

Name

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

rights-holder

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

No

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

Perhaps. If they enforced copyright on a case by case basis it would be better than blanket legislation.

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?

A public body. No question. A private entity can be manipulated by corporate bodies and any government we elect definitely will be.

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

Broad based to avoid biased agendas

What should its principal objects and its primary functions be?

Its primary function should be to enforce copyright when a legitimate claim is brought to them

How should it be funded?

It should be funded by claimants (except when they can't afford it in which case by the government).

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

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 rights-holders and the public interest in diversity?

Yes, there is evidence. The blanket legislation Junior Minister Sherlock tried to bring in shows that corporate interests are being looked to rather than our right to create and communicate.

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?

Not that I can think of at present but lets try to avoid giving me examples with any new legislation

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?

See previous

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

I can't see how the author would have a right to anything that isn't his creation. If we legislate for similarity then we kill creativity.

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

If it's unique to it, yes.

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

You can't prevent it. The idea is ridiculous. You can punish it, but only when the theft is done expressly for financial gain. Otherwise it is no different than a kid who stole a polaroid showing it around the playground for the sake of showing it.

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?

Institution of Creative Commons rather than Copyright. That's what I use.

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?

Media evolves. legislating it as if it doesn't is what weakens it.

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

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?

No. If I tell a person where a museum is am I responsible for him stealing paintings from it?

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

Yes

Does copyright law inhibit the work of innovation intermediaries?

Sometimes. For example: When copyright is enforced on Youtube and videos are taken down it severely limits options for parody and social comment.

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. It's the natural evolution of news.

Should CRRA references to “research and private study” be extended to include “education”?

Yes

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

Absolutely

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?

That is entirely dependent on how close the original is to the product and should be judged on a case by case basis.

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?

There are businesses that have. Rooster teeth in Texas founded on parody of the game Halo and has since become so successful that it has expanded beyond that while also bringing new people to the parodied product

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

That makes sense

Should the occasions in section 66(1) CRRA 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, to degree. don't give everything away. you want people to go to the library

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

Only if it is in text and accredited.

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?

Yes

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

The experience is very good. As the saying goes, "there are no original works anymore". Web companies like the icanhascheezburger network and Rooster Teeth have been successful, created employment and broadened the spectrum of social commentary. Blanket enforcement

of copyright would destroy them, destroy jobs, stunt creativity and social commentary and stall the evolution of media for the benefit of rich men who want to be richer

(a) What EU law considerations apply? (b) In particular, should the Irish government join with either the UK government or the Dutch government in lobbying at EU level, either for a new EU CD exception for non-consumptive uses or more broadly for a fair use doctrine?

Fair use doctrine is good

How, if at all, can fair use, either in the abstract or in the draft section 48A CRRRA [in the Paper], encourage innovation?

It doesn't encourage innovation, it allows it. Innovation happens anyway.

What empirical evidence and general policy considerations are there in favour of or against the introduction of a fair use doctrine?

Well I already mentioned the benefit in the creation of companies and jobs in Rooster teeth and Icanhascheezburger network.