

## Copyright (Royalties on Records) Regulations, 1964

(No. 179, of July 20, 1964)

1. — These Regulations may be cited as the Copyright (Royalties on Records) Regulations, 1964, and shall come into operation on the 1<sup>st</sup> day of October, 1964.

2. — In this Order “the Act” means the Copyright Act, 1963 (No. 10 of 1963).

3. —

(1) A notice for the purposes of section 13 of the Act in relation to a record shall, if the name and address of the owner of the copyright in the work of which or of an adaptation of which the record will be made or his agent for the receipt of the notice is known or can be ascertained by reasonable enquiry, be a notice containing:

- (a) the name and address of the person by whom the notice is given (in these Regulations referred to as the manufacturer);
- (b) the name of the work or adaptation thereof of which the record will be made, a description sufficient to identify the work or adaptation and the name of the author or publisher of the work or adaptation;
- (c) a statement that the manufacturer intends to make records of the work or an adaptation thereof and the address at which he intends to make such records;
- (d) sufficient particulars to identify a record of the work or an adaptation thereof made in or imported into the State in the circumstances referred to in paragraph (a) of subsection (1) of section 13 of the Act;
- (e) particulars of the type or types of record on which it is intended to reproduce the work or adaptation, and an estimate of the number of records of each type initially intended to be sold by retail or supplied for the purpose of being so sold;
- (f) particulars of the ordinary retail selling price (as hereinafter defined) of the records, or, where it is intended to reproduce the work on more than one type of record, particulars of the ordinary retail selling price of each type of record, the manufacturer intends to make and the amount of the royalty payable on each record;
- (g) a statement of the earliest date at which any of the records will be sold by retail or supplied for the purpose of being so sold;
- (h) a statement indicating whether any other musical, literary or dramatic work will be reproduced on the same record with the work and, in relation to any such other work, the particulars specified in subparagraph (b) of this paragraph,

and the notice shall, not less than 15 days before any record on which a work or an adaptation thereof is reproduced is sold by retail or supplied for the purpose of being so sold, be given to the owner of the copyright in the work by sending it to the owner or to his agent aforesaid.

(2) A notice for the purposes of the said section 13 in relation to a record shall, if the name and address of the owner of the copyright in the work of which, or of an adaptation of which, the record will be made or his agent for the receipt of the notice are not known and cannot be ascertained by reasonable enquiry, be a notice which complies with subparagraphs (a) to (d) of paragraph (1) of this Regulation and which indicates where information in relation to the matters referred to in subparagraphs (e) to (h) of that paragraph may be obtained and the notice shall be given to the owner of the copyright in the work by publishing it in *Iris Oifigiúil* not less than 15 days before the record is sold by retail or supplied for the purpose of being so sold.

4. —

(1) Royalties on a record of a musical work or adaptation thereof may be paid in such manner and at such times as are specified in any agreement which may be made between the manufacturer and the owner of the copyright in the work.

(2) In the absence of any agreement to the contrary, the subsequent provisions of this Regulation shall apply in relation to royalties on a record payable by virtue of section 13 of the Act.

(3)

(a) If, within 7 days after the date on which a notice given under Regulation 3 of these Regulations in relation to a record would be received in the ordinary course of post or is published (as the case may be), the owner of the copyright in the work of which or of an adaptation of which the record is made makes known to the manufacturer, by notice in writing sent by registered post, a convenient place within the State from which adhesive labels can be obtained, the manufacturer shall by notice in writing sent by registered post to such owner specify the number and denomination of the labels he requires and at the same time tender to the owner a sum equivalent to the amount of the royalties represented by the labels required.

(b) If, within 6 days of the receipt by the owner aforesaid of the notice given by the manufacturer pursuant to subparagraph (a) of this paragraph in relation to a record, the labels required are made available to the manufacturer, he shall not put the record on sale unless there is attached thereto, or (if the type of record is such that it is not reasonably practicable to attach an adhesive label thereto) to the container in which it is intended to be delivered to a retail purchaser, a label supplied as aforesaid and representing the amount of the royalty payable in respect of that record.

(4)

(a) If the owner aforesaid does not comply with the provisions of paragraph (3) of this Regulation in relation to a record to which a notice under Regulation 3 of these Regulations related, the manufacturer may sell the record by retail or supply it for the purpose of being so sold without complying with the provisions of the said paragraph (3).

(b) The manufacturer shall keep an account of all records sold by him by retail or supplied by him for the purpose of being so sold by him in accordance with this paragraph and the amount of the royalties due to the owner of the copyright in respect thereof shall be transferred to a special account and held in trust for the owner of the copyright.

(5) If the manufacturer complies, as respects any records, with the provisions of paragraph (3) or (4), as the case may be, of this Regulation, such compliance shall be deemed to constitute the payment of royalties on those records in accordance with paragraph (d) of subsection (1) of section 13 of the Act.

(6)

(a) The label aforesaid shall be a square adhesive paper label the side of which shall not exceed three-quarters of an inch in length and the design shall be entirely enclosed within a circle.

(b) The label aforesaid shall not bear the representation of any person, word, mark or design that is likely to suggest that it is issued by or under the authority of the State or that the royalty on the record to which it relates is a duty payable to the State.

5. — The ordinary retail selling price of a record of any kind shall, for the purposes of these Regulations, be the marked or catalogued selling price to the public of single records of that kind, or if there is no such marked or catalogued selling price, the highest price at which single records of that kind are ordinarily to be sold to the public.

6. —

(1) The enquiries in relation to a record for the purposes of subsection (7) of section 13 of the Act shall consist of a notice which shall:

(a) in case the name and address of the owner of the copyright in the work of which, or of an adaptation of which, the record is made is known or can be ascertained by reasonable enquiry, be sent by registered post to such owner, and



- (b) in any other case, be published in the *Journal* issued by the Controller pursuant to section 10 of the Industrial and Commercial Property (Protection) Act, 1927, and shall contain:
- (i) the name of the work in respect of which the enquiries are being made, a description sufficient to identify it and the name of the author or publisher of the work;
  - (ii) the name and address of the person making the enquiries;
  - (iii) a statement that a record of the work or an adaptation of it has previously been made in or imported into the State for the purposes of retail sale, the trade name (if known) of the record and a description of the record sufficient to identify it;
  - (iv) a request to the owner of the copyright in the work to state if the record described was made in or imported into the State by or with the licence of such owner.
- (2) The prescribed period for the purposes of the said subsection (7) for replying to the notice referred to in paragraph (1) of this Regulation shall be:
- (a) in case the notice is sent by registered post to the owner aforesaid, seven days from the day on which the notice would be received by such owner in the ordinary course of post, and
  - (b) in case the notice is published in the *Journal* referred to in the said paragraph (1), seven days from the day on which it is so published.

#### EXPLANATORY NOTE

*(This Note is not part of the instrument and does not purport to be a legal interpretation)*

These regulations prescribe certain matters relating to the circumstances specified in the Copyright Act, 1963, in which record manufacturers may make records of musical works without infringing the copyright in the works. They replace part of the Copyright Regulations, 1927.