

Name

Shane Supple

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

rights-holder

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

Yes

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

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?

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?

Yes

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

over inclusive

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

more debate need to clarify all copyright holders thoughts

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

Yes

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 Body answerable to the Irish people and not a private body.

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

broadly based

What should the composition of its Board be?

members should comprise of people from the following areas artistic community, industry, education, company, legal

What should its principal objects and its primary functions be?

to protect the copyright holders rights in a fair manner

How should it be funded?

through the government

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

Yes

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?

more then 75%

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?

yes they should be able to monitor and respond to copyright issues by copyright holders and members of the public.

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

Yes

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, what ever changes to the law that are required

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?

No

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?

No

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?

Yes

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?

Yes

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

Yes

If so, should a similar exemption for photographs be provided for in any new copyright exceptions which might be introduced into Irish law on foot of the present Review?

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

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?

office of the ombudsman

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?

Yes

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

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?

No

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

Yes

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

Yes

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

(a) reproduction on paper for private use? - no

(b) reproduction for format-shifting or backing-up for private use? - no

(c) reproduction or communication for the sole purpose of illustration for education, teaching or scientific research? - no

(d) reproduction for persons with disabilities? - no

(e) reporting administrative, parliamentary or judicial proceedings? - yes

(f) religious or official celebrations? - no

(g) advertising the exhibition or sale of artistic works? - yes

(h) demonstration or repair of equipment? - no

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

No

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

No

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

Extended

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

Yes

Should section 2(10) be strengthened by rendering void any term or condition in an agreement which purports to prohibit or restrict than an act permitted by CRRA?

Yes

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?

no

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?

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?

No

Should there be related exceptions to permit computer security assessments?

Yes

Do you have any further comments on the Consultation Paper?

No