



STATUTORY INSTRUMENTS.

**S.I. No. 59 of 2012**



EUROPEAN UNION (COPYRIGHT AND RELATED RIGHTS)  
REGULATIONS 2012

**(Prn. A12/0382)**

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I, RICHARD BRUTON, Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001<sup>1</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Copyright and Related Rights) Regulations 2012.

2. The Copyright and Related Rights Act 2000 (No. 28 of 2000) is amended—

(a) in section 40, by inserting the following subsection after subsection (5):

“(5A) (a) The owner of the copyright in a work may, in respect of that work, apply to the High Court for an injunction against an intermediary to whom paragraph 3 of Article 8 of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001<sup>1</sup> on the harmonisation of certain aspects of copyright and related rights in the information society applies.

(b) In considering an application for an injunction under this subsection, the court shall have due regard to the rights of any person likely to be affected by virtue of the grant of any such injunction and the court shall give such directions (including, where appropriate, a direction requiring a person be notified of the application) as the court considers appropriate in all of the circumstances.”,

and

(b) in section 205, by inserting the following subsection after subsection (9):

“(9A) (a) The rightsowner of any right conferred by Parts III and IV may, in respect of that right, apply to the High Court for an injunction against an intermediary to whom paragraph 3 of Article 8 of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001<sup>1</sup> on the harmonisation of certain aspects of copyright and related rights in the information society applies.

<sup>1</sup>OJ No. L. 167, 22.6.2001, p.10.

(b) In considering an application for an injunction under this subsection, the court shall have due regard to the rights of any person likely to be affected by virtue of the grant of any such injunction and the court shall give such directions (including, where appropriate, a direction requiring a person be notified of the application) as the court considers appropriate in all of the circumstances.”.



GIVEN under my Official Seal,  
29 February 2012.

RICHARD BRUTON,  
Minister for Jobs, Enterprise and Innovation.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations clarify that an injunction may be sought against an intermediary to whom Article 8(3) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society applies. Article 8(3) requires that rightholders are in a position to apply for an injunction against intermediaries whose services are used by a third party to infringe a copyright or related right.

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