

Posted on [www.cpsma.ie](http://www.cpsma.ie) 21/02/2013



Frequently Asked Questions

# **Photocopying, Copyright, Motion Picture Licensing, and Television Licences**

**Notice:** This resource is intended to assist schools in answering the most frequently asked questions concerning issues of copyright, photocopying, the showing of motion pictures in schools, and the use of television sets and interactive white boards. While every effort has been made to ensure the accuracy of the information provided, schools are advised to consult relevant circulars, legislation and/or guidelines, if they have specific queries regarding this topic.

*This note is for guidance only and does not purport to be a legal interpretation.*

## Photocopying, Copyright, Motion Picture Licensing and Television Licences-FAQs

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## Photocopying, Copyright, Motion Picture Licensing and Television Licences-FAQs

### SECTION ONE: COPYRIGHT AND PHOTOCOPYING IN SCHOOLS

#### Q.1 What is copyright?

A. Copyright is the legal term, which describes the rights given to authors/creators of certain categories of work. These rights include the right of the owner of the work to control the use of the work, subject to certain exceptions. The owner has the exclusive right to prohibit or authorise others to copy the work, perform the work, make the work available to the public through broadcasting or recordings, or make an adaptation of the work.

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#### Q.2 What does copyright protect?

In Ireland, copyright protects original literary, dramatic, musical and artistic works, film, sound recordings, broadcasts and the typographical arrangement of published editions, computer software and non-original databases and performances. Protection is automatic – there is no system of registration for copyright protection in Ireland. A copyright notice does not need to be placed on a work before it is protected.

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#### Q.3 Is it permissible for schools to make copies of copyright material?

Yes, provided the school purchases a 3 year photocopying licence from the *Irish Copyright Licensing Agency (ICLA)*. Copies can then be made subject to the terms of the licence (see below)

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#### Q.4 What are the main terms of the photocopying licence?

- It permits photocopying of single or multiple copies of extracts from literary works solely for educational purposes
- The number of copies permitted is limited to the number of pupils in a class plus two copies for each teacher
- No copy shall exceed one chapter or 5% of the work, whichever is greater
- In the case of a short story or a poem of not more than 10 pages, the whole work may be copied.
- Where it is claimed that the licensee (the school), acting under the permission granted by the licence, has infringed copyright, the *Irish Copyright Licensing Agency (ICLA)* shall indemnify the licensee in respect of all reasonable costs. In the event of a copyright infringement claim being made, licensees should immediately make contact with ICLA (01-6624211, 25 Denzille Lane, Dublin 2 [www.icla.ie](http://www.icla.ie))

(The full terms of the licence are set out in [Statutory Instrument 514/2002](#)-Copyright and Related Rights (Certification of Licensing Scheme For Reprographic Copying by Educational Establishments) (The Irish Copyright Licensing Agency Limited) Order 2002)

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**Q. 5 What is the cost of the photocopying licence?**

As of February, 2013, the cost is 73c (including VAT) per student for a 3-year licence. The current licence expires in September, 2014 regardless of when the school has taken out the licence. Click on the following link to see details of the scheme: [Licensing schemes and other information concerning the photocopying licence](#) , the tariff sheet and a copy of the licence agreement for Primary schools.

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## **SECTION 2: MOTION PICTURE LICENSING**

**Q. 1  
What is motion picture licensing?**

When a motion picture (including videos, dvds, downloads from the internet etc.) is shown in a school a motion picture licence may be required. For example if the school shows motion pictures for **entertainment purposes** it will be necessary to obtain a public performance licence from the Motion Picture Licensing Company (www.MPLC.ie ) who operate a licensing scheme certified under the Copyright and Related Rights Act, 2000.

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**Q. 2 What is the position if the school is simply showing educational and/or instructional material?**

If the showing is for **educational or instructional purposes** then educational establishments are exempt and no licence is required.

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**Q.3 Is the Motion Picture Licensing Company the only organisation in Ireland who can supply a licence?**

Yes, as of February, 2013, the Motion Picture Licensing Company ([MPLC](#)) is the only organisation in Ireland which is registered to issue licences on the Register of Copyright Licensing Bodies operated by the Irish Patents Office in accordance with [Statutory Instrument 463/2002 Copyright and Related Rights \(Register of Copyright Licensing Bodies\) Regulations, 2002](#).

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## **SECTION 3: TELEVISION LICENCES**

**Q.1 Does a school have to get a television licence?**

Yes, if it has one or more television sets.

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**Q.2 What is the position if a school has more than one television set?**

One licence only is required for each address regardless of the number of television sets on the premises.

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**Q.3 How much does a television licence cost?**

The cost of a television licence as of time of writing, February, 2013 is €160.

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**Q.4 Does the school need a licence for an interactive white board, laptop computer or mobile phone?**

An interactive white board, on its own, is not capable of broadcasting television programmes, hence no licence is required. In addition, [SI 319 of 2009, Television Licence \(Exemption of Classes of Television Set\) Order 2009](#), provides an exemption for mobile phones, personal digital assistants, and personal computers or laptops.

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**Q.5 If a question arises as to whether or not a school has a television set An Post will accept a statutory declaration from the school-what does this mean?**

If a school does not have a television set An Post may request the school to provide a statutory declaration stating this fact as per [section 147 of the Broadcasting Act, 2009](#).

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**Q. 6 What is a statutory declaration?**

A statutory declaration is a written statement made under oath under the Statutory Declarations Act, 1938.

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**Q. 7 In what circumstances may a school be asked to swear a statutory declaration?**

An Post maintains a data base of licensable premises from previous inspections, previous licences at the address, the electoral register, and other sources of information. If your premises is on this database you may be asked to provide An Post with the statutory declaration stating that you do not have a television set.

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**Q. 8 Where can I get the statutory declaration form?**

Contact your local post office or [An Post television licence section](#) website. (Click on link)

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**References**

- CPSMA Board of Management Handbook, 2012
- [Copyright and Related Rights Act 2000](#),
- [SI No. 514 of 2002](#), (Copyright and Related Rights (Certification of Licensing Scheme For Reprographic Copying by Educational Establishments) (The Irish Copyright Licensing Agency Limited) Order 2002
- Dept. of Enterprise, Trade and Employment,
- [Broadcasting Act, 2009, Part 9 \(Television Licence\)](#)
- [SI 463/2002](#) (Copyright and Related Rights (Register of Copyright Licensing Bodies) Regulations, 2002)
- [Licensing schemes and other information concerning the photocopying licence](#) (Source: Irish Patents Office)
- [Motion picture licensing schemes](#) (Source: Irish Patents Office)
- [SI 319 of 2009, Television Licence \(Exemption of Classes of Television Set\) Order 2009](#)
- [Copy of the licence for Primary schools together with tariff sheet](#)

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