

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?

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?

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

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

Data Privacy interests should also be considered relevant (such as Data Protection Commissioners)

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

Anything impeding innovation - including restrictions on use - should be considered inimitable to the national (and citizen's) interest

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

Not if its primary objective is furthering the interests of copyright holders

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 private body, with some recognition by the State and with citizen's, who are the core of the State, being very strongly represented.

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

Those entities are already strongly protected. They should be in the minority, with users and intermediaries (e.g. ISPs and similar indirectly affected bodies) being in the majority, or at least equally represented.

What should the composition of its Board be?

Independent legal expertise, End-user representative bodies, ISP rep and copyright holders rep (e.g. in equal measures)

What should its principal objects and its primary functions be?

To ensure copyright legislative measures are proportionate, do not impede innovation and do not result in barriers to end-users' "access to services and applications of their choice" (as promoted in the Universal Service Directive)

How should it be funded?

By industry, meaning primarily by the major rights holders bodies and the ISPs (though with support from Govt to cover necessary expenses of user reps).

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”?

Seems logical

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

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

Absolutely!

Should section 24(1) CRRA be amended to remove an unintended perpetual copyright in certain unpublished works?

Yes

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?

Intuitively, it can have the opposite effect. The open availability of existing applications can facilitate advanced developments by innovators, whereas protection measures restrict usage (unless the potential new innovator is prepared to pay charges that might make his/her idea unviable)

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

There is nothing special about photographs

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. Leave the market to itself

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 there to be used if copyright is genuinely being abused.

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 case for immunities is strengthened and it is now clear that any system set up to force conduits to act as police cannot work (at least not without causing serious damage to communications infrastructures - which would not benefit Ireland).

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

Probably! Needs much thought by experts

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

Would be helpful

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

Stand-alone

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?

Probably

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

Yes

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

Yes

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

Yes

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

Retained

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

Yes. Such content could be an early sample of useful future innovation.

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 CRRA?

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