Section 1 — Short title and collective citations
Provides for the short title of the Bill when enacted as the Copyright and Related Rights (Amendment) Act 2007 and outlines the collective citation having regard to earlier Acts being amended.

Section 2 — Interpretation
The Copyright and Related Rights Act 2000 is the principal Act being amended and is so defined.

Section 3 — Amendment of section 8 (laying of regulations and orders)
Allows the Minister for the Environment, Heritage and Local Government to lay regulations and orders made under the Copyright and Related Rights Act 2000 (CRR Act) before the Houses of the Oireachtas.

Section 4 — Amendment of Section 9 (expenses)
Extends the expenses provision of the CRR Act to include expenses incurred by the Minister for the Environment, Heritage and Local Government in the administration of the Public Lending Remuneration Scheme as expenses to be paid out of Oireachtas funds.

Section 5 — Amendment of section 40 (making available right)
This amendment provides for an exclusive lending right to be exercised by the author.

Section 6 — Amendment of section 42 (rental and lending right)
Sets out that an exclusive lending right applies in respect of the public lending of copyright works unless and until a remuneration scheme is otherwise in place.

Section 7 — New Section 42A
Enables the Minister for the Environment, Heritage and Local Government to make regulations to establish a Public Lending Remuneration Scheme. The scheme will be publicly funded out of moneys provided by the Oireachtas. The provision sets out, although not exhaustively, the criteria to be covered in Regulations e.g. manner of participating in the scheme, rates of remuneration, minimum and maximum amounts payable to a participating author etc.
Section 8 — Repeal of section 58 (copyright not infringed by lending)
Removes the exemption to remunerate authors for the public lending of their copyright works.

Section 9 — Repeal of section 69 (copying by librarians or archivists: exemptions)
Consequential amendment following removal of exemption for payment of remuneration to authors.

Section 10 — Amendment to section 205 (making available to public copies of recordings of qualifying performances)
Performers are dealt with in a separate part of the CRR Act. This provides for an exclusive lending right to be exercised by a performer in respect of the public lending of a recording of the work.

Section 11 — Amendment of Section 207 (rental and lending right of performer)
Sets out that the exclusive lending right in respect of recordings applies in respect of works which are publicly lent unless and until a remuneration scheme is otherwise in place.

Section 12 — Repeal of section 226 (performer’s rights not infringed by lending)
Removes the exemption to remunerate rightsholders for the public lending of their works.

Section 13 — Amendment of section 79 of the Local Government Act 2001 (An Chomhairle Leabharlanna)
Provides a statutory basis for An Chomhairle Leabharlanna to administer a public lending remuneration scheme on behalf of the Minister for Environment, Heritage and Local Government.

FINANCIAL IMPLICATIONS

The Public Lending Remuneration Scheme will be fully funded by the Exchequer. This will involve funding both for the administration of the Lending scheme through An Chomhairle Leabharlanna and the making of annual payments to authors in respect of the lending of their works.

An initial setup cost of €600,000 is anticipated to include accommodation/refurbishment costs for An Chomhairle Leabharlanna and IT software costs. It is also anticipated that there will be ongoing, annual costs incurred in the region of c. €1.1m to cover both the administration of the scheme and the payments to authors.

An Roinn Fiontar, Trádála agus Fostaíochta,
Aibreán, 2007