of the British Library,

and (f) the authority having control of the National University of Ireland for use in the four constituent universities of that University. (4 copies to be delivered).

In addition, where requested by any of the following libraries—

(a) the Bodleian Library, Oxford,

(b) the University Library, Cambridge,

(c) the National Library of Scotland, and

(d) the National Library of Wales,

before the expiration of 12 months after the book is published, the publisher must deliver within one month after receipt of that written demand a copy of that book

42. Does the general public have access to legally deposited materials? If so, please explain under which terms and conditions.

42. Answer: Generally speaking members of the wider community may be granted access to conduct research where they have demonstrated a scholarly need which cannot be met elsewhere. For instance, the National Library of Ireland is open to all those who wish to consult the collections for material not otherwise available through the public library service or an academic library.

43. Do/does the depository/depositories provide publicly available search facilities? If so, are they accessible on-line?

43. Answer : Yes, search facilities are in some cases.

44. Is legal deposit linked to any number or code? Is there any relation with the International Standard Books Number (ISBN) with the International Standard Serial Number (ISSN) and other such codes?

44. Answer: ISBNs or ISSNs are not issued but as works are catalogued, ISBNs or ISSNs are noted and the information included in the catalogue record.

45. Please provide statistics on the number of deposits per year for the following items (last five years); a) print material; b) musical works; (c) audiovisual works.

45. Answer: We are awaiting information from some libraries in order to compile the final figures. However, in the meantime, the following table, from ONE deposit library is indicative.

	2008-09	2007-08	2006-07	2005-06	2004-05
Print works Serial titles	1,569	1,322	1,287	1,230	1,141
Print works Monograph titles	2,368	2,318	2,888	2,671	3,287
Musical works (audio)	N/A	N/A	N/A	N/A	N/A
Printed music	<10	<10	<10	<10	<10
Audio-visual	N/A	N/A	N/A	N/A	N/A

