

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?

rights-holder

user

Entrepreneur

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

I feel that it is one, but not the only issue at stake, and it is pertinent, in my view, to examine the context in which this review is being discussed, and to examine the impetus behind it. Our current government (as well as many before them) are engaged in a diligent campaign of making Ireland (the world's second most globalised economy, according to KOF Index of Globalization, March 2012) more business-friendly, developing a knowledge-based or smart economy in Ireland, and as a result, enticing more foreign investors and multinationals here. The Report of the Innovation Taskforce (2010) is no longer available online, but its summary urges, among other things, more links between education and industry, and states that, 'A more efficient and effective approach to IDENTIFYING AND ACCESSING INTELLECTUAL PROPERTY ARISING FROM PUBLIC RESEARCH INVESTMENT [capitals added] is vital if we are to strengthen our commercialisation focus.' How to turn public investment into private profit, in other words. It goes on to recommend that we '[d]evelop a national IP protocol as a priority, so that entrepreneurs and companies have predictability about the terms on which they can access IP created at Higher Education Institutions (HEIs) in order to turn it into products and services that meet customer needs.' (Granted, intellectual property rather than copyright per se is being discussed here, but it is telling nonetheless.) The current economic and financial situation, in Ireland and abroad, is the barrier to entry for smaller innovators and entrepreneurs who can't gain access to start-up loans or capital. The inherently anarchic, democratic nature of the internet; of the open-source movement; of more collaborative ways of developing products such as Adrien Treuille's groundbreaking protein-folding project, 'Fold It', which uses video-game technology to not only enable contributors to participate and collaborate online, but tracks their contributions and remunerates them accordingly; these are the truly sustainable business models which empower people, and lead to the growth and development the government claim to wish to foster. Intellectual property and copyright only 'belongs' to those who can afford to enforce it, those who benefit from our current system which concentrates power and profit in the hands of those 'at the top', whose monopoly is now being threatened by a more collaborative, nodal, de-centralised movement, with the internet playing a massive role. Basic principles of capitalism state that you compete in the market that exists, and whoever succeeds in the market that exists as it does, succeeds. What we see now is an outdated and irrelevant business model, struggling to retain its monopoly - not by adapting to the changing world, nor by innovating, but by seeking to have its monopoly legislated for. The case EMI v UPC, is the most recent case (and one of the only) in this field in Ireland. In EMI v UPC, 'the music industry sought to force UPC to observe a private agreement made by the industry with another provider,

Eircom, the former Irish Telecom monopoly, whereby users identified by music industry agents as infringing their copyrights would have their connections terminated after three alleged infractions.'

(<http://knowfuture.wordpress.com/2011/06/30/proposed-amendment-to-irish-copyright-law/>). Six months after the ruling, which found against EMI, Minister Richard Bruton established the Copyright Review Committee, and a month later, published a draft amendment to the Copyright Act of 2000, in an apparent attempt to provide the legislative basis for such judicial orders.

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)].

Yes and no. Most people are not lawyers, and legalese is jargon in the true sense of the word; designed to confuse, bore, and ultimately discourage non-lawyers from researching.

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.

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

If it was written specifically for it, yes. If it wasn't, no.