

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?

Editor of a collectively-run, non-profit music website.

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

No. Too narrow.

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. In fact I would state this muddying of the waters is intentional.

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?

No. Makes no provision for non-profits, blogs, community websites, etc.

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

Copyright and innovation intersect everywhere. This line of question is insulting.

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

All this is nothing but a game of jumping through hoops. Where is the accountability and "engagement" we were promised?

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

Not unless every independent label and artist in Irish music was individually asked to partake - and accepted.

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?

Public, of course, for what good that'll do given our public service.

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 only. IRMA/IMRO exist to promote mediocrity in Irish music.

What should the composition of its Board be?

Representatives from each label, each individual band with copyrighted recordings, and indeed, each individual with copyright of any description. Any refusal to join would see the board scrapped.

What should its principal objects and its primary functions be?

Ensuring the balance between freedom of use and respect for artistic value. Adjusting the dinosaurs of old media to today's platforms.

How should it be funded?

By Sean Sherlock's pension.

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

No. No more red tape.

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

Torn up and redefined.

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

Yes.

How much of this Council/Exchange/ADR Service architecture should be legislatively prescribed?

Direct engagement only.

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?

This board should replace any government intervention.

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?

None. Should all be one.

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?

There shouldn't be any more new hold-ups, get it done and no more out of ye.

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?

See above.

Whatever the answer to the previous questions, what reforms are necessary to encourage routine copyright claims to be brought in the Circuit Court, and what legislative changes would be necessary to bring this about?

They shouldn't.

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?

None. Music is consumed differently now, falling CD sales have nothing to do with the higher problems of the old guard.

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?

Passing Sherlock SI will certainly strangle innovation and international interest from investors.

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?

Where does innovation come in where the people pushing this SI through come from anyhow? When you turn art into a product, people will treat it like one and get it as cheap as possible, in this case free. EMI, etc. manufactured themselves into a corner.

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

What about collaborations? Mash-ups? Remixes? Fan and user-created content?

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

No. It is a work digestible on its own.

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

No.

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.

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?

Confined to cable. It's not like every website is streaming American telly.

Is there any evidence that it is necessary to modify remedies (such as by extending criminal sanctions or graduating civil sanctions) to support innovation?

Jailing people for using the Internet will do nothing to stop the rot.

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?

It benefits the old guard pushing it through, but what of start-ups?

How can infringements of copyright in photographs be prevented in the first place and properly remedied if they occur?

Fair use policy needs to be implemented.

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?

Fair use rationale. You can't shut long-running sites down for using album art, for example.

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?

I would be up for paying 100 a year as a download licence. I would continue buying physical music as always but it does help the artists.

Are there any issues relating to copyright licensing and collecting societies which were not addressed in chapter 2 but which can be resolved by amendments to CRRA?

There shouldn't be any unless they're willing to promote all of Irish music.

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. People have the right to share and exchange info as it happens.

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

Freedom of speech should always be immune, stop obfuscating the issues.

Does the definition of intermediary (a provider of a "relevant service", as defined in section 2 of the E-Commerce Regulations, and referring to a definition in an earlier - 1998 - Directive) capture the full range of modern intermediaries, and is it sufficiently technology-neutral to be reasonably future-proof?

Yes.

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?

If leaked without copyright-holders' permission, such as creative works, yes, it is infringement. Fair use of materials, however, such as third-party video for lack of availability from the copyright holder, is merely responding to demand.

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. With what you propose, innovation will die.

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?

Of course. Opinion pages, news discussion and forums are all major parts of the Internet and require total freedom.

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

Copyright-holders should be thankful for the circulation their works get in reposting and quoting.

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

In the case of a music website, the lack of a fair use provision means that site can be shut down over copyright via something as small as album art accompanying a negative review. You can't honestly tell me you don't see where this is an issue in a country where major labels currently blacklist sites for negative reviews. Imagine how petty they will be given the killswitch.

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

That is an obvious attempt to confuse people. You're surely not asking if a single word should be changed? Really? When such larger issues are at stake? Is this an attempt at obfuscating the debate?

Should all of the exceptions permitted by EUCD be incorporated into Irish law, including:

- (a) reproduction on paper for private use? - Yes
- (b) reproduction for format-shifting or backing-up for private use? - Yes
- (c) reproduction or communication for the sole purpose of illustration for education, teaching or scientific research? - Yes
- (d) reproduction for persons with disabilities? - Yes
- (e) reporting administrative, parliamentary or judicial proceedings? - Yes
- (f) religious or official celebrations? - I could pick a bone about religion, but yes,
- (g) advertising the exhibition or sale of artistic works? - Yes
- (h) demonstration or repair of equipment? - Yes
- (i) fair dealing for the purposes of caricature, parody, pastiche, or satire, or for similar purposes? - Yes

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

Does that really require asking? Yes.

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

Again, does that really need asking? Yes!

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

Yes. As well as fans and enthusiasts.

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

Every site in the realms of critique should be exempt.

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

Yes.

When, if ever, is innovation a sufficient public policy to require that works that might otherwise be protected by copyright nevertheless not achieve copyright protection at all so as to be readily available to the public?

The use of existing software as the basis for next-generation applications.

When, if ever, is innovation a sufficient public policy to require that there should nevertheless be exceptions for certain uses, even where works are protected by copyright?

Open-source software. Young entrepreneurs.

When, if ever, is innovation a sufficient public policy to require that copyright-protected works should be made available by means of compulsory licences?

Young start-ups paying exorbitant licence fees where open-source alternatives do not exist.

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?

Software, web design.

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

Yes.

Should the occasions in section 66(1) CRRA on which a librarian or archivist 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 the fair dealing provisions of CRRA be extended to permit the display on dedicated terminals of reproductions of works in the permanent collection of a heritage institution?

Yes.

Should the fair dealing provisions of CRRA be extended to permit the brief and limited display of a reproduction of an artistic work during a public lecture in a heritage institution?

Yes.

Would the good offices of a Copyright Council be sufficient to move towards a resolution of the difficult orphan works issue, or is there something more that can and should be done from a legislative perspective?

Orphan works and public domain should be left as is.

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.

Should there be related exceptions to permit computer security assessments?

Depends who's doing the assessments.

What is the experience of other countries in relation to the fair use doctrine and how is it relevant to Ireland?

What sort of a terrible question is that? The number of problems regarding fair use is practically nonexistent.

(a) What EU law considerations apply? (b) In particular, should the Irish government join with either the UK government or the Dutch government in lobbying at EU level, either for a new EUCD exception for non-consumptive uses or more broadly for a fair use doctrine?

(b) more broadly for fair use for everyone

How, if at all, can fair use, either in the abstract or in the draft section 48A CRRA [in the Paper], encourage innovation?

Use on websites = staying current with copyright holders, keeping websites relevant to users.

How, in fact, does fair use, either in the abstract or in the draft section 48A CRRA [in the Paper], either subvert the interests of rights holders or accommodate the interests of other parties?

It doesn't.

How, in fact, does fair use, either in the abstract or in the draft section 48A CRRA [in the Paper], amount either to an unclear (and thus unwelcome) doctrine or to a flexible (and thus welcome) one?

It doesn't.

What empirical evidence and general policy considerations are there in favour of or against the introduction of a fair use doctrine?

Sweet Jesus. For the introduction of fair use? How about freedom of information?

Should the post-2000 amendments to CRRA which are still in force be consolidated into our proposed Bill?

No.

Should sections 15 to 18 of the European Communities (Directive 2000/31/EC) Regulations, 2003 be consolidated into our proposed Bill (at least insofar as they cover copyright matters)?

No.

What have we missed?

The point. This whole questionnaire dances around explaining everything to people.

Do you have any further comments on the Consultation Paper?

Practically incomprehensible to the average internet user and frustrating to say the least for the well-versed. Loose language and loopholes everywhere.

Do you have any comments on the work of the Copyright Review Committee or on the consultation process generally?

This is the least open "consultation" we could have received and quite frankly, you shouldn't have to consult after 80,000 people, that is, eight times more than voted Minister Sherlock in, rejected the proposals. This is a disgrace and we demand engagement on our terms, as well as the resignation of Minister Sherlock.