

S.I. No. 463 of 2002

**Copyright and Related Rights (Register of Copyright Licensing Bodies)
Regulations, 2002**

I, MARY HARNEY, Minister for Enterprise, Trade and Employment, in exercise of the power conferred on me by section 175(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 Copyright Licensing Bodies) Regulations 2002.

2. (1) In these Regulations —

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

“the Register” means the Register of Copyright Licensing Bodies as provided for in section 175(1) of the Act of 2000;

“the Controller” means the Controller of Patents, Designs and Trade Marks;

“the Office” means the place designated by the Minister for Enterprise, Trade and Employment for the purposes of section 97 of the Patents Act 1992 (No. 1 of 1992);

“licensing body” means a body within the meaning specified in section 38 or section 149 of the Act of 2000;

“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.

(2) In these Regulations —

(a) a reference to a Regulation is to a Regulation of these Regulations, unless it appears that reference to some other provision is intended;

(b) a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs, unless it appears that reference to some other provision is intended.

3. (1) The Controller shall establish and maintain a Register of Copyright Licensing Bodies 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 175(8) of the Act of 2000, and
- (b) the documents containing information specified in the Schedule to these Regulations, and supplied to the Controller in accordance with Regulation 6.

(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).

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

4. The Register shall be kept at the Office and shall, on payment of a fee of €5, be open to inspection to a member of the public during the hours that the Office is open to the public.

5. (a) The Controller shall, on receipt of a request and on payment of a fee of €0.30 per page to be copied, supply an uncertified reprographic copy of any entry in the Register, or of any part of such an entry.

(b) The Controller shall, on receipt of a request and on payment of a fee of €10 in addition to a fee of €0.30 per page to be copied, supply a reprographic copy of any entry in the Register, or any part of such an entry, certified by the Controller to be a true copy of the original.

6. (1) An application for registration shall be made to the Controller in writing and shall be accompanied by documents containing the particulars specified from (a) to (g) in the case of all applicants and (a) to (h) in the case of applicants within the meaning of section 38 of the Act of 2000 in the Schedule to these Regulations.

(2) An application for registration and the particulars supplied in accordance with paragraph (1) from (a) to (g) in the case of all applicants and (a) to (h) in the case of applicants within the meaning of section 38 of the Act of 2000 shall 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) An application for registration shall be accompanied by a fee of €50 in respect of each application.

7. (1) An application for renewal of a registration shall be made in writing to the Controller at intervals not greater than 12 months, in accordance with section 178 of the Act of 2000.

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

(3) An application for renewal of a registration shall be accompanied by a fee of €50 in respect of each application for renewal.

8. (1) An application for revision of information placed on the Register may be made in writing to the Controller from time to time in accordance with section 175(6) of the Act of 2000.

(2) An application for revision of information placed on the Register shall be accompanied by the revised information which shall be set out in a separate document or documents, and designated (a) to (h) as the case may be.

(3) The Controller shall replace the relevant document on the Register with the document containing the revised information.

(4) An application for revision of information shall be accompanied by a fee of €20 in respect of each application.

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

SCHEDULE

Regulation 6

Particulars to be supplied by a body applying for registration as copyright licensing body.

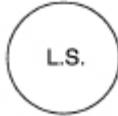
In the case of all applicants -

- (a) the name of the applicant;
- (b) the address of the applicant (or registered address where this is required by statute);
- (c) the names of the chairperson and other members of the board or officers, or names of partners as the case may be, of the applicant;
- (d) a copy of the memorandum and articles of association, or partnership agreement as the case may be, of the applicant, where applicable;
- (e) details of the nature and, where appropriate, titles of the licensing schemes managed, or to be managed, by the applicant;
- (f) details of the scales of charges or proposed charges to be levied by the applicant;

- (g) the class or classes of rightsowners represented or proposed to be represented by the applicant, and

In the case of applicants within the meaning of section 38 of the Act of 2000 only -

- (h) the name or names of the rightsholder or rightsholders in respect of whom the licensing body concerned claims entitlement to receive payments under section 38 of the Act of 2000.



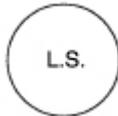
GIVEN under my Official Seal

This 20th day of September, 2002

MARY HARNEY

Minister for Enterprise, Trade and Employment

The Minister for Finance has sanctioned the fees prescribed in these Regulations.



GIVEN under my Official Seal

This 20th day of September, 2002

CHARLIE McCREEVY

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 Copyright Licensing Bodies to be established under the provisions of Chapter 17 of the Copyright and Related Rights Act, 2000, as provided for by section 175(1) of that Act.

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