

IRELAND – REPORT TO EXECUTIVE COMMITTEE OF ALAI March 2008

PUBLIC LENDING RIGHT

The Copyright & Related Rights (Amendment) Act 2007 was signed into law on December 4th 2007. This Act confers authors with the exclusive right to allow the lending of their works in public libraries and regularises the situation in relation to Ireland's implementation of the Lending & Rental Directive of 1992. Now that it has gone through there will be a period of lobbying with the Department of the Environment & Local Government on the regulations which will actually form the scheme. ICLA is lobbying either to be the distribution body for the Irish scheme or to have a seat on the advisory panel to the Library Council, who intend to administer the scheme. Approximately €1.1 million euro will be made available for the scheme from central funding which is to cover both payments to authors and costs of administering the scheme. A separate amount of €600,000 will be made available to the Library Council to facilitate setting up an office to manage the scheme. It is unlikely that authors will see payments before 2010.

Unregistered Community Design

On 21 December 2007, Karen Millen, Mosaic Fashions won a case in the Irish High Court against Dunnes Stores, an Irish high street retailer, in relation to the unregistered community design. The action centred on two Karen Millen shirts and one sweater that went on sale in December 2005 and which Mosaic felt that Dunnes Stores had copied after similar items appeared on their shelves in 2006. It had been agreed that the judge should rule on the Millen case before hearing similar actions taken by Coast Ltd and Whistles Ltd, also owned by Mosaic. It was the first case of its kind to be heard in Ireland under the EU regulation protecting new and individual designs. The decision is being appealed to Ireland's Supreme Court which is likely to be heard in approximately 24 months.

<http://www.smallclaimsonline.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/262b06223e667f02802573da005d20a0?OpenDocument>

Ms Justice Finlay Geoghegan's Judgment