



STATUTORY INSTRUMENTS

S.I. No. 306 of 2008

COPYRIGHT AND RELATED RIGHTS (REGISTER OF LICENSING
BODIES FOR PERFORMERS' PROPERTY RIGHTS) REGULATIONS
2008

(Prn. A8/1179)

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I, MARY COUGHLAN, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by sections 7 and 280(1), (3), (4), (5) and (7) of the Copyright and Related Rights Act 2000 (No. 28 of 2000) and in so far as these regulations relate to fees with the consent of the Minister for Finance, hereby make the following regulations:

1. These Regulations may be cited as the Copyright and Related Rights (Register of Licensing Bodies for Performers' Property Rights) Regulations 2008.

2. In these Regulations—

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

“licensing body” has the meaning assigned to it by section 265 of the Act;

“Register” means the Register of Licensing Bodies for Performers' Property Rights referred to in section 280(1) of the Act;

“ring-binder” means a loose-leaf binder with ring-shaped clasps that can be opened to pass through holes in the documents to be contained therein;

“the Office” means the place designated by the Minister for Enterprise, Trade and Employment to be the place at which the Controller of Patents Designs and Trademarks shall perform his or her principal functions.

3. (1) The Register shall be established and maintained in the form of a series of ring-binders associated with each other by means of an index.

(2) An entry in the Register shall consist of—

(a) a copy of the certificate of registration issued to the registered licensing body concerned in accordance with section 280(7) of the Act, and

(b) the documents containing the information specified in the Schedule.

(3) Each entry in the Register shall be held in a ring-binder (or, where the extent of the entry so requires, in a series of ring-binders).

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 5th August, 2008.*

(4) The Register shall contain up to date information and the Controller may remove from time to time material that is of historical value or is surplus to requirements.

4. (1) The place at which the Register is kept shall be the Office.

(2) The times at which the Register shall be available for inspection at the Office by a member of the public shall be those during which the Office is open to the public.

(3) The fee for such inspection shall be of the amount of €5.

5. The fee for the supply of a reprographic copy of an entry in the Register, or part of such an entry, shall be—

(a) if it is not certified by the Controller to be a true copy of the original, of the amount of 30 cent for each page that has to be copied for that purpose, and

(b) if it is so certified to be a true copy of the original, an amount equal to the total of an amount of 30 cent for each page that has to be copied for that purpose and an amount of €10.

6. (1) An application to the Controller for registration shall be made in writing and shall be accompanied by documents containing the particulars specified in the Schedule.

(2) An application for registration and the several particulars specified in the Schedule and supplied in accordance with paragraph (1) shall each be set out in separate documents and shall be in printed or typed form or in the form of reprographic copies capable of reproduction by reprographic means.

(3) The fee to accompany an application for registration shall be of the amount of €50.

7. (1) An application to the Controller for renewal of a registration in accordance with section 283 of the Act shall be made in writing.

(2) Regulation 6 shall apply to any such application as if it were a first application for registration.

(3) The fee to accompany such an application shall be of the amount of €50.

8. (1) An application to the Controller for revision of information placed on the Register shall be made in writing.

(2) Such an application shall be accompanied by the information proposed to constitute the revised information and that information—

(a) if it falls only within one paragraph of the Schedule shall be set out in a separate document, and

(b) if it falls within 2 or more of the paragraphs of the Schedule shall be set out in 2 or more documents as the case may require, separate documents being used for the different paragraphs of the Schedule into which different information falls.

(3) The fee to accompany such an application shall be of the amount of €20.

9. The placing of documents specified in the Schedule on a ring-binder in accordance with these Regulations shall be deemed to constitute an act of registration for the purposes of these Regulations.

Particulars to be supplied by a body applying for registration as a licensing body for performers' property rights

1. The name of the applicant.
2. The address of the applicant (or, if the applicant is a company within the meaning of the Companies Acts, the address of its registered office).
3. The names of the Chairperson and other members of the board or officers, or names of the partners as the case may be, of the applicant.
4. A copy of the memorandum and articles of association, or partnership agreement as the case may be, of the applicant, where applicable.
5. Details of the nature and, where appropriate, titles of the licensing schemes managed, or to be managed, by the applicant.
6. Details of the scales of charges or proposed charges to be levied by the applicant.
7. The classes of rights holders represented or proposed to be represented by the applicant.



GIVEN under my Official Seal,
22 July 2008

MARY COUGHLAN,
Minister for Enterprise, Trade and Employment.

The Minister for Finance hereby consents to the prescribing of the foregoing fees.



GIVEN under my Official Seal,
15 July 2008

BRIAN LENIHAN,
Minister for Finance.

EXPLANATORY NOTE

(This Note is not part of the Instrument and is not a legal interpretation)

These Regulations prescribe certain matters concerning the form and manner of the Register of Licensing Bodies for performers' property rights, to be established under the provisions of Part III Chapter 8 of the Copyright and Related Rights Act 2000, as provided for by section 280 of that Act.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
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