

Name

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Which of the following categories best describes you?

User

Is our broad focus upon the economic and technological aspects of entrepreneurship and innovation the right one for this Review?

Yes

Is there sufficient clarity about the basic principles of Irish copyright law in CRRA EUCD?

No

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?

Yes

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

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?

Semi autonomous, arms length principle, and so on.

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

Every stakeholder should have an equal say.

What should its principal objects and its primary functions be?

Balance the rights of all stakeholders

Should the Council include the establishment of an Irish Digital Copyright Exchange (Exchange)?

Yes

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

Yes

Should the statutory licence in section 38 CRRA be amended to cover categories of work other than "sound recordings"?

Yes

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?

Yes

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

Yes

Is there any economic evidence that the basic structures of current Irish copyright law fail to get the balance right as between the monopoly afforded to the rights-holders and the public interest in diversity?

Yes

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?

Yes

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

Yes

From the perspective of innovation, should the definition of "originality" be amended to protect only work which are the author's own intellectual creation?

Yes

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

Are there any other changes necessary to make CRRA platform-neutral, medium-neutral or technology-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?

Yes

Should special position for photographs in section 51(2) CRRA be retained?

No

If so, should a similar exemption for photographs be provided for in any new copyright exceptions which might be introduced into Irish law on the foot of the present Review?

No

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

Yes

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

Yes

If there is a case for such immunities, has technology developed to such an extent that other technological processes should qualify for similar immunities?

Yes

Does the definition of intermediary (a provider of a "relevant services", as defined in section 2 of the E-Commerce Regulations, and referring to a definition in an earlier - 1998 - Directive) capture the full range of modern intermediaries, and is it sufficiently technology-neutral to be reasonably future-proof?

No

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

No

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?

None whatsoever.

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

Yes, it should.

If so, should it be a stand-alone provision, or should it be an immunity alongside the existing conduit, caching and hosting exceptions?

Either / or.

Does copyright law inhibit the work of innovation intermediaries?

Yes

Should there be an exception for photographs in any revised and expanded section 51 (2) CRRA?

Yes

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

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

Yes

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

Yes

Should the definition of "fair dealing" in section 50(4) and section 221(2) CRRA be amended by replacing "means" with "includes"?

Yes

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

Yes

Should broadcasters be able to permit archival recordings to be done by other persons acting on the broadcasters' behalf?

Yes

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

Yes. Extended.

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

Yes

Should section 2(10) be strengthened by rendering void any term or condition in an agreement which purports to prohibit or restrict than an act permitted by CRRR?

Yes

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

Should there be an exception permitting format-shifting for archival purposes for heritage institutions?

Yes

Should the occasions in section 66(1) CRRR on which a librarian or archivist may make a copy of a work in the permanent collection without infringing any copyright in the work be extended to permit publication of such a copy in a catalogue relating to an exhibition?

Yes

Should the fair dealing provisions of CRRR be extended to permit the brief and limited display on dedicated terminals of reproductions of works in the permanent collection of a heritage institution?

Yes

Should fair dealing provisions of CRRR be extended to permit the brief and limited display a reproduction of an artistic work during a public lecture in a heritage institution?

Yes

Would the good offices of a Copyright Council be sufficient to move towards a resolution of the difficult orphan works issue, or is there something more that can and should be done from a legislative perspective?

Yes

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?

No

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?

No

In particular, should the Irish government join with either the UK government or the Dutch government in lobbying at EU level, either for ne EUCD exception for non-consumptive uses or more broadly for a fair use doctrine?

Yes

Is the ground covered by the fair use doctrine, either in the abstract or in the draft section 48A CRRA above, sufficiently covered by the CRRA and EUCD exceptions?

No

Should the post-2000 amendments to CRRA which are still in force be consolidated into our proposed Bill?

Yes

Should sections 15 to 18 of the European Communities (Directive 2000/31/EC) Regulations, 2003 be consolidated into our proposed Bill (at least insofar as they cover copyright matters)?

No