

**Name**

Eamonn Wallace

**Of the six categories into which the Paper classified the first round of submissions, which one (if any) best describes you?**

user

**Should any amendments to CRRA arising out of this Review be included in a single piece of legislation consolidating all of the post-2000 amendments to CRRA?**

Specific and clear rights for users

**Is the classification of the submissions into six categories – (i) rights-holders; (ii) collection societies; (iii) intermediaries; (iv) users; (v) entrepreneurs; and (vi) heritage institutions – appropriate?**

yes

**In particular, is this classification unnecessarily over-inclusive, or is there another category or interest where copyright and innovation intersect?**

no

**What is the proper balance to be struck between the categories from the perspective of encouraging innovation?**

No

**Should a Copyright Council of Ireland (Council) be established?**

yes

**If so, should it be an entirely private entity, or should it be recognised in some way by the State, or should it be a public body?**

no never

**Should its subscribing membership be rights-holders and collecting societies; or should it be more broadly-based, extending to the full Irish copyright community?**

users need to be included too

**What should its principal objects and its primary functions be?**

To not serve the interests of private companies

**How should it be funded?**

copyright industry should pay

**What other practical and legislative changes are necessary to Irish copyright licensing under CRRA?**

The idiotic SOPA SI should be abolished

**Should the Council include the establishment of a Copyright Alternative Dispute Resolution Service (ADR Service)?**

yes

**How much of this Council/Exchange/ADR Service architecture should be legislatively prescribed?**

as much as is practical

**Should there be a small claims copyright (or even intellectual property) jurisdiction in the District Court, and what legislative changes would be necessary to bring this about?**

All the ECJ judgements on copyright should be transcribed into Irish law

**Is there, in particular, any evidence on how current Irish copyright law in fact encourages or discourages innovation and on how changes could encourage innovation?**

a refusal by the copyright industry to interact with their customers and a hankering for times past when all music was on CD

**Is there, more specifically, any evidence that copyright law either over- or under- compensates rights holders, especially in the digital environment, thereby stifling innovation either way?**

a refusal by the copyright industry to interact with their customers and a hankering for times past when all music was on CD

**From the perspective of innovation, should the definition of “originality” be amended to protect only works which are the author’s own intellectual creation?**

The content industry is acting as a cartel

**Should the sound track accompanying a film be treated as part of that film?**

No

**Should section 24(1) CRRA be amended to remove an unintended perpetual copyright in certain unpublished works?**

Yes

**Should the definition of “broadcast” in section 2 CRRA (as amended by section 183(a) of the Broadcasting Act, 2009) be amended to become platform-neutral?**

Yes

**Is there any evidence that it is necessary to modify remedies (such as by extending criminal sanctions or graduating civil sanctions) to support innovation?**

Do not do this, it is pointless and like trying to hold back the tide with a shovel

**Is there any evidence that strengthening the provisions relating to technological protection measures and rights management information would have a net beneficial effect on innovation?**

No

**How can infringements of copyright in photographs be prevented in the first place and properly remedied if they occur?**

By proper and logical proof not just accusations

**Is it to Ireland’s economic advantage that it does not have a system of private copying levies; and, if not, should such a system be introduced?**

No

**If the copyright community does not establish a Council, or if it is not to be in a position to resolve issues relating to copyright licensing and collecting societies, what other practical mechanisms might resolve those issues?**

The Courts are not an appropriate place to settle copyright claims. Use of the courts leads to the insane position where everybody is suing everybody else for look and feel and other spurious actions. Just look at the way Apple Inc is suing everybody under the sun in the name of copyright

**Are there any issues relating to copyright licensing and collecting societies which were not addressed in chapter 2 but which can be resolved by amendments to CRRA?**

Clear regulations

**Has the case for the caching, hosting and conduit immunities been strengthened or weakened by technological advances, including in particular the emerging architecture of the mobile internet?**

The Common Carrier Principle needs to be strengthened

**If the answers to these questions should lead to possible amendments to the CRRA, are they required or precluded by the E- Commerce Directive, EUCD, or some other applicable principle of EU law?**

ECJ judgements should be taken into account

**Is there any good reason why a link to copyright material, of itself and without more, ought to constitute either a primary or a secondary infringement of that copyright?**

This is ridiculous and completely misunderstands how the internet works

**If not, should Irish law provide that linking, of itself and without more, does not constitute an infringement of copyright?**

Of course not

**Does copyright law inhibit the work of innovation intermediaries?**

No intermediaries are parasites that profit from the work of artists. They pay artists a miserly and derisory amount from their enormous profits.

**Is there a case that there would be a net gain in innovation if the marshalling of news and other content were not to be an infringement of copyright?**

Yes

**If so, what is the best blend of responses to the questions raised about the compatibility of marshalling of content with copyright law?**

Links to news items are free advertising for the content industry and should be treated as such

**In particular, should Irish law provide for a specific marshalling immunity alongside the existing conduit, caching and hosting exceptions?**

**If so, what exactly should it provide?**

News should be free and other models for generating income should be found. After all this is the 21st century not 1980

**Does copyright law pose other problems for intermediaries' emerging business models?**

Yes

**Should CRRA references to "research and private study" be extended to include "education"?**

No

**Should the education exceptions extend to the (a) provision of distance learning, and the (b) utilisation of work available through the internet?**

No

**Should the exceptions for social institutions be repealed, retained or extended?**

No

**Should there be a specific exception for non-commercial user-generated content?**

yes

**When, if ever, is innovation a sufficient public policy to require that works that might otherwise be protected by copyright nevertheless not achieve copyright protection at all so as to be readily available to the public?**

always

**When, if ever, is innovation a sufficient public policy to require that there should nevertheless be exceptions for certain uses, even where works are protected by copyright?**

always

**Should there be a specialist copyright exception for innovation? In particular, are there examples of business models which could take advantage of any such exception?**

yes nearly all industries of the 21st century

**Should there be a presumption that where a physical work is donated or bequeathed, the copyright in that work passes with the physical work itself, unless the contrary is expressly stated?**

yes

**Should there be exceptions to enable scientific and other researchers to use modern text and data mining techniques?**

yes

**Should there be related exceptions to permit computer security assessments?**

yes

**What is the experience of other countries in relation to the fair use doctrine and how is it relevant to Ireland?**

The use of spurious copyright claims used to suppress innovation under the DMCA in the USA. Companies in the US have claimed copyright on bird song which is utterly ridiculous

**What have we missed?**

Reality. The use of spurious copyright claims used to suppress innovation and competition