



An Bille Cóipchirt agus Ceart Gaolmhar (Leasú), 2025
Copyright and Related Rights (Amendment) Bill 2025

Meabhrán Mínitheach
Explanatory Memorandum



**AN BILLE CÓIPCHIRT AGUS CEART GAOLMHAR (LEASÚ),
2025
COPYRIGHT AND RELATED RIGHTS (AMENDMENT BILL)
2025**

EXPLANATORY MEMORANDUM

The Explanatory Memorandum does not form part of the Bill and does not purport to be a legal interpretation.

Introduction

The policy objectives of the Bill are to amend the Copyright and Related Rights Act (as amended) 2000 to:

1. Ensure that the 2006/115/EC Copyright Rental and Lending Directive is fully transposed;
2. Ensure that Irish copyright law is compliant with our international obligations, specifically the World Intellectual Property Organisation's Performances and Phonograms Treaty (WPPT) and the Rome Convention;
3. To provide for a default equal sharing of royalty payments between producers and performers in sound recordings;
4. To improve the dispute resolution process in cases where agreement cannot be reached between producers and performers by substituting the Controller of Intellectual Property with the Circuit Court.

The Bill contains five sections, each of which is summarised below.

Section 1 defines the Copyright and Related Rights Act 2000 (CRRA) as the Principal Act amended by this Bill.

Section 2 amends section 208 subsection 3 of the CRRA and sets out a new process for the division of the single equitable remuneration payment between music performers and producers (copyright owner).

It sets out the following three steps. Firstly (3A), a default split of equal parts of payments between producers and performers, less reasonable administrative costs, is introduced, similarly to the majority of EU Member States. Secondly (3B), as is currently the case, performers and producers are directed to agree to the means of the sharing between themselves. Thirdly (3C), should the performers and producers not reach agreement on the division of payments, either party may serve notice on the other and apply to the Circuit Court for a determination as to how the payment should be divided between them. This substitutes the Circuit Court for the Controller of the Intellectual Property Office of Ireland

as the arbiter in cases where there is no agreement as to division of the remuneration in sound recordings.

Section 3 introduces a new provision in section 208 of the CRRA on the transfer of existing applications from Controller to Circuit Court. Any referrals under the authority of the Controller that are commenced and not completed before the coming into operation of this amended section may be carried on or completed by the Circuit Court. Subsections 3(2)-(4) provide for a circumscribed right of appeal to the High Court on a point of law only, and from there to the Court of Appeal. Subsection 3(5) recognises existing agreements between producers and performers under the current section 208, and states that they remain valid.

Section 4 amends section 287 of the CRRA. The definition of “qualifying country” is expanded to include performers and phonogram producers who are nationals of contracting parties to the WIPO Performances and Phonograms Treaty (WPPT) and the Rome Convention.

Section 5 of the Bill provides for preliminary and general provisions setting out the short title of the Bill and how the Bill is commenced.

*An Roinn Fiontar, Turasóireachta agus Fostaíochta,
Meitheamh, 2025.*

