

Copyright (Amendment) Act, 1987

(No. 24, of December 11, 1987)*

An Act to amend the Copyright Act, 1963

Amendment of section 14 of Copyright Act, 1963

1. Section 14 of the Copyright Act, 1963, is hereby amended by the insertion after subsection (7) of the following subsection:

“(7A) The act of reproducing an object of any description which is in three dimensions shall not be taken to constitute an infringement of the copyright in an artistic work in two dimensions (other than such a work relating to a work of architecture) if—

- (a) any of the features following, that is to say, shape, configuration and pattern, that appear in the work and are applied to the object are wholly or substantially functional, and
- (b) the object is one of a number, in excess of fifty, of identical objects which have been manufactured and made commercially available by the owner of the copyright or by a person authorised by him in that behalf.”.

Amendment of section 27 of Copyright Act, 1963

2. Section 27 of the Copyright Act, 1963, is hereby amended by the substitution of the following subsections for subsections (1), (4), (5), (8), (9) and (10):

“(1) Any person who, at a time after the commencement of the *Copyright (Amendment) Act, 1987*, when copyright subsists in a work—

- (a) makes for sale or hire, or
- (b) sells or lets for hire, or by way of trade offers or exposes for sale or hire, or for the purposes of trade has in his possession, or
- (c) by way of trade exhibits in public, or
- (d) imports into the State, otherwise than for his private and domestic use,

any article which he knows to be an infringing copy of the work, shall be guilty of an offence under this subsection.

(4) The District Court, upon the application of the owner of the copyright in any work, may act as follows: If satisfied by evidence that there is reasonable ground for believing that infringing copies of the work are being hawked, carried about, sold or offered or exposed for sale, let for hire or offered or exposed for hire, may by order authorise a member of the Garda Síochána to seize the copies without warrant and to bring them before the court, and the court, on proof that the copies are infringing copies, may order them to be destroyed, or to be delivered up to the owner of the copyright or otherwise dealt with as the court may think fit.

(5) If a Justice of the District Court is satisfied by information on oath that there is reasonable ground for suspecting that an offence under subsection (1), (2), (3) or (8) of this section is being committed on any premises, such Justice may grant a search warrant authorising a named member of the Garda Síochána accompanied by such other members of the Garda Síochána as may be necessary, to enter on the premises, if need be by force, and to seize any copies of any cinematograph film or any work including plates in respect of which he has reasonable ground for suspecting that an offence under any of the said subsections is being committed.

* *Entry into force:* December 11, 1987.

Source: Government publication.

(8) Any person who after the commencement of the *Copyright (Amendment) Act, 1987*, causes a literary, dramatic or musical work to be performed in public, or a cinematograph film to be shown, knowing that copyright subsists in the work or in the cinematograph film, and that the performance or showing constitutes an infringement of the copyright, shall be guilty of an offence under this subsection.

(9) A person guilty of an offence under subsection (1) or (2) of this section shall be liable, on summary conviction—

- (a) in case it is his first conviction of an offence under this section, to a fine not exceeding £100 for each article to which the offence relates;
- (b) in any other case, to such a fine, or, at the discretion of the court, to imprisonment for a term not exceeding 6 months or to both such fine and such imprisonment;

so, however, that a fine imposed by virtue of this subsection shall not exceed £1,000 in respect of articles comprised in the same transaction.

(10) A person guilty of an offence under subsection (3) or (8) of this section shall be liable, on summary conviction—

- (a) in case it is his first conviction of an offence under this section, to a fine not exceeding £1,000;
- (b) in any other case, to such a fine, or, at the discretion of the court, to imprisonment for a term not exceeding 6 months or to both such fine and such imprisonment.

(10A) Notwithstanding anything contained in subsection (10) of this section, where any person causes a work specified in subsection (8) of this section to be performed in public in contravention of the said subsection (8) by means of a television broadcast or a sound broadcast, he shall, in lieu of any penalty specified in the said subsection (10), be liable on summary conviction to a fine not exceeding £100.”.

Short title, construction and collective citation

3.—

(1) This Act may be cited as the *Copyright (Amendment) Act, 1987*.

(2) The *Copyright Act, 1963*, and this Act shall be construed together as one Act and may be cited together as the *Copyright Acts, 1963 and 1987*.