



Internet Service Providers Association of Ireland

14 July 2010

Unit 24, Sandyford Office Park,
Dublin 18, Ireland

Telephone +353-(01)-294 5280
Fax +353-(01)-294 5282
eMail info@ispai.ie
Web www.ispai.ie

Re: Consultation on the Review of the Copyright and Related Rights Act 2000

Dear Dr. O'Dell & Copyright Committee Members,

The Internet Service Providers Association of Ireland –ISPai, takes this opportunity to express our commitment to cooperating with the Department of Jobs, Enterprise and Innovation in the on-going review of the Copyright and Related Rights Act 2000.

We have attended the public meeting of the Copyright Review Committee, the IIEA event on Protecting Innovation while Protecting Copyright, among others, where we have watched with interest.

Our main focus is the limited liability regime and legal defences for intermediary service providers as provided for in Directive 2000/31/EC and S.I. No. 68/2003. The defences of '*mere conduit*', Caching and Hosting as set out in these regulations must be guaranteed in order to provide the legal certainty that is necessary for their operation. The Internet has become a driving force for innovation. To compromise the limited liability regime for intermediaries would inexorably chill innovation, undermining consumers' confidence in digital products and cause unintended negative consequences on freedom of communications and Internet openness.

While the ISPai has concerns as to the approach, in that this review has been adopted concurrently and separately to the consultation on amendment to the Copyright and Related Rights Act 2000 by way of Statutory Instrument, our primary concern is to protect our members' interests to the fullest extent possible.

As such we will be contributing a robust submission to the Department on the 29th of July in relation to the consultation on that specific amendment, and also at the next stage of the Copyright Committee's consultation process in this general review.

Please let us know if we can be of further assistance and we look forward to contributing further once the work of the Copyright Committee develops.

Yours sincerely,

P.P. Ian Hutchinson

Paul Durrant,

General Manager