



Circular 0071/2019

To Boards of Management and Principal Teachers, Teaching Staff of Primary Schools, Post-Primary Schools, Community and Comprehensive Schools, Special Schools, CEOs of ETBs and Management of Further and Higher Education Establishments

Educational licences for the use of Copyright works

This circular is applicable to all educational establishments which avail of the Primary and Post-Primary Educational Licence, the Higher Educational Licence or the Educational Licence that permits photocopying, scanning, digital copying and posting to the Licensee's intranet of extracts from certain print and digital publications.

Changes to Copyright legislation and future changes to copyright licences

The Copyright and Other Intellectual Property Law Provision Act 2019 was signed into law on 26th June 2019. Its purpose is to update and modernise copyright and legislation for the digital age. This includes the creation of a range of expanded and new copyright exceptions for the purposes of education, teaching and scientific research.

The Department of Business, Enterprise and Innovation wishes to inform the Boards of Management and Principal Teachers, Teaching Staff of Primary Schools, Post-Primary Schools, Community and Comprehensive Schools, Special Schools, CEOs of ETBs and the Management of Further and Higher Education Establishments that the existing licensing scheme that allow for reprographic copying by educational establishments under Section 57 of the Copyright and Related Rights Act 2000 (CRRA) will continue to operate as normal and will not, for now, be affected by the new provisions contained in the Copyright and Other Intellectual Property Law Provision Act 2019.

Section 15 of the Copyright and Other Intellectual Property Law Provision Act 2019 amends Section 57 of the CRRA by expanding the existing exception to copyright for the purpose of "illustration for education, teaching or scientific research", as well as creating new exceptions to copyright to allow for distance education, and the use by educational establishments of works available through the internet.

These new provisions allow for the creation of a new licensing scheme for copyright in education, which is currently being developed by the Irish Copyright Licensing Agency (ICLA). The new scheme is subject to the approval of, and subsequent certification by, the Minister for Business, Enterprise and Innovation.

Continue to use existing ICLA Licences for Education purposes for academic year 2019-20

Pending the introduction of a new licensing scheme, the existing scheme, which is operated by ICLA, will continue to operate as normal and at the current rate. However, it is likely that any new scheme may result in an increase to the current rates.

The existing licensing obligations on educational establishments are as provided for under sections 57 and 173 of the Copyright and Related Rights Act 2000 and S.I. No. 514/2002 - Copyright and Related Rights (Certification of Licensing Scheme For Reprographic Copying by Educational Establishments) (The Irish Copyright Licensing Agency Limited) Order 2002. These require all primary, post-primary schools and further and higher education establishments to use and pay for educational licences (provided by the Irish Copyright Licensing Agency) which allow them to make copies of copyright protected material for various uses in the provision of education.

The existing licensing obligations remain in force until any new licensing scheme is developed, and subsequently certified by the Minister for Business, Enterprise and Innovation, to replace the existing scheme.

Expected entry into force of the new copyright exceptions for education

When the new licensing scheme has been put in place, a further circular will issue to all educational establishments, informing them about the scheme and the date on which it will come into force. However, it is understood that the intention is that this will align with the academic year cycle for educational establishments, as far as possible.

Any enquiries in relation to the information in this circular can be directed to:

<p>Irish Copyright Licensing Agency CLG 63 Patrick Street Dún Laoghaire Co. Dublin A96 WF25</p> <p>info@icla.ie</p> <p>+353 1 662 4211</p> <p>https://www.icla.ie/</p>	<p>Intellectual Property Unit Dept of Business, Enterprise & Innovation 23 Kildare Street Dublin 2 D02 TD30</p> <p>copyright@dbei.gov.ie</p> <p>https://dbei.gov.ie/en/What-We-Do/Innovation-Research-Development/Intellectual-Property/Copyright/</p>
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