

Giuseppe Carafa

I read with interest your statement published at http://www.djei.ie/science/ipr/crc_statement.htm

In light of the points under consideration I would like to make the following suggestions:

- 1) It is essential that a well designed "fair use" doctrine be put in place.
- 2) It is essential that punitive measures are enacted to ensure that copyright law is not abused.

The rationale behind these suggestions is based on well documented experiences with poorly crafted copyright legislation such as, for example, the U.S. "Digital Millennium Copyright Act" (DMCA).

Protecting individual people's right to freedom of expression should be as fundamental a consideration in copyright law as the protection of intellectual property and the fostering of a spirit of innovation. A poorly crafted or absent Fair Use doctrine would allow those who publish controversial material to stifle any criticism of their work by using copyright law to silence material that includes original copyrighted material for the purposes of criticism, opposition, parody or satire. All of these are important in a healthy public dialogue between people presenting opposing views, and it must not be possible to silence such expressions of opinion through indiscriminate prosecution on the basis of Copyright Law.

Punitive measures against abuse of the copyright system must be implemented to further protect individual freedoms. The DMCA is a perfect example of the legislator's failure to address this, resulting in anonymous "drive by" Takedown Notices destroying the creative output of individuals to whom the perpetrator has taken a personal dislike. Nobody should be able to file anonymous claims of Copyright Infringement, and if found to have done so deliberately and with malicious intent to silence or censor the accused party there should be consequences attached to such abuse.

Please confirm that these considerations will be addressed in your public meeting of 24 March 2012, which I am sadly unable to attend, and that it has been added as a submission on the Consultation Paper.