

**Name**

Conor Lynch

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

rights-holder

User

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

While I believe the economic and technological aspects of entrepreneurship and innovation are important, there should be greater focus on the rights of the user to free speech and private communication.

**Is there sufficient clarity about the basic principles of Irish copyright law in CRRA and EUCD? [Note: CRRA is the Copyright and Related Rights Act, 2000; and EUCD is the European Union Copyright Directive (Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society)].**

No. I believe the wording to be too vague. We need clear legislation which places the privacy rights of users at the forefront.

**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?**

If this would make the legislation less vague then 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?**

I worry that it might open the door to the opinions of one group being considered more important than others. I feel copyright law is already unfairly biased towards the rights holders, for example, and so have a hard time believing the opinions of "mere users" will be taken seriously.

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

I disagree with categorising submissions in this way at all. Each person's opinion should be considered as valid as the next.

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

An open internet where the groups are kept entirely separate would be the ideal balance. That is, rights holders should not be able to impose their will on intermediaries.

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

That would depend on who the council is formed of and what their duties are.

**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?**

It would be highly inappropriate for it to be a private entity. I believe it should be recognised by the state.

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

Rights holders should not have a stake in the committee. For the sake of neutrality it should be composed of IT people who understand the internet rather than people who might exploit the position for profit.

**What should the composition of its Board be?**

Computer scientists, IT professionals, programmers, computer security experts. People who understand how the internet works.

**What should its principal objects and its primary functions be?**

Its primary function should be to ensure that the internet remains a neutral place. That no private organisation can censor the web for its own gain.

**How should it be funded?**

The government should fund it.

**Should the Council include the establishment of an Irish Digital Copyright Exchange (Exchange)?**

No

**What other practical and legislative changes are necessary to Irish copyright licensing under CRRA?**

ISPs must be viewed as a neutral entity. Rights holders should have no right to demand that sites be blocked at the ISP level.

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

No. I do not believe it should be necessary.

**Given the wide range of intellectual property functions exercised by the Controller, should that office be renamed, and what should the powers of that office be?**

I believe the Council should be sufficient for regulating online copyright disputes. I believe the Controller should stick with offline media.

**Should the statutory licence in section 38 CRRA be amended to cover categories of work other than "sound recordings"?**

No

**Furthermore, what should the inter-relationship between the Controller and the ADR Service be?**

I don't support the establishment of the ADR service.

**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. There should be more reasonable ways to resolve minor incidents of copyright infringement. However, all copyright disputes should be between the rights holder and the violator. Neutral intermediaries should be immune from prosecution.

**Should there be a specialist copyright (or even intellectual property) jurisdiction in the Circuit Court, and what legislative changes would be necessary to bring this about?**

Yes. Digital copyright issues are sufficiently different from physical ones to warrant their own jurisdiction.

**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?**

The fact that an ISP can be ordered to block access to websites or cut certain people off the internet based on a claim by the rights holder is evidence enough that the rights holders have too much power. The internet is a public area and rights holders should not have the power to restrict someone's access to it.

**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?**

Many websites such as youtube are based around user-submitted content. With a popular site like this it is next to impossible to personally check every submission, so some copyright violations might get through. 90% of the site would be legal content and any violation would be unintentional. However, at present, under Minister Sherlock's SI, the door is open for a judge to decide that this site violates copyright and order it blocked by an ISP. The law leaves everything to the discretion of judges, who may not be technically literate enough to understand the impact of their decision.

**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?**

The case against UPC regarding The Pirate Bay is an example of how rights holders are overcompensated. UPC do not run The Pirate Bay. They are not associated with it, yet a rights holder is able to have them change their behaviour based on what The Pirate Bay does. It is the equivalent of suing a road because criminals drive on it.

**From the perspective of innovation, should the definition of "originality" be amended to protect only works which are the author's own intellectual creation?**

Yes

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

Only while dubbed over the film. That is, a CD of a song that happens to be used in a film should not be treated as part of that film.

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

Yes

**Should the definition of “broadcast” in section 2 CRRA (as amended by section 183(a) of the Broadcasting Act, 2009) be amended to become platform-neutral?**

No

**Are any other changes necessary to make CRRA platform-neutral, medium-neutral or technology-neutral?**

It should not be platform-neutral. The laws for digital and physical platforms should be different.

**Should sections 103 and 251 CRRA be retained in their current form, confined only to cable operators in the strict sense, extended to web-based streaming services, or amended in some other way?**

They should be confined to cable operators.

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

No

**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?**

Yes, it is to Ireland's advantage

**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?**

Strengthened. The internet is an essential part of life these days and must remain neutral. An intermediary must not be forced to restrict one user from certain content or news based on the will of another user.

**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?**

Yes

**Does copyright law inhibit the work of innovation intermediaries?**

Yes