

Country Report : IRELAND
ALAI Executive Committee, Paris, 10th March 2007

There have been three recent developments in Irish legislation since the Committee last met in June 2006.

1. On the 13th June 2006, the directive on Resale Right (Droit de Suite) was implemented by Statutory Instrument. This was in response to a case taken by a prominent Irish artist, Robert Ballagh, against the State for damages pursuant to non-implementation of the directive by the January 1st deadline. The SI only chose one option which was the derogation for estates. The threshold is €3,000 and the percentage for the lower band is at 4%. There is no compulsory collective management which is making it difficult for artists to collect their dds payments. There is still a considerable degree of resistance to the Droit de Suite amongst Art Market Professionals in Ireland and this was not helped by the introduction of the SI on the date of one of the biggest art sales in the calendar.

<http://www.entemp.ie/science/ipr/si312.doc>

2. On 11th January 2007 the ECJ found against Ireland for non-implementation of the Rental & Lending Directive (92/100/EEC). The Government will wish to avoid the penalty of daily fines and the Dept of Enterprise, Trade & Employment are proposing enabling legislation which will allow for the introduction of a PLR scheme by the Dept of the Environment (who have responsibility for public libraries).

<http://www.curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurftp=jurftp&alldocrec=alldocrec&docj=docj&docol=docol&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoj=docnoj&docnoor=docnoor&typeord=ALLTYP&allcommjo=allcommjo&affint=affint&affclose=affclose&numaff=&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=Ireland&domaine=&mots=&resmax=100&Submit=Submit>

3. Directive 2004/48/EC for the enforcement of intellectual property right was transposed by Statutory Instrument on 5th July 2006.

<http://www.entemp.ie/publications/sis/2006/si360.pdf>