

**Name**

Eugene Eichelberger

**Company Name**

Curate Dublin

**Which of the following categories best describes you?**

Entrepreneur

**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

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

Due to the prolific amount of data on the Internet marshaling and data curation is an essential function of digital services.

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

Yes

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

Marshalling content should be a protected business model.

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

Yes. Copyright by its nature is a friction on intermediaries.

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

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, (b) utilisation of work available through the internet?**

Education materials delivered by other media are in rapid decline.

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

Yes

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

Yes

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

Yes

**Should the occasions in section 66(1) CRRRA on which a librarian or activist 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 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

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

Yes

**What have we missed?**

In section 2.2 paragraph 6 of the Copyright and Innovation Consultation Paper the assumption of the following point is made contrary to the evidence of the institutions themselves have provided. The assumption that the "established film, music and news industries" are being injured is not an established fact and in most cases the major industry organizations have reported large financial profits. I challenge the Irish people to challenge these bombastic statements.