

Creative Commons Irish Draft Version 3.0
Explanation of Substantive Legal Changes
Attribution – Non-Commercial – Share Alike 3.0

Note:

The **Copyright and Related Rights Act 2000** is available at www.bailii.org/ie/legis/num_act/2000/0028.html

See also:

- [Copyright and Related Rights \(Amendment\) Act 2004](#)
- [Copyright and Related Rights \(Amendment\) Act 2007](#)

Other Legislation is available at

www.patentsoffice.ie/en/copyright_legislation.aspx

“DISTRIBUTION OF THIS LICENCE DOES NOT CREATE A SOLICITOR-CLIENT RELATIONSHIP.”

Under Irish law, there is no “attorney” and solicitor is the appropriate equivalent.

“THE WORK IS PROTECTED BY COPYRIGHT, RELATED RIGHTS, DATABASE SUI GENERIS RIGHT, AND/OR OTHER APPLICABLE LAW.”

Related rights such as performer’s rights are dealt with in the Copyright and Related Rights Act 2000.

The database sui generis right is also covered in the 2000 Act.

‘The Licensor’ (one or more **natural or legal persons** offering the Work under the terms and conditions of this Licence)

“Natural or legal persons” under Irish law includes individuals or entities.

1 (e) “Performance”: This definition comes from s.202 of the Copyright and Related Rights Act 2000.

1 (f) “Work” means the work protected by copyright which is offered under the terms of this Licence. For the purposes of this Licence a Work shall also be taken to mean a live performance or a database insofar as these are protected under the applicable law within Your jurisdiction.

Performer’s rights and the database sui generis right are dealt with in the Copyright and Related Rights Act 2000.

2. Fair Dealing Rights

For acts permitted in respect of copyright works (including fair dealing rights), see ss.49-106 of the Copyright and Related Rights Act 2000. Regarding performances, see ss.220-254.

3. License Grant

...for the duration of copyright, related right and/or database sui generis right ...

This clarifies that the duration applies to copyright, related rights or database right.

4(a) You may distribute or perform the Work

The reference to “publicly perform” has been replaced by a reference to “perform”

[The same applies to other references to “perform” in the License.]

4(g)

Moral rights remain unaffected to the extent they are recognised and not waivable by applicable law.

Moral rights are covered by ss.107-119 and ss.309-319 of the Copyright and Related Rights Act 2000. In general, this license does not affect moral rights, and original authors may still retain moral rights regarding the Work.

Moral rights may be waived under Irish law, and therefore certain aspects of the Irish licence may constitute a partial waiver of moral rights, e.g. allowing Derivative Works. Clause 4(f) will apply if the License is being interpreted in a jurisdiction which does not allow any waiver of moral rights.

6 Reservation of Rights

[Drafting Note: In the licenses which permit commercial use, we will include the following clause as a modification of clause 6:

For the avoidance of doubt, the Licensor waives the right to collect royalties, whether individually or, in the event that the Licensor is a member of a collecting society that administers voluntary licensing schemes, via that society, from any exercise by You of the rights granted under this License.]

Due to the licensing system in Ireland, this wording is appropriate for the collecting society language in the commercial licenses.

9 Termination

Natural or legal persons who have received Derivative Works or Collective Works from You under this Licence

Natural or legal persons covers individuals or entities

10.3. Except as otherwise agreed, this Licence shall be governed by the law of Ireland

Clarifies that the license is governed by Irish law unless otherwise agreed.