

Copyright Information

Copyright

This information is intended as a guideline only and does not purport to be a complete statement of the law. Further information can be obtained from the [Irish Copyright Agency](#). See text below for information under the following headings

- How to get copyright
- What is copyright
- Reproducing copyrighted material
- Teaching Materials
- Contacting Rights holders
- Further Information

How to get copyright

Copyright automatically belongs to an author. The author is not obliged to do anything in order to protect their work - as soon as you put pen to paper copyright of the work belongs to you. If you wish you may use the © symbol followed by your name and the date, but this simply reminds the user that the material is copyrighted. If you wish to take steps to actively protect your work from infringement of copyright, you may do one of two things:

Put your work into an envelope and post it to yourself. When you receive the work back through the post do not open the envelope, but keep it as your original. The postmark on the sealed envelope is your evidence of the date from which you have had the material.

An alternative way to prove authorship on a certain date is to register the work with the Copyright Bank.

What is copyright?

Copyright is essentially a property right. In order to benefit of its protection the material must be in 'tangible form'. Every original literary, dramatic or music work automatically has copyright, with the following conditions:

- An author's copyright lasts for the duration of his/her lifetime and 70 years thereafter
- A publisher owns the copyright in the typography of editions of a work for a period of 25 years from the year of publication
- Where a work is made in the course of employment, the copyright in the work belongs to the employer unless there is an agreement to the contrary
- Newspaper proprietors own the copyright in what is published in newspapers
- Copyright can be assigned to another person by an agreement in writing
- On the death of a rights holder, the copyright in his/her works forms part of his/her estate

Reproducing copyrighted material

Reproduction of a copyright work without the permission of the rights holder is an infringement of copyright. However, a "fair dealing" in the case of reproduction for the purposes of research or private study is not an infringement. By "fair dealing" what is usually meant is 5% in the case of magazines and periodicals and 10% in the case of books.

If you want to reproduce a copyright work and the reproduction would not be a "fair dealing" (i.e. if it is not research or private study or does not come within the other exceptions in the Copyright Act) then the permission of the rights holder must be obtained. Annual permissions to photocopy limited numbers and limited extracts from copyright works (books and periodicals) are available from the publisher of the work or from Irish Copyright Licensing Agency for a small fee in the form of licences. Contacting Rightsholders Publishers will probably appear in the telephone book, the Writers and Artists Yearbook or the Irish Writers Guide. Alternatively, you could try contacting CAI (see below). Living authors can be contacted care of their publisher or the Irish Writers Union. Copyright queries dealing with works of deceased authors should be addressed to "the estate of", author's name, c/o the publisher.

Teaching Materials

Sections 53 to 58 of the 2000 Act specifically refer to exemptions in the context of educational purposes. Amongst the major exemptions that might apply to photocopying works for teaching are the following:

- Instructions: giving or preparing for instruction where the use is by or on behalf of the person giving or receiving the instruction and with sufficient acknowledgement. There is no quantitative limit in such circumstances but please note that such copying may **not** be reprographic (i.e. photocopied or scanned) - the content has to be, for example, retyped.
- Examinations: reprographic copying (photocopying or scanning) is permissible without limit in setting and communicating questions to candidates, with the exception of reprographic copying of musical works.
- Reprographic copying: The copying must be for educational purposes, with acknowledgement and must be of no more than 5% of a work in any calendar year. Please note that this 5% is an *institutional* limit, so this limit does not only apply to the person doing the copying, it applies in total to all staff copying that work across Trinity College Dublin.

In addition to the copying permitted by the 2000 Act, a licensing scheme has been established for Irish higher education institutions. Trinity College Dublin and other institutions pay a substantial fee to avail of this licence.

The licence allows staff to make multiple paper copies of licensed works for educational purposes. This includes distribution to student groups or classes, inclusion in course packs, and inclusion by libraries in short-loan collections.

The number of copies is limited to the **number of students in a class plus two for each teacher**.

The extent of such multiple copying is limited to **5% of a book or a chapter (the greater) or one article from any one journal issue**.

Certain categories of material (for example, music and separately published maps) are excluded, as are certain publishers, and material published in certain countries - contact the [Irish Copyright Licensing Agency](#) for full details.

Contacting Rightsholders

Publishers will probably appear in the telephone book, the Writers and Artists Yearbook or the Irish Writers Guide. Alternatively, you could try contacting CAI (see below). Living authors can be contacted care of their publisher or the Irish Writers Union. Copyright queries dealing with works of deceased authors should be addressed to "the estate of", author's name, c/o the publisher.

"'Inimitable' is one of those off-the-shelf, unhelpful epithets that get loosely tossed in the direction of mastery, but in poetry the test of true originality is to be eminently imitable - it's doing it first and registering the trademark that counts"

Peter Forbes, The Independent

Further Information

[Clé: Irish Book Publishers Association](#)

[Copyright Association of Ireland](#)

[Irish Copyright Licensing Agency](#)

[Irish Writers' Union Trinity College Dublin](#)

Useful Publications

The Irish Writers Guide (Wolfhound Press)

The Writers and Artist's Yearbook 2007 (A&C Black)