

S.I. No. 427 of 2000.

Copyright and Related Rights (Librarians and Archivists) (Copying of Protected Material) Regulations, 2000

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I, Tom Kitt, Minister of State at the Department of Enterprise, Trade and Employment, in exercise of the powers conferred on me by sections 59 and 227 of the Copyright and Related Rights Act, 2000 (No. 28 of 2000), and the Enterprise, Trade and Employment (Delegation of Ministerial Functions) (No.2) Order, 1997 (S.I. No. 330 of 1997), hereby make the following Regulations:

1. (1) These Regulations may be cited as the Copyright and Related Rights (Librarians and Archivists) (Copying of Protected Material) Regulations, 2000.

(2) These Regulations shall come into operation on the 1st day of January, 2001, other than Regulation 4 (a) and Regulation 6 (a).

(3) Regulation 4 (a) and Regulation 6(a) shall come into operation on the 1st day of April, 2001.

2. In these Regulations:

“the Act” means the Copyright and Related Rights Act, 2000 (No. 28 of 2000) ;

“the archivist” means the archivist of a prescribed archive;

“the librarian” means the librarian of a prescribed library;

“prescribed archive” means an archive within the meaning set out in Regulation 3;

“prescribed library” means a library within the meaning set out in Regulation 3.

3. (1) The descriptions of libraries and archives specified in Part A of Schedule 1 to these Regulations that are not conducted for profit are prescribed for the purposes of sections 61, 62, 66 and 67 in Part II of the Act and for the purposes of sections 229, 233 and 234 in Part III of the Act.

(2) All libraries and archives in Ireland are prescribed for the purposes of sections 64 and 65 in Part II of the Act, and for the purposes of sections 231 and 232 in Part III of the Act, as libraries and archives the librarians and archivists of which may make and

supply copies of any material to which those sections relate to a prescribed library or archive.

(3) Any library or archive of a description specified in Schedule 1 to these Regulations which is not conducted for profit is prescribed for the purposes of sections 64 and 65 in Part II of the Act, and for the purposes of sections 231 and 232 in Part III of the Act, as a library or archive for which copies of any material to which those sections relate may be made and supplied by the librarian or archivist of a prescribed library or prescribed archive.

(4) In this Regulation “conducted for profit”, in relation to a library or archive, means a library or archive which is established or conducted for profit or which forms part of, or is administered by, a body established or conducted for profit.

4. No copy of any material may be supplied by a librarian or archivist of a prescribed library or prescribed archive under the provisions of sections 61, 62 or 229 of the Act unless the following conditions are met:

(a) the person requesting the material shall supply the librarian or archivist with a declaration in writing in relation to the material concerned, substantially in accordance with Form A in Schedule 2 to these Regulations and signed in the manner therein indicated, and

(b) that such person is required to pay for the copy a sum not less than the cost (including contribution to the general expenses of the library) of its production.

5. For the purposes of sections 64, 65, 231 and 232 of the Act the following conditions shall be complied with when the librarian or archivist of a prescribed library or archive makes and supplies material under the provisions of these sections:

(a) the prescribed library or prescribed archive receiving copies of material under these sections is not furnished with more than one copy of the said material; and

(b) the prescribed library or prescribed archive receiving copies of material under these sections shall be required to pay for the copy a sum not less than the cost (including a contribution to the general expenses of the library) of its production.

6. For the purposes of sections 67 and 234 of the Act the following conditions shall be complied with when the librarian or archivist of a prescribed library or prescribed archive makes and supplies copies of material under the provisions of these sections:

(a) the person requesting the material shall supply the librarian or archivist with a declaration in writing, in relation to the material concerned, substantially in accordance with Form B in Schedule 2 to these Regulations and signed in the manner therein indicated, and

(b) the person requesting the material is required to pay for the copy a sum not less than the cost (including a contribution to the general expenses of the library or archive) of its production.

SCHEDULE 1

Regulation 3

PART A

Regulation 3(1) and (2)

- 1.** Any library or archive administered by, or under the management or control of a library authority within the meaning of section 32 of the Local Government Act, 1994 , or by a local authority within the meaning of the Local Government Act, 1941 , or by a Health Board.
- 2.** Any library or archive of any educational establishment within the meaning of section 2 (1) of the Act, or prescribed by the Minister as an educational establishment under the provisions of section 55 of the Act.
- 3.** The Library of the Houses of the Oireachtas.
- 4.** The National Library of Ireland.
- 5.** The Library of the Royal Irish Academy.
- 6.** The Public Record Office of Ireland.
- 7.** The National Archive.
- 8.** The Law Library, Four Courts, Dublin 7.
- 9.** Any library or archive administered as part of a government department, an office of State, or other office or agency operating within the aegis of a Minister of the Government.
- 10.** Any other library or archive in the State which is conducted for the purpose of facilitating or encouraging the study of administration, bibliography, education, fine arts, history, languages, law, literature, management, medicine, music, philosophy, religion, science (including natural and social science) or technology, or administered by any establishment or organisation which is conducted wholly or mainly for such a purpose.

PART B

Regulation 3(3)

Any library or archive located outside the State which is conducted for the purpose of facilitating or encouraging the study of administration, bibliography, education, fine arts, history, languages, law, literature, management, medicine, music, philosophy, religion, science (including natural and social science) or technology, or administered by any establishment or organisation which is conducted wholly or mainly for such a purpose.

SCHEDULE 2

Regulation 4

FORM A

DECLARATION

COPYING OF PROTECTED MATERIAL BY LIBRARIANS AND ARCHIVISTS FOR THE PURPOSE OF RESEARCH AND PRIVATE STUDY

To:

The * Librarian/Archivist ofLibrary/Archive [Address of
Library/Archive]

Please supply me with a copy of [description of material]

required by me for the purposes of research or private study.

2. I declare that —

- (a) I have not previously been supplied with a copy of the same material by you or any other librarian or archivist; or
- (b) I have previously been supplied with a copy of the same material by you or another librarian or archivist but that copy has since been * lost, stolen, discarded or destroyed or a period of time of some has passed:
- (c) I will not use the copy except for research or private study and will not supply a copy of it to any other person; and
- (d) To the best of my knowledge no more than 2 other persons with whom I work or study has made or intends to make, at or about the same time as this request, a request for substantially the same purpose.

3. I understand that if the declaration is false in a material particular the copy supplied to me by you will be an infringing copy and that I shall be liable for infringement of copyright as if I had made the copy myself.

** Signature.....

Date.....

Name.....

Address.....

FORM B

Regulation 6

DECLARATION

COPYING BY LIBRARIANS AND ARCHIVISTS OF CERTAIN MATERIALS
WHICH HAVE NOT BEEN LAWFULLY MADE AVAILABLE TO THE PUBLIC

To:

The * Librarian/Archivist of * Library/Archive [Address of
Library/Archive]

Please supply me with a copy of [description of material]:

required by me for the purposes of research or private study.

2. I declare that —

- (a) I have not previously been supplied with a copy of the same material by you or any other librarian or archivist;
- (b) I will not use the copy except for research or private study and will not supply a copy of it to any other person; and
- (c) To the best of my knowledge the work had not previously been made available to the public before the document was deposited in your * library/archive and the copyright owner has not prohibited copying of the work.

3. I understand that if the declaration is false in a material particular the copy supplied to me by you will be an infringing copy and that I shall be liable for infringement of copyright as if I had made the copy myself.

** Signature.....

Date

Name

Address

GIVEN under my Hand this 15th day of December, 2000

Tom Kitt

Minister of State at the Department of Enterprise, Trade and Employment

EXPLANATORY NOTE

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

These Regulations prescribe libraries and archives for the purposes of certain exceptions relating to the copying of protected materials, as required by the relevant sections of the Copyright and Related Rights Act, 2000 , and prescribes the conditions that must be met where certain exceptions of this nature are availed of.

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* Delete whichever is inappropriate.

* Delete whichever is inappropriate.

** This shall be personal signature of the person making the request. A stamped or typewritten signature, or the signature of an agent, is NOT acceptable.

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