

Industrial and Commercial Property (Protection) (Amendment) Act, 1958

Number 21 of 1958. -

INDUSTRIAL AND COMMERCIAL PROPERTY (PROTECTION) (AMENDMENT) ACT, 1958.

ARRANGEMENT OF SECTIONS

Section

1. Principal Act.
 2. Amendment of section 154 of the Principal Act.
 3. Amendment of section 155 of the Principal Act.
 4. Rules of court for the purposes of the Principal Act.
 5. Short title, construction, collective citation and commencement.
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Acts Referred to

Industrial and Commercial Property (Protection) Act, 1927

1927, No. 16

Number 21 of 1958. -

INDUSTRIAL AND COMMERCIAL PROPERTY (PROTECTION) (AMENDMENT) ACT, 1958.

AN ACT TO AMEND THE INDUSTRIAL AND COMMERCIAL
PROPERTY (PROTECTION) ACTS, 1927 TO 1957. [23rd July, 1958.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:□

Principal Act.

1.□In this Act □*the Principal Act*□ means the Industrial and Commercial Property (Protection) Act, 1927 .

Amendment of
section 154 of the
Principal Act.

2.□(1) Section 154 of the Principal Act as amended by section 8 of the Industrial and Commercial Property (Protection) (Amendment) Act, 1957 (No. 13 of 1957), is hereby further amended□

(i) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

□(a) to produce, reproduce, perform or publish any translation of the work;□;

and

(ii) by the deletion of subsection (2A) and subsection (2B).

(2) Where, before the commencement of this Act, the sole right to produce, reproduce, perform or publish any translation of a work into the Irish language ceased to exist by virtue of the operation of subsection (2) of section 154 of the Principal Act, that sole right shall, as from such commencement again subsist as part of the copyright in that work for the remainder of the term for which such copyright subsists under Part VI of the Principal Act as amended by subsequent enactments including this Act.

(3) (a) Subject to paragraph (b) of this subsection, where the sole right to produce, reproduce, perform or publish any translation of a work into the Irish language had, by virtue of the operation of subsection (2) of section 154 of the Principal Act, ceased to exist before the commencement of this Act and the work was, before such commencement, translated into the Irish language, then, whether or not there has been publication of the translation before such commencement, publication thereof after such commencement shall not constitute an infringement of copyright in the work.

(b) Paragraph (a) of this subsection shall not apply where the first publication of the translation occurs after the expiration of three years from the commencement of this Act.

(c) In this subsection □*publication*□ has the same meaning as in Part VI of the Principal Act.

Amendment of section 155 of the Principal Act.

3. □Section 155 of the Principal Act is hereby amended□

(a) by the addition to paragraph (i) of subsection (1) of the following:

□provided that, in the case of a criticism, review or newspaper summary, if any quotation from the work is made, the source of the quotation is acknowledged and the name of the author of the work, if it appears thereon, is given;□;

(b) by the addition to paragraph (iv) of subsection (1) of the following:

□and that the name of the author of any work from which such passages are taken, if it appears thereon, is given;□.

Rules of court for the purposes of the Principal Act.

4. □Notwithstanding the definition of □*prescribed*□ contained in section 3 of the Principal Act□

(a) □*prescribed*□ in subsection (4) of section 85 (in so far as that word relates to an appeal to the court), in subsection (6) and subsection (7) of section 91 and in section 129 of that Act shall mean prescribed by rules of court, and

(b) section 153 of that Act shall not be construed as enabling the Minister to make rules in relation to any matter appropriate to be provided for by rules of court.

Short title,
construction,
collective citation
and
commencement.

5. (1) This Act may be cited as the Industrial and Commercial Property (Protection) (Amendment) Act, 1958.

(2) The Industrial and Commercial Property (Protection) Acts, 1927 to 1957, and this Act shall be construed together as one and may be cited together as the Industrial and Commercial Property (Protection) Acts, 1927 to 1958.

(3) This Act shall come into operation on such day as the Minister appoints by order.