



STATUTORY INSTRUMENTS

S.I. No. 440 of 2009

COPYRIGHT AND RELATED RIGHTS ACT 2000 (NOTICE OF
SEIZURE) REGULATIONS 2009

(Prn. A9/1542)

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I, CONOR LENIHAN, Minister of State at the Department of Enterprise, Trade and Employment, in exercise of the powers conferred on me by sections 7, 133(9), 257(9) and 338 of the Copyright and Related Rights Act 2000 (No. 28 of 2000) and the Enterprise, Trade and Employment (Delegation of Ministerial Functions) Order 2009 (S.I. No. 250 of 2009), hereby make the following regulations:

1. These Regulations may be cited as the Copyright and Related Rights Act 2000 (Notice of Seizure) Regulations 2009.

2. The form set out in the Schedule is the form prescribed for the purposes of subsections (8) and (9) of section 133 and subsections (8) and (9) of section 257 of the Copyright and Related Rights Act 2000 (No. 28 of 2000).

SCHEDULE

NOTICE OF SEIZURE

(SECTIONS 133 AND 257 OF THE COPYRIGHT AND RELATED RIGHTS ACT 2000

(No. 28 of 2000))

To whom it may concern

1. I _____ of _____

[name and address of the person claiming to be the owner of the copyright in the work concerned or name and address of the person claiming to be the owner of the rights in the recording of a performance concerned] in accordance with section 133/section 257* of the Copyright and Related Rights Act 2000 hereby give notice to the owner/occupier/person in charge**

*Delete whichever is inappropriate.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 10th November, 2009.

[name and address of the place from where the copies, recordings, articles or protection-defeating devices are seized] of the seizure of the following copies/recordings/articles/protection-defeating devices*

[Separate sheet/s may be attached]

on the grounds that _____

[state the grounds that the person seizing the copies, recordings, articles or protection-defeating devices has for such seizure]

2. Notice of the time and place of this seizure has been given to a member of the Garda Síochána in the District Court Area of

[the District Court Area shall be that in which the copies, recordings, articles or protection-defeating devices are to be seized]

3. The owner of the copies, articles or protection-defeating devices seized pursuant to section 133 of the Copyright and Related Rights Act 2000, has the right to apply to the District Court for their return pursuant to section 133(10) of that

*Delete whichever is inappropriate.

Act on the grounds that they are not (a) infringing copies of a work, (b) articles that have been or are to be used to make infringing copies, or (c) protection-defeating devices.

[Delete paragraph 3 if seizure is pursuant to section 257]

4. The owner of the recordings, articles or protection-defeating devices seized pursuant to section 257 of the Copyright and Related Rights Act 2000, has the right to apply to the District Court for their return pursuant to section 257(10) of that Act on the grounds that they are not (a) illicit recordings of a performance, (b) articles that have been or are to be used to make illicit recordings, or (c) protection-defeating devices.

[Delete paragraph 4 if seizure is pursuant to section 133]

Signature: _____

Date: _____

GIVEN under my hand,
5 November 2009.

CONOR LENIHAN,
Minister of State at the Department of Enterprise, Trade
and Employment.

EXPLANATORY NOTE

[This Note is not a part of the Instrument, and does not purport to be a legal interpretation]

These Regulations prescribe the form of the notice, to be given at the time of seizure, to the owner, occupier or person in charge of the place where infringing copies, illicit recordings, protection-defeating devices or articles associated with making infringing copies or illicit recordings, as the case may be, are seized under Section 133 or Section 257 of the Copyright and Related Rights Act 2000.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

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