



**Copyright Review,
Room 517,
Department of Jobs, Enterprise and Innovation,
Kildare Street, Dublin 2.**

July 14th 2011

To whom it concerns,

The Independent Broadcasters of Ireland (IBI) is the representative body for Ireland's independent commercial radio broadcasters. Our 34 members include national, multicity, regional and local radio stations and broadcast to in the region of 2.5 million listeners across Ireland every day.

We welcome the review of current Copyright Legislation in particular given that the broadcasters represented by the IBI are both creators and users of intellectual property. We would like to draw the attention of the Review Committee to a few specific areas which we believe are vital to the successful development of appropriate legislation for copyright issues in Ireland.

In the past few years we have seen a huge convergence of technologies. Today, it is possible to listen to radio stations on the internet, on television, via iPhone and Android applications. Accordingly, the Review Committee should pay due attention to the position and the role of technology when examining current Copyright Legislation. The Copyright consultation must allow for due account to be taken of the different platforms and devices which are available and widely used by consumers. The speed at which new platforms and devices are introduced to the market is also a key concern. A case in point is the impact of the iPhone on the media usage and the speed with which this has happened. New Copyright Legislation needs to be easily adjustable in order to account for changes in technology and changes in the use of technology.

It is understood that certain elements will be outside the scope of the review and indeed the scope of Irish legislation, in particular items which are currently controlled by large organisations such as Apple or Microsoft. The impact of YouTube, Facebook and Twitter have made the uploading, sharing and editing of content a standard, everyday occurrence. This has resulted in a desire to create and share and the opportunity for all members of society to become content creators. With the end user having power to be content creators the perception is that the internet is accessible, unregulated and free to everyone. While this may not be true, it is a reality that needs to be dealt with rather than ignored and should form part of the consultations remit.

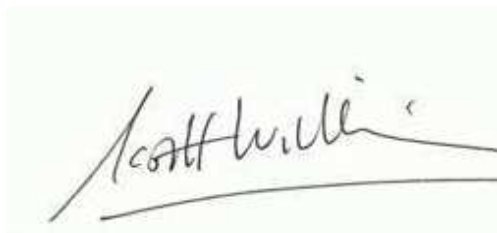
Secondly, it is vital that the Review Committee examines what is happening in other jurisdictions. The EU's "Digital Agenda for Europe" highlights the requirement to simplify copyright licensing throughout Europe and the Review Committee needs to ensure that this is borne out. The IBI would stress the importance of balance when weighing up what will no doubt be opposing sides of copyright arguments. While we accept that rights holders need to ensure they are recompensed for use of their content, due consideration must also be given to the effect of this compensation on broadcasters. Legislation and its enactment must ensure that the economic considerations of broadcasters are balanced with rights holder's benefits and that both are balanced by the public benefit.

Thirdly, the licensing groups will no doubt form part of the review group's consultation and any legislative change must accept the need for a common sense approach to their remit and its enactment. Radio broadcasters know from experience how difficult it is to survive in the current economic climate. Enforced changes have been made by every independent radio station in Ireland in an attempt to remain viable and to retain standards of broadcasting output. The licensing groups must be encouraged to work with, accommodate and assist licensees who are struggling to pay the charges levied on them. In addition, legislation must ensure that licensing groups are not permitted to increase costs at their own discretion, enforce changes on radio broadcasters without significant and meaningful consultation or pass increased operational costs onto radio broadcasters who are already struggling financially.

Additionally, licensing groups cannot be permitted to collect royalties for music that they do not own and/or for content creators whom they do not represent. Content creators who choose to provide their work free of charge should be accommodated by legislation and allowed to do so.

I would like to thank you for including the IBI in your list of stakeholders for this review. We look forward to participating in the further stages of the consultation process and in the implementation of the new Copyright Legislation.

Yours Sincerely

A handwritten signature in black ink on a light green background. The signature appears to read "Scott Williams" and is written in a cursive style. Below the signature is a horizontal line.

Scott Williams
Chairman
IBI

