

THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4768 GIBRALTAR Thursday 1st October, 2020

B. 15/20

BILL

FOR

AN ACT to amend the Intellectual Property (Copyright and Related Rights) Act 2005.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Intellectual Property (Copyright and Related Rights) (Amendment) Act 2020.

Commencement.

2. This Act comes into operation on the day of publication.

Amendments to the Intellectual Property (Copyright and Related Rights) Act 2005.

3.(1) The Intellectual Property (Copyright and Related Rights) Act 2005 is amended in accordance with the provisions of this section.

(2) Section 23 is amended as follows-

(a) for subsection (2), substitute-

“(2) References in this Part to the issue to the public of copies of a work are to the act of putting into circulation in Gibraltar copies not previously put into circulation in the EEA by or with the consent of the copyright owner.”

(b) in subsection (3)-

(i) in paragraph (a) delete “; or”;

(ii) delete paragraph (b);

(iii) delete the words after paragraph (b).

(3) Section 38 is amended as follows-

(a) in the heading after “review” insert “, quotation”;

(b) in subsection (1), after “acknowledgement” insert “(unless this would be impossible for reasons of practicality or otherwise)”;

(c) after subsection (1) insert-

“(1A) Copyright is not infringed by the use of a quotation from the work (whether for criticism or review or otherwise) provided that-

(a) the work has been made available to the public;

(b) the use of the quotation is fair dealing with the work;

(c) the extent of the quotation is no more than is required by the specific purpose for which it is used; and

the quotation is accompanied by a sufficient acknowledgment (unless this would be impossible for reasons of practicality or otherwise”.

(d) in subsection (2)-

(i) for “subsection (1)” substitute “subsections (1) and (1A)”;

(ii) for “that subsection” substitute “those subsections”.

(e) after subsection (4) insert-

“(5) To the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of subsection (1A), would not infringe copyright, that term is unenforceable.”

(4) Delete subsection (2) of sections 39A and 39B.

(5) Delete subsection (3) of section 39D.

(6) In section 39F(3)-

(a) after “a copy of a work” insert “or recording”; and

(b) after “access to a work” insert “or recording”.

(7) Section 88 is amended as follows-

- (a) in subsection (1)(b), delete “; or”;
- (b) delete subsection (1)(c); and
- (c) in subsection (3), insert “film or” before “excepted sound recording”.

EXPLANATORY MEMORANDUM

This Bill amends the Intellectual Property (Copyright and Related Rights) Act 2005 in order to allow the Government to implement, in part, both the Berne Convention for the Protection of Literary and Artistic Works as revised in Paris on 24th July 1971 and the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired, or otherwise print disabled signed at Marrakesh on 27 June 2013.

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